

Tasmania Police Review of Prosecution Services September 2024 – Final Report



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1 Executive summary

Our focus

This targeted review considered the current state of Prosecution Services across the State, including workload, the adequacy of human resource allocation (including Police versus legal practitioners) and overall structure as well as recommendations from the 2019 joint review.

Our approach focused on data analytics from all available sources and consultation with a wide variety of participants internally within Prosecution Services, more broadly across the Department of Police, Fire and Emergency Management and externally with representatives from across the legal and policing environment.

The scope of this review included the following:

- A full business analysis of the functions of the three geographical Prosecution Services, including consistency of those functions and workload.
- An analysis of the current human resource commitments to determine if arrangements (including numbers) are appropriate across the three cohorts to meet the business needs.
- Comparisons across the three regions¹ regarding outputs.
- Determining the total cost of operating the three geographical Prosecution Services.
- An examination of the issues surrounding the recruitment and retention of prosecution staff (Police and non-sworn).
- Future proofing - training and succession planning (including career pathway for legal practitioners within DPfEM).
- Consideration whether the current structure of Prosecution Services across the State (three separate Prosecution Services reporting to geographic commands) is suitable.
- An analysis of the impacts and opportunities of evolving technology, including changes that may affect Prosecution Services through the implementation of the Magistrates Court (Criminal and General Division) Act 2019 and subsequent planned e-prosecutor and e-court technical solutions.
- Whether the recommendations of the 2019 Joint Review are achievable and addresses some of the current issues being experienced by Prosecution Services.

We were reliant on support and data being provided by Tasmania Police. This review identified the key impacts and opportunities through the consultation phase for consideration. Business analysis data was, in some cases, unobtainable in a format that was comparable across regions. In these instances, analysis was not performed.

It is noted that this review was completed within the current context of the Department and funding profile with a focus on opportunities for practical enhancements.

Our findings and recommendations

The review noted a number of findings and key themes. The review recommends the follow roadmap for consideration:

- Immediate term: Consider the resourcing requirements for Prosecutions Services as a matter of priority based on workload data and, in particular, for the disclosure team in the South. Commence consultation with the Department of Justice, the DPP and Government in relation to resourcing requirements and opportunities.
- Short term (next 12 months-18 months):
 - Formation of a dedicated project team, to undertake specific tasks to enhance the oversight, support, efficiency and consistency within Prosecution Services. Elements could include policy, training materials, workflow and file management practices, and enhancements to the use of existing IT systems.
 - Consider a hub-and-spoke command structure. This structure maintains direct reporting within District Commands while centralising the management of oversight and support activities, including:

- i. The level 3 legal practitioners
 - ii. Training and development initiatives
 - iii. Policy and guidance formulation
 - iv. Systems and process support services
- Medium term (18 months+): Initiate discussions with the Director of Public Prosecutions, and the Department of Justice regarding the future resourcing of Prosecution Services in Tasmania. This would involve collaborative efforts to address and support the ongoing needs of the service.

Department response to the findings of the report

2 Background and objectives

2.1 Context and background

Tasmania Police is responsible for the prosecution of summary matters within the Tasmanian criminal justice system, with some shared responsibility with the Office of the Director of Public Prosecutions (ODPP).

Tasmania Police currently has three separate prosecution areas (Southern, Northern and Western Prosecution Services). Each Prosecution area reports to an Inspector of Police and is staffed by a combination of sworn police officers and legal practitioners that prosecute cases on behalf of Tasmania Police. These areas are supported by State Service Employees (SSE), who undertake day to day administrative tasks, and manage the disclosure of evidence.

Prosecutions is traditionally a busy and dynamic environment with often large workloads spread across a relatively small cohort of suitably trained staff. There has been a marked increase in demand across prosecution areas in recent years, due to a variety of factors, including police activity (more charges), and demands by the courts to ensure that existing court lists are dealt with in a timely manner. The increase in court related demand has been driven, in-part, by a backlog of matters arising from restrictions imposed during the government's response to COVID-19. Whilst this backlog is being managed, Prosecutions remain responsive to the court requirement and have little or no ability to manage workflow demands.

Prosecutions have evolved in recent years, with additional legal practitioners being engaged to provide support and expertise to these areas. Recruitment and retention of qualified staff remains a challenge, and the ability to appropriately mentor and provide career pathways for legal practitioners is limited within the current employment structures.

In response to the evolving prosecutorial environment, in 2019 the Commissioner of Police and the ODPP agreed to a joint review of the way the prosecution of summary offences is conducted in Tasmania. The review, referred to as the 'Bugg/Tully Review', considered the respective roles of Tasmania Police and the ODPP, whether the current model was appropriate to meet future government and community needs and expectations for the delivery of summary Prosecution Services. The reviewers consulted widely, as required by the review Terms of Reference, and provided their report to the Commissioner of Police and ODPP on 6 December 2019. The review concluded that the current model, although in need of modification, worked satisfactorily. Issues were identified, including inexperienced prosecutors, difficulty in recruiting new staff, increased complexity, significant workloads, and inconsistencies in processes. The report contained seven recommendations. In response, Tasmania Police formed a Prosecution Services Working Group (PSWG) to consider the recommendations. A portion of the key recommendations require additional funding to implement and in the absence of the additional funding, have not progressed. The review, whilst comprehensive, did not provide data or evidence that would support a further budget submission to government to implement those recommendations.

Implementation of the *Magistrates Court (Criminal and General Division) Act 2019*, and the corresponding e-Prosecutor and e-Court technical solutions will result in significant changes for Prosecution Services in the future. The new legislation and technical solutions provide an opportunity for all three prosecution areas to have standardised processes and responses across all areas and will (eventually) allow for shared resources.

