



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 Mr Peter Cain MLA on 23 February 2022: Mr Shane Drumgold took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript 23 February 2022 [PAGE 21-22]]

In relation to:

**THE CHAIR:** Mr Drumgold, I have probably one that you can take on notice regarding fraud training. What percentage of staff have received fraud training, how regularly is fraud training delivered and is it compulsory?

**Mr Drumgold:** I can answer it is not compulsory. Fraud training, as in—it depends on the type of fraud you are talking about. We conduct fraud prosecutions. So there is regular training in how to conduct various prosecutions and how to collect data sets. As to fraud within the office—people within the office committing fraud—or how to deal with fraud? I would need some specifics the question.

**THE CHAIR:** Would you mind taking on notice just to cover the field of both within the office and, I guess, a simple understanding of what fraud is, as well as the percentage uptake of staff doing that.

**Mr Drumgold:** Sure.

Mr Shane Drumgold, Director of Public Prosecutions:

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

“Fraud” covers a broad range of conduct. For instance, Part 3.3 of the Criminal Code 2002 encapsulates a wide range of “Fraudulent Conduct”, without explicitly defining the term “fraud”. However, at its simplest, the concept of fraud concerns deceptive conduct undertaken for the purpose personal gain. Fraud can take many forms and accordingly, training with respect to fraud occurs in a variety of ways.

Concerning “internal fraud” all staff receive ongoing fraud training, some more so than others depending on what functions they perform. For instance (not exhaustive):

- *Conflicts of interest / Unauthorised access to information / Unauthorised disclosure of information* – As part of the induction process 100% of staff are trained with respect to these matters. Staff are required to disclose any perceived or actual

conflict of interest that poses a risk for fraudulent conduct. Prosecutors are reminded of these requirements and have ready access to relevant staffing policies.

- *Exercise of prosecutorial discretion to discontinue charges* – 100% of prosecutorial staff are trained with respect to complying with the Director’s Instructions (published online, see Directors Instructions 1, 2, 14.1, 14.2). A prosecutor cannot discontinue any charge of consequence of their own volition. A minimum of one other prosecutor is required to review a discontinuation. In some instances, three separate prosecutors must review the matter before a charge can be discontinued. Furthermore, the Quality and Compliance Officer independently audits all Record of Reviewable Decision (RORD) matters to ensure the process has been duly followed.
- *Expenditure of monies* – Non-executive prosecutorial and paralegal staff have no delegation to access or spend public funds. Only the corporate division of the ODPP can expend monies and this can only be done upon evidence (for instance, a sealed subpoena from the court is required before conduct money is released; a request to engage an expert or to order a transcript must be approved by a member of the executive before monies will be released). All staff who perform a function that requires the release of funds are trained in the process. Within corporate, staff are required to ensure that other expenditures (for instance credit card purchases or petty cash outlays) are approved by a financial delegate. A monthly reconciliation of all expenditure relating to conduct money, witness expenses and credit card purchases are internally reviewed and approved by the executive. Corporate staff are trained and required to follow the Director-Generals Financial Instructions, Justice and Community Safety Directorate. For all of this, the ACT DPP is subject to external auditing by auditors appointment by the Justice and Community Safety Directorate.
- *Leave and timesheets* – 100% of staff are trained in how to account for hours of work. The office conducts an internal audit on leave and timesheets, including the checking of records to ensure accurate data matching, prior to sign off from an executive member.

Concerning the “prosecution of fraud matters”, the role of the Director is not to investigate or uncover external fraud, rather to present evidence of a fraud charge to a tribunal of fact during a trial or hearing. Training is provided to all prosecutors on how to adduce often complex fraud evidence, including how to engage the Criminal Code, Evidence Act and common law. Where cases of fraudulent conduct are prosecuted, staff engage with experts (for instance investigators, accountants, forensic accountants) to acquire the knowledge necessary to elicit the evidence and explain to a judge or jury what it means.

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