ACT Government

DIRECTOR OF
PUBLIC PROSECUTIONS



ACT·DPP

ANNUAL REPORT 2025–26

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Content warning: this report contains case studies which some readers may find triggering.



We acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Artist - Bradley Mapiva Brown | Ngunnawal

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Transmittal certificate

ACT DPP

Ms Tara Cheyne MLA
Attorney-General for the ACT
ACT Legislative Assembly
London Circuit
Canberra ACT 2611

Dear Attorney-General,

THE ACT OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS 2025–26 ANNUAL REPORT

I present my Annual Report for the year ended 30 June 2026.

This report has been prepared in accordance with section 7(2) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the Annual Report Directions. It has also been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the ACT Office of the Director of Public Prosecutions (ACT DPP).

I certify that the information in the attached report, and information provided for whole-of-government reporting, is an honest and accurate account, and that all material information on the operations of the ACT DPP has been included for the period of 1 July 2025 to 30 June 2026.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006* (repealed), Part 2.3 (see section 113, *Public Sector Management Standards 2016*).

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the report to the Legislative Assembly within 15 weeks after the end of the reporting year.

Yours sincerely,

Victoria Engel SC
ACT Director of Public Prosecutions
7 October 2026

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Compliance statement

The ACT Office of the Director of Public Prosecutions (ACT DPP) FY2025–26 Annual Report must comply with the Annual Report Directions (the Directions) made under section 8 of the Annual Reports Act. The Directions are found at the ACT Legislation Register: www.legislation.act.gov.au.

The Compliance Statement indicates the subsections, under Parts 1 to 5 of the Directions, that are applicable to the ACT DPP and the location of information that satisfies these requirements:

Part 1 - Directions Overview

The requirements under Part 1 of the Directions relate to the purpose, timing and distribution, and records keeping of annual reports. The ACT DPP FY2025–26 Annual Report complies with all subsections of Part 1 under the Directions.

To meet Section 15 Feedback, Part 1 of the Directions, contact details for the ACT DPP are provided within the ACT DPP FY2025–26 Annual Report to provide readers with the opportunity to provide feedback.

Part 2 - Reporting Entity Annual Report Requirements

The requirements within Part 2 of the Directions are mandatory for all reporting entities and the ACT DPP complies with all subsections. The information that satisfies the requirements of Part 2 is found in the ACT DPP FY2025–26 Annual Report as follows:

- Transmittal Certificate, see page 8.
- Organisational Overview and Performance, inclusive of all subsections, see pages 31–46.
- Financial Management Reporting, inclusive of all subsections, see pages 144–146.

Part 3 - Reporting by Exception

The ACT DPP has nil information to report by exception under Part 3 of the Directions for the 2025–26 reporting year.

Part 4 - Directorate and Public Sector Body Specific Annual Report Requirements

The following subsections of Part 4 of the 2025–26 Directions are applicable to the ACT DPP and can be found within the ACT DPP FY2025–26 Annual Report:

- Ministerial and Director-General Directions, see page 147.

Part 5 - Whole-of-Government Annual Reporting

All subsections of Part 5 of the Directions apply to the ACT Office of the Director of Public Prosecutions. Consistent with the Directions, the information satisfying these requirements is reported in the one place for all ACT Public Service directorates, as follows:

- Bushfire Risk Management, see the annual report of the Justice and Community Safety Directorate;
- Human Rights, see the annual report of the Justice and Community Safety Directorate;
- Legal Services Directions, see the annual report of the Justice and Community Safety Directorate;
- Public Sector Standards and Workforce Profile, see the annual State of the Service Report; and
- Territory Records, see the annual report of Chief Minister, Treasury and Economic Development Directorate.

ACT Public Service Directorate annual reports are found at the following web address: https://www.act.gov.au/open/annual-reports



From the Director



ACT Director of Public Prosecutions, Victoria Engel SC

Every day, Canberrans encounter the criminal justice system at some of the most difficult moments of their lives. How a person experiences that system often endures long after a proceeding concludes.

Over the last reporting year, my office has continued improving how Canberrans interacting with the justice system through my office are treated. We have done that by strengthening our internal practices, building on our relationships with community organisations and justice partners, improving the way we communicate with those we interact with and continuing to nurture a workplace capable of sustaining the challenging work expected of a modern prosecution service.

ACT Government investment in the ACT DPP

One of the most significant developments in this reporting year was the ACT Government's 2026-27 Budget announcement of an $18.9m investment over four years ($4.75m per year) into the ACT DPP. This was a welcome and important acknowledgment of the pressures facing my office and the critical role it plays in achieving justice on behalf of the ACT community. The funding provides a foundation to begin addressing long-standing structural pressures and building a more sustainable workforce.

In addition to gratefully acknowledging the support of the Government, including the Chief Minister and the Treasurer, I particularly acknowledge the support and advocacy of the Attorney-General, Tara Cheyne MLA, including the time taken by her to understand the long-standing issues faced by my office and to translate that understanding into advocacy for the

office. I also thank her Chief of Staff, Michael Liu, and Senior Advisor, Elsa Sengstock, for their support for the work done by the office.

I also acknowledge the Director General of the Justice and Community Services (JACS) Directorate, Ray Johnson APM, the then Acting Deputy Director, Daniel Ng, and the then Chief Financial Officer of JACS, Dragana Cvetkovski, for their invaluable support and guidance in advocating for the needs of the office. I recognize the huge contribution of Danielle Krajina, former Chief Operating Officer of JACS, who came out of her (now short lived!) retirement to assist the office to build our business case. Finally, I thank Mel Graczol, Deputy Director, for her partnership building our business case and her support over the last financial year in standing steadfast to advocate for the needs of the office.

The issues faced by the office developed over a long period of time and will similarly require a long-term commitment to address. Importantly, we are already taking action – growing our team, improving victim engagement, and delivering initiatives that go to our core principles of integrity, courage and respect.

During the reporting period, my office commenced a rolling recruitment process to ensure we are best placed to compete in a highly competitive legal labour market. Additional prosecutors have joined the office, with further recruitment continuing. We have progressed recruitment for key specialist positions, including within the Witness Assistance Service (WAS) and Crown Chambers. These positions – which will include at least one Aboriginal and Torres Strait Islander-identified WAS officer – will help ensure my office is equipped not only to manage growing demand but also to continue improving the services we provide to victims, witnesses and complainants.

These priorities have informed the development of our new Strategic Plan, which was co-designed with staff and the executive. To be launched in early FY2026-27, the plan formalises the values, behaviours and culture we are building as a team and will guide our work over the coming years.

The ACT Government's investment in the office comes against a backdrop of sustained demand and increasing complexity across the criminal justice system. The data contained in this report shows this demand is not a short-term spike, but part of a longer-term trend affecting every part of the system.

My office is responding to higher charge rates from police, engaging with more victims and complainants, and responding to increasingly complex proceedings:

- **Victims and complainants in matters before the courts:** 4,765 in FY2025-26, compared with 4,583 in FY2024-25.
- **Family violence matters commenced:** 887 in FY2025-26, representing a 23% increase over five years.
- **Sexual offence matters commenced:** 237 in FY2025-26, representing a 96% increase over five years.

- **Supreme Court sitting days:** 903 in FY2025-26, representing a 76% increase over five years.
- **Victims and complainants supported through the ACT DPP Witness Assistance Service:** 414 in FY2025-26, representing an increase of more than 90% over five years.

This growth is consistent with the experience of prosecutors, witness assistance officers and support staff across the office, who report not only an increasing number of victims and complainants, but also an increase in the number of victims associated with individual matters.

Improvements to how we practice

We have made significant gains in how the office interacts with those encountering the justice system over the last few years and particularly in the last 12 months, which are outlined in this report. I am exceptionally proud of those improvements, and the way the team has worked to implement them. The work in this space, however, is far from complete. As the numbers of family and sexual violence matters coming into the system continue to rise in size and complexity, ensuring those interacting with my office are informed, provided agency where possible and supported, is an ongoing priority for the office.

The office's Witness Assistance Service (WAS) team leads the office's work in this space. The committed and innovative team provide support in sexual violence and death matters, acting as a 'bridge' between the prosecutors and victims, complainants or witnesses. This year has seen the growth of that team, under the steady leadership of Mel Gumley, who commenced as the WAS manager during the previous reporting year. Mel, her team and I have worked to bed down WAS practices and to consider best practice approaches in how we interact with Canberrans who rely on my office to represent the community. In addition, the team have led the way in implementing new practices in the office such as reflective practice and professional supervision, which are now being adopted in other parts of the office. You can read more about the achievements of the WAS team later in the report, at page 91.

The continuation of that team, which had three members when I commenced in the office in 2024, and the expansion of that team from the current nine staff and twelve as we look towards the next reporting year are thanks to the Government's recognition of the necessity of this service as part of a modern prosecution office. Not only can a robust WAS team assist my office to comply with its obligations under the Victim's Charter, but they also provide a voice for victims, complainants and witnesses within the internal structure of the office and raise the standard of the whole office in how we do our work.

In addition to the work of our WAS team, our prosecutors have worked tirelessly to improve practices over the reporting year, including how we interact with victims, complainants and witnesses, and in reflecting on how we can continue to evolve and improve as advocates. The significant work undertaken by the Crown Prosecutors, Crown Advocates, Supervising Lawyers and their teams is set out in detail in the report.

As I said above, the work in this space is far from complete. I don't say that to diminish the work done over the last few years but to recognize that while numbers of family and sexual violence continue at steady rates, and while the work-load remains significant across the office, in order to ensure we are able to provide the service Canberrans expect, and my team hope to deliver, we need to continue to consider how we can best meet this demand.

One innovative way we have approached this is our co-location with the Domestic Violence Crisis Service (DVCS), which commenced towards the end of the reporting year, and is outlined below. An area where a need remains is the provision of WAS in family violence matters. The number of family violence matters remains steadily high, as is outlined later in the report.

Our understanding of family violence as a community has evolved considerably over the past decade and with that comes an understanding of meeting a victim or complainant where they are when they interact with the justice system. It cannot be a 'one size fits all' approach.

We have already made improvements in how the office interacts with family violence complainants – the significant gap remains WAS involvement in these matters. This is for things as simple as ensuring timely communication with family violence victims and complainants, for whom safety planning is often a significant stressor. For my prosecutors, appearing in busy Magistrates Court lists of up to 200 matters, WAS involvement would provide welcome assistance and timelier communication.

More importantly, it would allow my office to bring the same benefits we are seeing through WAS engagement in sexual violence matters to the family violence space, including in understanding those matters which can be resolved through alternative means such as Restorative Justice, those matters where a victim or complainant needs assistance to engage with external supports and those matters which require additional nuance in approach from my prosecutors. The WAS investment delivers significantly for relatively small investment. I look forward to continuing to engage with the Government on this issue over the coming years.

Partnerships to improve experience of those interacting with the justice system

Over the last year we have continued to strengthen our relationships with organisations such as the Domestic Violence Crisis Service (DVCS), Victim Support ACT (VSACT), the Women's Legal Centre ACT (WLC), ACT Policing, Legal Aid ACT and the courts. These relationships are critical to improving the experiences of those who encounter the justice system, as well as creating opportunities for collective problem solving and innovation.

A particular highlight has been the office's strengthened partnership with DVCS. As noted above, during the reporting year, we provided space for a DVCS practitioner to be co-located at our office one day a week. The partnership provides a more integrated and trauma informed response for victims and complainants of family violence. The initiative is improving access

to support, strengthening communication between agencies and helping to guide victims or complainants through a complex justice system.

I acknowledge gratefully the partnership of DVCS CEO, Sue Webeck, in collaborating on this groundbreaking initiative in the ACT. I also acknowledge Sue and her counterparts in the community sector, such as Elena Rosenman, CEO of the Women's Legal Centre ACT, for their fierce advocacy to draw attention to the needs of the sector; we are all the beneficiaries of this advocacy in the Canberra community and the broader justice sector.

The DVCS co-location model, similar to the Nominal Informant initiative with ACT Policing – successfully piloted in FY2024-25 – is proving an effective one and I look forward to exploring similar partnerships with other organisations where there is an opportunity to improve the experience of those interacting with my office and achieve better justice outcomes.

Improved communication

The reporting year has also reinforced the importance of transparency, community education and communication.

We are all too aware of how complex and intimidating the criminal justice system can feel for victims and complainants. To combat this, we have focused on making our office more accessible through stakeholder engagement, digital communication and the ongoing redevelopment of information and resources for victims and witnesses. Public confidence in an independent prosecution service is strengthened when people understand our role, our responsibilities and the principles that guide our decision making.

This is being achieved through the use of social media and the in-house development of a refreshed website and online factsheets focused on more accessible information. The website has received input from victims with lived experience of the ACT justice system and is due to be finalised in early FY2026-27.

As outlined later in this report, the intent behind the office's communication policy is to ensure those interacting with the office, in particular as a victim, complainant or witness, have literacy over the office's role and function prior to their interaction with the office.

Building of team culture and an integrated office

The improvement of team culture in a stressful and demanding work environment is not a simple task. It is something that requires consistent attention because when the work is busy and inherently stressful, it is easy to let relationships and culture slip. One of the focuses this reporting year has been to continue to build team relationships and culture, an important mechanism to support the staff from the heavier aspects of the work.

A particularly successful initiative in this space this year has been the establishment of WINC (Wellbeing and Inclusion Committee), led by Deputy Director (Criminal Practice), Mel Graczol. WINC has value added to the office culture significantly and I am very grateful to the leadership and vision from Mel in seeing this committee come to life so successfully. You can read more about that at page 45 of this report.

Another important aspect of the office's culture is a recognition of each part of the office as one aspect of an integrated whole. We have purposely moved away from a siloed approach to the office to one which, whilst recognising the expertise of each area, aims to work together as a team.

Nowhere is that unified approach better reflected than in the reports on Crown Chambers and the Criminal Practice, and the new Practice Manager snapshot, featured later in this report. Those updates show the initiatives across the office, which reflect the unified way the office is seeking to work, together with the team approach that has been fostered across different areas of the office. I am particularly proud of the JASPER initiative, our work in the Restorative Justice (RJ) space and our collaboration with the University sector.

In this space, I recognise the enormous efforts of not only both Deputy Directors, Trent Hickey and Mel Graczol, but also our incomparable Practice Manager, Margaret Smith and our unflappable Criminal Practice Support, Rachael Cannell, both of whom keep the office ticking over in an unsung way, and to whom the Deputy Directors and I are exceptionally grateful.

Nature of the work

In the 2017-2018 Annual Report, then-Director Jon White SC (now a Judge of the Supreme Court of the ACT) referred back to 2008 when, "no conviction had been obtained in a murder case for more than a decade." I recently reflected on Jon's comments in the context of the year that has passed, where three offenders entered pleas of guilty to murder charges - Adam Britt, Jude Wiejesenghe and Van Vu. These pleas of guilty were in large part due to the calibre of the police work done by ACT policing in these murder investigations and that of the legal work done by my team during the prosecution process. Whilst these prosecutions and investigations attracted media attention, there is much that goes into these matters behind the scenes that is rarely laid bare in the public eye. I acknowledge the behind-the-scenes work of investigators and prosecutors to achieve just outcomes and acknowledge how much has changed in the ACT when reflecting on the former Director's comments from the 2017-2018 Annual Report.

In that vein, the collaboration between the ACT DPP and ACT policing continues to strengthen, through initiatives like the Nominal Informant, regular check in points at a variety of levels (outlined later in the Annual Report), regular delivery of training by my office to police and vice versa and work underway to formally mark standout team achievements between the two agencies. Whilst the independence of my office from police is crucial, so is the continued collaboration of our agencies, something I look forward to continuing to foster over the next reporting year. I acknowledge the Chief Police Officer, Scott Lee, and the strong working relationship he and I have built over the last few years.

Beyond the matters highlighted above, the Crown Chambers update, together with the case reports throughout the Annual Report, speak to the large volume of complex work undertaken by the office this reporting year. I acknowledge gratefully the contribution of the whole office in what is often difficult, yet rewarding, work.

I particularly acknowledge the significant trial load managed effectively by Crown Chambers, reflected in the case reports. These tell some of the story about the effort that goes into trial work but do not fully reflect the unseen care, attention and skill brought by the office's Crown Prosecutors, Crown Advocates and JASPER team to trial work. In the trial space, I recognise the efforts of the team involved in the prosecution of Steve Fabriczy and Joseph Vekony, led by Deputy Director (Crown Chambers), Trent Hickey, in this reporting year.

Alongside our internal focus on how we can improve the way we are working, another focus for the office has been on how our staff are treated when they undertake their work duties at Court. The work of the office is stressful and demanding and ensuring that when staff step outside the four walls of the office into the Court room, they are treated respectfully remains an ongoing priority for me and our leadership team. It is an issue most if not all jurisdictions are grappling with as we better understand the impact of treatment of practitioners on the longer-term sustainability of our sector. I look forward to working with our justice agency partners and the Courts in this space over the coming years.

Early intervention team established

The recent FY2026-27 ACT Budget investment in my office is allowing us to explore further initiatives focused on creating a more efficient and effective prosecution service. One such initiative is the Model for Early Resolution, Intervention and Triage (MERIT) initiative. This pilot was announced during the reporting period, with a team formed in early July 2026.

I have previously sought to dispel a common misconception that funding for the ACT DPP will increase pressure on the justice system. The opposite can be true. When prosecutions are appropriately resourced, matters progress more efficiently and delays are reduced. That benefits courts, defence practitioners, Legal Aid and victims and complainants.

This new team includes senior prosecutors responsible for identifying opportunities for appropriate early resolution of matters and improving outcomes across the broader justice system. While it is too early to assess long-term outcomes, initial feedback has been exceptionally encouraging, including through early diversion of matters out of the system and reducing time on remand. I look forward to sharing the impact of this team in the next Annual Report.

Thank you to the staff

As I wrote last year, the office owes its achievements solely to the phenomenal staff I am fortunate enough to lead. Their professionalism and genuine commitment to justice remain the foundation upon which every success within this report is built. They continue to deliver exceptional outcomes for the ACT community under often demanding circumstances.

I also pay particular thanks to my exceptional leadership team. Every member of the leadership team wears many different hats in the office and manages significant workload. I could not do my job without you all, and I am extremely grateful for the ways you each show up to lead the office with me.

Delivering on our vision in FY2026-27 and beyond

The foundations established over the last two years are beginning to produce tangible results. We have a strong leadership team, strong partnerships across the sector and a better-resourced workforce. Together with a series of reforms and initiatives already underway, these foundations are helping us deliver on a prosecution service underpinned by our core values of courage, integrity and respect.

There is much work to do but, in looking back on FY2025-26 and the achievements in this Annual Report, I have confidence in the extraordinary people who make up this office and what we can achieve for the Canberra community in the years ahead.



Victoria Engel SC

Pictured: The Attorney-General Tara Cheyne MLA, Director Victoria Engel SC and Deputy Director Mel Graczol come together for an International Women's Day panel discussion.







Cases prosecuted by the DPP

DPP v Britt

Background

Adam James Britt was charged with the murder of his partner, Tiffany Spence, following her death in September 2022. The matter proceeded in the ACT Supreme Court following a lengthy police investigation.

Offence

- 1 x murder

Outcome

On 3 February 2026, Britt pleaded guilty to murder of Tiffany Spence, his partner at the time, in the ACT Supreme Court. The plea was entered on what had been scheduled as the commencement of a two-month jury trial. In advance of the jury trial, the DPP had argued for the admissibility of tendency evidence, which the trial judge allowed and successfully resisted a challenge to evidence of a police undercover operation involving Britt.

The offender and Ms Spence had been in a relationship for about 12 months. In the early hours of 9 September, Britt called emergency services claiming Ms Spence had collapsed and falsely suggested that she had inflicted injuries on herself with a hammer. When paramedics arrived, they found Ms Spence deceased and bearing extensive, catastrophic injuries, including widespread bruising, fractures to her ribs and spine, severe neck injuries, and massive blood loss. The injuries were described as unlike anything some attending paramedics had previously encountered.

The forensic investigation revealed overwhelming evidence of a prolonged and violent assault within the couple's apartment. Bloodstains, transfer marks, impact patterns, and cast-off spatter were found throughout multiple rooms, indicating that Ms Spence had moved, or been moved, around the unit after sustaining serious bleeding injuries. A hammer bearing both the offender's and deceased's DNA was located near the body, and forensic experts concluded that some injuries were consistent with repeated hammer strikes. The autopsy determined that the cause of death was multiple blunt force injuries, with about 40% of Ms Spence's body surface affected by bruising and trauma. Expert evidence established that the injuries could not have been self-inflicted and were likely inflicted over a period of days leading up to her death, with the most serious injuries occurring shortly before she died.

The relationship was marked by a significant history of coercive control and family violence. Evidence showed that Britt was possessive and jealous, particularly regarding Ms Spence's contact with her children and family. On several occasions between November 2021 and September 2022, Ms Spence reported assaults, strangulation, threats and controlling behaviour to police, hospital staff and domestic violence support services. In the week before her death, Ms Spence fled the relationship and sought refuge accommodation, telling support workers she did not feel safe at home. Electronic communications demonstrated Britt's persistent demands to know her whereabouts, accusations of infidelity, pressure regarding money, and insistence that she return home. She eventually returned to Canberra on 6 September 2022, after expressing fear that he would become angry or violent if she came back.

After Ms Spence returned, photographs recovered from Britt's phone showed a rapid escalation in her injuries over the following two days. Neighbours heard repeated arguments, thumps, screams and a particularly distressing female scream during the night before her death. In the hours after those sounds ceased, Britt was using his phone to access pornography and alter settings on the deceased's email account. Following her death, he continued to blame Ms Spence, describing her in derogatory terms and suggesting she deserved what happened.

The offender's late plea of guilty resolved the issue of criminal responsibility without the need for a lengthy trial but following years of work by police and the DPP to pursue the matter through the Court system and represented an important step in the criminal justice process for the victim's family and the wider community.

Sentence

At the time of publication, sentence proceedings had commenced, with victim impact statements read from Ms Spence's daughter and mother, together with a number of first responders who attended the scene.

DPP v Ophel

Citation: [2025] ACTSC 556

Summary

On 18 December 2025, following a special hearing concerning violent offences committed at the Australian National University in 2023, verdicts of not guilty by reason of mental impairment were entered by the Court. The Court further ordered detention, with nominated terms including life imprisonment, for attempted murder.

Background

The offending occurred on 18 September 2023 while Ophel was on approved unescorted leave from a mental health facility. He armed himself with a knife and a frying pan and attacked multiple people on the ANU campus. He stabbed two women and assaulted two men. Ophel pleaded not guilty by reason of mental impairment. The ACT DPP agreed to the entry of special verdicts, based on the expert medical evidence, and the matter proceeded as a special hearing.

Offences / charges

- 2 x attempted murder
- 2 x assault

Outcome

The Court entered special verdicts that Ophel was not guilty of all offences by reason of mental impairment. He was ordered to be detained in custody for review by the ACT Civil and Administrative Tribunal. The Court nominated terms of life imprisonment for each attempted murder and one year for each assault.

Key findings

The Court was satisfied beyond reasonable doubt that the elements of all offences were proved, including that Ophel intended to kill the victims.

The Court accepted the evidence of three different psychiatrists' reports – including two commissioned by the ACT DPP – which all found that Ophel suffered from chronic, severe, treatment-resistant schizophrenia and was experiencing an acute episode at the time of the offending. It found on the balance of probabilities that he did not know his conduct was wrong.

The offending was described as extremely serious, involving premeditated, unprovoked attacks in a public place. The victims sustained life-threatening injuries and the impact on them was profound and ongoing.

Despite reduced moral culpability, the Court emphasised the importance of community protection. It noted Ophel's capacity to conceal symptoms and the ongoing risk posed by his illness, concluding that detention was necessary and that nominated life terms were appropriate.

The case demonstrated the application of the mental impairment regime to serious violent offending, and the DPP's role in this process, including the requirement to enter special verdicts, impose detention and nominate terms. It highlighted the central role of community protection where an offender's illness is severe, persistent and difficult to manage as well as demonstrating the level of care and scrutiny applied by the DPP to expert medical findings, in matters of such seriousness.

Police v Cheema (unreported); Cheema v Truman

Citation: [2026] ACTSC 60

This ACT DPP prosecution concerned an allegation that Muhammad Cheema, an Uber driver, committed an act of indecency by placed his hand on a passenger's breast for several seconds while attempting to put on her seatbelt. Cheema denied touching the complainant and maintained that he only handed her the seatbelt. The appeal against conviction and sentence was heard in this reporting period.

This was the first prosecution arising from Operation Foster finalised in the Court system. Operation Foster concerned a review of previously closed sexual offence investigations as part of the Sexual Assault Police Review ("SAPR"). After the original investigation was reopened in 2023, further inquiries were undertaken, leading to the prosecution and conviction of Cheema.

Following the finding of guilt, the Court sentenced Cheema to an 18-month good behaviour order with probation supervision and directed him to attend assessments, programs or counselling as required.

Cheema appealed his conviction and sentence. On 17 March 2026, the ACT Supreme Court dismissed his appeal.

Outcome

Following a contested hearing run by the ACT DPP on 24–25 February 2025, Cheema was convicted. The Court accepted the ACT DPP's argument that the evidence of the complainant and a supporting witness were reliable and compelling. The complainant had made complaints to friends, later reported the incident to Uber and police, and exhibited a noticeable change in demeanour immediately after the trip. The Court accepted the ACT DPP's argument that those matters were consistent with her account.

The Court rejected Cheema's evidence, finding significant inconsistencies between his in-Court evidence, which was subject to cross-examination by the ACT DPP, and his earlier communications with Uber. Although the Court accepted that Cheema was a person of prior good character with no criminal history, it concluded that this did not outweigh the strength of the ACT DPP's evidence.

On 23 May 2025, the matter proceeded to sentence. The Court found the touching was brief, opportunistic and not accompanied by any further sexual conduct. However, the offence involved the deliberate touching of the complainant's breast while she was a passenger in Cheema's care as a rideshare driver. The Court emphasised the need for general deterrence, denunciation and recognition of the harm suffered by the victim, including the continuing psychological impact described in her victim impact statement. While a non-conviction order was sought, the Court concluded that such a disposition would not adequately reflect the seriousness of the offending.

Appeal

Cheema appealed his conviction and sentence to the ACT Supreme Court. He argued that the Magistrate had erred in finding the conduct was an act of indecency and had provided inadequate reasons for that conclusion. He also appealed against sentence, contending that a conviction should not have been recorded and that a non-conviction order under s 17 of the *Crimes (Sentencing) Act 2005* (ACT) should have been imposed instead.

On 17 March 2026, Acting Justice Berman dismissed both the conviction appeal and the sentence appeal. The Court found that the ACT DPP had proceeded on the basis that the only issue in dispute was whether Cheema had touched the complainant's breast as alleged. Once that conduct was proved, there was no realistic innocent explanation for the touching, and the Magistrate had not erred in finding the act was indecent. The Court also rejected the challenge to sentence, finding the 18-month good behaviour order with probation supervision was appropriate.

Adam (a pseudonym) v Nihill

Citation: [2026] ACTSC 25

Summary

This matter saw the ACT DPP respond to an appeal against convictions for aggravated common assault and aggravated choking arising from a family violence incident involving the appellant's daughter. On 12 February 2026, the ACT Supreme Court, while rejecting most grounds of appeal, identified an error in the primary magistrate's reasoning process and gave further directions on how the matter should be resolved.

Background

The appellant was found guilty in the ACT Magistrates Court on 1 December 2023 of aggravated common assault and choking. The charges arose from an incident on 16 May 2023 involving his then 12-year-old daughter. The ACT DPP alleged that the appellant grabbed and forced his daughter against a wall and later applied pressure to her neck.

Appeal

The appellant appealed against his convictions on several grounds, including alleged errors in the primary magistrate's finding that force was applied to the complainant's neck and as to when the complaint message was sent, and allegations that the primary magistrate made legal errors in applying the rule in Browne v Dunn and in applying the direction from Liberato. The appellant also alleged that the evidence was not capable of establishing the offence and that the primary magistrate ought to have had a reasonable doubt about the complainant's reliability.

Outcome

Justice McWilliam rejected most grounds of appeal and found that it was reasonably open to the Magistrate to accept the complainant's evidence and conclude that the elements of both offences had been proved. However, the Court found that the primary magistrate had misapplied the rule in Browne v Dunn by reducing the weight given to the appellant's denials because they had not been put to the complainant. The Court held that this error materially affected the assessment of the appellant's evidence.

However, the error established was not one that warranted verdicts of not guilty being entered without any further consideration and the question remained whether to remit the matter for rehearing or for McWilliam J to embark on the fact-finding exercise herself. The matter was adjourned for the parties to provide further written submissions on the question of remittal.

JL v Gale

Citation: [2026] ACTSC 1

Summary

This matter concerned an appeal against two convictions for contravening a Family Violence Order. The ACT DPP responded to the appeal, which turned on whether a New South Wales Apprehended Domestic Violence Order (ADVO) had been properly served on the appellant. On 14 January 2026, the ACT Supreme Court allowed the appeal, and the appellant was acquitted of both charges.

Background

The ACT DPP's case at hearing was that the appellant contravened an ADVO by attending the complainant's address and sending her a harassing message, in contravention of the conditions of the ADVO. The ADVO was issued in NSW, but was a nationally recognised order and enforceable in the ACT.

The appellant was not present when the ADVO was made as he was in custody in the Alexander Maconochie Centre ('AMC') at the time. An ACT police officer was tasked with serving the appellant with the order in the AMC. The officer had no specific memory of serving the appellant but there was a "statement of service" document in evidence recording service.

The central issue at the hearing was whether the ADVO had been properly served on the appellant, such that it could be enforced against him. The primary magistrate found that the ADVO had been served in accordance with the *Family Violence Act 2016* (ACT), and that the appellant had contravened the order by committing family violence.

Appeal

The appellant appealed against the findings of guilt on a number of grounds, including that the primary magistrate erred in finding that the ADVO had been properly served upon the appellant. There was also an issue as to whether an ACT police officer was permitted by the NSW legislative to serve NSW ADVOs.

Outcome

The Supreme Court allowed the appeal. Acting Justice Kelly held, and the respondent conceded that, the Magistrate erred in applying the wrong legislative regime when determining what constituted proper service by relying on the *Family Violence Act 2016* (ACT) rather than the relevant NSW legislation, being the *Crimes (Domestic and Personal Violence) Act 2007* (NSW). The statement of service in evidence did not comply with the NSW requirements. As a result, Kelly AJ concluded that the service had not been proved beyond reasonable doubt, such that the findings of guilt must be set aside and verdicts of acquittal entered.

While the above reasoning meant that it was not strictly necessary for Kelly AJ to consider the issue of whether or not an ACT police officer could serve ADVOs under the NSW legislation, her Honour dealt with the issue in obiter dictum. Acting Justice Kelly rejected the appellant's argument that the definition of "police officer" in the NSW Act should be limited to NSW officers, finding that the term should be interpretated broadly so as to include officers from other jurisdictions. Her Honour reasoned that the broader interpretation better promoted the purpose or object of the NSW Act by facilitating a cohesive federal scheme of domestic and personal protection orders, in circumstances where victims of family violence may have to flee interstate, or may live in a border region, potentially requiring service of the order in a different jurisdiction from where it was made.

2025–26 Highlights Year in review



7,454

Matters before the courts*



237

New sexual offence matter received from police*



887

New Family Violence matter received from police*



24,902

Charges before the courts, of these 12,524 were completed*



4,765

Victims or complainants in matters before the courts*, including 414 matters where the victim or witness was supported by the Witness Assistance Service (WAS)



903

Sitting days in the Supreme Court (9% increase from the previous year)



4,701

Total matters commenced



4,317

Total matters completed*



93

Appeal matters completed before the Supreme Court, Court of Appeal and High Court



299

Committals to the Supreme Court



53

Trials completed in the Supreme Court

Note*: 1. Total matters includes matters & charges carried over from previous reporting periods.

