LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

QTON No. 22

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair), Mr Andrew Braddock MLA

**Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION TAKEN ON NOTICE
23 February 2022**

Asked by Dr Marisa Paterson MLA on 23 February 2022: Mr Shane Drumgold took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript 23 February 2022 [PAGE 20]]

In relation to:

DR PATERSON: Thank you, Chair. So my question is related to page 85. So the statistics, the criminal advocacy support and inquiry system. So you note in the report that you comply with ABS standards, but a fundamental aspect that is different is that the ABS standards report against defendants rather than charges and that the ACT Law Courts use a different system. Can you explain why that happens and what the challenges are in complying to ABS data?

Mr Drumgold: Look, I would need to take that on notice. I would need to refer to my statistics officer. So we have the ANZSOG classification that determines what we report on and what we do not report on, and we have matters as opposed to individuals. So an individual could have two discrete matters, each containing a number of charges, and we report on the matter. We do not collect together the data that works out how many of those matters have the same person involved, or the same people involved. Most of the ANZSOG data and the ABS data is designed to sort of get that balance of what is most useful to the business operation. But what I can say is we comply, as we are required, with the ABS and with the ANZSOG data, which is a different reporting criteria for—the ABS have larger data sets, because they are in the business of statistical collection. We are not in the business of statistical collection. We collect data that is useful for the business operation.

Mr Shane Drumgold, Director of Public Prosecutions:

The answer to the Member's question is as follows:–

The DPP report by **matter** finalised rather than the number of charges finalised or the number of defendants finalised. A matter is a charge or group of charges in relation to one defendant arising from one incident. This may change if hypothetically a defendant pleads guilty to only some of the charges in a single matter, resulting in some charges going to sentence with the remaining charges going to hearing, in which case one matter will split into two matters being one sentence matter and one hearing matter.

The reason the DPP does not count the number of defendants or the number of charges is because this does not reflect our workload. This is because one hearing consisting of multiple charges is the same workload as one matter consisting of a single charge. Likewise,

two hearings against the same defendant represents the same workload as two hearings against different defendants.

This aside, we do however apply the following ABS methodology:

- Where more than one matter involving the same defendant is finalised on the same date and in the same court level, the matters are merged and counted as one finalised matter:
- Where more than one matter with the same defendant is finalised on separate dates within the reporting period they will be counted as a separate matter for each date they were finalised:
- Where the same matter is finalised in more than one court level it will be counted once for each court level it was finalised in during the reporting period.

Reporting by **matter** finalised reflects DPP business operations, as the DPP prosecutes matters as a whole rather than individual charges. In addition, the purpose of the DPP statistics is to reflect the work and workload placed on DPP staff, which is most accurately reflected in matters prosecuted.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 4/3/22

By the Director of Public Prosecutions, Mr Shane Drumgold