2. Figures do not include committals, appeals, breaches or confiscation of criminal assets.

3. Matters & charges which appeared before more than one court during the period are only counted once.

Key trends and outcomes

Five–year trends highlight sustained growth in demand and complexity across ACT DPP matters.

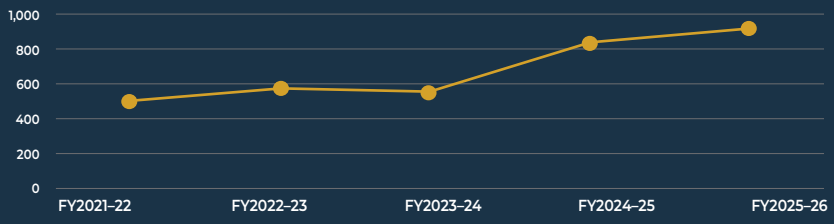
Supreme Court sitting days

+76%

Supreme Court sitting days

512 → 903

Increase over five years



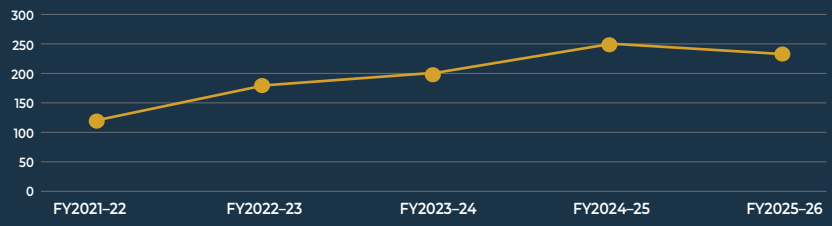
Sexual offence matters commenced

+96%

Sexual offence matters commenced

121 → 237

Increase over five years



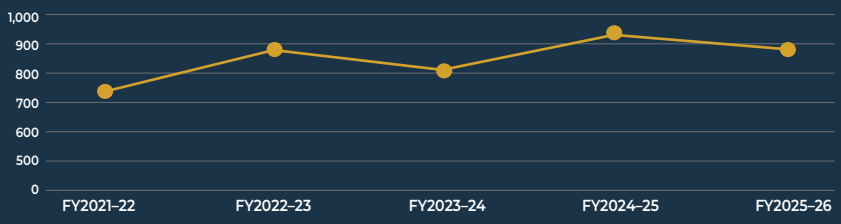
Family violence matters commenced

+23%

Family violence matters commenced

722 → 887

Increase over five years



Year-on-year demand

+182

Additional victims or complainants in matters before the courts (4,765 v 4,583)

+76

Additional Supreme Court sitting days (903 v 827)

+155

Additional matters before the courts (7,454 v 7,299)

ACT DPP 2025–26 Highlights

Snapshot of our people

4.2
Staff average years of service

101
Headcount

15.8%
Staff work part-time

70.3%
Staff identify as female

3%
Staff who are Aboriginal and/or Torres Strait Islander

13.9%
Staff who are Culturally and Linguistically Diverse

5%
Staff living with disability

17.5%
Staff identify as LGBTQIA+

-6.8%
Gender Pay Gap for Prosecutors

28
Continuing Professional Development sessions delivered

4
Staff promoted from the Criminal Practice into Crown Advocate roles

Organisational overview and performance

Organisational overview

Vision, Mission and Values

Note: *While the following vision and mission statements have guided our organisation over past years, a new strategic plan was co-designed with ACT DPP staff members in FY2025–26 and will be launched in early FY2026–27.*

Our vision is for us to be:

- a prosecution service that is independent, confident, efficient and effective, delivering justice for all and making the community safer.
- a prosecution service focused on professionalism.
- trusted prosecutors who exercise sound judgement.
- independent in our decision-making, making prosecution decisions free from emotion, improper influence and in the interests of justice.
- transparent, accountable, and fair in our decision making.
- flexible, streamlined and efficient in how we work.

To achieve our vision, our mission statement is for our organisation to:

- maintain the integrity of the office.
- be visible and responsive to the community.
- be sensitive to the needs of the victim, ensuring that victims are supported, and their voices are heard.
- operate fairly, protecting the innocent and upholding the rule of law.
- argue for appropriate punishments that are focused on addressing the causes of offending.

Our commitment to being a trusted prosecution service is underpinned by our core values:

- treat everyone with respect - we will respect everyone we work with, and the community we serve. We will listen to the views of our criminal justice stakeholders.
- be independent and fair - we will be independent, impartial and seek to deliver justice in the criminal cases we prosecute.

- behave professionally and constantly strive for excellence - we will work as a team that always seeks to deliver the best possible service for the community, striving for excellence and aiming to be efficient in everything we do.
- be honest and open - we will explain our decisions when the need arises and demonstrate integrity by being apolitical, open, honest, and accountable for our actions

The Role, Functions and Services of the office

The ACT Office of the Director of Public Prosecutions (ACT DPP) was established by the *Director of Public Prosecutions Act 1990* (the Act) and is responsible for instituting, conducting and overseeing criminal prosecutions and related proceedings in the ACT. The ACT DPP conducts prosecutions across all courts, from summary matters in the Magistrates Court to jury trials in the Supreme Court, as well as matters before the High Court of Australia.

The office comprises the Director of Public Prosecutions (Director), an independent statutory office holder appointed by the ACT Executive, and staff employed under the *Public Sector Management Act 1994* to assist the Director in carrying out the functions of the office.

The Director exercises her functions independently of government, subject to the resources appropriated to the office. The ACT DPP works closely with the courts, legal practitioners, ACT Policing and other investigative agencies, community organisations, and other government agencies in the administration of criminal justice. The current Director, Victoria Engel SC, was appointed on 6 May 2024.

The Director's prosecutorial decision-making is independent and free from political influence or direction. The prosecution function is also independent of the police and other investigative agencies. Once a prosecution has commenced, decisions concerning the conduct of that matter are made by the Director or her staff acting under delegated authority on the Director's behalf.

The Director has sole responsibility over the management and conduct of prosecutions undertaken by the office. The Attorney-General may issue directions of a general nature under the Act, but only following consultation with the Director. Any such direction must be presented to the Legislative Assembly and notified publicly. No directions were issued during the reporting period.

The principal role of the ACT DPP is to determine whether criminal matters should proceed and, where appropriate, to conduct prosecutions, appeals and related proceedings fairly, independently and in the public interest. The ACT DPP has a unique role in Australia because it assumes responsibility for prosecuting all criminal matters laid by ACT Policing. Unlike most other jurisdictions, the ACT does not maintain a separate police prosecution service. This model provides an additional level of independent scrutiny and oversight within the criminal justice system.

The key functions of the ACT DPP are to:

- institute and conduct criminal prosecutions for offences before the ACT courts, including summary and indictable matters
- make independent decisions about the commencement, continuation and discontinuance of prosecutions
- represent the public interest in criminal proceedings and related matters before the courts
- institute and conduct appeals, and
- provide independent prosecutorial oversight of matters investigated by ACT Policing and other investigative agencies.

Prosecutors are sometimes called 'ministers of justice', a phrase which sums up the unique position of the prosecutor in the criminal justice system. Their duty is not simply to secure convictions, but to assist the court achieve a fair and just outcome in accordance with the law. Prosecutors act in accordance with applicable legislation, established legal principles, and the policies, directions, and guidelines issued by the Director.





Cases prosecuted by the ACT DPP

DPP v Lloyd (a pseudonym)

Citation: [2026] ACTSC 110

Summary

An ACT DPP prosecution resulted in the conviction of Lloyd (a pseudonym), a young offender who pleaded guilty to aggravated sexual intercourse with a child under 10 years of age. On 28 April 2026, the ACT Supreme Court sentenced the offender to a term of imprisonment reflecting time already served and imposed a two-year therapeutic correction order (TCO) – the first ACT Supreme Court decision to do so.

Lloyd (a pseudonym) pleaded guilty to a single rolled-up charge of aggravated sexual intercourse with a child under 10, which encompassed two acts of penetration. At the time of the offending, Lloyd was 17 years old and the victim was aged six or seven. The offending occurred when Lloyd had been entrusted with supervising the victim and the victim's siblings. The Court considered extensive evidence concerning Lloyd's childhood trauma, longstanding sexually harmful behaviour, substance misuse, intellectual disability and psychological difficulties.

Outcome

On 28 April 2026, the Court sentenced Lloyd to one year, three months and 20 days' imprisonment, commencing on 9 January 2025. The Court recorded a conviction and – in an ACT Supreme Court first – imposed a TCO for two years, commencing on 28 April 2026.

The offender had not initially sought a TCO. This was raised by the sentencing Judge after reviewing the material before the Court. The process involved the Court ordering a therapeutic assessment report. That report initially found the offender unsuitable for such an order, due to his age (he was over the age of 18 at the time of sentence).

The Court subsequently requested the Director-General to attend the proceedings to ascertain whether this was a policy or a legislative restriction. Ultimately, the unsuitability of the offender was reversed and he was deemed suitable. As such, a Therapeutic Corrections Plan was developed for the offender.

Further arguments were made regarding the suitability of such an Order, in circumstances where a TCO cannot be made in conjunction with a term of imprisonment, such as a suspended sentence order, and whether it was permissible to have the TCO commence at the conclusion of a term of imprisonment.

The Court found the offending to be very serious, noting the young age of the victim, the breach of trust involved and the significant impact on the victim and her family.

However, the Court also gave substantial weight to Lloyd's youth, mild intellectual disability, longstanding psychological and developmental difficulties, substance dependence and rehabilitation needs. The Court approved a therapeutic correction plan and concluded that intensive treatment, supervision and support were appropriate.

Police v Keppie

Summary

On 24 March 2026, an ACT DPP prosecution resulted in the ACT Magistrates Court finding the accused guilty of taking a prohibited thing into a correctional centre, among other charges.

Background

The accused was observed at the perimeter of the Alexander Maconochie Centre (AMC), using a drone to deliver contraband into the correctional facility by flying the drone over the perimeter fence with contraband contained in 'up and go' packages attached by fishing wire. The accused was observed leaving the area and disposing of a backpack which had a drone controller in it. The Court found the accused guilty of taking methamphetamine into the AMC, which was discovered inside the perimeter when staff conducted a sweep, however, he was found not guilty of taking a mobile phone, charger and other drug related items into the AMC, as these were located still tied to the drone at the perimeter, and the Court could not be satisfied they actually entered the AMC, as opposed to the airspace above.

Sentence

The accused was sentenced to three months' imprisonment for using the drone to deliver items into the AMC and received sentences for related charges of sale or supply of drugs and the possession of a knife.

DPP v Riggs

The accused sought to have charges arising from assaulting a nurse dismissed on the basis that she suffered from a mental impairment (s334) and also sought costs against the police informant. The ACT DPP consented to the charges being referred to the ACT Civil and Administrative Tribunal (ACAT) based on the medical evidence, however opposed the granting of costs. The Court accepted the ACT DPP submission that the offending was against a class of person that ought to be safe at work, that the community would expect the matter be prosecuted unless and until it was established that the matter ought to be dismissed in relation to mental health considerations, and that police, who are not mental health professionals, were simply doing their job in arresting the accused. The matter was diverted to the ACAT and costs were refused.

Police v Mulvay

The accused Simon Mulvay was charged with an offence of aiding and abetting a theft from a Kathmandu store in Woden. The ACT DPP's case at hearing was that Mr Mulvay had distracted staff by asking after a set of lost keys while his co-accused took off with six black puffer jackets worth $3000. Mr Mulvay had asserted to police that the fake name he gave to staff, "Johnathan", was one he commonly used, including to order pizza, and when questioned by the staff member about the invalid 9-digit mobile number he had provided, Mr Mulvay maintained it was correct and quickly left the store as the alarm was being set off by his co-accused. The magistrate was unconvinced that Mr Mulvay was genuinely searching for missing keys and ultimately found the offence proved.

The accused was convicted and sentenced to a two-year good behaviour order and 50 hours of community service.

Recent organisational developments

Strengthening Culture and Supporting Staff

During FY2025–26, the ACT DPP continued its focus on building a professional, inclusive and supportive workplace culture. Efforts were directed at supporting staff wellbeing, improving communication and developing leadership capability across the office, as well as maintaining recent recruitment reforms.

Recruitment and Workforce Growth

The ACT DPP continued to embed recruitment reforms introduced in FY2024–25, with these measures now established as standard practice across the office.

Recruitment processes include mandatory conflict of interest declarations, compulsory referee checks, minimum advertising periods, independent scribes and external panel members to support transparency, integrity and merit-based decision-making.

These improved practices, combined with a rolling recruitment process introduced in FY2025–26, make the ACT DPP well-placed to effectively deliver on ACT Government's FY2026–27 Budget investment in the office.

Wellbeing and Support

Supporting staff wellbeing remained a priority throughout the reporting year, recognising the complex and often challenging nature of the ACT DPP's work, which exposes staff members to confronting material.

A significant focus was placed on psychosocial hazards and measures to reduce the impact of vicarious trauma and workplace stress. Initiatives included:

- continued access to specialist psychological support services in addition to the ACT Government's Employee Assistance Program (EAP) provider
- voluntary team debriefing sessions following complex or emotionally challenging trials and hearings, facilitated by external psychologists
- development of a dedicated Wellbeing and Inclusion Hub to provide staff with easy access to support services, resources and reporting information
- sharing of international resources and best practice material relating to vicarious trauma and psychological safety
- regular specialised vicarious trauma training delivered to staff
- launch of one-to-one professional supervision for legal staff and managers delivered by an external psychologist, in addition to continuation of professional supervision for the Witness Assistance Service
- improved communication wellbeing support services and workplace health and safety reporting pathways

- development of a Resilience and Wellbeing Plan, to be launched in 2026–27, aimed at supporting a resilient, healthy and sustainable workforce.

Feedback from staff indicated strong engagement with these initiatives and reinforced the importance of ongoing investment in workplace wellbeing and psychological safety.

Leadership and Capability Development

The ACT DPP invested in developing the next generation of organisational leaders through targeted training and capability-building activities, with improved focus on leadership and management skills of those in supervisory roles. These initiatives were designed to strengthen leadership skills, support effective people management and ensure managers were equipped to build positive team cultures and support staff wellbeing.

Communication and Engagement

The ACT DPP significantly strengthened its communication and engagement capability during FY2025–26. This included the development of a communications strategy and governance arrangements to support coordinated, transparent and accessible communication.

A key focus was improving communication with staff, victims, witnesses, justice sector partners and the broader community, to ensure the unique role the office has in the justice system is better understood by the community. The intent behind the office's communication policy is to ensure those interacting with the office, in particular as a victim, complainant or witness, have literacy over the office's role and function prior to their interaction with the office.

Internally, communication was enhanced through regular email updates, intranet content and the introduction of a monthly staff newsletter. The newsletter has become an important mechanism for sharing organisational news and achievements, recognising staff contributions and service milestones and strengthening connections between staff and the executive. New communication products, including staff profiles, also supported knowledge sharing and engagement across the office.

Significant work was undertaken to improve public access to information about the criminal justice system and the role of the ACT DPP. More than 40 webpages were reviewed and rewritten in plain language, supported by the development of new factsheets and information resources for victims and witnesses. These will be published in FY2026–27. The office also continued its digital presence on LinkedIn and expanded that presence to Instagram, with the intention of improving public understanding of the ACT DPP's work and the office's unique role in the justice system.

Regular all-staff meetings, legal team meetings and various forums continued throughout the year to support information sharing, transparency and collaboration.

Inclusion, Awareness and Capability Training

The ACT DPP delivered or facilitated a number of training sessions on the following topics:

- Human Rights Scrutiny Training
- Participation in the Human Rights Community of Practice
- Cultural Capability Training (Mulanggari – Keeping Culture Alive)
- Digital and Data Literacy – Cyber
- Working in Government – Finance, Human Resources, Procurement, Code of Conduct, Risk, Induction, Integrity
- Leadership and Management
- Diversity and Inclusion
- Work Safety
- Suicide Prevention Training (Black Dog Institute)

Through these initiatives, the ACT DPP continued to promote a workplace culture that supports the wellbeing, inclusion and professional growth of its people.

Flexibility, Retention and Workplace Innovation

The ACT DPP operates in a demanding environment, with most roles requiring an on-site presence due to the court-based nature of prosecutorial work. Whilst the work is valuable and rewarding, the nature of the work done by the office, and the pressures associated with Court work bring particular demands. The office also operates in a highly competitive legal labour market where private practice often offers higher remuneration.

To support retention and wellbeing, the ACT DPP continued to focus on professional development, organisational culture, flexible working arrangements and practical improvements to the employee experience. This included all-staff workshops to identify opportunities for workplace improvement.

Key initiatives included:

- weekly stretching and movement classes to support staff wellbeing and physical health
- continuation of a staff wellbeing initiative allowing employees to bring their dogs to work on Thursdays and Fridays
- training and resources focused on vicarious trauma, stress management and leadership capability, and
- continued access to flexible work arrangements and reasonable adjustments where operationally available.

Together, these initiatives support a positive, inclusive and sustainable workplace culture while helping the ACT DPP attract and retain skilled staff.



Pictured: Roxy visiting our team as part of our staff wellbeing initiative that allows dogs to visit the office. She was also featured in our popular Dogs of DPP social media series, which helps showcase the 'human' side our staff and promote the ACT DPP as an employer of choice.

Collaboration

The office prides itself on strong collaboration with stakeholders. Below are a selection of regularly scheduled meetings and other collaborative engagements with a range of stakeholders, committees, working groups and forums to support the effective operation of ACT criminal justice system:

- ACT Government Analytical Laboratory (ACTGAL)
- ACT Policing/DPP executive
- AFP Forensic Team
- Board of Inquiry Implementation Group
- Building Legal Capacity Working Group (with DPPs nationally)
- Clinical Forensic Medical Services (CFMS)
- Clybucca Dreaming Group
- Canberra Rape Crisis Centre (CRCC)/ DPP
- Chief Police Officer (CPO)/DPP
- Criminal Court Users Group
- DASL Working Group
- Death Review Coordinator
- Disability Justice Strategy
- DPP-DG/DDG
- DPP-ACT policing Judicial
- DPP Executives Meeting (with DPP executives nationally)
- DPP/AG
- Family Violence Intervention Program Coordinating Committee
- Family Violence case tracking
- Heads of Jurisdiction/DPP
- JACS Finance Forum
- JACS People Culture & Wellbeing Committee
- JACS JEC
- Joint Rules Advisory Committee (JRAC)
- Legal Aid/DPP
- Light Rail Project - Traffic & Transport Liaison Group (TTLG)
- Magistrates Court User Group
- National Proceeds of Crime Network (NPOCN)
- Paediatric Forensic Medical Service (PFMS)
- Public Prosecutions Inter-Jurisdictional Digital Forum
- Sexual Assault (Police) Review Action Oversight Committee and Working Group
- Sisters in Spirit
- Supreme Court Criminal Court User Group
- Victims of Crime Commissioner (VOCC)/ DPP
- Victims Advisory Board (VAB)
- Wrap Around for sexual violence matters (VSACT)
- Yhurwun Bullan Aboriginal

Cases prosecuted by the ACT DPP

Police v X

The accused was found guilty of assaulting his 13-year-old stepson after becoming angry that his stepson had not mopped the floors as part of his chores. The accused told his stepson that "I'm going to knock you out next" and punched him in the shoulder with force.

The accused made admissions to ACT Policing that he had given his stepson a 'dead arm' as a disciplinary tactic. The accused pleaded not guilty and the matter proceeded to a two-day hearing, where the complainant was cross-examined about the assault not occurring and the accused applied to have his admissions excluded from the evidence.

The magistrate ruled that the admissions were admissible and found the accused guilty. The accused was convicted and a 12-month good behaviour order was imposed with a number of conditions including supervision, probation and attendance at programs and counselling.



Internal accountability

Senior Executives and their primary responsibilities

The ACT DPP maintained two senior executive positions during the reporting period. These include:

- Trent Hickey, Deputy Director of Public Prosecutions (Crown Chambers)
- Melinda Graczol, Deputy Director of Public Prosecutions (Criminal Practice)

Both positions report to the Director and assist with the leadership, management and strategic direction of the office. Each Deputy Director exercises legal and managerial responsibilities under delegated authority, including providing legal advice, supporting organisational leadership and mentoring staff across the office.

The Deputy Director (Crown Chambers) supports the Director in conducting and overseeing the most serious and complex criminal prosecutions before the Supreme Court. The Deputy Director (Criminal Practice) has responsibility for oversight of criminal practice operations and assisted the Director significantly this reporting year with strategic planning, and budget oversight.

Crown Prosecutors are executive-level staff members within the ACT DPP. Crown Prosecutors conduct criminal litigation, including Supreme Court trials and appeals. Together with the Director and Deputy Director (Crown Chambers), they typically appear in the most serious prosecutions undertaken by the office. Crown Prosecutors also provide high-level legal advice, oversee complex matters and engage closely with victims, witnesses, police and other stakeholders throughout the process.



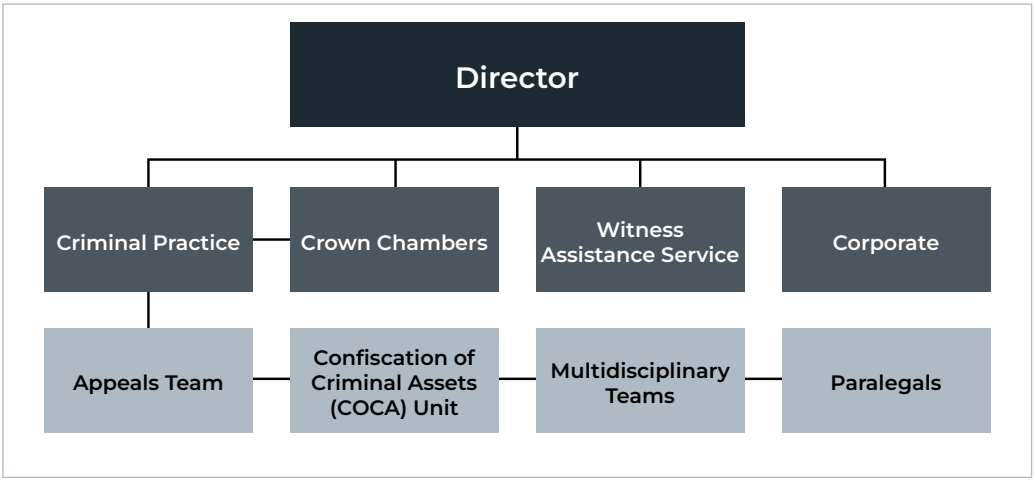
Executive remuneration

The Director and Senior Executives are paid in accordance with the determinations of the ACT Remuneration Tribunal. Remuneration of ACTPS executives and statutory office holders is set by the ACT Remuneration Tribunal. Further information can be found at the ACT Remuneration Tribunal.

Organisational chart

The office structure for the reporting period.

Figure 1: Organisational Structure



Working Committees

Executive Committee

The Director is supported by a small executive committee, who hold senior roles within the office and assist the Director in oversight of decision making for the office and strategic decision making. This reporting year the membership of the committee was expanded to better reflect the make-up of the office, and included the Deputy Director (Crown Chambers), Deputy Director (Criminal Practice), the Practice Manager, Senior Director, Corporate Services (also known as Head of Corporate), the Witness Assistance Service Manager, and the Senior Director, Communications and Media.

The Director chairs a committee meeting every three weeks to address operational and management issues impacting the ACT DPP, including budgetary, office management, resource allocation, staff wellbeing and legal matters. Minutes are recorded and distributed to all staff for transparency. The committee also discusses major policy decisions to ensure coordinated oversight of organisational activities, challenges, and initiatives.

Disclosure Working Group

The Disclosure Working Group was established to support prosecutors and Witness Assistance Service officers in meeting their disclosure obligations. Bringing together representatives from across the office, the group provides a forum to discuss complex disclosure issues, share practical experiences, and promote a consistent approach to decision-making.

The initiative reflects the office's ongoing commitment to supporting professional practice, fostering consistency and ensuring the highest standards of prosecutorial disclosure.

Wellbeing and Inclusion Committee activities

The Wellbeing and Inclusion Committee (WINC) continued to champion a safe, inclusive and supportive workplace culture in FY2025–26. The staff-led group is responsible for driving initiatives across five key diversity areas:

1. Aboriginal and Torres Strait Islander peoples
2. People living with disability
3. Women
4. LGBTIQA+ communities
5. Culturally and Linguistically Diverse (CALD) groups.

Chaired by the Deputy Director (Criminal Practice) Mel Graczol, the committee met monthly throughout the year to advise on inclusive policies, promote awareness and lead activities that support staff wellbeing and belonging.

Key initiatives in FY2025–26 included:

- Development of a dedicated wellbeing and inclusion hub on the ACT DPP intranet, providing staff with access to news, support services, resources and information on workplace initiatives.
- Joining ACON's Welcome Here Project, demonstrating the ACT DPP's commitment to creating a welcoming and inclusive environment for LGBTIQ+ people.
- Becoming a signatory to the Australian Law Council's Equitable Briefing Policy, which sets a target that women barristers receive at least 30 per cent of briefs and 30 per cent of the total value of brief fees. In FY2025–26, the ACT DPP exceeded these targets, achieving 53 per cent and 66 per cent respectively.

- Becoming a member of the Hidden Disabilities Sunflower Scheme, an internationally recognised initiative that promotes awareness and understanding of non-visible disabilities.
- Hosting a National Reconciliation Day barbecue with colleagues from ACT Policing to strengthen relationships and celebrate reconciliation.
- Delivering an International Women's Day panel discussion featuring the Attorney-General Tara Cheyne MLA, the Director and a Crown Prosecutor, as well as special guests from Legal Aid ACT.
- Hosting a Biggest Morning Tea fundraising event in support of the Cancer Council.
- Hosting a Wear it Purple day whole office bake off competition.
- Raising awareness of International Day of People with Disability, National Reconciliation Week, NAIDOC Week, Wear it Purple Day, IDAHOBIT Day and Harmony Week.

Through education, engagement and awareness activities, WINC is helping to nurture an inclusive workplace where staff feel valued, respected and supported.

Pictured: Team members Courteney and Deb promote the ACT DPP's participation in ACON's Welcome Here Project.



Performance Analysis

Crown Chambers

Crown Chambers leads some of the ACT's most serious criminal work before the Supreme Court, including homicide, serious sexual offences, and serious family violence matters. This year saw the team meet record levels of Supreme Court activity while continuing to build capability across the team, growing the leadership and mentoring role the team plays within the office and recognising the interconnected role the team plays in all criminal proceedings in the ACT.

Several prosecutions and appeals conducted during the year attracted significant public attention, including proceedings involving Adam Britt, Steve Fabriczy and Joseph Vekony, Jude Wiejesenghe, Shakira Adams and the High Court appeal of Michael O'Connell (see case reports). While these matters highlighted the public-facing role of the office within the ACT criminal justice system, they represented only a small proportion of the work undertaken.

Throughout the reporting period, Crown Prosecutors and Crown Advocates, instructed by solicitors from the Criminal Practice, also conducted numerous other trials involving sexual offending, child sexual abuse, culpable driving and serious violence. While not all these matters attracted media attention, they each carried profound consequences for victims, their families, and the broader community. The team also conducted more serious matters before the Magistrates Court, recognising the significant jurisdiction of that Court and the expertise of the Crown team.

For matters of sexual violence and death, Crown Chambers continued to be supported greatly by the Witness Assistance Service (WAS) team, who continue to bring significant value to the office's ability to meaningfully engage with victims, complainants and family members, and to upskill the team in the process.

Over the last few years, the office has moved to a new way of working, across the office and in Crown Chambers. Historically when the office would brief matters into Crown Chambers, the file would move away from the Criminal Practice to a Prosecutor Associate Court (known as PACs), who would instruct in trials. The PAC role was not occupied by admitted solicitors but usually law students within the final years of study. The office transitioned away from this model towards the end of 2024, recognising the need for the office's most serious matters to have admitted solicitors take carriage of them for trial, and the benefit of continuity for complainants, witnesses, family members and police when matters go to trial.

The current process sees matters allocated to the Criminal Practice while matters make their way through the committal process, often with a Crown Chambers mentor allocated, and then briefed to Crown Chambers once the matter comes to the Supreme Court with the solicitor from the Criminal Practice instructing in trial proceedings. This has resulted in the upskilling of the Criminal Practice team, which has coincided with the move to multi



disciplinary teams, and the welcomed continuity of legal team through serious criminal proceedings.

In addition, Crown Chambers has reaped the benefits of the JASPER program (detailed elsewhere in this report), which saw capable leaders from the Criminal Practice team junior Crown Chambers in trials during the year. The mentoring done through this program has assisted the office's focus on a more integrated approach to its work.

In the second half of this reporting year, the settling of indictments for trial moved away from the Deputy Director (Crown Chambers) to the Crown team. As we look towards the next reporting year, plans for streamlining this process to involvement from the Crown who will be allocated any eventual trial at the bill finding stage are underway. Additionally, Crown Chambers stepped up to assist their colleagues by appearing in the arraignment and registrars list before the Supreme Court in the second half of the reporting year.

A significant development during the year was the ACT Government's acknowledgement of the critical work done by Crown Chambers through the provision of permanent funding for positions originally established through the Sexual Assault Prevention and Response (SAPR) reforms in late 2024. The budget investment, following long term advocacy by the Director, recognised that the increase in serious and complex prosecutions has become a sustained feature of the ACT justice system rather than a temporary surge in workload. The permanent funding for these temporary positions – and funding for an additional Crown Prosecutor – was particularly important given sustained Supreme Court workload and our capability to conduct lengthy jury trials, pre-trial hearings and appeals.



Pictured: Deputy Director, Crown Chambers, Trent Hickey.

The elevated workload experienced across recent years remained evident in offence trends. 237 sexual offence matters commenced during FY2025–26, compared with 121 matters five years earlier. These matters frequently involve complex legal issues, including multiple pre-trial applications, and significant victim and witness engagement. Similarly, Supreme Court sitting days increased to 903, up from 827 in 2024–25 and 512 in 2021–22. This represents a 76 per cent increase over five years and shows the growing volume and complexity of serious criminal matters before the court.

As mentioned elsewhere in this report, the number of victims involved in matters before ACT courts continued to increase. This includes victims and witnesses involved in the ACT's most serious criminal matters and seriously impacted by criminal proceedings. This reinforces the importance of maintaining prosecution consistency and meeting the needs of victims and witnesses throughout the court process.

In response to increasing complexity and workload, Crown Chambers continued to strengthen quality assurance processes for Supreme Court matters. Pre-trial conferences involving the Director, Deputy Director, trial counsel and the instructing solicitor remained a key feature of trial preparation. These conferences provide a supported environment to discuss evidentiary issues, legal argument and advocacy approach before matters proceed to trial. The approach supports the office's overall culture of reflection and continuous improvement whilst also supporting consistency in prosecutorial practice across serious criminal matters.

In addition, Crown Chambers continued the practice developed in previous reporting years of appearing at Criminal Case Conferences (CCC). Prior to any CCC, the Crown Prosecutor or Crown Advocate will meet with either the Director or one of the Deputy Directors to discuss if there is any appropriate resolution of the matter at the CCC. This practice has continued to see good outcomes for the community in earlier resolution of Supreme Court matters.

Crown Chambers also continued to play a leading role in developing prosecutorial capability across the office. Crown Chambers continued to share expertise through fortnightly 'Ask Crown Chambers' sessions, which provides the Criminal Practice with an informal forum to discuss complex legal issues, seek guidance on challenging matters and learn from senior advocates. Members of Crown Chambers also contributed to continuing professional development programs and moot court exercises, providing less experienced prosecutors with practical exposure to advocacy techniques and higher court practice.

Finally, as set out later in this report in the appeal team update, the office also broadened opportunities for Crown Prosecutors and Crown Advocates to appear in appellate work. This increased experience across the team, strengthened succession planning and reduced reliance on a small number of specialist senior advocates.

Looking ahead, Crown Chambers will continue to work to increase capability within its own team, through reflection and continued learning, and to model this leadership to the office, and to take on the challenges of serious criminal prosecution work with collegiality, courage and integrity.

Sexual Assault (Police) Review Report – continuing impacts

On 30 April 2024, the Sexual Assault (Police) Review Report (the Report) was released. This was in response to Recommendation 15 of SAPR. The Report examined 684 sexual assault cases reported to ACT Policing between 1 July 2020 and 31 December 2021 which did not progress to charge. The Report made several recommendations to the ACT Government to improve the quality of investigation and response to sexual assault allegations.

In FY2025–26, new files arising from SAPR continued to be referred to the ACT DPP for prosecution. This, together with changing attitudes of the community and the introduction of affirmative consent laws in the ACT in recent years, has increased workload and complexity.

The ACT DPP's prosecution statistics for sexual offences for the reporting year are provided below.

Table 1: Sexual Offences: Trials and Sentences in the Supreme Court - 1 July 2025 to 30 June 2026

Description	Matters
Trials	
Trials	25
Accused	26
Trial Days in Court	218
Trial Outcomes	
Guilty Verdicts	16
Not Guilty Verdicts	6
Mental impairment – found not criminally responsible	1
Other*	3
Awaiting verdict	-
Sentencing Proceedings	
Accused sentenced after committal for sentence or after committal for trial/changed plea or re-sentenced after breach	24
Notices declining to proceed further	**2**

*Note: This includes trials which: resulted in a hung jury or a mixed verdict; were aborted; or where the matter was abated. Trials which are aborted or that result in a hung jury are not "finalised" for the purposes of the table 'Total Matters finalised by jurisdiction' on page 107 and the table on 'Matters finalised disaggregated by matter type' on pages 107-112.

Table 2: Breakdown of Sexual Offence matters in different courts - 1 July 2025 to 30 June 2026

Description	Magistrates Court	Childrens Court	Supreme Court	Total
Sexual Offence matters commenced	129	9	99	**237**
Sexual Offence matters completed	50	3	55	**108**
Sexual Offence matters proved	34	-	41	**75**
Sexual Offence matters discontinued	4	-	2	**6**
Sexual Offence breach matters	11	-	-	**11**

Table 3: Breakdown of Family Violence matters in different courts - 1 July 2025 to 30 June 2026

Description	Magistrates Court	Childrens Court	Supreme Court	Total
FV matters commenced	799	41	47	**887**
FV matters completed	759	43	41	**843**
FV matters proved	523	13	35	**571**
FV matters discontinued	144	9	1	**154**
FV breach matters	88	2	6	**96**

Prosecutor feedback

Feedback provided to our team of prosecutors from the family member of a victim (de-identified):

"I want to acknowledge and sincerely commend the compassion and respect you showed in delivering the victim impact statements today – your professionalism, and particularly the way you humanised [the victim], made a meaningful difference in a deeply tragic circumstance and reflects great credit on you and the DPP"

The following feedback was provided by an external stakeholder regarding the ACT DPP's engagement with a victim of crime:

"I just wanted to thank you for your persistence and patience [with the victim], for the clear explanations in the meetings that I attended and for never once showing any frustration or impatience. It was the gold standard in trauma-informed victim-centred engagement. Not to mention the gold standard legal skills!"

Cases prosecuted by the ACT DPP

DPP v Fabriczy and Vekony

Background

On 6 November 1999, 72-year-old Irma Palasics was killed during a home invasion at her residence in McKellar. Her husband, Gregor Palasics, was badly beaten and the two offenders stole $30,000 from a hidden compartment before fleeing. The Palasics had only recently moved house to McKellar after they had been the victim of two previous burglaries in 1998 and 1997 at their previous home in Red Hill.

Forensic investigations after the 1999 burglary revealed the presence of two different unidentified DNA profiles in the victim's fridge; one found on a milk bottle and one on a water container. One of these profiles matched a profile that was recovered from a balaclava that was torn off an offender's head during an assault on Irma Palasics during the 1998 burglary.

Despite this forensic evidence, the matter remained a 'cold case' until a breakthrough in 2023 when an extensive undercover police operation led to one of the offender's revealing their involvement and the identity of the other offender.

Trial

In advance of an ACT Supreme Court trial concerning the death of Irma Palasics, the Supreme Court determined a series of significant evidentiary applications concerning hearsay and coincidence evidence. Each accused also sought the matter be permanently stayed, in part because the passage of time meant particular evidence was no longer available.

The offenders were eventually tried before a jury over approximately nine weeks, in relation to counts of murder, aggravated burglary, assault occasioning actual bodily harm, forcible confinement, armed robbery and burglary. Over the course of the trial there were 57 witnesses called, and 96 exhibits tendered, including two physical exhibits, namely the milk bottle and water container seized from the victim's fridge in relation to the 1999 burglary.

The ACT DPP's case was that the two offenders were part of an agreement to commit a burglary at the Palasics home and the agreement contemplated that during the course of the burglary, significant acts of violence, including the use of restraints and a weapon would be used so as to enable the theft of the property. The ACT DPP alleged that Mr Vekony had been involved in the 1998 burglary and that his motive for both the 1998 and 1999 burglary was knowledge of a substantial sum of money stolen during the 1997 burglary.

Both offenders presented different defence theories to the jury. Mr Fabriczy's defence was that he was present at the McKellar home during the 1999 burglary, with Mr Vekony however that he only entered the house at the end to assist Mr Vekony get out. Mr Vekony's defence was that he had an alibi and could not have been there as he claimed to have never been to the ACT. His alibi included that he had voted in the 1999 referendum in Melbourne on the day of the burglary, and he later recalled picking up his daughter from work.

After approximately four days of jury deliberations, both offenders were acquitted of murder; however, found guilty of the statutory alternative of manslaughter and the remaining counts on the indictment.

Sentence

The offenders were subsequently sentenced by the trial judge, Mossop J. His Honour described the crime as a violent home invasion of the residence of elderly citizens who were minding their own business which was motivated by greed. His Honour found that neither offender had shown any remorse or accepted their guilt. Mr Fabriczy was sentenced to 16.5 years' imprisonment with a non-parole period of 11 years. Mr Vekony received a heavier sentence given his involvement in the 1998 burglary as well, being sentenced to 20 years' imprisonment with a non-parole period of 12 years.

Both offenders have lodged appeals against their convictions.

DPP v Hazell

Citation: [2026] ACTSC 80

Summary

On 28 March 2025, the offender Tayler Christian Hazell crashed a stolen motor vehicle in Sutton. Later that morning he stole a vehicle from the car park of an early learning centre. There was an eight-year-old girl in the backseat. The offender drove out of the carpark with the child before stopping a short time later and telling the child to run back to her dad. Over the next hour and 40 minutes the offender drove dangerously in and around the ACT and ultimately hit two students outside of St Edmund's College, causing them catastrophic injury.

The offender pleaded guilty to charges including culpable driving causing grievous bodily harm, taking a motor vehicle without consent, unlawfully taking a child, and aggravated dangerous driving.

The offender also had outstanding matters of burglary and failing to appear at court.

Sentencing proceeding

As part of the material tendered on sentence, the ACT DPP supported a number of victims of the offending to present victim impact statements to the court. Expert medical material was also tendered to evidence the nature of the injuries suffered, treatment requirements and ongoing prognosis of the St Edmund students who were injured. The totality of the manner of driving across both the ACT and NSW was able to be considered by the Court in the sentence through use of extension provisions that allow the operation of Territory law beyond ACT borders.

The ACT DPP submitted that the offending demonstrated a complete dereliction of care for the consequences of Hazell's actions and an abandonment of personal responsibility. Having regard to the catastrophic injuries suffered by the two students, the ACT DPP argued that the offending was close to the most serious category of offending covered by the grievous bodily harm offence.

While at sentence a number of matters were accepted by the ACT DPP, including that the offender was subjected to extra-curial punishment from AFP following his arrest, areas of contention included whether the offender was aware that there was a child in the vehicle at the time that he stole it. The offender gave evidence and was cross-examined by the DPP. The Court found that the offender had lied in his evidence to minimise his responsibility for the offending.

Outcome

On 27 March 2026, the offender was sentenced across all offending to a total term of imprisonment of 13 years and two months, with a non-parole period of nine years.

The offender has appealed the sentence.

DPP v Vu

Citation: [2026] ACTSC 39

Summary of sentence proceedings

Mr Vu entered a plea of guilty to the murder of his former wife on 23 October 2023, days prior to the commencement of a two-week trial. Although the couple had divorced, they continued to live together. The relationship was marked by longstanding conflict and a previous family violence assault committed by Vu against the deceased in 2016. On the day of the offending, Vu repeatedly stabbed the deceased in the head, neck and torso at their home. Following the attack, Vu cut his wrist and ingested medication before being found unconscious by police and paramedics. The deceased died because of her injuries.

At Mr Vu's sentence, the primary issues included whether it could be established that Mr Vu had an intention to kill the deceased and to what extent his moral culpability should be reduced because of his mental health.

Ultimately, at sentence the Court was satisfied with the ACT DPP's submission that Vu intended to kill the deceased.

The ACT DPP and the offender both commissioned an expert to give evidence about the mental capacity and function of the offender at the time of the murder. The expert evidence established that Vu was suffering from major depression and a mild neurocognitive disorder at the time of the offending. The Court accepted that these conditions contributed to the offending, reduced his moral culpability to some extent, and supported a finding that the attack was spontaneous rather than premeditated.

At the sentence, the Court also considered Vu's advanced age, serious health conditions and limited life expectancy. However, it found that these factors did not outweigh the gravity of the offending, particularly in a family violence context.

Mr Vu was sentenced to 20 years' imprisonment and a non-parole period of 14 years.

Mastalerz v DPP; DPP v Mastalerz (No 3)

Citation: [2025] ACTCA 32

Summary

On 7 August 2025, the ACT Court of Appeal delivered judgment in an appeal arising from the sentence imposed for several sexual offences and contraventions of family violence orders. The appeal concerned the absence of a psychological report during the sentencing process. The Court allowed the appeal, quashed the sentence, and remitted the matter for resentencing.

The appellant was sentenced in the ACT Supreme Court on 28 August 2024 to an aggregate term of 10 years and one month imprisonment, with a non-parole period of six years and six months. Following sentence, it emerged that a psychological report commissioned for the sentencing proceedings had not been tendered. The report had been prepared before sentence but, through what the Court described as "misadventure", was not provided to the sentencing judge.

Appeal

The appellant filed an appeal against the sentence. Although the grounds of appeal alleged manifest excess and failure by the sentencing judge to take into account a material consideration (namely, the psychological report), the appeal ultimately focused on whether the sentencing process miscarried because the report was not before the sentencing judge. The report had been prepared for sentencing, and its absence was accepted not to have resulted from any deliberate forensic decision or fault on the part of the appellant.

Outcome

The Court of Appeal allowed the appeal and held that the sentencing process miscarried. A key legal issue was the Court's power to receive further evidence on appeal under s 37N of the *Supreme Court Act 1933* (ACT). The Court accepted evidence explaining how the report came to be omitted and received the report itself. It held that the report contained substantial information about the appellant's background, psychological history and circumstances that expanded significantly upon the subjective material available at the sentence.

The Court found that the report had a realistic capacity to affect the assessment of moral culpability, rehabilitation prospects, deterrence, and the overall structure of the sentence. It was not necessary to conclude that a different sentence would definitely have been imposed. Because the missing material could have had a real bearing on the sentence ultimately imposed, the appeal was allowed; the original sentence was quashed, and the matter was remitted to Mossop J for resentencing.

Re-sentencing

On 18 March 2026, Mossop J delivered his decision on resentence. The appellant was sentenced to an aggregate sentence of nine years and three months' imprisonment with a non-parole period of five years and six months.

The DPP made a submission that noting the new material submitted by the offender about a disadvantaged childhood that the principles in Bugmy v The Queen applied to reduce his moral culpability. The DPP further submitted to the Court that in taking the factors of Bugmy into account the court should also have regard to Kennedy v R [2022] NSWCCA 214 and Munda v Western Australia (2013) 249 CLR 600 in that Bugmy factors do not mitigate a sentence such that victims of domestic violence at the hands of offenders who themselves have suffered from childhood deprivation are treated as less worthy of protection or that crimes against them warrant less denunciation.

Criminal Practice

Over the past year, the practice managed sustained demand across ACT courts while continuing to improve how we work as a team and as an office. The reporting year saw the continued strengthening of processes to support consistency in decision-making, provide clearer guidance for staff, and support the timely progression of matters through the courts. The reporting period also saw the successful implementation of the office's transition from specialist Family Violence and Sexual Violence teams to a multidisciplinary team model.

Managing sustained demand

As shown in the table below, demand for prosecution services remained significantly above historical levels throughout the reporting period. This shows that family violence matters commenced totalled 887 in FY2025–26, while sexual offence matters remained substantially above historical levels at 237. These offence categories continue to represent a significant proportion of Criminal Practice's workload and require intensive case management, close engagement with complainants and witnesses and ongoing coordination with police and other justice sector agencies. The work in the family violence space does not usually have the benefit of a Witness Assistance Service (WAS) officer, which remains an ongoing gap in the office.

Table 4: Five-year data across a range of key areas.

	FY 2021–22	FY2022–23	FY2023–24	FY2024–25	FY2025–26
Total matters before the courts	-	-	-	7,299	7,454
Total matters completed	4,187	4,110	4,146	4,162	4,317
Family violence matters commenced	722	872	799	935	887
Sexual Offence matters commenced	121	185	206	250	237
Supreme Court sitting days	512	577	563	827	903

The data also shows that despite increasing workload pressures in recent years, the number of matters completed increased from 4,162 in the previous reporting year to 4,317 in FY2025–26. The sustained volume of these matters in recent years informed a number of initiatives during FY2025–26 aimed at improving consistency in decision-making, strengthening oversight and supporting the timely progression of matters through the court system.

These reforms will be further supported through ACT Government funding announced in the FY2026–27 Budget, which will provide an additional nine prosecutors to Criminal Practice. The additional resources are intended to improve capacity to manage sustained workload growth and support the timely progression of matters through the courts.



Increased focus on management and leadership skills

Another significant focus over the reporting year has been in the upskilling of the current leaders within the Criminal Practice, together with the next generation of leaders to come. That has involved working with the supervisors to build their management and leadership skills, through formalised training together with regular check-ins as a leadership group and the roll out of Reflective Practice. This enhanced focus on what it means to be a good leader and manager, not just a good lawyer, will pay dividends over the coming years for our Criminal Practice.

Delegations, Special Interest Prosecutions and Governance

A major focus during FY2025–26 was strengthening consistency and accountability across prosecutorial decision-making across the office. The office introduced a new Instrument of Delegation, bringing prosecutorial delegations together into a single framework and replacing arrangements that had previously been dispersed across multiple directions, policies, and procedures. Whilst the delegations apply across the office, it is the Criminal Practice who, as the engine house of the office, spear headed the use of the Delegations. The instrument provides greater clarity regarding decision-making authority, introduced consistent approval pathways and embedded consultation and record-keeping requirements for a range of significant prosecutorial decisions. Since they have been introduced, they have reduced ambiguity and promoted a more consistent approach to prosecutorial decision-making



Pictured: Deputy Director, Criminal Practice, Mel Graczol

across the office. The move also brought the office into line with how other jurisdictions operate, whilst recognising our unique operating environment.

The office also introduced Special Interest Prosecution processes to support the identification and management of serious, complex, and high-profile matters. Again, whilst these reforms are across the office, it has been the Criminal Practice's early adoption of these new processes that has seen them be implemented effectively. These reforms will be further supported through ACT Government funding announced in the FY2026–27 Budget. The additional resources are intended to improve capacity to manage sustained workload growth and support the timely progression of matters through the courts.

Nominal Informant role continues to improve system efficiency

The joint ACT DPP and ACT Policing Nominal Informant role continued to deliver significant operational benefits throughout FY2025–26. The role supports information sharing between agencies, facilitates access to investigative and evidentiary material and assists prosecutors to obtain operational information required for the conduct of prosecutions. It also serves as an important liaison point between the ACT DPP, ACT Policing and broader justice sector stakeholders. The Nominal Informant recorded an average of 158 engagements per month with courts, Legal Aid ACT, the Aboriginal Legal Service, private legal practitioners, unrepresented accused and interstate police agencies. Feedback from prosecutors and stakeholders remained overwhelmingly positive. The role has improved access to information,

reduced delays and supported earlier resolution of matters, contributing to more efficient case progression across the ACT criminal justice system.

Contributing to criminal justice policy

The office continued to play an important role in contributing to criminal justice policy, legislative reform, and broader government decision-making. Whilst the office only has one stand-alone Policy Lawyer role (which also acts as the FOI officer), the position works closely with the Deputy Director (Criminal Practice) to ensure the office is still able to contribute meaningfully to the policy space, as a critical stakeholder on criminal justice. Whilst this work is often juggled around the front-line nature of the office's work, with the Deputy Director (Criminal Practice) and the Director maintaining oversight of the policy function, it is important the ACT DPP continue to contribute, given the unique insights the office brings.

In FY2025–26, the office provided input on 11 Cabinet submissions across nine policy topics and responded to 11 requests for advice, information or discussion from government and external agencies on a range of criminal justice matters. The office also provided three formal submissions, including two submissions to Legislative Assembly inquiries relating to firearms legislation and indicative sentencing reforms, and one submission to an ACT Government YourSay consultation on sex work legislation. The office also provided input on 28 consultation requests across 16 policy topics, in addition to seven internal policy matters referred to the Justice and Community Safety Directorate's Legislation and Policy Program for consideration.

Criminal Practice focus in FY2026–27

During FY2026–27, Criminal Practice will focus on embedding and evaluating reforms introduced this year. A new allocation framework was developed during the reporting period to assess matters against three key dimensions: complexity, effort, and psychosocial risk. Designed to provide a more sophisticated understanding of the office's work, the framework recognises not only the legal demands of matters but also the workload and wellbeing impacts experienced by prosecutors and Witness Assistance Service officers. The framework will support more consistent allocation decisions, improve workload visibility, and enhance the office's ability to identify emerging pressures and resource needs. Implementation is scheduled for the next reporting period and will be supported by enhancements to the case management system.

Another priority will be responding to sustained demand through the recruitment of additional prosecutors and continued investment in workforce capability. The Criminal Practice will also continue to work closely with ACT Policing, the courts and other justice sector partners to identify opportunities for collaboration, improve case progression and support the efficient operation of the ACT criminal justice system.



Cases prosecuted by the ACT DPP

DPP v Elliot

Summary

An ACT DPP prosecution led to the sentencing of James Gregory Elliott in the ACT Supreme Court on 11 May 2026. Elliot had pleaded guilty to multiple offences, including aggravated burglary, burglary, driving offences, deception offences and property-related offences.

The Court imposed a total effective sentence of five years, one month, and three days' imprisonment. After accounting for extensive pre-sentence custody, the Court suspended the remaining custodial component and imposed a Drug and Alcohol Treatment Order (DATO) for three years, six months and 22 days. A 24-month driver's licence disqualification was also imposed.

Outcome

In determining sentences, the Court considered the seriousness of the repeated offending, Elliot's significant criminal history and the fact that much of the offending occurred while he was on conditional liberty. The Court also gave weight to Elliot's guilty pleas, disadvantaged background, mental health conditions, genuine remorse, and longstanding substance dependence.

The Court considered the operation of s 12A of the *Crimes (Sentencing) Act 2005* (ACT), and the interpretation of the four-year maximum on sentences that is a precondition to eligibility for a DATO. This 'cap' created a difficulty for offenders who had lengthy periods of pre-sentence custody to be considered, because if this was counted towards the total term, they may be excluded from a DATO.

This case clarified that, when determining eligibility for a DATO, backdated sentences which have therefore already been fully served should not be counted towards the statutory four-year limit. This interpretation reflects the legislative intent behind the DATO regime. In this matter, the Court found Elliot was suitable for a DATO, and that rehabilitation, community reintegration and community protection were best advanced through that regime.

DPP v Robins (a pseudonym) (No 2)

Citation: [2025] ACTSC 518

Summary

In DPP v Robins (a pseudonym) (No 2), the ACT DPP negotiated a plea of guilty on the eve of the offender's trial for violent offending against his former wife. The resolution was subsequent to pre-trial arguments and pre-trial evidence being recorded in relation to the offender's daughter, who was a witness to some of the offending.

Background

The offending occurred during Robins' marriage to the victim, who was the complainant in all charged offences. Robins pleaded guilty to four counts of choking, suffocating or strangling another person and one count of common assault. A charge alleging a reckless threat to kill was taken into account for sentencing purposes under the *Crimes (Sentencing) Act 2005* (ACT). The matter was dealt with in the ACT Supreme Court.

The offences involved repeated acts of choking, suffocating or strangling the victim and occurred in the context of a domestic relationship. These offences occurred when the victim was in particularly vulnerable positions, such as when she was sleeping or driving a vehicle. Some of the offences occurred in the presence of the child of the offender and the victim. The offending occurred against a backdrop of verbal abuse and other behaviours which began when the offender and the victim lived overseas.

Sentence

On 25 November 2025, the Court sentenced Robins to four years and five months' imprisonment. A non-parole period of two years and three months was imposed.

In determining the appropriate sentence, the Court considered, among other matters, Robins' post-traumatic stress disorder and his level of remorse, which was found to be incomplete. The offender had continued to blame the victim for the offending and had continued to lack any insight or empathy into the impacts of his offending on the victim. He had previously attempted Room4Change and considered that program "a waste of time" and had left before completing the program.

The Court declined to accept submissions made by the offender's Counsel that two of the offences may have occurred while the offender was asleep and/or affected by night terrors. This submission was inconsistent with the agreed facts, the expert evidence adduced by the offender and the circumstances of the offences.

The Court considered a number of references made by the offender's new partner and her family, attesting to his behaviour within his new relationship. Submissions were made regarding the initial content of those references, including the lack of any indication that the persons who had written them were aware of the facts for which the offender was to be sentenced. This highlights the importance of the form and content of references in sentencing proceedings.

As a result, each of those references were able to be amended to include this information where applicable. When considering those references, The Court reiterated the comments made by Taylor J in DPP v Benn (No 2) [2025] ACTSC 266 to the effect that this aspect of his character as seen in the relationship with the victim was not undermined just because it had not been seen in his new relationship. The character reference from the offender's new partner also reflected a level of blame towards the victim of the offending in comparing the relationships between the two.

The offender had previously been on active duty in Iraq and Afghanistan, and it was accepted that he had PTSD arising from this occupation. It was accepted that as a result of his military training, the offender was desensitised to the use of violence as a tool of control, and that the offender was repeatedly exposed to significantly traumatising situations during his active service. His moral culpability was reduced by this, and it was accepted that custody would be more onerous.

The Court declined to impose an ICO on the offender, on the basis that the purposes of sentencing could not be met by such a course, and the head sentence that had been set would preclude the imposition of an ICO.

DPP v Eneliko; DPP v Crichton; DPP v Pauga; DPP v Ogden (a pseudonym)

Citation: [2025] ACTSC 306

Summary

An ACT DPP prosecution resulted in four co-offenders pleading guilty and being sentenced for their roles in a planned home invasion in Canberra. The offending involved multiple interstate young people engaging in a targeted and highly premeditated criminal enterprise that left one victim with grievous bodily harm and another with actual bodily harm.

The case arose from a complex and multifaceted police investigation, with the identification of one offender cascading into the identification of the next.

On 16 July 2025, three youthful adult offenders received partially suspended terms of imprisonment, while the young person received a fully suspended sentence.

Background

The offenders travelled from Sydney to Canberra and carried out a targeted home invasion on 4 May 2024. After gaining entry to the victims' residence, the offenders demanded money and subjected both occupants to violence. Eneliko stabbed both victims, while the other offenders participated in the attack.

From fast-food debris left next to the getaway vehicle, police traced the offenders to a local fast-food outlet and determined the number plate of the vehicle – a rental in the name of Mr Eneliko's mother. A search warrant executed at Eneliko's residence in NSW revealed the knife from the attack with the victim's blood still on it. Police were able to match school uniforms at that address to the clothing worn by the co-offenders, which facilitated their identification.

Mr Pauga made admissions during an undercover police operation. Analysis of Mr Pauga's phone then revealed that he had texted his partner live updates of the group's travel to Canberra and participation in the offence. Police combined these messages with telecommunications data showing each offender's phone meeting with the others and travelling as a group to Canberra.

As a result of negotiations with the ACT DPP, each offender pleaded guilty and they were sentenced together.

Sentence

On 16 July 2025, the ACT Supreme Court sentenced Eneliko to a total term of five years' imprisonment, suspended after 30 months. Crichton and Pauga each received total terms of four years' imprisonment, suspended after 20 months. Ogden received a total sentence of three years and six months' imprisonment, fully suspended and subject to supervision conditions.

DPP v Tucker-Quinn (a pseudonym)

Citation: [2026] ACTSC 45

Summary

On 2 August 2025, Mr Tucker-Quinn (pseudonymised, as he was a young person), attended upon another young person's residence having previously threatened the victim on social media. He attended at the head of a group of nine other males in facemasks and balaclavas. He was wearing a tactical vest, skull facemask and carrying a serrated knife. The young person at the residence had in fact left the house moments earlier, but his mother was home.

The offender kicked in the door. He was immediately recognised by the victim, who attempted to call 000. The offender knocked the phone out of her hand and stomped on it. The group searched for their intended target and then decamped.

Sentence

Following negotiation, the offender pleaded guilty to aggravated burglary and damaging property. Given the seriousness of the offending – involving the offender attending a targeted residence at the head of a host of masked attackers to execute a previous threat, armed with a potentially lethal weapon and breaking down the door – the matter was committed from the Children's Court to the Supreme Court for sentence. While remanded in custody, the offender had expressed support for neo-Nazism and far-right extremism. He showed little remorse, claiming he had attended the residence because he thought there was a party. The offending had occurred in breach of multiple suspended sentence orders.

The ACT DPP submitted that the suspended sentences should be imposed, and that only a sentence of imprisonment adequately reflected the seriousness of the offending – and that while rehabilitation may be given more weight than other purposes of sentencing for young people, the Court is not obliged to do so. The Court agreed, commenting that it was regrettable that there is no ability to impose a non-parole period for juvenile offenders. There must be a fixed date of release (with the remainder of the sentence being suspended), which provides little incentive to rehabilitate while in custody.

The offender was sentenced to a total term of three years, 10 months' imprisonment, with the first two years, four months to be by way of full-time custody.

DPP v Curtis-Hodge

Citation: [2025] ACTSC 415

Mr Curtis-Hodge pleaded guilty to offences of intentionally inflicting grievous bodily harm and assault occasioning actual bodily harm after negotiations with the ACT DPP. The offending occurred at a social housing property in Turner, where Curtis-Hodge punched the victim before attacking him with a kitchen knife. The victim sustained facial injuries and a deep laceration to his hand while attempting to defend himself. At the time of the offending, Curtis-Hodge was on bail and subject to a suspended sentence for previous violent offences.

The ACT DPP argued that nothing other than a significant sentence of imprisonment was appropriate in the circumstances, noting the criminal history and extremely serious nature of the charges.

The Court found the offending to be a serious instance of violent conduct involving a knife attack and attempts to stab the victim in vulnerable areas of the body. While the offender's traumatic background reduced his moral culpability, the Court considered community protection and specific deterrence to be significant sentencing factors given his lengthy criminal history and the fact the offences were committed while on bail and subject to a suspended sentence.

On 12 September 2025, the ACT Supreme Court sentenced Curtis-Hodge to a total effective sentence of two years, five months and 24 days' imprisonment. Suspended sentences imposed for earlier offences were activated. A non-parole period of one year and six months was imposed.

Prosecutor feedback

The following feedback (de-identified) was provided by ACT Policing regarding the ACT DPP's work on an extradition matter involving the OMCG members:

> *"The prosecutor did an excellent job with processing the extraditions of three Finks OMCG members. A number of issues came up on the fly yesterday and they handled them all superbly and professionally. Two particular highlights were his arguments opposing the presumption of bail for one accused, which appeared to be raised at the last minute by defence, and his application for the proceedings to be heard in closed court. The fact that all three were extradited despite some strong defences being raised showed his incredible knowledge of the law and his ability to articulate that knowledge."*



Pictured: Practice Manager, Margaret Smith

Practice Manager snapshot

The reporting period saw a strong focus on workforce development, staff wellbeing and building organisational capability to support the long-term sustainability of the ACT DPP. Several initiatives implemented during FY2025–26 were designed to broaden skills across the office, create development opportunities for prosecutors and strengthen the office's ability to respond to changing operational demands.

Multidisciplinary Teams

During FY2025–26, the ACT DPP completed the transition from specialist Family Violence and Sexual Violence units to multidisciplinary prosecution teams.

The change was informed by the office's commitment to staff wellbeing, workforce sustainability and the management of psychosocial risks associated with prolonged exposure to traumatic subject matter.

The new model is providing greater flexibility in workload allocation, broadening professional development opportunities and distributing specialist knowledge more widely across the practice.

The transition followed extensive planning, consultation and training with both staff members and relevant external stakeholders.

One year into implementation, feedback has been overwhelmingly positive with our data showing a balanced distribution of work across teams. The office continues to monitor family violence and sexual offence workloads across all teams as part of the ongoing evaluation of the model.

The JASPER Program Develops Future Advocates

The ACT DPP launched the Junioring and Advocacy Skills Program for Excellence and Readiness (JASPER) , an initiative supporting the development of future Supreme Court advocates.

The inaugural JASPER cohort commenced in January 2026 and comprised six Grade 3 and Grade 4 prosecutors. The program provided structured opportunities to gain practical experience in Supreme Court advocacy as lead counsel in less complex matters or as junior counsel assisting Crown Prosecutors in more complex proceedings. Participants receive mentoring from experienced practitioners and are supported throughout case preparation, advocacy and post-hearing reflection.

Pictured: Criminal Practice Deputy Director Mel Graczol addressing Grade 3 and 4 prosecutors taking part in the JASPER program.



During the year, three prosecutors were briefed in Supreme Court trials through the JASPER program; working alongside prosecutors from Crown Chambers on a variety of serious matters including sexual offending trials. This included having an active involvement in drafting of addresses, calling of evidence and addressing legal points. The initiative supports real-world advocacy development, succession planning and the long-term capability of the office to conduct increasingly complex criminal litigation.

The office will continue to invite eligible prosecutors to express an interest in joining the JASPER program to develop their Supreme Court trial advocacy skills.

Internships and Work Experience Programs

The ACT DPP continued its partnership with the University of Canberra (UC) in FY2025–26 through its internship program. The program provides law students with practical experience across a range of prosecutions and exposes participants to the operation of the criminal justice system.

Interns work alongside experienced prosecutors and contribute to legal research, evidence review, court observation and prosecution preparation.

Pictured: The ACT DPP attending the ACT Courts open day to discuss our role with the next generation of criminal lawyers.



Five interns completed placements with the office across the year, including four from UC. Several former interns have subsequently secured employment with the ACT DPP as paralegals while completing their law degrees. One former UC intern even progressed to becoming a prosecutor in FY2025–26 following their admission to practice, further demonstrating the program's value as a pathway into criminal justice careers.

The internship program was complemented by the office's participation in University of Canberra careers events, guest lectures and participation in the law school's Course Advisory Group, supporting the development of future criminal justice practitioners.

The ACT DPP also participated in the ACT Government's Work Experience and Support Program (WESP), hosting two participants.

WESP provides workplace experience opportunities for Canberrans from multicultural backgrounds who have experienced long-term unemployment or underemployment. Participation in the program supports broader ACT Government objectives relating to workforce participation, diversity and inclusion.

Professional Development

The ACT DPP continued to invest in professional development to ensure staff were equipped with the knowledge and skills required to meet the evolving demands of prosecution work.

Mandatory training delivered included:

- conferencing vulnerable witnesses
- prosecuting sexual offences
- prosecuting family violence matters
- engagement with sexual violence complainants
- See, Hear, Believe training delivered by the LGBTQ Domestic Violence Awareness Foundation
- about 30 Continuing Professional Development opportunities (see page 135 for further information).

These programs supported consistent practice across the office and provided staff with contemporary knowledge and skills relevant to victim engagement, evidence assessment and the prosecution of complex criminal matters.

Looking to FY2026–27

In FY2026–27, the ACT DPP will continue to build on initiatives introduced during the reporting period to strengthen workforce capability, support staff wellbeing and maintain a sustainable prosecution workforce.

Priorities include further evaluation of the multidisciplinary team model, expanding professional development and advocacy opportunities, and continuing to invest in programs that prepare prosecutors for increasingly complex work. This includes collaborating with the ICT team on opportunities to improve our systems to standardise how we allocate matters, including by using technological solutions where appropriate.

These initiatives are designed to ensure the office remains well placed to deliver consistent, high-quality prosecution services to the ACT community while meeting future workforce and operational demands.



Cases prosecuted by the ACT DPP

DPP v Y

The accused and the complainant, his then wife, were having difficulties in their marriage and seeking marriage counselling. After becoming intoxicated and arguing with the complainant one evening, the accused whispered that he was going to kill her, began to strike her and strangled her. The teenage daughter of the accused and complainant was present in the house and called 000. The accused then punched the complainant and stabbed her with a knife that became lodged in her forearm after she moved her arms in a defensive motion. When ACT Policing attended, the accused told them that the complainant needed help. After police asked him why, the accused said, 'stab wound, by me'.

The complainant was transported to hospital where the knife was required to be surgically removed from her arm.

The matter proceeded to trial where the accused's case was that he was attempting to injure himself rather than stab the complainant, and the knife became lodged in her arm by accident. The ACT DPP called evidence from the complainant, her daughter and a forensic pathologist who gave evidence about defensive injuries.

The jury returned verdicts of guilty in relation to the attempted murder and aggravated property damage charges. The accused is yet to be sentenced.

DPP v Asbiran

Summary

The accused was found guilty following jury trial of sexually abusing the complainant, his stepdaughter, on three separate incidents when she was nine years old and on two occasions before she turned 16 years old. These incidents occurred at the family home both when the complainant's mother was home and out of the house. The accused touched his stepdaughter inappropriately, tried to kiss her, and digitally penetrated her on multiple occasions.

The DPP was successful in an application to adduce tendency evidence based on similar incidents which had occurred when the accused and his stepdaughter lived interstate, for which the accused had previously been found guilty by an interstate court. An expert forensic psychologist also gave evidence about the different responses of victims of child sexual abuse, including delayed reporting.

The accused maintained that he never sexually assaulted the complainant. The jury returned verdicts of guilty in relation to all counts.

Police v Wu

The accused pleaded not guilty in the ACT Magistrates Court to aggravated assault occasioning actual bodily harm against the complainant, his then partner. The complainant sustained several injuries including bruising to the head, face, back, both hands and both upper limbs, two lacerations to the back of the head, and a black eye. Police were called a short time later after the complainant confided in her sister and brother-in-law, and she told Police that she had been assaulted by the accused. The complainant made a subsequent statement to Police denying that the accused had caused her injuries.

Around two months later, after the accused had been bailed, he assaulted the complainant again by punching her multiple times to the forehead, back of the head and neck, pulling her hair causing it to be removed, and attempted to gouge out her eye. The complainant told Police and confirmed to them that her injuries on the last occasion were caused by the accused, despite her second statement. The accused was arrested for this series of assaults to which he pleaded guilty, and he was remanded in custody.

The first assault matter proceeded to hearing and the complainant told the Court that the accused had not assaulted her. During the hearing, evidence was led that the accused had contacted the complainant on numerous occasions since he was remanded at the AMC. The accused denied this and was cross-examined at length about statements he made to the complainant via an alias, including encouraging her to give a subsequent police statement. As a result of this, the accused was charged with contravening a family violence order and attempting to pervert the course of justice.

The accused was found guilty of the first assault after hearing and pleaded guilty to all other matters. The magistrate imposed a term of imprisonment of six years, eight months and 22 days, with a non-parole period of three years, four months and 11 days.

Police v Sheehan

This matter related to a road rage incident where the accused Clinton James Sheehan pushed the complainant in a car park after the accused reversed from a car park and nearly ran them over. The complainant stuck his finger up and yelled a few insults at him leading the accused to get out of his car, push the complainant with two hands, causing the complainant to step back to regain his balance. After the push, the accused kept asking the complainant to "do something about it". For the complainant, he had a pre-existing shoulder injury, so this led to some pain over the following days.

Despite the ACT DPP submitting that the accused was the initial aggressor who repeatedly encouraged the accused to do something about it and that the verbal insults did not provide circumstances of imminent danger where it was necessary for the accused to engage in self-defence (Zecevic v DPP (Vic) 1987, the Magistrate found that self-defence was made out by defence as it was warranted for the accused to push the complainant after he was verbally abused and insulted. It was found that the push was a low amount of force and that there was no physical violence from the push other than something the accused was justified in doing in response to someone marching towards him to yell insults in their face.

The accused was found not guilty and the charge dismissed.

DPP v Thornton (No 7)

Citation: [2026] ACTSC 49

Summary

An ACT DPP prosecution led to Liam Anthony Thornton being sentenced in the ACT Supreme Court after a jury found him guilty of multiple sexual offences against two complainants. The offending occurred between 2020 and 2023 and involved grooming, indecent assaults, choking, attempted sexual intercourse without consent and sexual intercourse without consent. The offending took place in the context of Thornton's employment at the Canberra Reptile Zoo and a related reptile shop, where he had contact with young volunteers and members of the reptile community.

Trial

The trial was conducted over three weeks. The issues raised by the offender were in relation to the first victim that the incidents did not occur and in relation to the second victim that the acts were consensual. The offender also ran a defence that at the time of offending he had a diagnosis of autism spectrum level two and hence could not understand non-verbal cues. The ACT DPP argued that despite this the victim had clearly articulated her lack of consent and the offender persisted, nonetheless. Tendency was also led by the ACT DPP to show that the accused had a sexual interest in female children and that he acted on that sexual interest by making sexual advances towards girls who were volunteers at his workplace as both the victims were. The jury returned verdicts of guilty on 11 of the 14 counts and the offender was also found guilty of a transfer charge of common assault.

Outcome

On 6 March 2026, the ACT Supreme Court sentenced Thornton to a total term of imprisonment of five years and three months. A non-parole period of three years and two months was imposed.

The Court found that Thornton's offending involved significant breaches of trust and, in relation to one complainant, a breach of the authority he held through his role at the reptile shop and zoo. The offending caused profound harm to the victims, their families and the broader reptile community.

The Court rejected submissions that Thornton's Autism Spectrum Disorder reduced his moral culpability, finding that the offending involved either clear knowledge of non-consent or extreme recklessness in circumstances where one complainant repeatedly expressed and demonstrated her lack of consent. While the Court accepted that imprisonment would be more onerous because of Thornton's autism and other mental health issues, it found that he lacked remorse and insight into his offending. Significant weight was given to denunciation, deterrence and recognition of the harm caused when determining sentence.

DPP v Ali (No 5)

Citation: [2025] ACTSC 486

Summary

Between 18 August 2025 and 28 August 2025, Muhammad Ali stood trial for two charges of committing an act of indecency against a person under the age of 10. Each offence was alleged to have been committed against different children who attended the day care centre at which the offender was employed. Ali had previously faced trial for similar allegations against children from that day care centre. In that earlier trial, the offender was found guilty of one count, found not guilty of another, and the jury was unable to reach a verdict with respect to the allegation made by a third child. That allegation proceeded to re-trial here. This came about after the ACT DPP successfully appealed a decision of the Court to permanently stay the prosecution with respect to this child.

Appeal

In DPP v Ali [2025] ACTCA 12, the ACT Court of Appeal, comprising Mossop, Loukas-Karlsson and Charlesworth JJ, allowed the Director's appeal against a permanent stay of prosecution. The respondent had previously been tried for alleged acts of indecency against three children. The jury convicted him in relation to one child, acquitted him in relation to AM, and was unable to reach a verdict on the charge concerning BM. The prosecution sought to retry the BM charge, but the primary judge permanently stayed it on the basis that a retrial would improperly call into question the acquittal concerning AM.

The Court of Appeal held that the primary judge erred in treating the BM and AM charges as legally "tied together". Although the prosecution had alleged that the conduct concerning the two siblings occurred on the same occasion, the offences had separate elements concerned with separate alleged acts against separate children. Proof of the BM charge did not require proof that an offence had also been committed against AM. Further, the circumstances identifying BM's alleged offence, including the rainy day, location near the play shed and gate, BM's clothing, AM's presence and other surrounding circumstances, were sufficient to particularise the alleged act consistently with S v The Queen (1989) 168 CLR 266. The Court therefore rejected the proposition that removing reliance upon an offence against AM would fundamentally recast the prosecution case.

The Court also rejected the argument that AM's acquittal necessarily meant BM's evidence was incapable of supporting a conviction. The evidence concerning the two charges was materially different. In relation to AM, AM himself denied being indecently touched and BM had apparently agreed under cross-examination that AM had not been touched. By contrast, the evidence concerning BM included her disclosure to her mother, evidence of injury, evidence that the accused had told her to give another explanation for the injury, details surrounding the alleged incident, and importantly, AM's evidence that he had witnessed the

accused touching BM. Accordingly, it would not have been logically inconsistent for a jury to entertain a reasonable doubt concerning the AM charge while being satisfied of the BM charge.

Importantly, the Court held that a permanent stay was not necessary to preserve the benefit of the earlier acquittal. A permanent stay is an exceptional remedy of last resort, appropriate where a trial would necessarily be unfair or unjustifiably oppressive. Here, any difficulty arising from the AM acquittal could be addressed through appropriate evidence and carefully formulated jury directions. In particular, the retrial jury could be told of the relevant evidence concerning AM and his earlier acquittal and directed not to reason on the basis that the accused had touched AM. The Court therefore upheld both grounds of appeal, set aside the permanent stay, and dismissed the accused's application to stay the BM charge.

Trial

The issue at trial was whether or not the conduct alleged by both children occurred. The ACT DPP relied on tendency reasoning and led evidence concerning the offending the accused was found guilty of in the first trial. The trial raised the issue of how to give proper effect to the acquittal in the earlier trial. The jury were ultimately told that they should conclude that the conduct alleged against the accused with respect to the acquitted count did not occur. The jury returned a verdict of guilty with respect to one count and were similarly unable to reach a unanimous (nor majority) verdict with respect to the allegation made by the other child.

Sentence

On 23 October 2025, the Court sentenced Ali to a term of imprisonment for a period of two years to be served as full-time imprisonment. The Court set a non-parole period of 18 months. When considering the harm suffered by the victim, the sentencing judge remarked "[t]he criminal law assumes that children will be greatly harmed by being sexually abused, especially where such abuse represents a gross breach of trust as in the present case. That is so whether victim impact statements are read or not. Consequences for a victim of child sexual abuse such as those described by the parents in the present case are entirely foreseeable. Such consequences are one of the reasons, if not the primary reason, for significant sentences being imposed for sentencing of this kind. When sentencing the offender for his other offence, Baker J eloquently referred to the effects of sexual offending being not limited to the particular child victim, but that they "ricochet across the families of those victims and through the broader community". It is clear beyond doubt that her Honour's observations apply in the present case. The parents of the young child in this case have suffered greatly too, in ways which were also foreseeable."

Internship feedback

The following feedback (deidentified) was received from a University of Canberra Juris Doctor student following their internship with the ACT DPP:

"I am writing to express my sincere gratitude for the opportunity to complete a four-week internship at the ACT Office of the Director of Public Prosecutions as part of my Juris Doctor program at the University of Canberra.

During my time with the ACT DPP, I was incredibly impressed by the dedication, skill, and collegiate atmosphere of the entire office. I particularly wish to commend the prosecutors whose work I had the privilege of observing. Their exceptional skill in court, ability to articulate the crown case and effectively engage with the jury was truly amazing.

There were also many other prosecutors whom I observed and assisted with, and they were all incredibly professional with their time and in explaining matters to us graduates. I also saw firsthand the tremendous work ethic of the support staff and the way the entire team collaborates seamlessly.

As a Canberra resident and former police officer, I was very impressed by the dedication of the office and the vital work you all do in providing a robust prosecution service for our community. The commitment to justice and the level of professionalism within the ACT DPP are truly commendable.

Thank you again for your support of University of Canberra students and for providing me with this invaluable learning experience".

Appeals Unit

The Appeals Unit manages all appeals involving the ACT DPP. In the reporting period, this unit developed to now comprise a supervising prosecutor, a prosecutor and a paralegal, who work under the direction of the Director and Deputy Directors.

The ACT DPP conducts and responds to appeals at every level of the appellate Court hierarchy from the ACT Supreme Court to the Court of Appeal and the High Court of Australia. The unit also responds to leave applications, including applications for leave to appeal interlocutory decisions and leave to appeal out of time, appeal bail applications, and applications for judicial review in the Supreme Court. A significant part of the unit's workload also includes providing advice to the Director on the institution of appeals, providing advice on legal issues to staff, and the sharing of up-to-date case law and legislative amendments.

The conduct and management of every appeal requires considerable effort. Each matter involves review of transcripts of the first instance proceedings, consideration of the evidence, multiple directions listings, legal research and the preparation of detailed written submissions and oral argument. Such work often requires specialised skills and experience.

Each appeal also involves engagement with victims and complainants, many of whom will have been involved in the criminal justice process for years by the time their matter is under appeal. The Appeals Unit has developed a strong relationship with the Witness Assistance Service, so that victims and witnesses are offered meetings with the Appeals Unit and are regularly provided updates as to the progress of their matter.

While the Appeals Unit remains involved in every appeal, over the past year, the ACT DPP has continued to work to upskill prosecutors outside of the Appeals Unit in appellate work. This has been achieved by involving prosecutors outside of the Appeals Unit both as counsel appearing on behalf of the ACT DPP and as instructing prosecutors. On some occasions, this has included prosecutors working on appeals along with external counsel.

The increase in appeal work being conducted by prosecutors outside of the Appeals Unit has been particularly necessary over the past year due to a significant increase in the number of appeals dealt with by the ACT DPP. Over the past financial year, the ACT DPP has been a party to a total of 93 appeals heard or finalised, up from 69 appeals in the previous year. This is the second highest number of appeals since FY2018–19 (in which 93 appeals were also recorded). Only a small percentage of these appeals were matters initiated by the ACT DPP, with number of DPP appeals remaining low, compared with previous reporting years.

The table below represents the number of appeal matters heard in the reporting year.

Table 5: Number of appeal matters - 1 July 2025 to 30 June 2026

Description	Defence Appeals	Crown Appeals	Total
Supreme Court	40	7	**47**
Court of Appeal	38	6	**44**
High Court	1	1	**2**
Total	**79**	**14**	93

Notes: These include appeals which were discontinued, withdrawn or in respect of which leave to appeal was refused and matters where the appeal hearing was completed during the reporting period and the decision was reserved.

Appeals in the Supreme Court

Appeals from the Magistrates Court to the Supreme Court may be brought against findings of guilt, sentencing orders and some limited decisions relating to fitness to plead and committal orders. The majority of such appeals are brought against findings of guilt and sentencing orders, with a significant increase in appeals against findings of guilt over the past year.

Section 219B of the *Magistrates Court Act 1930* (ACT) provides the ACT DPP with the ability to appeal to the Supreme Court. In accordance with the principles which apply to Crown appeals, such appeals are limited to cases of public importance, correction of legal errors and manifestly inadequate sentences. The ACT DPP also initiates and responds to judicial review applications from the Magistrates Court for prerogative relief in the Supreme Court's supervisory jurisdiction.

The total number of appeals in the Supreme Court for 2025–26 was 47 appeals, comprising 40 defence appeals (sentence and conviction) and seven ACT DPP appeals against the inadequacy of sentences and the dismissal of charges.

Court of Appeal

The majority of appeals lodged in the ACT Court of Appeal are against convictions (jury verdicts) and severity of sentence. Appeals in the Court of Appeal are often very complex, particularly appeals against conviction. Appeals may also be brought in the Court of Appeal against interlocutory orders, with the leave of the Court. Typically, the Director, Deputy Director, Crown Prosecutors and Crown Advocates appear in the Court of Appeal.

The Crown has no right of appeal to the Court of Appeal against verdicts of acquittal. The ACT DPP therefore may only bring appeals against sentence (which are limited in scope and subject to a residual discretion of the Court to decline to intervene) and appeals against interlocutory orders with the leave of the Court. Occasionally, the Crown may institute a reference appeal relating to the correction of legal error or settling of legal principle. A reference appeal does not change the outcome but is reserved to ensure the application of correct legal principles in furtherance of the administration of justice.

The past financial year saw the institution of the first two applications for leave to appeal against conviction on the basis of fresh and compelling evidence pursuant to pt 8AB of the *Supreme Court Act 1933* (ACT). Such applications are highly resource intensive as they involve consideration of the original first instance proceedings (which may have occurred decades ago), any subsequent appeal proceedings, and the impact of purported fresh and compelling evidence. Both applications (Dunstan v DPP (ACTCA 43 of 2025) and Kader v DPP (ACTCA 57 of 2025)) were filed and heard in the past financial year. The decision in Kader was handed down in August 2026, dismissing the application for leave and providing valuable guidance on the operation of the legislative scheme. The decision in Dunstan remains reserved.

The total number of appeals in the Court of Appeal for 2025–26 was 44, consisting of 38 defence appeals (against sentence and conviction) and six ACT DPP appeals against inadequacy of sentence.

High Court

Appeals in this jurisdiction are highly complex. The majority of cases involve responses to applications for special leave to appeal by offenders, or the filing of applications for special leave by the ACT DPP. The circumstances in which the High Court will grant special leave are exceptional and are guided by the criteria found in s 35A of the *Judiciary Act 1903* (Cth). Applicants for special leave must demonstrate a question of law of public importance or which requires the High Court to resolve differences of opinion between courts, or that the interests of the administration of justice require consideration by the High Court.

Applications for special leave to appeal are ordinarily dealt with on the papers and require the provision of detailed written submissions within a short time frame. Less commonly, the High Court may refer the application for special leave to an oral hearing before a Court of three justices.

Where special leave is granted, the matter is listed for hearing before a bench of five or seven justices, with orders for the filing of written submissions and other appeal material. The Director typically appears in the High Court assisted by another senior prosecutor.

In FY2025–26, the ACT DPP sought special leave to appeal in one matter and was granted special leave. There was also one special leave application brought by defence, which was in the same matter and resulted in a grant of special leave to appeal.



Cases prosecuted by the ACT DPP

DPP v O'Connell, O'Connell v DPP

Citations: [2026] HCADisp 18, [2026] HCADisp 19

Summary

These matters concern two applications for special leave to appeal to the High Court, one filed by the ACT DPP and one filed by the accused, in relation to decisions of the ACT Court of Appeal concerning the prosecution of Michael O'Connell in relation to the death of Danielle Jordan.

Background

In June 2023, a jury in the ACT Supreme Court found Michael O'Connell guilty of the murder of Ms Jordan. Ms Jordan suffered a fatal head injury when she fell from the accused's vehicle. The ACT DPP's case alleged that the accused drove his vehicle while Ms Jordan was on the bonnet in circumstances where he was recklessly indifferent as to the probability of her death. Manslaughter was left to the jury as a statutory alternative, although no verdict on manslaughter was returned in circumstances where the jury found the accused guilty of murder.

The accused appealed against his conviction to the Court of Appeal. In June 2025, by majority, the ACT Court of Appeal (Taylor J and Loukas-Karlsson J; McCallum CJ dissenting) allowed the appeal on the ground that the murder verdict was unreasonable: O'Connell v DPP [2025] ACTCA 20. The majority accepted it was open to the jury to find that Ms Jordan had been on the bonnet of the vehicle. However, they concluded that the ACT DPP had not excluded a reasonable inference that the accused did not know or realise that her death was probable. The Court set aside the murder conviction and entered a verdict of not guilty.

The Court subsequently heard further submissions about the appropriate disposition of the matter. In September 2025, the Court of Appeal unanimously held that it had power to substitute a conviction for the alternative offence of manslaughter: O'Connell v DPP (No 4) [2025] ACTCA 41. By majority (Taylor J and Loukas-Karlsson J; McCallum CJ dissenting), the Court determined to enter a verdict of guilty of manslaughter, finding that the jury must have been satisfied of the facts necessary to establish that offence. Chief Justice McCallum dissented on the appropriate order and would have directed a new trial on manslaughter.

Applications for special leave to appeal

In October 2025, both the ACT DPP and the accused filed applications for special leave to appeal the decisions of the Court of Appeal to the High Court.

In DPP v O'Connell, the ACT DPP challenged the decision of the Court of Appeal to quash the murder conviction. The ACT DPP argued that the Court of Appeal had erred by allowing the appeal on a basis not advanced by the accused at trial or on appeal and by failing to give proper weight to the jury's advantage in assessing the evidence.

In O'Connell v DPP, the accused challenged the substituted manslaughter conviction. He argued that the Court of Appeal lacked power to substitute the conviction, that the requirements for substitution were not met, and that statutory provisions prevented either a substituted verdict or a further prosecution for manslaughter after the acquittal for murder.

In February 2026, the High Court granted special leave to appeal to both the ACT DPP and the accused. The appeals were heard together before seven justices of the High Court in May 2026. The High Court's decision is presently reserved.



DPP v Robertson; Robertson v DPP

Citation: [2026] ACTCA 11

On 31 March 2026, the ACT Court of Appeal delivered judgment in Robertson v DPP; DPP v Robertson. The Court dismissed an appeal against conviction brought by the offender and also dismissed an ACT DPP appeal against sentence.

Background

The offender was tried before a jury in the ACT Supreme Court for sexual offences committed in October 2022 while he was a cadet at the Australian Defence Force Academy. The complainant was a fellow cadet. Following trial, the jury convicted the offender of multiple sexual offences, including acts of indecency and sexual intercourse without consent. The offender was subsequently sentenced to an aggregate sentence of 22 months' imprisonment, suspended after the offender had served nine months' imprisonment upon entry to a good behaviour order for three years.

Appeal

The offender appealed against his convictions on multiple grounds, including on the basis that there was a miscarriage of justice arising from jury irregularities in the course of deliberations. The offender also alleged that the trial judge gave the jury erroneous directions in relation to the elements of the offence and the onus and standard of proof, failed to give directions in relation to the offender's decision not to give evidence and lies told by the offender, and that the trial judge erred in ruling that the ACT DPP could adduce evidence to rebut the offender's good character. Finally, the offender alleged that each of the verdicts were unreasonable and could not be supported by the evidence.

The ACT DPP cross-appealed against the sentence imposed, contending that it was manifestly inadequate.

Outcome

The Court of Appeal dismissed each ground of appeal advanced by the offender and upheld the jury's verdicts. The Court was not satisfied that any error was established. The Court held that there was no factual basis upon which a fair-minded, informed member of the public would reasonably apprehend that a juror might not have discharged their function of deciding guilt or innocence consistent with their oath given as a juror. Further, the Court held that the directions given by the trial judge were adequate in the circumstances, that there was no miscarriage of justice from the failure to give directions, and that there was no error in the admission of the evidence in rebuttal of the offender's good character. Finally, having made an independent assessment of the whole of the evidence, both as to its sufficiency and quality, the Court of Appeal concluded that it was open to the jury to be satisfied of the appellant's guilt. The appeal was accordingly dismissed.

The Court of Appeal also dismissed the ACT DPP's cross-appeal against the sentence imposed. The Court of Appeal's reasons for dismissing the sentence appeal remain reserved.

Sullivan v DPP

Citation: [2025] ACTCA 53

On 18 December 2025, the ACT Court of Appeal delivered judgment in an appeal against convictions for sexual offences arising from an incident involving two Australian Defence Force Academy students. The appellant was tried before a jury between 9 September and 24 September 2024 on a total of six counts. The jury delivered verdicts of guilty on three counts and acquitted him of three counts. The appellant argued that the jury's mixed verdicts were inconsistent. The Court of Appeal dismissed the appeal and upheld the convictions.

Background

The appellant and the complainant had previously been in a casual sexual relationship and arranged to meet on 11 March 2022. After returning to the complainant's room, they engaged in consensual sexual activity which, according to the complainant, later became non-consensual. The appellant was tried before a jury in the ACT Supreme Court on four counts of sexual intercourse without consent, one count of an act of indecency without consent and one count of assault occasioning actual bodily harm. The jury convicted him on two of the four counts of sexual intercourse without consent and the count of assault occasioning actual bodily harm while acquitting the accused of the other counts of sexual intercourse without consent and the sole count of act of indecency.

Following a sentencing hearing on 2 April 2025, the ACT Supreme Court sentenced the appellant to a total effective sentence of three years and three months imprisonment, to be suspended after serving 15 months.

Appeal

The appellant appealed against the convictions recorded on the three counts. Although several grounds were initially raised, the appeal ultimately focused on whether the jury's acquittals on three counts were inconsistent with the convictions on the remaining counts, rendering the guilty verdicts unsafe.

Outcome

The Court of Appeal dismissed the appeal. It held that the verdicts were not inconsistent and that there was a rational basis on the evidence for the jury to convict on some counts while acquitting on others. The key issue was whether the acquittals necessarily indicated that the jury doubted the complainant's credibility. The Court found that they did not. The jury was entitled to assess each charge separately and consider the specific elements of each offence, including whether the appellant knew of, or was reckless as to, the complainant's lack of consent. The Court concluded that the jury could reasonably have accepted the complainant's account of some conduct while remaining unconvinced beyond reasonable doubt about the appellant's state of mind in relation to other alleged acts. The mixed verdicts therefore reflected a proper evaluation of the evidence rather than compromise or confusion. The convictions and sentence remain.

Robin (a pseudonym) v DPP

Citation: [2025] ACTCA 40

Summary

The ACT DPP defended an appeal against sentence brought by Robin (a pseudonym), who was convicted of serious family violence offences, including choking, assault occasioning actual bodily harm and breaching a family violence order. The appellant challenged both the sentencing judge's application of the guilty plea discount and the overall severity of the sentence. On 19 September 2025, the ACT Court of Appeal ultimately dismissed the appeal and upheld the sentence.

Background

The appellant pleaded guilty to multiple family violence offences committed against his wife on 16 September 2023. The offending occurred after the appellant became angry and jealous when he saw a text message sent to the victim while she was attending a social function. Over the course of the evening, the appellant repeatedly choked the victim, rendered her unconscious, assaulted her, and subjected her to degrading and controlling conduct. While in custody on remand, he later breached a family violence order by sending a letter to the victim through his children.

On 4 October 2024, the ACT Supreme Court sentenced the appellant to a total effective sentence of five years and three months' imprisonment, with a non-parole period of two years and nine months. A good behaviour order was also imposed for the contravention of the family violence order.

Appeal

The appellant filed an appeal against his sentence. He argued that the sentencing judge failed to comply with s 37 of the *Crimes (Sentencing) Act 2005* (ACT) when applying a discount for his guilty pleas and that the overall sentence was manifestly excessive. He relied on his disadvantaged background, alcohol dependence, remorse, rehabilitation efforts and comparative sentencing outcomes.

Outcome

The Court of Appeal dismissed the appeal. The Court held that the sentencing judge had sufficiently complied with s 37 of the *Crimes (Sentencing) Act 2005* by identifying a 25 per cent discount for the guilty pleas, from which the undiscounted sentences could readily be calculated. The Court confirmed that the legislation did not require the numerical starting point to be expressly stated where the sentence could be worked out from the reasons.

The Court also rejected the claim of manifest excess. It emphasised the serious nature of the offending, including repeated choking, loss of consciousness, threats to kill, degrading conduct and the broader pattern of coercive control. The Court noted that the legislature

had increased the maximum penalty for choking offences to reflect their seriousness and that deterrence and denunciation remained important sentencing considerations in family violence matters. While the appellant's difficult childhood, alcohol dependence, remorse and prospects of rehabilitation warranted some moderation of the sentence to otherwise be imposed, the Court found these matters had been appropriately recognised in the sentence and non-parole period. The sentence therefore remained undisturbed and the appeal was dismissed.

DPP v Paterson (No 2)

Citation: [2026] ACTCA 20

Summary

In DPP v Paterson (No 2), the ACT DPP successfully opposed an appeal brought by Craig Paterson following his conviction for aggravated burglary and theft arising from the theft of valuable property and a motor vehicle from an apartment in Braddon. Paterson argued that the total effective sentence imposed by the ACT Supreme Court was manifestly excessive. On 3 July 2026, the ACT Court of Appeal dismissed the appeal and upheld the original sentence.

Offences

- 1 x Aggravated burglary, contrary to s 312 of the Criminal Code 2002 (ACT)
- 1 x Theft, contrary to s 308 of the Criminal Code 2002 (ACT)

Sentence and Appeal

On 15 August 2025, the ACT Supreme Court sentenced Paterson to a total effective sentence of three years, five months and 20 days imprisonment. A non-parole period of 21 months was imposed. The sentence included a term imposed after Paterson breached an existing good behaviour order.

Paterson appealed on the sole ground that the sentence was manifestly excessive. He argued that the sentencing judge should have imposed an intensive correction order or a partially suspended sentence and, alternatively, that the total term of imprisonment was too long.

Outcome

The Court of Appeal dismissed the appeal. It found that the offending was serious, involving the deliberate targeting of a residential apartment during the early hours of the morning, the theft of property worth tens of thousands of dollars and the theft of a motor vehicle. The Court also noted the significant emotional and financial impact on the victim, including the loss of property with substantial sentimental value.

The Court accepted that Paterson had taken steps towards addressing his methamphetamine use, but found there were limited mitigating factors. Particular weight was given to general and specific deterrence because the offences were committed while Paterson was subject to good behaviour orders and reflected an ongoing disregard for the law. The Court concluded that the sentence was not unreasonable or plainly unjust and upheld the original sentence.

Cox v Hollway (a pseudonym)

Citation: [2026] ACTSC 69

Summary

This matter saw the ACT DPP successfully appeal a Magistrates Court decision dismissing two charges of acts of indecency against a child. The appeal challenged the magistrate's treatment of the complainant's delayed disclosure and the assessment of forensic disadvantage arising from delay. On 20 March 2026, the ACT Supreme Court allowed the appeal, set aside the orders dismissing the charges and remitted the matter to the Magistrates Court, differently constituted, for further consideration according to law.

Background

The respondent was charged in the Magistrates Court with two counts of an act of indecency on or in the presence of a child aged between 10 and 16 years, contrary to s 61(2) of the *Crimes Act 1900* (ACT). The complainant was the respondent's biological daughter.

It was alleged that the respondent used his foot to touch the complainant's vagina while they were on a couch together and later stood in the complainant's bedroom doorway and masturbated while she lay on her bed. Following a contested hearing, the Magistrates Court dismissed both charges on 6 August 2024.

Appeal

The ACT DPP brought a review appeal under s 190 of the *Magistrates Court Act 1930* (ACT), contending that the Magistrate had erred in law in her approach to the complainant's delayed disclosure of the allegations, had wrongly assessed the significance of that delay when evaluating the complainant's credibility, and had erred in giving a direction about forensic disadvantage arising from delay.

Outcome

The Supreme Court allowed the appeal. McWilliam J held that just because sections of the *Evidence Act 2011* and *Evidence (Miscellaneous Provisions) Act 1991* relating to delay in complaint and forensic disadvantage did not apply in the absence of a jury, does not mean that a judge or magistrate can ignore the relevant sections and their purpose. Her Honour found that the primary magistrate's reasoning about the complainant's delay in reporting the

allegations relied on assumptions and stereotypes that the relevant legislation was designed to avoid, and while the primary magistrate gave herself a form of the necessary direction, it was not applied in the reasoning process. The Court held that the primary magistrate had not properly applied the principles governing delayed complaints and had also erred in the approach taken to forensic disadvantage arising from delay.

The appeal was allowed. The orders dismissing both charges were set aside and the proceedings were remitted to the Magistrates Court, differently constituted, for further consideration according to law.

WAS team feedback

The following feedback from a complainant highlights the heartwarming impact of our Witness Assistance Service team members on people experiencing the criminal justice system:

"There are moments when words feel a little too small to carry the full weight of appreciation, but I wanted to send this to you anyway. Thank you for being such a steady, bright light. Your presence, your dedication, and the genuine care you bring into the world do not go unnoticed. In a world full of noise, the quiet, powerful way you support and show up for others is a rare and beautiful thing. You have a gift for making people feel seen, safe, and valued and this is nothing short of extraordinary. Please know how deeply your kindness felt, and how much of a difference you make just by being exactly who you are."

Prosecutor feedback

The following is an excerpt of feedback provided by a complainant to the ACT DPP following a Supreme Court trial:

"Thank you so much for the job you do. Thank you for taking on my case and thank you for believing in me when I had so much self-doubt. You have taken the time to answer all my questions, to give me reassurance when I was so scared and showing me so much compassion and kindness. I am still so grateful to you for giving your best and giving me a voice."



Witness Assistance Service

The Witness Assistance Service (WAS) provides specialist support to victims and witnesses involved in matters prosecuted by the ACT DPP. The team presently provides support in sexual violence and death matters. Working alongside prosecutors, the team assists individuals to understand and participate in criminal proceedings, prepares complainants and witnesses for court processes, facilitates referrals to external support services and helps address barriers that may affect engagement with the justice system. The WAS team is often referred to as the 'bridge' between victims and witnesses and the criminal justice system, providing a vital link that supports engagement, understanding and participation throughout the justice process.

Supporting victims and witnesses

The WAS team was involved in 414 matters during the reporting period, relatively steady with FY2024–25's figure of 426. Sexual offence matters remained the largest area of work, with adult sexual assault, child sexual assault and historical sexual assault matters accounting for approximately 65 per cent of the team's overall caseload.

The team also provided support in matters involving deaths, serious violence, child victims and witnesses, and other matters with vulnerabilities or complexity, where capacity in the team allowed. Due to the larger number of sexual violence matters in the office at any one time, in part due to the steady inflow of matters being charged but also due to delays in the system, the length of time matters remain as active files for the ACT DPP, the majority of the team's work has remained in the sexual violence space. The team focused primarily

on sexual violence and death-related matters while remaining responsive to requests for assistance in other matters where vulnerabilities or complexity warranted specialist support.

During FY2025–26, increased staffing capacity enabled the team to provide a greater level of support to vulnerable victims and witnesses throughout multiple stages of proceedings, from initial court listing through to finalisation, including matters subject to appeal. While the overall number of matters supported remained relatively consistent with the previous year, the additional capacity enabled WAS to have more sustained involvement throughout the life of matters and provide a higher level of individualised support to complainants and witnesses.

This additional capacity also allowed WAS to respond more readily to requests from prosecutors to assist victims seeking support at critical stages of proceedings and focus greater attention on preparing complainants ahead of hearings and trials. Particular emphasis was placed on ensuring support needs, referral pathways and post-proceeding arrangements were established before matters concluded, recognising that many victims require assistance well beyond the end of a formal prosecution.

Partnerships and collaboration

A significant development this year was the establishment of a partnership with the Domestic Violence Crisis Service (DVCS). Through this initiative, a DVCS staff member was embedded within the ACT DPP one day each week to provide specialised advice and support in domestic and family violence matters.

The arrangement has improved information sharing regarding court outcomes and strengthened connections between prosecutorial and victim support responses. By facilitating earlier access to specialist services, the partnership assisted in addressing the often complex and ongoing needs experienced by victims of domestic and family violence.

Collaboration across the sector remained an important component of the team's work. Representatives from a range of agencies and community organisations attended the ACT DPP throughout the year to discuss referral pathways, service availability and emerging support needs. These engagements assisted WAS to maintain current knowledge of available supports and provided opportunities to address practical issues affecting victims and witnesses navigating multiple service systems.

Capability and professional development

The reporting period also saw the introduction of structured group reflective practice within the WAS team. These sessions provided a forum for staff to examine complex matters, discuss challenges arising from casework and identify approaches to responding to difficult situations. Given the nature of the team's work with victims of serious offending, reflective practice contributed to knowledge sharing, professional development and the consistent application of trauma-informed approaches among the team.



Pictured: Mel Gumley, Witness Assistance Service Manager

Professional learning remained a focus throughout the year. Three staff members attended the National Witness Assistance Service Conference in Hobart, Tasmania, where practitioners from across Australia examined emerging issues affecting victims and witnesses in criminal proceedings. Two ACT DPP staff members presented on workplace wellbeing and team resilience initiatives, contributing to national discussions on sustaining specialist victim support services within prosecution agencies.

The Disability Liaison Officer (DLO), who sits within the WAS team and carries a caseload, continued to assist victims and witnesses requiring additional support to participate in the prosecution process. The position complements the broader work of the team by helping identify and address accessibility needs and supporting equitable participation in criminal proceedings.

The Witness Assistance Service focus in FY2026–27

The WAS team will expand significantly in FY2026–27 following investment in the ACT's Government 2026–27 Budget, with recruitment underway for additional Witness Assistance Officers and the office's first Aboriginal and Torres Strait Islander-identified witness assistance position.

The creation of the Aboriginal and Torres Strait role represents an important step in strengthening culturally responsive support for Aboriginal and Torres Strait Islander victims and witnesses engaging with the criminal justice system. The position will provide

dedicated cultural knowledge and expertise within the team, support more culturally safe engagement practices and assist the office to better understand and respond to the unique experiences and needs of Aboriginal and Torres Strait Islander people affected by crime. It will also strengthen relationships with Aboriginal and Torres Strait Islander organisations and community supports, helping to improve referral pathways and access to services.

This growth is expected to allow the team to keep up with increased demand, while maintaining focus on victims and witnesses with complex support needs. The additional resources will create greater scope for earlier involvement in prosecutions, increased support throughout the life of matters and expanded collaboration with prosecutors. The larger team will also support the continued development and delivery of trauma-informed practice education across the office, helping to ensure that victims and witnesses experience a more informed, responsive and accessible prosecution process.

The figure below presents the matters WAS were involved with throughout this period and the associated offence types.

A breakdown of all matters involving WAS in the reporting year is provided below:

Table 6: Breakdown of WAS matters – 1 July 2025 to 30 June 2026

Offence type Categories	Number of WAS matters	Percentage*
Adult Sexual Assault	115	27.8
Child Sexual Assault	84	20.3
Historical Sexual Assault	28	6.8
Less Serious Violence Offences (adult)	23	5.6
Less Serious Violence Offences (child)	7	1.7
Serious Violence Offences (adult)	77	18.6
Serious Violence Offences (child)	14	3.4
Other	42	10.1
Death	24	5.8
Total	**414**	**100**

*Percentages do not sum to 100 due to rounding.

FY2025–26 team highlights

Witness Assistance Service recognised for outstanding community impact

The ACT DPP's Witness Assistance Service (WAS) was recognised during FY2025–26 with the Justice and Community Safety Directorate's Community Impact Award.

The award honoured the team's outstanding contribution to supporting victims of crime through the criminal justice process.

Despite its small size, the team supported more than 400 victims during FY2025–26, primarily victims of sexual violence and family members of homicide victims.

Drawing on expertise in social work, domestic and family violence and forensic settings, WAS officers helped victims navigate complex court proceedings, understand legal processes, access support services and have their views heard throughout the prosecution process.

The award recognised not only the practical assistance provided by the team, but also the compassion, dignity and respect with which that support was delivered. Victims regularly expressed gratitude for the team's kindness, empathy and commitment during some of the most difficult periods of their lives.

One example that led to the award involved a victim of sexual assault who continued to sleep in the bed where the offending had occurred because she could not afford a replacement. After hearing the victim describe the ongoing impact of this in her Victim Impact Statement, a WAS officer worked with community service partners to source a new bed at no cost. The assistance provided immediate practical support while helping the victim regain a sense of safety, control and dignity.

The award recognised the meaningful difference the Witness Assistance Service makes every day by ensuring victims are supported, informed and empowered throughout their engagement with the justice system.

Cases prosecuted by the ACT DPP

DPP v Fallon (No 3)

Citation: [2026] ACTSC 261

Summary

Between 28 May 2026 and 1 June 2026, the offender stood trial for one count of culpable driving occasioning death. A jury of 11 returned a verdict of guilty to that offence. On 27 July 2026, the offender was sentenced by the Chief Justice and received a term of imprisonment for three years to be served by way of Intensive Correction Order. The offender was ordered to perform 300 hours of community service. The offender's motor vehicle drivers licence was suspended until further order of the Court.

Background

On 23 May 2024 the offender was driving her children to school along Athllon Drive where she failed to navigate a bend in the road. Her vehicle crossed onto the lane of oncoming traffic before it collided with a motorcyclist who was travelling in the opposite direction to the offender. The motorcyclist was thrown off his bike and sustained serious injuries. He subsequently died as a result of those injuries. Before turning on to Athllon Drive, the offender's front windscreen had fogged up. By the time the offender's vehicle reached the area where the collision occurred, she reported her vision to be 1 or 2 out of 100. In the moments before the collision, dashcamera footage obtained from the vehicle that was in front of the motorcyclist revealed that the offender had turned her head away from the road.

Trial

The only issue in dispute at trial was whether or not the offender's conduct amounted to gross negligence and this was the question that the jury ultimately had to determine. The offender accepted that her conduct was negligent and that she should be found guilty for the less serious charge of negligent driving occasioning death. The jury resolved the question in favour of the ACT DPP, concluding that driving in this circumstances was a gross departure from the standard of care a reasonable person would have demonstrated in all the circumstances.

Sentence

Six Victim Impact Statements were tendered into evidence during the sentencing hearing. The sentencing judge remarked that "the victim impact statements in the present case painted so vivid and joyful a picture of [the deceased] that few people could have heard those statements without wishing they had known him in his lifetime.... What can be said

is that the jury's verdict, with which I respectfully agree, recognised that culpable driving is not the reserve of young people racing stolen cars. Every time we get behind the wheel of a car, we take possession of a lethal weapon. Being in a rush, being preoccupied, paying scant attention to the risks of everyday driving, looking away from the road to do something else; these are all vices that can cause another person's death in an instant. This is another issue on which I express my hope that the voices of [the offender's] victims will be heard."

By the time the sentencing hearing occurred, the offender had separated from her husband who subsequently returned to Ireland. The offender was left with the full time care of her two children who were in their early teenage years. Pursuant to section 33(1)(o) of the *Crimes (Sentencing) Act 2005* (ACT), the sentencing judge considered the effect that a sentence of full time imprisonment would have on the offender's children, concluding that such an outcome would have a devastating impact on those children. That consideration ultimately led the Court to impose a sentence that did not include full time imprisonment.

DPP v Voss (a pseudonym)

Summary

On 6 February 2026, following trial by jury, offender Declan Voss (a pseudonym) was found guilty of incest with a person under the age of 10 years. The victim was the offender's biological daughter. Following the separation of her parents, the victim visited the accused from time to time in Canberra. On some visits her sister would also attend. On one of the visits without her sister sometime between when the victim was aged four to seven years old, the victim woke up to the accused having penile vaginal intercourse with her. She started crying and did not remember anything else. The next day the accused told the victim that "every dad does it with his daughter".

In 2022, when the victim was 13 years old, she told her boyfriend and her mother what the accused had done and reported the offending to police.

The Trial

Before trial, the Court ruled to allow the ACT DPP to lead tendency evidence from the complainant's sister about the accused touching her genitals when she was aged five or six. This witness however had a serious history of self-harm and attempted suicide. On the first day of trial the ACT DPP sought to have her declared an unavailable witness under s 65 of the *Evidence Act*, which would allow the tender of her evidence without compelling her physical attendance. The application was refused on the basis that the representations relied upon could not be said to have been made when or shortly after the asserted fact, and in circumstances that make it highly probably that the representation is reliable. On close consideration of the likely harm that requiring her attendance at Court would have on the witness, the ACT DPP did not call the tendency evidence.

The evidence relied on at trial was from the victim, those persons she had complained to, police and an expert witness who gave evidence of patterns of disclosure of children who have experienced sexual violence.

Sentence

On 14 September 2026 the offender was sentenced to a term of imprisonment of five years and three months with a non-parole period of three years and six months.

DPP v Coghlan

Citation: [2026] ACTSC 173

Mr Coghlan pleaded guilty to sexual intercourse with a person under the age of 16. The offending arose from a chance encounter with a 12-year-old girl with significant intellectual disabilities, whom Coghlan took to his home and sexually assaulted. At the time of the offending, Coghlan was on conditional liberty for an unrelated matter.

At his sentence, Mr Coghlan tendered a psychological assessment report which opined that there was a connection between his schizophrenia and the commission of the offence. The ACT DPP successfully challenged this opinion through cross-examination of the expert at the sentence proceedings, and the Court ultimately agreed there was no direct causal relationship between the schizophrenia diagnosis and the offending. The ACT DPP's submission that the offending was a very serious example of the offence because it involved the exploitation of a highly vulnerable child whose disabilities and vulnerability would have been apparent to any reasonable person was accepted by the sentencing judge.

The Court sentenced the offender to four years, two months and 10 days' imprisonment, with a non-parole period of two years, one month and six days.

DPP v Benn (No 2)

Citation: [2025] ACTSC 266

Summary

In June 2025, an ACT DPP prosecution resulted in Justin Isaac Benn being sentenced for offences committed against his former wife, including two offences of sexual intercourse without consent, assault occasioning actual bodily harm, property damage offences and a common assault. The ACT Supreme Court sentenced Benn to three years and 10 months' imprisonment, with a non-parole period.

Background

On 6 June 2024, a jury found Benn guilty of assault occasioning actual bodily harm and one count of sexual intercourse without consent. In March 2025, he pleaded guilty to a further count of sexual intercourse without consent. The Court also dealt with related offences transferred from the Magistrates Court, including property damage and common assault matters involving the same victim. The offending occurred over several years during and following the parties' relationship.

Offences / Charges

- 2 x sexual intercourse without consent, contrary to s 54 of the *Crimes Act 1900* (ACT)
- 1 x assault occasioning actual bodily harm, contrary to s 24 of the *Crimes Act 1900* (ACT)
- 1 x common assault, contrary to s 26(1) of the *Crimes Act 1900* (ACT)
- 3 x destroy/damage property, contrary to s 116(3) of the *Crimes Act 1900* (ACT)

Sentence

On 26 June 2025, the Supreme Court sentenced Benn to a total term of imprisonment of 3 years and 10 months, backdated to 6 June 2024. A non-parole period was set from 6 June 2024 to 5 November 2026. The Court also imposed fines for the property damage offences and recommended that Benn complete sexual offending and behaviour change programs.

Outcome

The ACT Supreme Court found that the sexual offending involved deliberate conduct and a significant breach of trust. In relation to one offence, the victim was asleep and unable to consent. The Court emphasised that the victim was entitled to feel safe in her home and relationship and found that the offending formed part of a broader pattern of family violence that caused significant harm.

Although Benn had a limited criminal history, supportive personal circumstances and some positive rehabilitation factors, the Court found he had not demonstrated genuine remorse. The Court concluded that denunciation, punishment, deterrence, and recognition of the harm caused to the victim were the dominant sentencing considerations. A sentence of full-time imprisonment was required to reflect the seriousness and totality of the offending.

Police v Dirani

Background

Dirani engaged in a sustained course of offending against his former partner over a period of approximately six weeks. On two consecutive weekends, he attended the victim's home in the early hours of the morning, damaging her vehicle with a slingshot and shining a strobe light through the windows of the residence. He also made numerous anonymous telephone calls from a public phone. All of the offending occurred while a Family Violence Order was in place to protect the victim.

Offences

- Harassment
- Breach of a Family Violence Order

Sentence

Dirani pleaded guilty and was sentenced to a total term of imprisonment of two years and eight months.

Outcome

The case highlighted the serious nature of persistent harassment and repeated breaches of Family Violence Orders. The offending involved a deliberate and ongoing campaign directed at the victim over a number of weeks, despite court orders designed to protect her. The Court imposed a significant term of imprisonment, reflecting the sustained nature of the conduct and the importance of enforcing protections for victims of family violence.

WAS team feedback

The following are excerpts are taken from feedback about the Witness Assistance Service received from victims of crime:

"Thank you so much for everything you have supported me through and with. You're truly an angel. You have created light through a dark time for me over and over again."

"I am so thankful I've had such an amazing team to support and fight for me. When this all first happened, I never thought it would eventuate to a conviction, there were so many times I just felt like stopping it because it was too hard but now I am so glad I didn't. As you know the process opens up so many avenues to doubt yourself and your actions. But this team's hard work reminded me that it was a fight worth continuing and that it was right for me to trust my instinct and stand up for myself. That validation, assurance and belief was what kept me going. I don't think I can say thank you enough times to really show how much this all means to me but thank you so much."

Confiscation of Criminal Assets

The ACT DPP's powers under the *Confiscation of Criminal Assets Act 2003* ('COCA Act') remain effective tools in combatting serious and organised crime. The COCA Act is founded on the core tenet of public policy that a person should not be enriched by the commission of an offence. To this end, the ACT DPP pursues the restraint and forfeiture of property where there is clear evidence the property was either used in the commission of an offence or the property is the proceeds of crime. The restraint and forfeiture of assets also acts as a key deterrent to criminal activity.

The ACT DPP administers the Director's powers under the COCA Act by initiating confiscation proceedings in both the Magistrates Court and Supreme Court. The office has a team of specialised lawyers dedicated to working on confiscations proceedings (the COCA Team). In such proceedings, the court may order the restraint or forfeiture of property derived from, or used in the commission of, an offence. The court may also order the accused pay the Territory the value of benefits they derived from the offence. These proceedings ensure that no person is enriched by engaging in criminal activity and deprives persons of any property used, or intended to be used, in the commission of an offence. By initiating restraint, forfeiture and penalty order proceedings on behalf of the Director, the COCA team facilitates the administration of the COCA Act.

The COCA team also enables the effective use of auxiliary information gathering functions provided for by the COCA Act. The COCA team applies to the courts for examination orders for persons suspected to have information or documents relating to ongoing criminal investigations. They then oversee the production of documents and compulsory examinations of offenders and their associates under the examination orders. The COCA Team works closely with the ACT Policing's Criminal Assets Investigations Team (CAIT) and representatives from the Public Trustee and Guardian in carrying out their functions under the COCA Act.

Over the reporting period, the ACT DPP restrained property with an estimated accumulated value of $548,000.[1] Property that was restrained during the reporting period included five motor vehicles, multiple bank accounts, jewellery and other valuables worth an estimated $44,400 and 14 seizures of cash totalling $258,512.

In FY2025–26, the Attorney-General, Tara Cheyne MLA, approved the use of $315,000 of distributable funds from the Confiscated Assets Trust Fund.[2] Approved funds are to be expended by 30 June 2027, or as otherwise approved in writing by the Attorney-General. The distributable funds have been made available for sustaining and consolidating restorative justice. It is worth noting however that the object of the Act is not to raise money but to take away the profits from criminal activity.

1 Estimated value of restrained property is gross value only and does not take into account the value of any encumbrances

2 Confiscation of Criminal Assets (Distribution of Surplus Funds) Approval 2026 (No 1).

Overall, restraints are at a lower level than the previous financial year. This can be attributed to changes in staffing over the FY2025–26 financial year, and that no real property was restrained.

The COCA team has had positive results during the reporting period in finalising a number of long-running matters which has resulted in over $300,000 being returned to victims and over $570,000 being forfeited to the Territory through the Confiscations Assets Trust Fund. The COCA team continues to run a steady stream of matters through the Magistrate's Court targeting the proceeds of drug offending.

Work Safety Prosecutions

During FY2025–26, the ACT DPP received discrete funding equivalent to one full-time employee and a portion of a paralegal role to provide advice on, and prosecute, offences under the *Work Health and Safety Act 2011* (ACT) and the *Work Health and Safety Regulation 2011* (ACT). This work involves close collaboration with WorkSafe ACT throughout the prosecution process, ensuring matters are appropriately prepared and presented before the courts.

The reporting period saw a notable increase in activity in this area, driven by a higher volume of referrals from WorkSafe ACT for consideration of prosecution. Executive-level engagement occurred regularly throughout the reporting period to support strategic oversight, address emerging issues and maintain a strong collaborative relationship between the agencies.

Work safety breaches can be dealt with in various ways, including through out-of-court mechanisms such as enforceable undertakings. However, where such avenues of compliance are either inappropriate or have been exhausted, prosecutions will be instituted by this office in the ACT Industrial Court.

Following the ACT Government's budget announcement that WorkSafe ACT will establish an internal prosecution function, responsibility for workplace safety prosecutions will progressively transition from the ACT DPP. As part of this phased approach, the ACT DPP will no longer receive discrete funding for this work, with prosecutions ultimately to be undertaken by WorkSafe ACT. The transition is intended to support the establishment of the new function while maintaining the effective management of existing matters during the handover period.

Breakdown of WHS matters – 1 July 2025 to 30 June 2026

The table below reflects the WHS matters prosecuted by the ACT DPP in the reporting period.

Table 7: Breakdown of WHS matters – 1 July 2025 to 30 June 2026

Act	Matters (No.)	Proved/Fine Paid
Work Health and Safety Act 2011	8	5
Work Health and Safety Regulation 2011	1	1
Total	**9**	**6**

WAS team feedback

The following is an excerpt of victim feedback regarding a member of our WAS team:

You have been a constant throughout this process and I can imagine it has probably been challenging navigating this with someone living on the other side of the world. Thank you for your support, your guidance and patience with me through this.

Regulatory Prosecutions

From 1 July 2025, responsibility for most regulatory prosecutions transferred from the ACT DPP to the ACT Government Solicitor (ACTGS). The ACT DPP welcomes the establishment of a dedicated ACTGS regulatory prosecutions unit and the provision of funding to support that function.

Historically, the ACT DPP undertook regulatory prosecution work on behalf of a range of ACT Government agencies despite receiving no dedicated funding for the service. The transfer of this function and the allocation of additional funding to ACTGS reflect the resourcing required to undertake this specialised work and provide a more sustainable long-term model for the Territory.

Regulatory prosecutions represented a relatively small component of the ACT DPP's overall workload and the transfer of this function has enabled the ACT DPP to maintain its focus on serious criminal matters, where the impact on victims, community safety and the administration of justice is greatest.

A small number of regulatory matters remained before the courts following the transfer of responsibility and continued to be managed by the ACT DPP during the reporting period.

This included one mobile phone matter finalised on 2 July. No traffic camera or parking matters were recorded during the period.

Breakdown of Regulatory matters – 1 July 2025 to 30 June 2026

The table below sets out the number of regulatory matters that were finalised by the ACT DPP during the reporting year.

Table 8: Breakdown of Regulatory matters – 1 July 2025 to 30 June 2026

Act	Matters (No.)	Proved/Fine Paid
Animal Welfare Act 1992	3	3
Fair Trading (Australian Consumer Law) Act 1992	1	1
Total	**4**	**4**

Cases prosecuted by the DPP

Agius v Sana Benchtop Installation Pty Ltd; Agius v Martin Mailei

Citation: [2025] ACTMC 18

Summary

On 30 October 2025, the ACT Magistrates Court found Sana Benchtop Installation Pty Ltd and its director, Martin Mailei, guilty of Category 3 work health and safety offences arising from the dry cutting of engineered stone at a construction site in Coombs. On 8 December 2025, the Court convicted both accused people and imposed financial penalties.

Background

In January 2023, Mailei installed engineered stone benchtops at the Del Ray apartment complex in Coombs. After discovering that the benchtops required adjustment, he returned to the site and dry cut benchtops in eight units using an angle grinder. The work generated airborne respirable crystalline silica dust. Two plumbers entered one of the affected units shortly afterwards and were exposed to the dust. The ACT DPP alleged that the company and Mailei failed to comply with their work health and safety duties.

Offences / Charges

- 1 x Category 3 offence, contrary to s 33 of the *Work Health and Safety Act 2011* (ACT)
- 1 x Category 3 offence, contrary to s 33 of the *Work Health and Safety Act 2011* (ACT) (Martin Mailei)

Sentence

On 8 December 2025, the Court convicted both accused people. Sana Benchtop Installation Pty Ltd was fined $50,000. Mailei was convicted and fined $10,000. No term of imprisonment was imposed.

Outcome

The court found that dry cutting engineered stone created a real risk that workers and others at the site would inhale respirable crystalline silica dust, which was known to cause serious health conditions. The court held that several simple and available control measures could have eliminated or reduced the risk, including removing the benchtops for off-site cutting, using water suppression and restric ting access to affected areas.

The court concluded that Sana Benchtop failed to ensure, so far as reasonably practicable, that others were not exposed to the risk, and that Mailei failed to take reasonable care to protect others from the consequences of his work. The matter was significant because it concerned exposure to silica dust from engineered stone and reinforced the importance of compliance with established workplace safety controls and regulatory requirements.

Agius v Monaro Mix Specified Concrete Pty Ltd

Citation: [2026] ACTMC 10

Summary

On 12 June 2026, the ACT Magistrates Court delivered its decision in an ACT DPP prosecution alleging that Monaro Mix Specified Concrete Pty Ltd failed to notify WorkSafe ACT of a notifiable incident under the *Work Health and Safety Act 2011* (ACT). The Court found the company not guilty and dismissed the charge.

Background

The prosecution arose from a complaint made by an employee, Briana Fleming (a pseudonym), on 20 May 2024. Ms Fleming told her supervisor that another employee had brushed against her breasts and had been in her personal space. The complaint was reported to senior management, but WorkSafe ACT was not notified at that time. The ACT DPP alleged that the complaint constituted a suspected sexual assault incident and therefore a notifiable incident under the *Work Health and Safety Act 2011* (ACT).

Offences / Charges

- 1 x failure to notify a notifiable incident, contrary to s 38 of the *Work Health and Safety Act 2011* (ACT)

Sentence

Not applicable. The accused was found not guilty and the charge was dismissed by the Magistrates Court on 12 June 2026.

Outcome

The Court held that the ACT DPP had not proved beyond reasonable doubt that Monaro Mix was aware of a notifiable incident on 20 May 2024. The Court found that the information provided to management was limited to a complaint that an employee had brushed past Ms Fleming's breasts and been in her personal space. It was not established that the relevant managers understood this as an allegation of deliberate sexual touching or that they held a suspicion that a sexual assault had occurred.

The decision was significant because it was the first decision in Australia to consider the operation of the recently introduced workplace sexual assault notification provisions in the *Work Health and Safety Act 2011* (ACT). The Court concluded that a duty to notify arose when a PCBU became aware of a "suspected" sexual assault incident, but that the ACT DPP had failed to prove that the necessary awareness or suspicion existed in this case. The charge was dismissed.

ACT DPP Statistics from 1 July 2025 to 30 June 2026

The statistics used in this annual report are generated from the ACT DPP's Criminal Advocacy Support and Enquiry System ('CASES'). The counting unit is a matter, which is defined as a charge or group of charges relating to an offence. This means that one 'matter' can actually reflect a large number of charges and multiple alleged victims.

Generally, matters reported are those finalised within the reporting period. 'Finalisation' describes how a criminal charge is concluded by a criminal court level. Of particular note, a transfer to another court level (for example a committal either for trial or sentence) concludes the matter in one court level and initiates it in another court level. Other matters may be reported as being conducted rather than completed, which captures matters that have been prepared and argued in court, and are awaiting the court handing down its judgment, that can sometimes take a number of months.

All offences in CASES are classified using the 16 divisions set out in the Australian and New Zealand Standard Offence Classification 1234.0 ('ANZSOC').[3] Where tables refer to matters being "disaggregated by matter type", this is a reference to the ANZSOC divisions. The National Offence Index ('NOI')[4]. 11 is a ranking of all ANZSOC groups and supplementary ANZSOC codes.[5]

This ranking is based on the concept of 'offence seriousness'. Where a finalised accused has multiple charges within a matter, the principal offence is determined by the type of finalisation and/or the highest ranked ANZSOC using the NOI.

3 See catalogue 1234.0, Australian and New Zealand Standard Offence Classification (ANZOC), 2011 at https://www.abs.gov.au/statistics/classifications/australian-and-new-zealand-standard-offence-classification-anzsoc/2011.

4 The NOI has been developed by the ABS as a statistical tool to enable the output of nationally comparable offence information within the field of crime and justice statistics. The NOI is a tool which provides an ordinal ranking of the offence categories in the ANZSOC according to perceived seriousness in order to determine a principal offence. The purpose of the NOI is to enable the representation of an offender by a single offence in instances where multiple offences occur within the same incident or where the accused has multiple charges in criminal cases.

5 See 1234.0.55.001 – National Offence Index, 2018 at https://www.abs.gov.au/statistics/classifications/national-offence-index/latest-release.

Table 9: Total matters finalised by jurisdiction

Description	Matters
Childrens Court	420
Magistrates Court	4353
Industrial Court	9
Supreme Court	304
Court of Appeal	38
High Court	-
Total	**5,124**

*Note: Childrens Court, Magistrates Court and Industrial Court matters include committals to the Supreme Court. Supreme Court matters include Supreme Court appeals, breaches and matters where a Notice Declining to Proceed was filed.

Table 10: Matters finalised disaggregated by matter type

Description	Matters
Homicide and related offences	
Childrens Court	
Magistrates Court	8
Industrial Court	-
Supreme Court	11
Court of Appeal	-
High Court	2
Sub Total	**21**
Acts intended to cause injury	
Childrens Court	127
Magistrates Court	769
Industrial Court	-
Supreme Court	51
Court of Appeal	5
High Court	-
Sub Total	**952**

Description	Matters
Sexual assault and related offences	
Childrens Court	14
Magistrates Court	148
Industrial Court	-
Supreme Court	62
Court of Appeal	18
High Court	-
Sub Total	**242**
Dangerous or negligent acts endangering persons	
Childrens Court	11
Magistrates Court	120
Industrial Court	-
Supreme Court	8
Court of Appeal	3
High Court	-
Sub Total	**142**
Abduction and related offences	
Childrens Court	8
Magistrates Court	116
Industrial Court	-
Supreme Court	18
Court of Appeal	3
High Court	-
Sub Total	**145**
Robbery, extortion and related offences	
Childrens Court	43
Magistrates Court	60
Industrial Court	-

Description	Matters
Supreme Court	22
Court of Appeal	4
High Court	-
Sub Total	**129**
Unlawful entry with intent/burglary, break and enter	
Childrens Court	33
Magistrates Court	166
Industrial Court	-
Supreme Court	55
Court of Appeal	-
High Court	-
Sub Total	**254**
Theft and related offences	
Childrens Court	94
Magistrates Court	423
Industrial Court	-
Supreme Court	17
Court of Appeal	1
High Court	-
Sub Total	**535**
Deception and related offences	
Childrens Court	2
Magistrates Court	35
Industrial Court	-
Supreme Court	1
Court of Appeal	1
High Court	-
Sub Total	**39**

Description	Matters
Illicit drug offences	
Childrens Court	1
Magistrates Court	96
Industrial Court	-
Supreme Court	22
Court of Appeal	1
High Court	-
Sub Total	**120**
Weapons and explosives offences	
Childrens Court	16
Magistrates Court	141
Industrial Court	-
Supreme Court	4
Court of Appeal	-
High Court	-
Sub Total	**161**
Property damage and environmental pollution	
Childrens Court	20
Magistrates Court	179
Industrial Court	-
Supreme Court	11
Court of Appeal	-
High Court	-
Sub Total	**210**
Public order offences	
Childrens Court	12
Magistrates Court	171
Industrial Court	-

Description	Matters
Supreme Court	2
Court of Appeal	-
High Court	-
Sub Total	**185**
Road traffic and motor vehicle regulatory offences	
Childrens Court	26
Magistrates Court	1393
Industrial Court	-
Supreme Court	6
Court of Appeal	-
High Court	-
Sub Total	**1425**
Offences against justice procedures, government security and government operations	
Childrens Court	10
Magistrates Court	515
Industrial Court	-
Supreme Court	14
Court of Appeal	-
High Court	-
Sub Total	**539**
Miscellaneous offences	
Childrens Court	3
Magistrates Court	13
Industrial Court	9
Supreme Court	-
Court of Appeal	-
High Court	-
Sub Total	**25**
Total	**5124**

Table 11: Committals to the Supreme Court

Description	Matters
Childrens Court	16
Magistrates Court	283
Industrial Court	-
Total	**299**

Table 12: Committals to the Supreme Court disaggregated by matter type

Description	Childrens Court		Magistrates Court		Industrial Court		Total
	Trial	Sentence	Trial	Sentence	Trial	Sentence	
Homicide and related offences	-	-	5	1	-	-	**6**
Acts intended to cause injury	1	-	23	6	-	-	**30**
Sexual assault and related offences	8	3	80	7	-	-	**98**
Dangerous or negligent acts endangering persons	-	-	6	7	-	-	**13**
Abduction and related offences	-	-	16	6	-	-	**22**
Robbery, extortion and related offences	-	-	18	9	-	-	**27**
Unlawful entry with intent/ burglary, break and enter	2	2	16	26	-	-	**46**
Theft and related offences	-	-	2	8	-	-	**10**
Deception and related offences	-	-	2	5	-	-	**7**
Illicit drug offences	-	-	14	5	-	-	**19**
Weapons and explosives offences	-	-	3	1	-	-	**4**
Property damage and environmental pollution	-	-	5	7	-	-	**12**
Public order offences	-	-	-	-	-	-	
Road traffic and motor vehicle regulatory offences	-	-	-	-	-	-	

Description	Childrens Court		Magistrates Court		Industrial Court		Total
	Trial	Sentence	Trial	Sentence	Trial	Sentence	
Offences against justice procedures, government security and government operations	-	-	-	5	-	-	5
Miscellaneous offences	-	-			-	-	0
Total	**11**	**5**	**190**	**93**	**0**	**0**	**299**

Table 13: Plea of Guilty after Committal for Trial

Description	Matters
Plea of guilty after committal for trial	71
Plea of guilty after trial listed	23
Total matters subpoenas issued	20
Plea of guilty on day of trial	7
Plea of guilty within one week of trial	5
Plea of guilty within 2–4 weeks of trial	4
Plea of guilty more than 4 weeks before trial	7

Table 14: Supreme Court Matters

Description	Matters
Trials	
Trials	50
Accused	53
Trial Days in Court	432
Trial Outcomes	
Guilty Verdicts	32
Not Guilty Verdicts	13
Mental impairment – found not criminally responsible	3
Other**	5
Awaiting verdict	0
Sentencing Proceedings	
Accused sentenced after committal for sentence/after committal for trial-changed plea	153
Accused re-sentenced after breach	37
Total sentences	**190**
Notices declining to proceed further	**7**

*Note: This includes trials which: resulted in a hung jury or a mixed verdict; were aborted; or where the matter was abated. Trials which are aborted or that result in a hung jury are not "finalised" for the purposes of the table 'Total Matters finalised by jurisdiction' on page 107 and the table on 'Matters finalised disaggregated by matter type on pages 107-112.

Table 15: Appeals

Description	Defence Appeals	Crown Appeals	Total
Supreme Court	40	7	47
Court of Appeal	38	6	44
High Court	1	1	2
Total	**79**	**14**	**93**

*Note: These include appeals which were discontinued, withdrawn, or in respect of which leave to appeal was refused, and matters where the appeal hearing was completed during the reporting period and the decision was reserved.

Cases prosecuted by the DPP

DPP v Ayuel (No 2)

Citation: [2025] ACTSC 541

Summary

On 11 December 2025, the ACT Supreme Court delivered a verdict following a judge-alone trial involving two charges of arson. The ACT DPP alleged that Mary John Ayuel lit two separate fires at properties in Moncrieff in September 2023. The Court acquitted Ayuel of the first arson charge but found her guilty of the second.

Offences

- 2 x Arson, contrary to s 404(1) of the Criminal Code 2002 (ACT)

Outcome

The Court found that the ACT DPP had failed to prove beyond reasonable doubt that Ayuel was responsible for the first fire at a residence in Moncrieff. While the ACT DPP relied on CCTV footage, mobile phone evidence and coincidence reasoning, the Court was not satisfied that the evidence placed Ayuel at the scene. The Court noted the absence of forensic evidence identifying the cause of the fire and the existence of other persons who had disputes with the occupants of the property.

In relation to the second fire at an apartment complex in Moncrieff, the Court was satisfied beyond reasonable doubt that Ayuel was responsible. The Court relied on evidence of a recent altercation between Ayuel and the occupant of the affected unit, her proximity to the scene, her intoxicated state shortly before the fire, and physical evidence observed by police immediately after the incident. The Court therefore returned a verdict of guilty on the second arson charge and not guilty on the first.

Significant Legal Issue

Before the trial, the Court excluded a police interview conducted with Ayuel while she was in custody. The Court found that police had continued questioning after Ayuel repeatedly requested to speak with her lawyer and had not provided a reasonable opportunity for her legal representative to attend. As a result, the interview was ruled inadmissible.

Police v Wager

Summary

A police officer who had been on duty at Summernats was driving a police vehicle back to a station after finishing duty. While travelling along Melbourne Avenue with three colleagues as passengers, he drove at 160 km/h in an 80 km/h zone and crashed into a concrete barrier. No one was injured, but the vehicle sustained substantial damage.

The offender pleaded guilty to a charge of aggravated dangerous driving and was sentenced to six months imprisonment, suspended upon entering a 12-month Good Behaviour Order. He was also disqualified from driving for 12 months.

The case highlighted the serious risk created by excessive speeding and the potential for catastrophic consequences despite the absence of physical injury.

DPP v Walton

Citation: [2026] ACTSC 203

Summary

Between 28 April 2026 and 1 May 2026, Sean Walton stood trial in relation to a charge of culpable driving causing death. The offending arose from a collision in Holt in June 2024 when Walton, who was driving a tipper truck with two of his children as passengers, turned into an intersection and across the path of the oncoming victim who was riding a motorcycle. The victim collided head on with the tipper truck and died a short time later as a result of injuries suffered from the collision.

Trial

There was no issue at trial that it was the accused's driving that caused the death of the victim. The issue in dispute was whether the accused's driving was negligent and, if so, to what degree. In determining this issue, the jury was required to consider how long the accused would have had a clear sight of the intersection, the lighting at the time and whether the victim was in front or behind a particular car as it approached the intersection. The jury ultimately found the accused not guilty of the more serious charge of culpable driving (which requires gross negligence) but guilty of the alternative charge of negligent driving causing death.

Sentence

On 19 June 2026, the ACT Supreme Court sentenced Walton to one year and two months' imprisonment. The sentence was wholly suspended. Walton was also disqualified from holding or obtaining a driver's licence for nine months. The Court found that Walton failed to keep a proper lookout as he turned his truck across oncoming traffic. While he had observed a vehicle approaching the intersection, he had focused on that vehicle to the exclusion of

other road users and failed to see the victim's motorcycle, despite it being plainly visible with its headlight illuminated.

The Court accepted that Walton was profoundly remorseful and noted that he had offered at an early stage to plead guilty to negligent driving causing death, the offence for which he was ultimately convicted. The Court also considered the significant impact of the offending on Walton's mental health, including a period of hospitalisation. However, having regard to the loss of life, the devastating impact on the victim's family and the need for general deterrence, denunciation and recognition of harm, the Court concluded that a sentence of imprisonment was required.

DPP v Offe (No 7)

Citation: [2025] ACTSC 413

Summary

Over three weeks, between 25 August 2025 and 11 September 2025, Andrew Offe stood trial before a jury in relation to two charges of driving a motor vehicle at a police officer. The offending occurred during a large political process outside Parliament House in February 2022. The accused had travelled from Queensland to participate in the protest along with others who were concerned about the government's response to the Covid-19 pandemic.

The accused drove a distinctive truck to the protest and became lost from the other members of his convoy after he encountered a YouTube content creator called Aussie Cossack. The accused ended up driving his truck to the front of Parliament House amongst the thousands of protestors who were on foot. The accused was stopped by police and told to turn away from Parliament House but instead drove towards Parliament House and at police officers who positioned themselves in front of the vehicle.

Trial

There was no real dispute at trial in relation to what the accused had done as the incident was captured on his truck's dashcam footage as well as body worn camera footage from numerous police officers. The accused's case was that he thought he was following police direction and at no stage did he intend to hurt or endanger the safety of and police officers. The accused relied in particular on the speed he was travelling at, which was estimated to be less than 10 km/h. The ACT DPP's case was that the accused drove his vehicle at police so as to persuade them to move out of the way so he could get to his desired destination. The accused was ultimately found guilty by a jury of both charges

Sentence

On 11 September 2025, the ACT Supreme Court convicted Offe on both counts and imposed fines of $1,000 for each offence. The Court found that Offe drove towards two police officers after disregarding a direction to turn away from Parliament House. The jury's

verdicts established that he was reckless about risking the police officers' safety but the Court found that the risk of harm was low because the vehicle was travelling at walking pace and Offe had no intention of causing physical injury. The Court considered that the offending arose from a series of unfortunate events and that it was at the low end of in terms of objective seriousness.

McGoogan v Mulligan

Citation: [2026] ACTSC 215

Summary

The ACT DPP successfully opposed an appeal against conviction and sentence brought by Michael James McGoogan, who challenged his conviction for common assault in a family violence matter and the sentence imposed by the ACT Magistrates Court. On 26 June 2026, the ACT Supreme Court dismissed the appeal and upheld the original conviction and sentence.

Sentence

On 9 December 2024, the ACT Magistrates Court convicted McGoogan of common assault and imposed a fine of $500.

Appeal

McGoogan appealed against both conviction and sentence. He argued that the magistrate had made factual errors, misapplied the principles of self-defence and recklessness, and that the sentence was excessive. He also submitted that a non-conviction order should have been imposed.

Outcome

The ACT Supreme Court dismissed both the conviction and sentence appeals. The Court found that the magistrate had properly assessed the evidence, including inconsistencies in the complainant's various accounts, and was entitled to conclude that McGoogan had applied force without consent after being told to stop.

The Court rejected arguments that self-defence was available, finding there was no evidentiary basis for a reasonable belief that McGoogan needed to use force to protect himself. It also found that the magistrate had not erred in considering the role of intoxication when determining whether the offence had been committed.

In relation to sentence, the Court held that the magistrate had properly exercised the sentencing discretion. While the offending was at the lower end of objective seriousness and McGoogan had experienced significant media attention, the Court concluded that the circumstances did not justify a non-conviction order. The conviction and sentence were therefore upheld.

Scrutiny

The ACT DPP is subject to scrutiny from the ACT Auditor-General, the ACT Ombudsman and the Integrity Commission. The ACT DPP was not subject to any audits or reviews during the reporting period.

During the reporting year, the Director appeared twice before various committees of the Legislative Assembly. The Director appeared at two Inquiry into Annual and Financial Report Hearings on 12 February 2025 and 12 November 2025.

Risk Management

The ACT DPP recognises the critical importance of effective risk management to the delivery of its strategic and operational objectives and seeks to facilitate a strong risk management culture to be demonstrated by staff, where risk management is considered, discussed and integrated into daily work activities.

The ACT DPP comes under the JACS Directorates Risk Management Framework and works closely with the Directorate to continue to build and enhance how the ACT DPP identifies and responds to risk.

Internal Audit

The ACT DPP is supported by the JACS Directorate in terms of how it complies with its obligations under the ACT Government's legal framework.

Fraud Prevention

The ACT DPP is supported by the JACS Directorate in terms of how it complies with its obligations as it relates to fraud prevention.

The directorate has in place a current Fraud and Corruption Prevention Plan to ensure all reasonable measures have been put in place to prevent, detect and respond to suspected fraud and corruption in the workplace.

Freedom of Information

The *Freedom of Information Act 2016* ('FOI Act') commenced on 11 January 2018, replacing the *Freedom of Information Act 1989*.

Under the FOI Act, the ACT DPP must make information available via an open access scheme. This is the ACT Government's Open Access website.[6] If the information is not available on the Open Access website, the person seeking the information is encouraged to contact the ACT DPP as well as the formal FOI procedure if that is necessary. In many cases, it may be possible to access information more quickly and efficiently via the ACT DPP. Notwithstanding the Open Access governance arrangements that are available to the public, if there is a need for a formal application under the FOI Act, the application must include:

- A clear description of the documents requested
- An email or postal address of the applicant
- Evidence of identity if seeking personal information
- Authority for an agent to act if the applicant has engaged a lawyer or is represented by a third party.

The FOI application may be sent in writing to the ACT DPP postal address or by email to foiactdpp@act.gov.au. Further information on FOI applications can be found on our website at https://www.dpp.act.gov.au/publications/freedom-of-information.

The ACT DPP is also required to maintain a disclosure log[7] in accordance with section 28 of the FOI Act. Information provided to an applicant through an FOI request is published on the disclosure log between three and ten working days after the decision notice has been sent out to the applicant. The disclosure log includes the following information:

- The FOI application
- The decision notice
- The documents/information released pursuant to the request.

Applications for personal information will not be published on the disclosure log. If the information requested is of a highly sensitive nature, this too will not be published on the disclosure log.

6 https://www.act.gov.au/open-access

7 https://www.dpp.act.gov.au/publications/freedom-of-information

FOI Access Applications

Information about freedom of information access applications made under the FOI Act during the financial year is provided below.

Table 16: FOI Access Applications

Access Applications	Total
On hand at the beginning of the financial period	0
Received during the financial period	7
Finalised / completed	6
Finalised by not being dealt with after being suspended	1
On hand at the end of the financial period	0
Decided within timeframe (s 40)	5
Decided outside timeframes but within extended timeframes agreed to with the applicant (s 40)	0
Decided outside timeframes but within extended timeframes agreed to with the Ombudsman (s 40)	0
Not decided within the statutory timeframes in the FOI Act, i.e. deemed decisions	1
Number of days taken to decide over the time to decide in s 40 for each application:	0
Where a fee or charge was applied	0
For Ombudsman review (s 74)	3
Applications made to ACAT	0
Decisions confirmed through Ombudsman review (s 82(2)(a))	3
Decisions varied through Ombudsman review (section 82(2)(b))	0
Decisions set aside and substituted through Ombudsman review (section 82(2)(c))	0
Where a decision gave full access (section 35(1)(a)).	0
Where a decision gave partial access (section 35(1)(c).	2
Where a decision refused access (section 35(1)(c)).	4
Decisions to publish open access information (section 24(1))	0
Decisions not to publish open access information (section 24(1))	0
Decisions not to publish a description of open access information withheld (section 24(1))	0
Requests made to amend personal information	0



Cases prosecuted by the ACT DPP

Cox v Holloway

This appeal was brought by the Director and concerned the relevance of delayed complaint to the credibility of a complainant in a sexual offence proceeding.

Background

The accused was charged with two act of indecency offences alleged to have been committed against his daughter when she was 13 years old in mid-2019. She spoke to her mother and later participated in an interview with NSW police in early 2020 where she disclosed an act of indecency by the accused. A few years later in late 2021, the complainant disclosed that the accused had in fact committed a second act of indecency in 2019. In March 2022, the complainant participated in an evidence-in-chief interview with police and disclosed the second incident. The complainant gave evidence that she did not initially disclose the second incident because she was younger and really embarrassed, particularly in relation to talking about erections and penises or vaginas. The complainant's mother gave evidence explaining that there was a four-month delay between the complainant's disclosure to her in late 2021 and her second police interview in March 2022 because they did not know if they "wanted to go through the whole police thing again".

The magistrate made several adverse findings about the credibility and reliability of the complainant's evidence. A key factor relevant to the magistrate's determination was the "delay" in complaint to the complainant's mother and police about the second incident. The prosecutor submitted that s 80B of the *Evidence (Miscellaneous Provisions) Act 1991* applied, such that the magistrate was required to direct herself that delay in making a complaint does not necessarily indicate that the allegation that the offence was committed is false and that there may be good reasons why a victim of a sexual offence may not make, or may hesitate in making, a complaint. The magistrate determined that s 80B did not apply to hearings in the Magistrates Court because the provision refers to directions to be given to a jury. Her Honour then reasoned that the complainant should have been sufficiently comfortable to disclose both incidents to police in her initial interview in 2020. She also found that the four-month delay between the complainant's complaint to her mother and the second police interview was "inadequately explained". The magistrate then gave herself a *Crofts* direction that the complainant's delay in complaint may be considered in evaluating the complainant's evidence and determining whether to believe her. Finally, the magistrate gave herself a direction to consider the forensic disadvantage occasioned to the accused from the delay in complaint. She gave herself the common law direction on the basis that s 165B of the Evidence Act only applies to criminal proceedings where there is a jury.

Appeal decision

McWilliam J upheld the Director's appeal, primarily on the basis that the magistrate erred in her consideration of the relevance of the complainant's delay in making complaint. In particular the Court found:

- The purpose of s 80B is to address recognition of the fact that victims of sexual offending (particularly child sexual abuse) often take many years to report such offending, and is designed to combat stereotypes about how a victim is supposed to behave (including when they are expected to disclose the offending);
- The magistrate impermissibly engaged in the type of stereotypical reasoning about the complainant's credibility that s 80B was designed to address;
- The magistrate's reasoning ignored the fact that the complainant was a child alleging sexual offending by her biological father to strangers, and that she had given a explanation for the delay (her youth, embarrassment and disgust) – the magistrate's reasoning was instead based on assessment of the complainant's demeanour in the interview and the fact that the magistrate considered that the complainant should have been sufficiently comfortable to make full disclosure to police in 2021;
- A *Crofts* direction is not necessarily excluded by the existence of a s 80B direction, however, its relevance will depend on the circumstances of the case – while a *Crofts* direction cannot be used to suggest that delay in complaint means that the allegation is false (because that would be contrary to s 80B), the magistrate is not necessarily excluded from considering the relevance of delay to credibility;
- Although s 165B of the Evidence Act only applies to proceedings in which there is a jury, the existence and purpose of that provision in the ACT modifies the common law concerning forensic disadvantage occasioned by delay;
- In particular, s 165B was introduced for the explicit purpose of replacing the previous common law *Longman* warning that it may be dangerous to convict on the evidence of a complainant alone in sexual offence proceedings where the passage of time meant that the complainant's evidence could not be adequately tested – s 165B did so by increasing the requirement that any forensic disadvantage be "significant" and explicitly stating that the mere fact of delay is not sufficient, rather, the accused must be able to point to significant forensic disadvantage arising as a consequence of delay (i.e. witnesses dying, evidence being lost); and
- The magistrate's direction as to forensic disadvantage was erroneous because (a) the magistrate did not consider whether any forensic disadvantage was "significant" and (b) because the only disadvantage pointed to was the mere fact of delay.

Community engagement and support

Nil significant community engagement activities were undertaken during 2025–26 requiring reporting under the Annual Report Directions.

Aboriginal and Torres Strait Islander Reporting

Progress in implementing both the National Agreement and the ACT Agreement

The ACT DPP is committed to supporting the ACT Aboriginal and Torres Strait Islander Agreement 2019–2028 and the National Agreement on Closing the Gap. During FY2025–26, the office contributed to the objectives of the Closing the Gap principle through initiatives that strengthened cultural capability, improved support for Aboriginal and Torres Strait Islander victims and witnesses and enhanced engagement with Aboriginal and Torres Strait Islander organisations.

Activities undertaken included:

- Arranging dedicated ACT DPP sessions for Cultural Capability Training (Mulanggari – Keeping Culture Alive) for all staff members.
- Commencing recruitment for an Aboriginal and Torres Strait Islander identified Witness Assistance Service Officer position to strengthen culturally safe and responsive support for victims and witnesses.
- Marking National Reconciliation Week and NAIDOC Week to increase awareness and understanding of Aboriginal and Torres Strait Islander histories, cultures and contributions.
- Ensuring all ACT DPP Senior Executive staff completed the two-day Engoori Cultural Capability Training to strengthen leadership understanding of Aboriginal and Torres Strait Islander cultures and support the organisation's commitment to cultural capability.
- Partnering with Aboriginal and Torres Strait Islander organisations.

Engagement with Aboriginal and Torres Strait Islander Organisations

During FY2025–26, the ACT DPP engaged with Aboriginal and Torres Strait Islander organisations and ACT Government stakeholders to better understand opportunities to improve culturally safe services and strengthen organisational cultural capability.

This included engaging regularly with Clybucca Dreaming, Yhurwun Bullan Aboriginal Corporation and Sisters in Spirit (ACT) to better support Aboriginal and Torres Strait Islander women who are victims of crime. Engaging with these Aboriginal organisations has grown opportunities to strengthen support for Aboriginal and Torres Strait Islander women and girls.



Photo: ACT DPP Deputy Director Mel Graczol addresses staff members and ACT Policing counterparts at a National Reconciliation Day BBQ breakfast.

We have also worked with the First Nations Justice Branch within the Justice and Community Safety Directorate on cultural capability initiatives and participating in Commissioning Workshops with other justice stakeholders.

We also undertook several other actions, including the delivery of organisation-wide Cultural Capability Training (Mulanggari – Keeping Culture Alive), and commencement of the recruitment for at least one Aboriginal and Torres Strait Islander-identified Witness Assistance Service Officer position.

Through these activities, the ACT DPP identified the importance of strengthening culturally safe responses for Aboriginal and Torres Strait Islander victims and witnesses, improving organisational cultural capability and building ongoing relationships with Aboriginal and Torres Strait Islander organisations and communities.

Responses to Reviews, Recommendations and Accountability Processes

During FY2025–26, the ACT DPP continued to consider developments arising from the ACT Aboriginal and Torres Strait Islander Agreement and the National Agreement on Closing the Gap when identifying opportunities to improve organisational capability and service delivery.

The ACT DPP's focus was on strengthening cultural capability, improving culturally responsive victim and witness services and increasing Aboriginal and Torres Strait Islander representation within the workforce.

Areas for Improvement and Future Priorities

The ACT DPP recognises that ongoing effort is required to strengthen cultural capability and improve outcomes for Aboriginal and Torres Strait Islander peoples interacting with the criminal justice system.

Priority areas for continued improvement include:

- supporting the successful recruitment and retention of Aboriginal and Torres Strait Islander employees, including through the development of an Aboriginal and Torres Strait Islander employment strategy
- strengthening partnerships with Aboriginal and Torres Strait Islander organisations and communities
- continuing cultural capability development across the office
- enhancing culturally responsive support services for victims and witnesses, and
- identifying opportunities to improve access, engagement and support for Aboriginal and Torres Strait Islander peoples engaging with ACT DPP services.

The office will continue to build on this work during FY2026–27 through ongoing engagement, workforce initiatives and service improvements designed to support culturally safe, accessible and responsive services for Aboriginal and Torres Strait Islander peoples.

First Nations DPP staff members collaborate on new artwork



This beautiful piece of artwork was created during the National ODPP First Nations Gathering in Adelaide in August 2025, with this print gifted to our team by the South Australian ODPP.

It tells the story of First Nations ODPP staff from across Australia coming together, with each element symbolising the diverse artistic expressions contributed by staff from every state.

The South Australia ODPP's Stephanie Singh-Highfold coordinated the project and completed several key components, including the central gathering, the surrounding serpent and the turtles' dreaming, surrounded by bush medicine leaves.

The ACT DPP wishes to thank all First Nations staff – including two of our own team members – who contributed to this meaningful artwork.



Cases prosecuted by the ACT DPP

DPP v Wijesinghe

The offender, Jude Luckshan Wijesinghe, and the deceased, Tshewang Choden, worked at Jamala Wildlife Lodge. During 2023, the offender developed an interest in Ms Choden, which was not reciprocated. She began dating someone in September 2023 and told others the offender appeared moody towards her and would become angry and stop speaking to her when other men spoke to her. Colleagues also described him as jealous of other men who interacted with her.

On 18 December 2023, Ms Choden began work at 6 am and was due to finish at 1 pm. Shortly before arriving for his midday shift, the offender searched online for how to delete Messenger chats and deleted several messages from his phone. After arriving at work, he sent goodbye messages to friends. At about 12:45 pm, workers nearby heard a woman screaming frantically from a locked dry storeroom. When staff attended, the offender was seen inside holding a bloodied knife. He subsequently emerged and was found outside the storeroom after cutting his own throat, while Ms Choden was discovered inside. She had been stabbed 14 times. The post-mortem identified multiple sharp-force injuries, including wounds to her head and neck, trunk, upper extremities and thigh, with some wounds having characteristics of defensive injuries. The most serious injuries included a stab wound through the heart into the left lung and a neck wound injuring the jugular vein and trachea. Her death was caused by stab wounds to the neck and chest.

In the week before 18 December, the offender told friends and colleagues that he was leaving, had resigned, was considering returning to Sri Lanka, gave away belongings and arranged to sell his car. Earlier in 2023 he had repeatedly spoken to a colleague about Ms Choden and was preoccupied with the idea that she was in a relationship with another colleague. On 11 December he drafted a note blaming a colleague for not being honest with him and stating that “two people are gone to never come back”. Forensic examination subsequently linked the offender to the scene and weapon, including his DNA on the knife and his DNA in Choden’s fingernail scrapings.

A search of the offender's home on the day of the murder located four handwritten notes and rat poison. The notes included apologies and farewell messages to family but also attributed his deterioration to people at his workplace.

Four weeks prior to the start of the offender's trial before the Supreme Court, the offender pleaded guilty to Ms Choden's murder. On sentence, the Court heard that Ms Choden was a much-loved sister and colleague, and of the profound impact of her loss on her family and friends. In addition, the Court heard about the impact of the offending on those who attempted to come to Ms Choden's rescue.

McCallum CJ found the murder was premeditated, sustained and exceptionally serious, describing it as an offence of the "utmost gravity".

The Court found the offender had been mentally unwell, suffering a major depressive disorder accompanied by pathological infatuation and disordered thinking. However, while his condition reduced his moral culpability, it did not reduce the objective seriousness of the offending. The planning and evidence of rational deliberation were important to that conclusion.

Significant weight remained appropriate for punishment, denunciation, general and specific deterrence, community protection and recognition of harm. The Court was particularly concerned about the offender's continuing fixation and lack of insight, notwithstanding expressions of remorse and evidence concerning rehabilitation. Although the guilty plea had some utilitarian value, the prosecution case was overwhelming, and the Court rejected the proposed 20% reduction. The plea was instead reflected through a moderate reduction in the non-parole period.

The Court imposed a sentence of 30 years' imprisonment, commencing 18 December 2023 and expiring 17 December 2053, with a 20-year non-parole period expiring 17 December 2043. The sentence was appealed by the offender with the sentence reduced in the following reporting year.

Disability Inclusion Reporting

Supporting Disability Inclusion

The ACT DPP is committed to reducing barriers and promoting inclusion for people with disability. During FY2025–26, the ACT DPP continued to implement practical measures to improve accessibility, inclusion and participation for people with disability engaging with the criminal justice system, while progressing work to support the implementation of the *Disability Inclusion Act 2024* and broader ACT Government disability inclusion priorities. Whilst the office does not have a stand-alone Disability Liaison Officer (DLO), one of the Witness Assistance Service (WAS) team wears dual hats as WAS officer and Disability Liaison Officer (DLO). Given the high number of victims, complainants and witnesses with disabilities the office supports, the dual role allows support to be provided where it is most critical. This role and the rest of the WAS team play a critical role in supporting victims and witnesses with disability to understand and navigate the criminal justice system in a trauma-informed and accessible manner. The WAS team worked collaboratively with victims, witnesses, prosecutors, carers, support services and external agencies to identify and implement reasonable adjustments, ensuring individuals were well-supported, able to make informed decisions, and could effectively participate throughout the progression of their matter.

Actions During FY2025–26

During 2025–26, the office continued to develop and improve accessible communication resources to support victim and witness engagement with the criminal justice process. This work included the development and refinement of:

- Choice cards available in witness meeting rooms to support communication and decision-making
- Tailored storyboards and social scripts to assist victims and witnesses to understand court processes and expectations
- Updated witness meeting room information folders containing accessible and Easy English resources, including information about available support options and services
- Accessible information and process maps relating to section 334 proceedings and matters involving mental impairment

In this period the office joined the Hidden Disabilities Sunflower Scheme and has made lanyards and wristbands available to both staff as well as victims and witnesses.

These resources assist victims and witnesses with disability, cognitive impairment, communication barriers and other vulnerabilities to better understand legal processes and participate meaningfully in proceedings.

Collaboration and Systemic Advocacy

The office continued to actively participate in the Disability Justice Community of Practice Forum, enabling the ACT DPP to remain informed about sector developments, emerging systemic issues, and opportunities for service improvement. Information obtained through this forum informed both Witness Assistance Service practice and broader prosecutorial engagement with victims and witnesses who identify as having a disability.

Cross-agency collaboration remained particularly important in ensuring reasonable adjustments were identified and implemented to facilitate participation in court proceedings. The WAS team provided specialist advice and guidance to prosecutors working with victims and witnesses with disability and, where required, worked directly alongside prosecutors to identify, assess and respond to individual communication, access and support needs. This support ranged from one-off consultations through to ongoing case management of complex matters.

Disability Inclusion Planning

During 2025–26, the ACT DPP continued work on its Disability Inclusion and Action Plan (DIAP), which was delayed due to the backfilling of the Senior Director, Communications and Media role, who led work on the draft plan during the second half of the year. The plan is intended to embed consistent and inclusive practices across the organisation and strengthen accessibility for both clients and staff.

The DAIP is intended to:

- improve accessibility of services and information
- support inclusive workplace practices
- strengthen staff capability and awareness
- identify and reduce barriers experienced by people with disability, and
- support the delivery of culturally responsive, inclusive and accessible services.

Building Capability Through Training

During the reporting period, the ACT DPP joined the Hidden Disabilities Sunflower Scheme. Staff were provided with information and access to learning resources to increase awareness of hidden disabilities and strengthen inclusive communication practices. Staff who completed the training were able to display a "You Are Safe With Me" badge, demonstrating their commitment to creating a safe and inclusive environment for people with disability.

The Let's Talk Disability training program and Disability Inclusion Plan workshops also remained available to ACT DPP staff throughout the year. These initiatives reinforced the agency's commitment to accessibility, inclusion and informed engagement with people with disability, while supporting the development of a more inclusive workplace and service delivery culture.

Ongoing Challenges

Victims and witnesses with mobility impairments continued to experience significant challenges associated with the ongoing construction activity surrounding the court precinct. Access to the ACT DPP, ACT Courts and police facilities remained impacted by road closures, restricted entry routes and limited accessible parking options.

These barriers often required additional planning and support to ensure vulnerable individuals could attend court and appointments safely and on time. Shared accessible pathways and restricted movement corridors also increased the potential for unintended contact between victims and accused persons or their supporters, heightening anxiety and safety concerns for some individuals.

The impact of these challenges is often greater for people with mobility disabilities, who may have reduced ability to move quickly away from situations where they feel unsafe or uncomfortable.

Throughout the year, the DLO worked closely with court staff and external stakeholders to identify and maintain safe and accessible pathways and advocate for the needs of vulnerable victims and witnesses. This collaboration will remain important as light rail and associated infrastructure works continue in the coming years.

Future Priorities

The ACT DPP recognises that disability inclusion requires ongoing attention and continuous improvement. Priority areas for 2026–27 include:

- improving the accessibility of information, communication and engagement with victims and witnesses
- strengthening staff capability through disability awareness and trauma-informed practice
- improving the identification and support of people with disability engaging with the criminal justice system
- enhancing service delivery through consistent and accessible support arrangements
- improving the accessibility of ACT DPP facilities and environments
- strengthening partnerships with disability and justice sector stakeholders
- using feedback and evidence to support continuous improvement.

The ACT DPP will continue to build on this work to ensure people with disability have equitable access to information, support and participation within the criminal justice system.

Case study

Supporting Meaningful Participation Through Reasonable Adjustments

A victim with significant intellectual, psychosocial and physical disabilities was supported by WAS following an assault matter in the Magistrates Court. While the victim was not required to give evidence, they wished to provide a Victim Impact Statement (VIS) and attend the sentencing proceedings.

The victim required substantial support to understand the criminal justice process, the offender's guilty plea, the purpose of a Victim Impact Statement (VIS), and the options available to them for participating in court. The victim was supported through the National Disability Insurance Scheme and had a legally appointed decision-making support arrangement, as well as 24-hour care supports.

Recognising the victim's communication and accessibility needs, WAS developed and implemented an individualised communication and access plan. This included coordinating with carers, support services, court staff and the ACT DPP to ensure appropriate arrangements and reasonable adjustments were in place.

The support provided included:

- Assisting the ACT DPP to seek additional time for meaningful victim engagement and participation planning
- Coordinating communication between carers, support providers and court personnel
- Supporting the preparation and submission of a VIS
- Developing and providing tailored Easy English information explaining the criminal justice process and sentencing proceedings, and
- Identifying practical arrangements to facilitate the victim's attendance and participation in court.

The matter experienced a number of procedural delays and adjournments before ultimately resolving by way of a guilty plea and sentencing. Throughout this period, the WAS maintained ongoing engagement with the victim and their support network, ensuring information remained accessible and the victim continued to understand developments in the matter.

As a result of these coordinated efforts, the victim was able to participate meaningfully in the sentencing process, understand the outcome of the proceedings, and have their views presented to the Court through an accessible and supported process. The matter highlights the importance of specialist disability-informed support in promoting access to justice and enabling equitable participation in the criminal justice system.

Multiculturalism Act 2023

For information on work linked with the *Multiculturalism Act 2023* that is relevant to the ACT DPP, see the JACS 2025–26 Annual Report.

Period Products and Facilities

The ACT DPP does not have a policy in place to assist in the reduction of period poverty in the ACT. However, in July 2025, the office initiated the provision of free period products which are available to all ACT DPP staff and visitors to the office, including vulnerable victims and witnesses. These products are readily accessible in all bathrooms, including women's, men's and gender-neutral, accessible toilets.

Work Health and Safety

The ACT DPP's Health and Wellbeing Policy outlines its commitment to the provision of a healthy and safe workplace.

ACT DPP employees are encouraged and supported to access the ACT Government Employment Assistance Program (EAP), through two EAP services, which are available to all ACT DPP staff and their immediate family members.

There is additional assistance by way of access to these services due to the vicarious trauma risk of dealing with sensitive subject matter on a consistent basis.

The office also attends the JACS Directorate Director-General Tier 1 Safety Health and Wellbeing Committee on a quarterly basis. This committee comprises representation from senior executives, health and safety representatives and unions. Whilst the office did not have any resources specifically dedicated to the management of WHS, there were two elected Health and Safety Representatives during the reporting period.

The office continued its focus on preventative measures during the FY2025–26 reporting year, ensuring staff were offered various training sessions and wellbeing programs, which among others, included the following:

- Health and wellbeing checks
- ACT Government-funded influenza vaccine
- Fire warden training
- First aid training
- Health and safety representative training
- Vicarious trauma training

The nature of the work undertaken by the ACT DPP is such that the continued improvement of strategies and assistance to staff is necessary and is a continued focus for the office heading into the next reporting year.

WHS Notifiable incidents

In FY2025-26, the ACT DPP made no notifications to WorkSafe ACT of a serious injury, illness or dangerous incident. There were no notices issued to the office under the *Work Health and Safety Act 2011* and no directions were issued by the regulator.

The ACT DPP encourages the reporting of workplace incidents, hazards and near misses as part of its commitment to maintaining a safe and healthy work environment. The office promotes a proactive approach to workplace health and safety and supports early reporting to assist in the identification and management of risks.

Workplace health and safety data reported for the ACT DPP is provided by the Chief Minister, Treasury and Economic Development Directorate's Workplace Injury Performance Unit and is reflected in the table below.

Table 17: WHS Notifiable incidents

Events Notified to WorkSafe	*Total Incidents	Total Worker Incidents	Harassment Contacts
0	30	30	0

Human Resources Management

The ACT DPP continues to work to prioritise the wellbeing, development and support of its staff. The nature of the work undertaken by the office is often complex, demanding and, at times, confronting. Ensuring staff have access to appropriate support services, professional development opportunities and a healthy workplace culture remains a key focus.

In FY2025–26, the office continued a range of initiatives aimed at supporting employee wellbeing. Read our Wellbeing and Support section on pages 37–38 for more information.

Gender Action Plan and Gender Impact Assessment

For information on the relevant Gender Action Plan for the ACT DPP, see the JACS 2025–26 Annual Report.

Training and Development

We have continued to invest in our people in the area of professional development.

The office delivers a Continuing Professional Development (CPD) program that serves as a key training resource for all legal staff. It focuses on enhancing professional capability in the technical aspects of the criminal justice system and the laws of evidence.

CPD sessions are held fortnightly and emphasise practical skills and emerging legal issues, supporting prosecutors in developing their expertise. In the reporting period, 28 separate CPD sessions were delivered. These were mostly run by staff, who gave up their time to further educate the team. The CPD program was also enriched by contributions from presenters from stakeholder entities and the community sector. Some of the CPD topics covered included:

- Family violence
- Interaction with Sexual Violence complainants
- Vicarious Trauma
- Overview of ACTGAL and Forensic Chemistry
- Interagency DPP training - Mutual Assistance
- Westlaw Precision Australia
- Restorative Justice
- Drug labs and precursors by ACTGAL
- SACAT
- Paediatric Forensic Medical Services

Photo: Rachel from ACT Policing's Sexual Offences and Child Abuse Unit delivers a presentation on her team's work and discusses how we can strengthen collaboration between our offices and improve support for victims.



- Overview of the FV and VOC in ACT Policing
- Non-fatal strangulation
- Transitional release & how corrections work
- Forensic Toxicology and the work done at ACTGAL
- My matter is going to be committed, now what
- Understanding Conferences - approaches, referrals and results

In addition to training to the staff, the office also provides regular training to external stakeholders such as ACT Policing, including in the sexual assault space, for new recruits and to brief adjudicators.

Throughout the reporting period, the office provided staff with various further training opportunities, including:

- Human ethos training: stages of empathy, innovate inclusion and accessibility
- International Association of Prosecutors webinar: Intoxication, memory and jury trials
- JASPER training: eliciting evidence from vulnerable witnesses
- Preparing and running a summary hearing
- Guide to historical sexual offences

ARIns Reporting

No Attraction and Incentive (ARIn) plan was in place during the reporting year.

Table 18: Agency profile

Branch/Division	FTE	Headcount
Director of Public Prosecutions	95.9	101
Total	**95.9**	**101**

Table 19: FTE and headcount by gender

	Female	Male	Non-Binary	Total
FTE by Gender	66.1	29.8	0	95.9
Headcount by Gender	71	30	0	101
% of Workforce	70.3%	29.7%	0%	100.0%

Table 20: Headcount by classification and gender

Classification Group	Female	Male	Non-Binary	Total
Administrative Officers	15	1	0	16
Executive Officers	4	4	0	8
Legal Support	16	3	0	19
Prosecutors	29	20	0	49
Senior Officers	6	2	0	8
Statutory Office Holders	1	0	0	1
Total	**71**	**30**	**0**	**101**

Table 21: Headcount by employment category and gender

Employment Category	Female	Male	Non-Binary	Total
Casual	0	0	0	0
Permanent Full-time	42	21	0	63
Permanent Part-time	12	1	0	13
Temporary Full-time	14	8	0	22
Temporary Part-time	3	0	0	3
Total	**71**	**30**	**0**	**101**

Table 22: Gender Pay Gap by Classification group

Classification Group	Female	Male	Pay Gap
Administrative Officers	101,493	103,016	1.5%
Executive Officers	231,887	247,992	6.5%
Legal Support	85,052	85,580	0.6%
Prosecutors	149,532	139,978	-6.8%
Senior Officers	163,768	173,162	5.4%
Statutory Office Holders	534,657	0	0.0%
Total	**130,426**	**149,920**	**13.0%**

Table 23: Headcount by Diversity Group

	Headcount	% of Total Staff
Aboriginal and/or Torres Strait Islander	3	3%
Culturally & Linguistically Diverse	14	13.9%
People with a Disability	5	5%

Table 24: Headcount by age group and gender

Age Group	Female	Male	Non-Binary	Total
Under 25	12	2	0	14
25–34	28	17	0	45
35–44	20	6	0	26
45–54	7	4	0	11
55 and over	4	1	0	5

Table 25: Headcount by average years of service and gender

Gender	Female	Male	Non-Binary	Total
Average years of service	4.0	4.6	0	4.2

Table 26: Recruitment and Separation Rates

Classification Group	Recruitment Rate	Separation Rate
Total	**23.8%**	**33.0%**



Cases prosecuted by the ACT DPP

DPP v McKay

This was an appeal by the Director brought against the sentence imposed on Angus Ross McKay after he pleaded guilty to one count of sexual intercourse without consent and four counts of committing an act of indecency without consent. The offending occurred in March 2018 against a close friend who had taken medication with a sedative effect and gone to sleep. On 19 February 2025, McKay received an aggregate sentence of 18 months' imprisonment, with the sentence suspended after two months upon entry into an 18-month good behaviour order. The DPP appeals on two grounds: first, that the sentencing judge erred in dealing with McKay's knowledge that the victim was not consenting; and second, that the individual sentences, aggregate sentence and two-month custodial component were manifestly inadequate.

On the first ground, the DPP argued that the evidence required a finding, beyond reasonable doubt, that at least from the third act of indecency onwards McKay knew the victim was not consenting. The submission relied upon the victim having previously rejected McKay's sexual advances, her being asleep or unresponsive, her physical resistance, and McKay's continuation of the conduct. It was also argued the psychological evidence did not establish that McKay lacked knowledge of non-consent, noting evidence that he generally understood the need to ask someone about sex and inconsistencies between his account to the psychologist and earlier statements to police. It was contended that the judge's implicit finding of mere recklessness was not reasonably open or, alternatively, that the failure to make a clear finding about McKay's state of mind constituted a material sentencing error.

On manifest inadequacy, the DPP argued that the sentences failed adequately to reflect the objective seriousness and total criminality of the offending. Emphasis was placed on the breach of a longstanding relationship of trust, the victim's vulnerability, the prolonged and repeated nature of the conduct, the escalating seriousness of the individual offences and the multiple instances of digital penetration. It was also contended that complete concurrency meant the four indecency offences added nothing to the aggregate sentence, and that reducing the period served from four months to two months to recognise assistance to authorities gave disproportionate weight to that consideration. While acknowledging McKay's favourable subjective circumstances, autism, remorse and rehabilitation prospects, the Director argued that punishment, denunciation, deterrence and recognition of the harm caused should have carried greater weight.

The Court of Appeal reserved their decision and later dismissed the appeal. At the time of writing, the reasons for dismissal remain outstanding.

Umunakwe v DPP

In Umunakwe v DPP [2025] ACTCA 34, the DPP successfully defended a conviction appeal relating to the offender's conviction by a jury for one count of sexual intercourse without consent. His sole appeal ground was that the guilty verdict was unreasonable or could not be supported by the evidence.

The appeal focused principally on the reliability of the complainant's recollection. CCTV from Mooseheads showed interactions between the complainant and appellant that she did not remember. The appellant argued that these objectively demonstrated inaccuracies were sufficiently substantial to undermine the reliability of her account of what later occurred. The Court accepted, as the DPP argued, that aspects of her recollection of the earlier evening were inaccurate but emphasised that the CCTV did not depict what occurred when the sexual assault happened. The DPP also highlighted in argument that the complainant had not been given the benefit of seeing the CCTV before giving evidence or during cross-examination, which may have refreshed her memory of the earlier parts of the evening.

The Court concluded that the discrepancies did not undermine the complainant's reliability on the critical issue. It accepted, as the DPP had argued, that intoxication provided a relevant context for gaps in her memory, and other descriptions by her were not inconsistent with the CCTV as the offender contended. More importantly, her account of what occurred during the sexual assault remained clear and consistent. Her immediate reaction afterwards was also supported by independent evidence: she was observed crying and made an immediate complaint of sexual assault. The Court regarded this contemporaneous evidence, together with CCTV of the aftermath and eyewitness accounts, as a substantial body of evidence supporting the reliability of her account on the critical question of lack of consent.

The different jury verdicts were also explicable. For count 1, the jury could have had a reasonable doubt about whether the appellant knew the complainant was not consenting or was reckless as to consent. By count 2, however, the complainant's evidence was that she repeatedly told him to stop, tried to get away and was crying. The Court considered that the guilty verdict necessarily reflected the jury's acceptance of this evidence and rejection of any honest belief in consent at that point. Looking at the evidence, the Court held that the imperfections in the complainant's recollection of earlier events did not require the jury to entertain a reasonable doubt about count 2. The single appeal ground therefore failed and the appeal was dismissed.

Ecologically Sustainable Development

The ACT DPP is committed to the principles of ecologically sustainable development, and whilst opportunities for significant contributions in this regard are limited, the following continuing efforts and waste reduction initiatives are maintained at the office:

- a recycling program with each member of staff having a separate recycling container and larger containers located throughout the office;
- the use of recycled paper and toner cartridges;
- purchasing consumable items with recycling properties;
- a policy of 'double sided' photocopying; and
- electricity conservation by maintaining a lights-off policy after hours or when staff are absent from work.

Table 27: Sustainable development performance – current and previous financial year

Indicator as at 30 June	Unit	Current FY	Previous FY	Percentage change
Stationary energy usage				
Electricity use	Kilowatt hours	138,908	134,509	3.27
Fossil fuel gas use (non-transport)	Megajoules	0	0	0
Liquid Petroleum Gas	Kilolitres	N/A	N/A	N/A
Diesel use (non- transport)	Kilolitres	N/A	N/A	N/A
Fleet vehicles				
Zero Emissions Vehicles (ZEV)	Number	N/A	N/A	N/A
Plug-in Hybrid Electric Vehicles (PHEV)	Number	N/A	N/A	N/A
Hybrid Electric Vehicles (HEV)	Number	N/A	N/A	N/A
Internal Combustion Engine (ICE) vehicles	Number	N/A	N/A	N/A
Water usage				
Water use	Kilolitres	Unavailable	Unavailable	N/A
Resource efficiency and waste				
Waste to landfill	Litres	37,200	36,720	+1.29%
Co-mingled material recycled	Litres	36,720	36,720	0

Indicator as at 30 June	Unit	Current FY	Previous FY	Percentage change
Paper & cardboard recycled (incl. secure paper)	Litres	52,560	48,960	+6.85%
Organic material recycled	Litres	N/A	N/A	N/A
Greenhouse gas emissions				
Emissions from fossil fuel gas use (non-transport)	Tonnes CO_2-e	-	-	-
Emissions from diesel use	Tonnes CO_2-e	-	-	-
Emissions from petrol and E10 use	Tonnes CO_2-e	-	-	-
Emissions from Compressed Natural Gas (transport) where applicable	Tonnes CO_2-e	-	-	-
Emissions from refrigerants	Tonnes CO_2-e	-	-	-
Total emissions*	**Tonnes CO_2-e**	**0.00**	**0.00**	**0.00%**

Footnotes for 2025-26 Emissions and Utility Reporting

1. Data for this reporting period was extracted at 9am on 3 August 2026. At the time of data extraction, the Enterprise Sustainability Platform had 97.68% actual data, 1.68% estimated data, and 0.64% accrued date.

NB. These proportions are for whole-of-government. Please refer to your individual agency report for specific percentages of actual, accrued and estimated data for your agency.

2. Due to Machinery of Government changes where previous Directorates may have been combined or newly developed, for the purposes of reporting, these changes have been backdated to 1 July 2024 to enable a useful year-on-year comparison for impacted Directorates.

3. Note that some data reported for 2024–25 in the table may differ from figures reported in the 2024-25 Annual Report . These differences are due to utility invoice data entering the system after the data extraction date and retrospective updates to agency occupancy.

4. Fleet data reported in FY24–25 may vary from figures reported in the 2024-25 Annual Report. This is due to a full 48-month re-upload of SG fleet data undertaken to improve reporting accuracy prior to data extraction.

5. Emissions reported include Scope 1 and Scope 2 emissions only. Scope 1 are direct emissions from sources owned and operated by the government, including emissions from transport fuel, fossil fuel gas, and refrigerants. Scope 2 emissions from mains electricity is consider zero in the ACT due to the ACT's 100% renewable electricity supply.

6. Emission factors used to calculate natural gas and fleet fuel are based on the latest National Greenhouse Accounts factors.

7. Baseline (2019 calendar year) emissions have been amended to include refrigerants. Change in emissions for subsequent years has been revised accordingly.

8. Refrigerant data across ACT Government is progressively being updated as new assets are identified and documented, current data is therefore limited and accuracy will be improved in future reporting years.

Financial Management Reporting

Management Discussion and Analysis

Financial reporting obligations under the Financial Management Act 1996, are reported by the JACS Directorate.

Financial Statements

The financial transactions of the office for the year ending 30 June 2026 are subsumed within the audited financial statements of the JACS Directorate. Any data that is provided below should be read in conjunction with the JACS Directorate financial statements.

For information related to the budget outcomes, please refer to the JACS Directorate's audited financial statements for 2025–26 (Output 1.4).[8] It should be noted that total expenses in Output 1.4 include the JACS Directorate's allocated overheads.

Capital Works

During the 2025–26 reporting period, the office did not undertake any capital works.

Asset Management

The ACT DPP managed assets with a total net book value of $675,000 as at 30 June 2026. This comprised both leased and owned assets. On 30 June 2026, the office did not hold any properties identified as surplus.

Table 28: Assets Managed

Asset Category	Ownership	Qty
Leasehold Improvements	Owned	1
Plant and Equipment	Owned	3
Computer Software	Owned	2
Motor Vehicle Lease	Leased	0
Leasehold Improvements – Make Good	Leased	1

8 Refer to Statement of Performance on page 146

Asset Upgrades and Maintenance

There were no significant asset upgrades during the reporting period. In FY2025–26, the office did not conduct audits for building fit-out condition or hazardous materials.

Government Contracting

Procurement

The ACT DPP continues to undertake procurement activities in accordance with the Government Procurement Act 2001 and the Government Procurement Regulation 2007. Where required, the office seeks advice and guidance from the Justice and Community Safety Directorate (JACS) Procurement Team and Procurement ACT to ensure procurement processes are conducted appropriately and in line with whole-of-government requirements.

The ACT DPP is committed to achieving value for money, maintaining accountability and transparency, and ensuring procurement activities support the operational needs of the office.

Details of contracts with suppliers of goods, services and works valued at $25,000 or more are recorded on the ACT Government Contracts Register. Information relating to contracts entered into by the ACT DPP during FY2025–26 can be accessed via the ACT Government Tenders website at www.tenders.act.gov.au/contract/search.

Information regarding the Aboriginal and Torres Strait Islander Procurement Policy is reported by the Justice and Community Safety Directorate and can be found in the JACS Annual Report FY2025–26.

Statement of Performance

The following is extracted from the JACS Directorate's audited financial statements for the financial year:

Output Class 1 Justice Services - Output 1.4 Public Prosecutions

Description: Prosecution of summary and indictable matters, at first instance and on appeal, provision of assistance to the Coroner and provision of witness assistance services.

Table 29: Output Class 1 Justice Services - Output 1.4 Public Prosecutions

	2025–2026 Original Target	2025–2026 Actual	Variance %
Total cost ($'000)	**21,130**	**20,998**	**(1)**
Controlled Recurrent Payments	17.393	17,513	1
Accountability Indicators			
a) Average cost per matter finalised	$4,200	$4,101	(2)
b) The percentage of cases where the brief is served within two weeks of it being received from the ACT Police[1]	80%	89%	11
c) The percentage of cases where the indictment, case statement and questionnaire are filed within the timeframes specified at directions in the Supreme Court[2]	80%	61%	(24)

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators

a. Following a matter being moved from the Magistrates Court to the Supreme Court for trial, the Supreme Court Registrar will order the DPP to file a set of documents which includes the indictment, Case Statement, Witness List and Questionnaire. The 'usual orders' require the DPP to file the suite of documents within three weeks.

b. The calculation for indicator 1.4b covers the period 1 July 2025 to 27 February 2026. The AFP took over brief service after this time.

Note - Explanation of Material Variances (≥ +/-10%)

1. Further efficiencies have been pursued in the review and provision of briefs with a view to promote the progression of matters through the Court.

2. The percentage of cases in which committal documents were filed within the timeframes prescribed by the Courts deviated from target due to a range of contributing factors, including amendments to Court practice directions that placed additional operational pressures on staff, as well as sustained increases in overall workload.

Justice Agency Complaints

Under Section 18D of the *Victims of Crime Act 1994* (the VOC Act), victims who engage with a justice agency have the right to make a formal complaint if they believe their rights have not been upheld or if they are dissatisfied with the services provided in relation to those rights.

In accordance with statutory obligations, the ACT DPP continues to maintain a register of complaint matters in compliance with s.18I of the VOC Act. Below is a table setting out the total number of justice agency complaints received, the specific victim right each complaint relates to, and whether the complaint was resolved.

Table 30: Justice Agency Complaints

Description	Resolved	Not resolved	Total
Section 14C	6	-	6
Section 16F	1	-	1
Section 17	1	-	1
Total	**8**	**-**	**8**

Territory Records

See the Annual Report of Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

Appendices

Appendix A

Pursuant to section 12(4) of the *Director of Public Prosecutions Act 1990* the Annual Report must include a copy of each direction or guideline given by the Director pursuant to section 12 of the Act that is in force at the end of the reporting period. This appendix includes the Prosecution Policy of the Australian Capital Territory.

Prosecution policy of the Australian Capital Territory

1. Introduction

1. On 1 July 1991 the *Director of Public Prosecutions Act 1990* ('the DPP Act') came into effect. It established an Office of the Director of Public Prosecutions ('DPP') controlled by the Director of Public Prosecutions ('the Director') for the Australian Capital Territory ('the ACT').

1.1 The DPP Act ensures the effective removal of the prosecution process from the political arena by affording the Director an independent status in that process. While under section 20 of the DPP Act the Attorney-General may give directions or furnish guidelines to the Director in relation to the performance or exercise by the Director of their functions or powers, such a direction or guideline must be of a general nature and must not refer to a particular case. Further, the Attorney-General must not give a direction or furnish a guideline unless they have consulted with the Director. Any such direction or guideline is a notifiable instrument and must be presented to the Legislative Assembly.

1.2 The DPP Act also ensures that the prosecutor's role will be independent of police and other investigative agencies. Of course, in practice, there will need to be cooperation and consultation between the respective bodies. Nonetheless, once an investigation has culminated in a prosecution, any decision as to whether or not it should proceed will be made independently by the DPP. In the ACT that independence extends to summary prosecutions as well.

1.3 The Director's functions are also carried out independently of the courts: as the High Court has said, "our courts do not purport to exercise control over the institution or continuation of criminal proceedings, save where it is necessary to do so to prevent an abuse of process or to ensure a fair trial".

1.4 The purpose of a criminal prosecution is not to obtain a conviction; it is to lay before a court what the prosecution considers to be credible evidence relevant to what is

alleged to be a crime. Accordingly, prosecutors have strikingly been called "ministers of justice". A prosecutor represents the community: as Deane J has observed, they must "act with fairness and detachment and always with the objectives of establishing the whole truth in accordance with the procedures and standards which the law requires to be observed and of helping to ensure that the accused's trial is a fair one".

1.5 Although the role of the prosecutor excludes any notion of winning or losing, the prosecutor is entitled to present the prosecution's case firmly, fearlessly and vigorously, with, it has been said "an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings".

1.6 Further, the prosecution's right to be treated fairly must not be overlooked. Indeed, in the ACT, the *Human Rights Act 2004*, provides that everyone - the accused, members of the community and victims of crime - has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

1.7 The ACT is a human rights compliant jurisdiction, and all staff of the DPP must be mindful of the principles underlying the Human Rights Act and its purpose, as they conduct the business of the DPP. In particular, they are responsible for respecting, protecting and promoting the human rights that are set out in that Act.

1.8 This policy is not intended to cover every conceivable situation which may be encountered during the prosecution process. Where law or policy ends, discretion begins. Prosecutors must seek to resolve a wide range of issues with judgement, sensitivity and common sense. It is neither practicable nor desirable to fetter the prosecutor's discretion too much because the demands of justice and fairness will vary from case to case.

1.9 From time to time, the Director may issue directions or furnish guidelines pursuant to section 12 of the DPP Act. This policy supersedes the previous policy and guidelines and directions, save for the Director's disclosure guideline which came into effect on 3 August 2020 and remains in effect.

2. The decision to prosecute General criteria

2.1 It is not the case that every allegation of criminal conduct must culminate in a prosecution. The decision to prosecute should not be made lightly or automatically but only after due consideration. An inappropriate decision to prosecute may mean that an innocent person suffers unnecessary distress and embarrassment. Even a person who is technically guilty may suffer undue hardship if, for example, they have merely committed an inadvertent or minor breach of the law. On the other hand, an inappropriate decision not to prosecute may mean that the guilty go free and the community is denied the protection to which it is entitled. It must never be forgotten that the criminal law reflects the community's pursuit of justice and the decision to prosecute must be taken in that context.

2.2 Further, the resources available for prosecution are finite and should not be wasted pursuing inappropriate cases, a corollary of which is that the available resources are employed to pursue, with appropriate vigour, those cases worthy of prosecution.

2.3 Whilst a number of general principles may be articulated, it is not possible to reduce such an important discretion to a mere formula. Plainly, the demands of fairness and consistency will be important considerations, but the interests of the victim, the accused and the general public must all be taken into account. (In this context the term "the accused" includes an alleged offender, an accused and an accused.)

2.4 The decision to prosecute can be understood as a two-stage process. First, does the evidence offer reasonable prospects of conviction? If so, is it in the public interest to proceed with a prosecution?

2.5 The initial consideration will be the adequacy of the evidence. A prosecution should not be instituted or continued unless there is reliable evidence, duly admissible in a court of law, that a criminal offence has been committed by the person accused. This consideration is not confined to a technical appraisal of whether the evidence is sufficient to constitute a prima facie case. The evidence must provide reasonable prospects of a conviction. If it is not of sufficient strength any prosecution would be unfair to the accused and a waste of public funds.

2.6 The decision as to whether there is a reasonable prospect of a conviction requires an evaluation of how strong the case is likely to be when presented in Court. It must take into account such matters as the availability, competence and credibility of witnesses and their likely impression on the arbiter of fact. The prosecutor should also have regard to any lines of defence which are plainly open to or have been indicated by the accused, and any other factors which are properly to be taken into account and could affect the likelihood of a conviction.

2.7 The factors which need to be considered will depend upon the circumstances of each individual case. Without purporting to be exhaustive they may include the following:

(a) Are the witnesses available and competent to give evidence?

(b) Do they appear to be honest and reliable?

(c) Do any appear to be exaggerating, defective in memory, unfavourable or friendly towards the accused, or otherwise unreliable?

(d) Do any have a motive for being less than candid?

(e) Are there any matters which may properly form the basis for an attack upon the credibility of a witness?

(f) What impressions are the witnesses likely to make in court, and how is each likely to cope with cross-examination?

(g) If there is any conflict between witnesses, does it go beyond what might be expected; does it give rise to any suspicion that one or both versions may have been concocted; or conversely are the versions so identical that collusion should be suspected?

(h) Are there any grounds for believing that relevant evidence is likely to be excluded as legally inadmissible or as a result of some recognised judicial discretion?

(i) Where the case is largely dependent upon admissions made by the accused, are there grounds for suspecting that they may be unreliable given the surrounding circumstances?

(j) If identity is likely to be an issue, is the evidence that it was the accused who committed the offence sufficiently cogent and reliable?

(k) Where several accused are to be tried together, is there sufficient evidence to prove the case against each of them?

2.8 If the assessment leads the prosecutor to conclude that there are reasonable prospects of a conviction, they must then consider whether it is in the interest of the public that the prosecution should proceed. In many cases the interests of the public will only be served by the deterrent effect of an appropriate prosecution. Mitigating factors may always be put forward by an offender when the court is considering the appropriate sentence to be imposed, and it will usually be appropriate that they be taken into account only in that manner. Generally, the more serious the offence the more likely it will be that the public interest will require that a prosecution be pursued.

2.9 Nevertheless, the Director is invested with significant discretion, and, in appropriate cases, must give serious consideration to whether the public interest requires that the prosecution be pursued. Many factors may be relevant to the public interest, and the weight which should be accorded to them will depend upon the circumstances of each case. Without purporting to be exhaustive those factors may include the following:

(a) the seriousness or, conversely, the triviality of the alleged offence;

(b) whether it is of a "technical" nature only;

(c) any mitigating or aggravating circumstances;

(d) the youth, age, physical health, mental health or special vulnerability of the accused, a witness or victim;

(e) the antecedents and background of the accused;

(f) the staleness of the alleged offence;

(g) the degree of culpability of the accused in relation to the offence;

(h) the effect on public order and morale;

(i) the obsolescence or obscurity of the law;

(j) whether the prosecution would be perceived as counterproductive, for example, by bringing the law into disrepute;

(k) the availability and efficacy of any alternatives to prosecution;

(l) the prevalence of the alleged offence and need for deterrence, both personal and general;

(m) whether the consequences of any resulting conviction would be unduly harsh and oppressive;

(n) whether the alleged offence is of considerable public concern;

(o) any entitlement of a person or body to criminal compensation, reparation or forfeiture if prosecution action is taken;

(p) the actual or potential harm occasioned to any person as a result of the alleged offence,

(q) the attitude of the victim of the alleged offence to a prosecution;

(r) the need to give effect to regulatory priorities;

(s) the likely length and expense of a trial;

(t) whether the accused is willing to cooperate in the investigation or prosecution of others, or the extent to which they have already done so;

(u) the likely outcome in the event of a finding of guilt having regard to the sentencing options available to the court;

(v) whether the alleged offence is triable only on indictment; and

(w) the need to maintain public confidence in such basic institutions as parliament and the courts.

2.10 Plainly the decision to prosecute must not be influenced by:

(a) the race, ethnic origin, social position, marital status, sexual preference, sex, religion or political associations or beliefs of the accused or any other person involved (unless they have special significance to the commission of the particular offence or should otherwise be taken into account as a matter of fairness to the accused – see for example subparagraphs 3.26–3.27);

(b) any personal feelings concerning the alleged offender or victim;

(c) any political advantage, disadvantage or embarrassment to the government or any political group or association; or

(d) the possible effect of the decision on the personal or professional circumstances of those responsible for the decision.

Prosecution of juveniles

2.11 Special considerations apply to the prosecution of juveniles. In this context a juvenile is a child (a person who is under 12 years old) or a young person (a person who is 12 years old or older, but not yet an adult). The best interests of the juvenile must always be considered. Juveniles should be encouraged to accept responsibility for their behaviour and should be dealt with so as to provide them with the opportunity to develop in socially responsible ways. Prosecution of a juvenile must always be regarded as a severe step.

Generally, a much stronger case can be made for methods of disposal which fall short of prosecution unless the seriousness of the alleged offence or the circumstances of the juvenile concerned dictate otherwise. In this regard, ordinarily the public interest will not require the prosecution of a juvenile who is a first offender in circumstances where the alleged offence is not serious.

2.12 Different considerations may apply in relation to traffic offences where infringements may endanger the lives of the young driver and other members of the community.

2.13 In deciding whether or not the public interest warrants the prosecution of a juvenile regard should be had to such of the factors set out in subparagraph 2.9 as appear to be relevant and to the following matters:

(a) the seriousness of the alleged offence;

(b) the age, apparent maturity and mental capacity of the juvenile;

(c) the available alternatives to prosecution and their likely efficacy;

(d) the sentencing options available to the court if the matter were to be prosecuted; the family circumstances of the juvenile particularly whether those with parental responsibility appear willing and able to exercise effective discipline and control over the juvenile;

(e) the juvenile's antecedents including the circumstances of any previous cautions that they may have been given; and

(f) whether a prosecution would be likely to have an unduly harsh effect on the juvenile or otherwise be inappropriate, having regard to such matters as the vulnerability of the juvenile and their family circumstances.

2.14 Under no circumstances should a juvenile be prosecuted solely to secure access to the welfare powers of the court.

Prosecution of Corporations

2.15 As a general rule a reference in an Act to a person includes a reference to a corporation as well as an individual. Consequently, a corporation may be liable for any criminal offence except those that by their very nature cannot be committed by an artificial entity, for example sexual offences. From time to time the question arises whether it will be appropriate for a corporation to be charged with an offence, instead of, or as well as, an individual.

2.16 A thorough enforcement of the criminal law against corporate offenders, where appropriate, will have a deterrent effect, protect the public, and support ethical business practices. Prosecuting corporations, where appropriate, will capture the full range of criminality involved and thus lead to increased public confidence in the criminal justice system. Prosecution of a corporation should not be seen as a substitute for the prosecution of criminally culpable individuals such as directors, officers, employees, or shareholders. Prosecuting such individuals provides a strong deterrent against future corporate wrongdoing. Equally, when considering prosecuting individuals, it is important to consider the possible liability of the company where the criminal conduct is for corporate gain.

2.17 As a general rule it is best to have all connected offenders - corporate and individual - prosecuted together at the same time.

2.18 There will be occasions when it will be appropriate to charge a natural person with being an accessory to an offence committed by a corporation, notwithstanding that there is no charge against the corporation itself. The situations where this might be appropriate may include where the corporation has ceased to exist, or is in administration, liquidation or receivership.

2.19 It should be noted that the fact that a corporation is insolvent will not of itself preclude the prosecution of the corporation.

2.20 In deciding whether the prosecution of a corporation is required in the public interest, without purporting to be exhaustive, the public interest factors at subparagraph 2.9 and those set out below may be relevant. The weight which should be accorded to them will depend upon the circumstances of each case:

(a) a history of similar conduct (including prior criminal and regulatory enforcement actions against it), and conversely, the lack of such a history;

(b) whether the corporation had been previously subject to warnings, sanctions or criminal charges and had nonetheless failed to take adequate action to prevent future unlawful conduct, or had continued to engage in the conduct;

(c) whether the corporation's board of directors or a high managerial agent of the corporation engaged in the conduct or authorised or permitted the commission of the alleged offence;

(d) whether the conduct alleged is part of, or was encouraged or tolerated by, an existing corporate culture within the corporation;

(e) the failure of the corporation to create and maintain a corporate culture requiring compliance with the contravened law, or conversely, the existence of a genuinely proactive and effective corporate culture encouraging compliance;

(f) the failure of the corporation to provide adequate systems for giving relevant information to relevant people in the corporation;

(g) failure to report wrongdoing within a reasonable time of the offending coming to light;

(h) a genuinely proactive approach adopted by the corporate management team involving self-reporting and remedial actions, including the compensation of victims;

(i) the availability of alternative civil or regulatory remedies that are likely to be effective and more proportionate;

(j) whether the offending represents isolated actions by individuals, for example by a rogue director;

(k) the fact that the offending is not recent in nature, and the corporation in its current form is effectively a different body to that which committed the offences;

(l) whether the corporation is in administration, liquidation or receivership.

Discontinuing a prosecution

2.21 Generally, the considerations relevant to the decision to prosecute set out above will also be relevant to the decision to discontinue a prosecution. The final decision as to whether a prosecution proceeds rests with the Director. However, wherever practicable, the views of the police (or other referring agency) and the views of the victim will be sought and taken into account in making that decision. Of course, the extent of that consultation will depend on the circumstances of the case in question, and in particular on the reasons why the Director is contemplating discontinuing the prosecution. It will be for the Director to decide on the sufficiency of evidence. On the other hand, if discontinuance on public interest grounds is contemplated, the views of the police or other referring agency, and the views of the victim will have greater relevance.

3. Other decisions in the prosecution process

Choice of Charges

3.1 In many cases the evidence will disclose conduct which constitutes an offence against several different laws. Care must be taken to choose charges which adequately reflect the nature and extent of the criminal conduct disclosed by the evidence and which will enable the court to impose a sentence commensurate with the gravity of the conduct. It will not normally be appropriate to charge a person with a number of offences in respect of the one act but in some circumstances it may be necessary to lay charges in the alternative.

3.2 The charges laid will usually be the most serious available on the evidence. However, it is necessary to make an overall appraisal of such factors as the strength of the evidence, the probable lines of defence to a particular charge and whether or not trial on indictment is the only means of disposal. Such an appraisal may sometimes lead to the conclusion that it would be appropriate to proceed with some other charge or charges.

3.3 The provisions of a specific Act should normally be relied upon in preference to the general provisions of the *Crimes Act 1900* or Criminal Code 2002 unless such a course would not adequately reflect the gravity of the criminal conduct disclosed by the evidence.

3.4 There is a particular need for restraint in relation to conspiracy charges. Whenever possible, substantive charges should be laid reflecting the offences actually committed as a consequence of the alleged conspiracy. However, there are occasions when a conspiracy charge is the only one which is adequate and appropriate on the available evidence. Where conspiracy charges are laid against a number of accused jointly it is important to give due consideration to any risk that a joint trial may be unduly complex or lengthy or may otherwise cause unfairness to one or more of the accused.

3.5 Under no circumstances should charges be laid with the intention of providing scope for subsequent charge negotiation.

Mode of trial

3.6 Summary disposition usually provides the speediest and most efficient disposition of justice. In relation to some indictable offences, the prosecution has the power to elect whether those matters are dealt with summarily. In other cases, the consent of the prosecution may be required before an indictable matter can be dealt with summarily.

3.7 In making the election or giving or withholding consent for summary disposal, each case is to be considered on its merits. The over-riding consideration is to achieve justice. The principal matter to be considered will be whether in the circumstances the Magistrates Court can adequately deal with the matter should it proceed to sentence. In turn, that will depend on:

- the nature and circumstances of the alleged offending;
- any other matters that a court would have to consider in sentencing the alleged offender, were the offence to be proved; and
- the criminal history if any of the alleged offender.

3.8 Other factors to be considered are:

- whether the alleged offence is part of a series of related alleged offences, and if so whether it is appropriate to deal with those alleged offences summarily;
- whether there are any co-offenders of the alleged offender, and if so whether it is appropriate for the alleged offender to be dealt with together with the co- offenders; and
- any delay, increased costs or adverse effects upon witnesses likely to be occasioned by proceeding on indictment.

3.9 Under no circumstances will the election be made, or consent given or withheld, for tactical reasons.

Consent to prosecution

3.10 The Director has been authorised to give consent to the prosecution of a number of offences. This is to ensure that prosecutions are not brought in inappropriate circumstances. The reason for the requirement for consent is a factor which should be taken into account in deciding whether to prosecute. For example, consent may be required to ensure that mitigating factors are taken into account, or to prevent prosecutions in trivial matters. In such cases the question of consent is really bound up in the decision whether to prosecute. Other cases may involve a use of the criminal law in sensitive or controversial areas, such as conspiracy, or may involve important considerations of public policy, such as administration of justice offences.

Charge negotiation

3.11 Charge negotiation involves negotiations between the defence and the prosecution in relation to the charges to be proceeded with. Such negotiations may result in the accused pleading guilty to a fewer number of charges, or to a less serious charge or charges, with the remaining charges either being not being proceeded with or being taken into account on a schedule. It may also result in agreement for matters to be dealt with summarily. In some cases it may involve agreement about the content of the statement of facts to be put before the court.

3.12 There are obvious benefits to the criminal justice system from a plea of guilty. The earlier it is achieved, the greater will be the benefits accruing to the accused, the victim, witnesses and the community. Accordingly, negotiations between the defence and the prosecution are to be encouraged. They may occur at any stage and may be initiated by the prosecution or the defence. Charge negotiations must be based on principle

and reason, and not on expediency. A clear record of the negotiations must be kept in the interests of transparency and probity.

3.13 A plea of guilty may be accepted following appropriately authorised plea negotiations if the public interest is satisfied on consideration of the following matters:

(a) whether the plea reasonably reflects the essential criminality of the conduct and provides an adequate basis for sentencing;

(b) whether it will save a witness, particularly a victim or other vulnerable witness from the stress of testifying in a trial;

(c) the desirability of prompt and certain dispatch of the case;

(d) the need to avoid delay in the dispatch of other pending cases;

(e) the time and expense involved in a trial and any appeal proceedings;

(f) any deficiencies in the available evidence;

(g) in cases where there has been a financial loss to any person, whether the accused has made restitution or arrangements for restitution;

(h) the views of the police or other referring agency; and

(i) the views of the victim, where those views are available and if it is appropriate to take those views into account.

3.14 An alternative plea will not be considered where its acceptance would produce a distortion of the facts and create an artificial basis for sentencing, where facts essential to establishing the criminality of the conduct would not be able to be relied upon, or where the accused asserts or intimates that they are not guilty of an offence to which they are offering to plead guilty.

3.15 Sentencing of offenders is a matter for the court. It is not to be the subject of agreement or purported agreement between the prosecution and defence.

Jury selection

3.16 In exercising the right to challenge or stand aside prospective jurors the prosecution must not attempt to select a jury which is not representative of the community including as to age, sex, ethnic origin, marital status or economic or social background.

Retrials

3.17 Where a trial has ended without a verdict, prompt consideration should be given to whether or not a retrial is required. Factors to be considered include:

(a) the reason the trial ended, that is, whether the jury was unable to agree or other reason;

(b) whether or not another jury would be in any better or worse position to reach a verdict;

(c) the seriousness of the alleged offence;

(d) the cost to the community;

(e) the cost to the accused;

(f) whether the accused has spent time in custody;

(g) the views of the victim.

3.18 Where two juries have been unable to agree upon a verdict, a third or additional trial will be directed only in exceptional circumstances.

Sentence

3.19 The prosecution has an active role to play in the sentencing process.

3.20 As the High Court has said, a prosecutor should draw to the attention of the court what are submitted to be the facts that should be found, the relevant principles that should be applied and what has been done in other (more or less) comparable cases. It is not the role of the prosecutor to proffer some statement of the specific result they consider should be reached, or a statement of the bounds within which that result should fall.

3.21 If it appears there is a real possibility that the court may make a sentencing order that would be inappropriate and not within a proper exercise of the sentencing discretion, the prosecutor may make submissions on that issue. This will be particularly so if, where a custodial sentence is appropriate, the court is contemplating a noncustodial penalty, or where a conviction is appropriate, the court is contemplating a non- conviction order.

3.22 Where facts are asserted on behalf of an accused which are contrary to the prosecutor's instructions or understanding, the prosecutor should press for a trial of the disputed issues, if the resolution of such disputed facts is in the interests of justice or is material to sentence.

3.23 Co-operation by convicted persons with law enforcement agencies should be appropriately acknowledged and, if necessary, tested at the time of sentencing. On no occasion will it be appropriate for material such as police testimony as to an accused's assistance to authorities, to be handed directly to the court. Such material should be given to the prosecutor and tendered to the court by the prosecutor at the prosecutor's discretion.

3.24 Where an offender is unrepresented, the prosecutor should, as far as practicable, assist the court by putting all known relevant matters before the court, including such matters as may amount to mitigation.

3.25 A prosecutor should not in any way fetter the discretion of the Director to appeal against the inadequacy of a sentence (including by informing the court or an opponent whether or not the Director would, or would be likely to, appeal, or whether or not a sentence imposed is regarded as appropriate and adequate).

Sentencing indigenous offenders

3.26 The DPP recognises the overrepresentation of indigenous offenders in custody in Australia, including in the ACT. The High Court has said that the "high rate of incarceration" of indigenous offenders must not be taken into account when sentencing an indigenous offender. However, an offender's indigenous identity may explain or throw light on the offending and the circumstances of the offender.

3.27 A prosecutor should, as far as practicable, draw the court's attention to any relevant matters associated with or related to the offender's indigenous background. Without purporting to be exhaustive, this may include the following:

(a) the socio-economic circumstances in which the offender has been raised, including the absence of educational and employment opportunities;

(b) that the offender has experienced social exclusion or discrimination;

(c) that the offender has been raised in a community surrounded by substance abuse and/or violence;

(d) that the offender has been separated from their birth parents and/or community, for example by placement in foster care;

(e) that the offender has suffered physical, sexual or emotional abuse;

(f) that a lengthy term of imprisonment may weigh more heavily on the offender by reason of culture factors.

4. Disclosure

4.1 The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:

- to be relevant or possibly relevant to an issue in the case;
- to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or
- to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.

4.2 The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:

- a relevant previous conviction or finding of guilt;
- a statement made by a witness which is inconsistent with any prior statement of the witness;
- a relevant adverse finding in other criminal proceedings or in non-criminal proceedings;
- evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;
- any physical or mental condition which may affect reliability;
- any concession which has been granted to the witness in order to secure their testimony for the prosecution.

4.3 The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.

4.4 In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.

4.5 The prosecution's duty of disclosure does not extend to disclosing material:

- relevant only to the credibility of defence (as distinct from prosecution) witnesses;
- relevant only to the credibility of the accused;
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or
- for the purpose of preventing an accused from creating a forensic disadvantage for themself, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.

4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.

4.7 Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example, if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.

4.8 Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with their previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.

4.9 The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.

4.10 Where known, in accordance with Director's disclosure guideline which has been in effect since 3 August 2020 (see Annexure 1), the prosecution is under a duty to disclose the existence of:

(a) Relevant protected material that is subject of a claim of privilege or immunity;

(b) Relevant material that is subject of a statutory publication restriction;

(c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction.

5. The unrepresented accused

5.1 Particular care must be exercised by a prosecutor in dealing with an accused without legal representation. The basic requirement, while complying in all other respects with this policy, is to ensure that the accused is properly informed of the prosecution case so as to be equipped to respond to it, while the prosecutor maintains an appropriate detachment from the accused's interests.

5.2 So far as practicable, oral communications with an unrepresented accused should be witnessed. Communications should be promptly noted in all cases. A record should be maintained of all information and material provided to an unrepresented accused. Prosecutors may also, where appropriate, communicate with the accused through the court.

5.3 A prosecutor has a duty to ensure that the trial judge gives appropriate assistance to the unrepresented accused.

5.4 While a prosecutor has a duty of fairness to an accused, it is not a prosecutor's function to advise an accused about legal issues, evidence, inquiries and investigations that might be made, possible defences, or the conduct of the defence.

6. Private prosecutions

6.1 Not all prosecutions are initiated by police officers or other officials acting in the course of their public duty. The right of a private individual to institute a prosecution has been described as "a valuable constitutional safeguard against inertia or partiality on the part of authority". Nevertheless, the right is open to abuse and to the intrusion of improper personal or other motives. Further, there may be considerations of public policy why a private prosecution, although instituted in good faith, should not proceed, or at least should not be allowed to remain in private hands. Consequently, section 8 of the DPP Act enables the Director to take over the conduct of prosecutions initiated by another person. Thereafter the prosecution may be continued or brought to an end.

6.2 Section 13 of the DPP Act provides that where the Director has taken over the conduct of a private prosecution or is considering doing so the informant must provide to the Director a full report of the circumstances giving rise to the prosecution together with copies of the statements of any witnesses and other documentary evidence, and furnish any further information the Director requires. In addition, section 14 of the DPP Act enables the Director to seek police assistance in investigating the matter. These provisions enable a full assessment to be made of the prosecution case before any decision is made or, alternatively, after the matter has been taken over.

6.3 Given the large range of circumstances which may give rise to a private prosecution it is impracticable to lay down inflexible rules as to the manner in which the discretion will be exercised. In general, however, a private prosecutor will be permitted to retain the conduct of the proceedings unless:

(a) there is insufficient evidence to justify the continuation of the prosecution, that is to say, there is no reasonable prospect of a conviction being secured on the available evidence;

(b) the prosecution is not in the public interest;

(c) there are reasons for suspecting that the decision to institute a private prosecution was actuated by improper motives or otherwise constituted an abuse of the prosecution process; or

(d) it would not be in the interests of justice for the conduct of the prosecution to remain within the discretion of a private individual having regard to the gravity of the offence and all the surrounding circumstances.

6.4 Where a private prosecution is instituted to circumvent an earlier decision of the Director not to proceed with a prosecution for the same offence, it will usually be appropriate to take over the prosecution with a view to bringing it to an end.

7. Undertaking that a person will not be prosecuted

7.1 The Director has a power under the DPP Act to give an undertaking that a person will not be prosecuted for a specified offence or in respect of specified acts or omissions. Where such an undertaking has been given, no proceedings may subsequently be instituted in respect of the offence or conduct so specified. The undertaking may be given subject to such conditions (if any) as the Director considers appropriate.

7.2 In principle it is desirable that the criminal justice system should operate without the need to grant any concessions to persons who have participated in the commission of offences or who have guilty knowledge of their commission. It is obviously a grave step to grant, in effect, immunity from prosecution to someone apparently guilty of a serious offence. However, it has long been recognised that exceptional cases do arise in which the interests of justice demand that such a course be pursued.

7.3 As a general rule an accomplice should be prosecuted irrespective of whether they are to be called as a witness, subject of course to the usual evidentiary and public interest considerations being satisfied. If tried and convicted or acquitted with respect to the offences in issue, the person will then be a compellable witness for the prosecution, without the need for the issuing of an undertaking. Upon pleading guilty the accomplice who is prepared to co-operate in the prosecution of another can expect to receive a substantial reduction in the sentence that would otherwise have been appropriate.

7.4 The central issue in deciding whether to give an accomplice an undertaking under the DPP Act is whether it is in the overall interests of justice that the opportunity to prosecute the accomplice in respect of their own involvement in the crime in question should be foregone in order to secure their testimony in the prosecution of another. The factors to be considered include:

(a) the importance of the evidence which may be obtained as a result of the undertaking;

(b) the extent of the criminal involvement of the person seeking the undertaking compared with that of the accused;

(c) whether the person seeking the undertaking has given a full and frank statement of their prospective evidence, including an acknowledgement of their own role in the offences in issue;

(d) the character, credibility and previous criminal record of the person concerned;

(e) whether any inducement has been offered to the person to give the evidence sought; and

(f) whether there is any other means of obtaining the evidence in question, including by granting the person a more limited undertaking such as under subsection 9(1) or subsection 9(4) of the DPP Act.

7.5 Any undertaking given by the Director will generally be subject to the condition that the recipient of the undertaking will give evidence as and when called to do so, and that any evidence the person is called upon to give will be given truthfully, accurately and on the basis that the person will withhold nothing of relevance.

7.6 Requests for consideration of the giving of an undertaking will usually come from the police. Where such a request is made, the Director should be provided with a full copy of the brief of evidence against the principal offender, a copy of the brief or other material against the proposed witness, a full and frank statement signed by the proposed witness, and a comprehensive report adverting to each of the standard indemnity criteria, as listed above. Given that undertakings will rarely be given, it is prudent for investigators to consult with the Director as soon as practicable if they intend requesting an undertaking for a potential witness in criminal activity under investigation.

7.7 Where an accomplice receives any concession from the Director in order to secure their evidence, for example, whether as to choice of charge, or the grant of an undertaking under the DPP Act, the terms of the agreement or understanding between the prosecution and the accomplice should be disclosed to the court and to the defence.

8. Victims of crime

8.1 In exercising their functions, the Director and all members of the staff of the DPP must have regard to the governing principles in the *Victims of Crime Act 1994* as well as the Director's Instruction Nos. 1, 2, 7, 13, 14.1 and 14.2 outlining victim's rights in relation to particular prosecutorial decisions.

8.2 Victims are to be accorded sympathetic and dignified treatment. They have a right to information about the progress of investigations and the prosecution of the offender, including the charges and any modifications to the charges. A victim should be told about any decision not to proceed with a charge against the accused. Further, a victim should be told about the trial process and of the rights and responsibilities of witnesses and be given an explanation of the outcome of criminal proceedings, including of any sentence and its implications. Victims must be informed of the outcome of finalised court proceedings in a timely fashion.

8.3 There should be concern for the safety and wellbeing of victims, including protecting them from unnecessary contact with the accused and defence witnesses during the course of a trial or hearing.

8.4 A number of agencies which exercise a function in the administration of justice are responsible for ensuring these principles are adhered to, including the DPP, police, and victim support agencies. Those agencies must work together in a complementary way.

8.5 Consideration must be given from the early stages of contact with the victim, and/or their families, to involvement in the case by the witness assistance service of the DPP. In all appropriate cases, victims should be advised of this service and where necessary referred to it.

8.6 Victims may make victim impact statements pursuant to Part 4.3 of the *Crimes (Sentencing) Act 2005*. Prosecutors should ensure that the opportunity to prepare an adequate victim impact statement has been given, and that when one is prepared it contains relevant material to assist the court in the sentencing process. They must also ensure that victims are aware of their right to present the statement as a written statement or as a statement to be given orally in court.

9. Publication of reasons

9.1 Where the Director decides to exercise the power conferred by the DPP Act to decline to proceed further with a prosecution, reasons may be given to any enquirer with a legitimate interest in the matter. For example, the person said to be the victim of the alleged offence or those responsible for the investigation will normally be informed. It is acknowledged that the community through the media have a legitimate interest in the administration of justice and where a person has been publicly committed for trial there will generally be no objection to the reasons for any decision not to proceed with such a trial being made public.

9.2 However, reasons will not be given where to do so might give rise to further harm or serious embarrassment to a victim, a witness or to the accused, or where such a step might significantly prejudice the administration of justice. Similarly, even where reasons are given it may be necessary to limit the amount of detail disclosed. Under no circumstances will the Director engage in public debate concerning the reasons.

9.3 Reasons will not normally be given for a decision to discontinue proceedings before there has been any public hearing, because to do so would involve publishing allegations against members of the community in circumstances where there is insufficient evidence to substantiate them or, for some other reason, a prosecution would not be justified.

10. Prosecutor's duties under the ACT Bar rules

10.1 Crown Prosecutors and Senior Prosecutors will hold Practising Certificates issued by the ACT Bar Association. This policy incorporates aspects of the ACT Bar rules.

10.2 A prosecutor must fairly assist the court to arrive at the truth, must seek impartially to have the whole of the relevant evidence placed intelligibly before the court, and must seek to assist the court with adequate submissions of law to enable the law properly to be applied to the facts.

10.3 A prosecutor must not press the prosecution's case for a conviction beyond a full and firm presentation of that case.

10.4 A prosecutor must not, by language or other conduct, seek to inflame or bias the court against the accused.

10.5 A prosecutor must not argue any proposition of fact or law which the prosecutor does not believe on reasonable grounds to be capable of contributing to a finding of guilt and also to carry weight.

10.6 A prosecutor must disclose material in accordance with paragraph 4 ('Disclosure') of this policy.

10.7 A prosecutor who has decided not to disclose material to the opponent, as required under subparagraph 10.6 of this policy, must consider whether:

(a) the defence of the accused could suffer by reason of such nondisclosure;

(b) the charge against the accused to which such material is relevant should be withdrawn; and

(c) the accused should be faced only with a lesser charge to which such material would not be so relevant.

10.8 A prosecutor must call as part of the prosecution's case all witnesses:

(a) whose testimony is admissible and necessary for the presentation of all of the relevant circumstances;

(b) whose testimony provides reasonable grounds for the prosecutor to believe that it could provide admissible evidence relevant to any matter in issue;

(c) whose testimony or statements were used in the course of any committal proceedings; and

(d) from whom statements have been obtained in the preparation or conduct of the prosecution's case unless the opponent consents to the prosecutor not calling a particular witness;

and except where:

(e) the only matter with respect to which the particular witness can give admissible evidence has been dealt with by an admission on behalf of the accused;

(f) the prosecutor believes on reasonable grounds that the administration of justice in the case would be harmed by calling a particular witness or particular witnesses to establish a particular point already adequately established by another witness or other witnesses; or

(g) the prosecutor believes on reasonable grounds that the testimony of a particular witness is plainly untruthful or is plainly unreliable by reason of the witness being in the camp of the accused; provided that:-

(h) the prosecutor must inform the opponent as soon as practicable of the identity of any witness whom the prosecutor intends not to call on any ground within (e), (f) or (g) together with the grounds on which the prosecutor has reached that decision.

10.9 A prosecutor who has reasonable grounds to believe that certain material available to the prosecution may have been unlawfully obtained must promptly:

(a) inform the opponent if the prosecutor intends to use the material; and

(b) make available to the opponent a copy of the material if it is in documentary form.

10.10 A prosecutor must not confer with or interview any of the accused except in the presence of the accused's representative.

10.11 A prosecutor must not inform the court or the opponent that the prosecution has evidence supporting an aspect of its case unless the prosecutor believes on reasonable grounds that such evidence will be available from material already available to the prosecutor.

10.12 A prosecutor who has informed the court of matters within subparagraph 10.11 of this policy, and who has later learnt that such evidence will not be available, must immediately inform the opponent of that fact and must inform the court of it when next the case is before the court.

10.13 A prosecutor must not seek to persuade the court to impose a vindictive sentence or a sentence of a particular magnitude, but:

(a) must correct any error made by the opponent in address on sentence;

(b) must inform the court of any relevant authority or legislation bearing on the appropriate sentence; and

(c) must assist the court to avoid appealable error on the issue of sentence;

(d) may submit that a custodial or non-custodial sentence is appropriate; and

(e) may inform the court of an appropriate range of severity of penalty, including a period of imprisonment, by reference to relevant appellate authority

10.14 A barrister who appears as counsel assisting an inquisitorial body such as the National Crime Authority, the Australian Securities Commission, a Royal Commission or other statutory tribunal or body having investigative powers must act in accordance with subparagraphs 10.2, 10.4 and 10.5 as if the body were the court referred to in this policy and any person whose conduct is in question before the body were the accused referred to in subparagraph 10.4.

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Abbreviations and acronyms

Abbreviation	Meaning
ACAT	ACT Civil and Administrative Tribunal
ACT	Australian Capital Territory
ACT DPP	ACT Office of the Director of Public Prosecutions
ACTPS	ACT Public Service
AFP	Australian Federal Police
ANZSOC	Australian and New Zealand Standard Offence Classification
ARIns	Attraction and Retention Incentives
CASES	Criminal Advocacy Support and Enquiry System
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
COCA	Confiscation of Criminal Assets
CPD	Continuing Professional Development
Cwlth	Commonwealth
DASL	Drug and Alcohol Sentencing List
DPP	Director of Public Prosecutions
DVCS	Domestic Violence Crisis Service
EAP	Employee Assistance Program
FCPP	Fraud and Corruption Prevention Plan
FOI	Freedom of Information
FTE	Full Time Equivalent
FV	Family violence
FVIP	Family Violence Intervention Program
ICT	Information Communication Technology
JACSD	Justice and Community Safety Directorate
NOI	National Offence Index
NSW	New South Wales
OMCG	Outlaw Motorcycle Gang
PTG	Public Trustee and Guardian
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SACAT	Sexual Assault and Child Abuse Team
SARP	Sexual Assault Prevention and Response Program
VSACT	Victim Support ACT
WAS	Witness Assistance Service
WHS	Work Health and Safety

Glossary of technical terms

Term	Description
Accused	A person charged with a criminal offence.
Affirmative Consent	A legal standard requiring a person to take reasonable steps to ascertain that another person is consenting to sexual activity.
Appeal	A process where a party asks a higher court to review a decision of a lower court.
Appellant	The person or party bringing an appeal.
Bail	The release of an accused person into the community while their matter is before the court, usually subject to conditions.
Brief of Evidence	The collection of evidence and documents relied upon by the prosecution in a criminal matter.
Charge	A formal allegation that a person has committed a criminal offence.
Childrens Court	A specialist division of the Magistrates Court that deals with criminal matters involving young people.
Committal for Sentence	A decision to transfer a matter from the Magistrates Court to the Supreme Court for sentencing.
Committal for Trial	A decision to transfer a matter from the Magistrates Court to the Supreme Court for trial.
Complainant	A person against whom it is alleged a crime has been committed.
Conviction	A finding by a court that a person is guilty of an offence.
Court of Appeal	The division of the ACT Supreme Court that hears appeals from decisions of judges and magistrates.
Criminal Case Conferencing	A process in which the prosecution and defence discuss issues in dispute and whether a matter can be resolved without a trial.
Crown Prosecutor	A senior lawyer who conducts serious criminal prosecutions and appeals on behalf of the community.
Family Violence Order (FVO)	A court order designed to protect a person from family violence.
Galambany Court	A culturally-informed sentencing court for Aboriginal and Torres Strait Islander adults in the ACT.
Good Behaviour Order	A court order requiring an offender to comply with conditions and remain offence-free for a specified period.
Guilty Plea	A formal admission by an accused person that they committed an offence.
Hearing	A court proceeding where evidence and legal arguments are presented.
High Court of Australia	Australia's highest court and final court of appeal.

Term	Description
Indictment	A formal document setting out criminal charges to be heard in the Supreme Court.
Intermediary	A communication specialist who assists vulnerable witnesses to give their best evidence.
Jury	A group of community members responsible for determining whether an accused is guilty or not guilty in a trial.
Magistrate	A judicial officer who hears matters in the Magistrates Court and Children's Court.
Mental Impairment	A legal finding that a person was not criminally responsible for their conduct because of a recognised mental condition.
Nominal Informant	An ACT Policing officer co-located with the ACT DPP to assist with obtaining evidence and information relevant to prosecutions and other justice system stakeholders.
Non-Conviction Order	A finding of guilt where the court decides not to record a criminal conviction.
Non-Parole Period	The minimum time an offender must spend in custody before becoming eligible for parole.
Parole	The supervised release of an offender into the community before the end of their sentence.
Prosecutor	A lawyer who conducts criminal proceedings on behalf of the community.
Restorative Justice	A process that brings together victims, offenders and others affected by crime to address harm and promote accountability.
Special Leave to Appeal	Permission granted by the High Court to hear an appeal.
Sentence	The penalty imposed by a court following a finding of guilt.
Subpoena	A legal document requiring a person to provide documents or give evidence to a court.
Supreme Court	The ACT's highest trial court for serious criminal matters.
Suspended Sentence	A sentence of imprisonment that is not served unless the offender breaches specified conditions.
Therapeutic Correction Order	A court order combining treatment, supervision and rehabilitation requirements to address the causes of offending.
Verdict	The decision of a court or jury on whether an accused is guilty or not guilty.
Victim	A person who has suffered harm as a result of a criminal offence.
Victim Impact Statement	A statement describing the impact of an offence on a victim, provided to the court during sentencing.
Witness	A person who gives evidence in court.
Witness Assistance Service (WAS)	The ACT DPP team that provides support, information and assistance to victims and witnesses throughout criminal proceedings.

Contact sources

Agency	Website / Contact Details
ACT Bar Association	www.actbar.com.au
ACT Integrity Commission	www.integrity.act.gov.au
ACT Ombudsman	www.ombudsman.act.gov.au
ACT Policing	www.police.act.gov.au
ACT Policing Victim Liaison Office	Victims Liaison Office Telephone: (02) 6245 7441 Email: Victims-Liaison-Office@afp.gov.au
Australian Bureau of Statistics	www.abs.gov.au
Australian Federal Police	www.afp.gov.au
Canberra Rape Crisis Centre	www.crcc.org.au
Child Protection and Youth Justice	https://www.act.gov.au/community/child-protection-and-youth-justice
Child at Risk Health Unit	www.health.act.gov.au/services-and-programs/women- youth-and-children/children-and-youth/child-risk-health-unit
Domestic Violence Crisis Service	www.dvcs.org.au
Forensic and Medical Sexual Assault Care (FAMSAC) at Canberra Hospital)	https://www.canberrahealthservices.act.gov.au/services-and-clinics/services/forensic-and-medical-sexual-assault-care-famsac
Human Rights Commission	www.hrc.act.gov.au
Justice and Community Safety Directorate	www.justice.act.gov.au
Legal Aid Commission	www.legalaidact.org.au
Public Trustee and Guardian	www.ptg.act.gov.au
Royal Society for the Prevention of Cruelty to Animals	www.rspca-act.org.au
Victim Support ACT	www.victimsupport.act.gov.au
WorkSafe ACT	www.worksafe.act.gov.au

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