Given the increasing demands, expectations and future changes that may influence how Prosecution Services functions into the future, it was determined that a further independent review was best placed to provide contemporary advice to DPFEM.

2.2 Objective and scope for the review

This targeted review considered the current state of Prosecution Services across the State, including workload, the adequacy of human resource allocation (including Police versus legal practitioners) and overall structure as well as recommendations from the 2019 joint review.

The scope of this review included the following:

- A full business analysis of the functions of the three geographical Prosecution Services, including consistency of those functions and workload. This analysis included:
 - Population base;
 - Number of courts and magistrates;
 - Travel time (remote courts);
 - Number of complaints and individual files;
 - Number of adjournments on average for each file;
 - Average time per type of complaint/file it takes to be finalised; and
 - Number of hearings.
- An analysis of the current human resource commitments to determine if arrangements (including numbers) are appropriate across the three cohorts to meet the business needs.
- Comparisons across the three regions¹ regarding outputs.
 - Administration staff;
 - Police; and
 - Legal Practitioners (levels required) – compared to the 2019 review.
- Determining the total cost of operating the three geographical Prosecution Services.

- An examination of the issues surrounding the recruitment and retention of prosecution staff (Police and non-sworn). Including engagement with staff who have recently left that area.
- Future proofing - training and succession planning (including career pathway for legal practitioners within DPFEM).
- Consideration whether the current structure of Prosecution Services across the State (three separate Prosecution Services reporting to geographic commands) is suitable.
- An analysis of the impacts and opportunities of evolving technology, including changes that may affect Prosecution Services through the implementation of the Magistrates Court (Criminal and General Division) Act 2019 and subsequent planned e-prosecutor and e-court technical solutions.
- Whether the recommendations of the 2019 Joint Review are achievable and addresses some of the current issues being experienced by Prosecution Services.

The following limitations or changes to the scope occurred during the project:

We were reliant on support and data being provided by Tasmania Police including:

- Business analysis data – including travel time, number of complaints and individual files, number of adjournments on average for each file, average time per type of complaint / file and number of hearings. We did not validate the data provided to us and relied on this data (where available) for the purposes of this review.
- Analysis of human resources – including data on FTE total hours versus available hours (vacancies, leave, secondments etc).
- Cost of operating the three geographical regions – we will rely on financial data provided by Tasmania Police for this analysis.

The scope of this review was not able to assess the potential impacts and opportunities in detailed analysis. This review identified the key impacts and opportunities through the consultation phase for consideration. Business analysis data was, in some cases, unobtainable in a format that was comparable across regions. In these instances, analysis was not performed.

It is noted that this review was completed within the current context of the Department and funding profile with a focus on opportunities for practical enhancements.

Please note that for the purposes of this report we have referred to 'regions' as 'districts' to keep language consistent.

3 Review findings

3.1 Summary

The following section summarises the high-level key themes identified in this review.

Positive commentary regarding the support and guidance provided by the temporary level 3 legal practitioner position as well as the success of the legal support officer roles.

Internally and externally, there was positive feedback noting prosecution staff are hardworking and willing to assist.

Many staff and external stakeholders commented on the inefficiencies of processes and remaining on paper files, with a need to convert to electronic processes to enhance efficiencies.

Comments across all levels of consultation indicated the ongoing workload was unmanageable within the current staffing capacity.

The absence of adequate training, mentorship, and on-the-job support were identified as significant concerns.

The Disclosure Unit, particularly in the south, will not be able to meet requirements of the new Act with the current structure, processes and staffing capacity.

Rotation of staff, a sense of being underprepared or lacking training, and the demands of the courts were noted as key recruitment and retention issues.

Prosecution Services management is strained with heavy workloads and limited oversight. This is leading to insufficient insight into team task allocation and a lack of staff training. Leadership roles are perceived as career progression roles rather than dedicated Prosecution leadership roles.

Differences in approaches between sworn members and legal practitioners were noted leading to a lack of collaborative practices and role clarity in some cases.

3.2 Key themes

The following table provides a summary of the key themes from this review.

Reference	Key Themes	Finding Detail
3.2.1	People	The review has received feedback from nearly all participants that the highlight of their role or experience with Prosecution Services is the camaraderie and dedication of the staff. Despite the concerns mentioned below regarding the culture (section 3.2.6), there's a prevalent sentiment that the team members are industrious and always ready to lend a hand.
3.2.2	Level 3 legal practitioner and legal support officers	The review has gathered overwhelmingly positive feedback regarding the roles established in the southern district, which include the level 3 legal practitioner and multiple legal support officers, albeit in a temporary capacity. The desire for these positions to be made permanent was a common theme among the responses. There is an opportunity to consider how the level 3 legal practitioner role can be utilised to support all districts and how the legal support officer roles may also apply statewide.
3.2.3	Workload analysis and impact on people	The review has noted the continuing workload increase over time for all prosecution staff members. This surge is linked to a variety of causes, such as a shift in the types of cases being handled, an increase in youth justice cases, the induction of more magistrates, the loss of experienced personnel, and prolonged job vacancies. We note from our review of the number of courts and magistrates, and the budget chapters from 2020/21 onwards, that funding has been allocated in 2021/22 to increase the number of Judges and Magistrates, and additional funding to the Magistrates Court in 2024/25. Legal Aid received additional funding in 2020/21 to reduce the backlog of complex criminal cases. We note during the same period that Prosecution Services has not received significant funding increases related to the identified increase in workload. Additionally, from consultation during the review, it was highlighted that the complexity of cases has intensified for several reasons, including: • The evolving requirements for evidence, especially concerning digital evidence. • A rise in the number of not-guilty pleas, which extends the duration of each case. • An uptick in family violence cases and a heightened need for trauma-informed approaches. • Increased public scrutiny of the prosecution process following the Royal Commission into Institutional

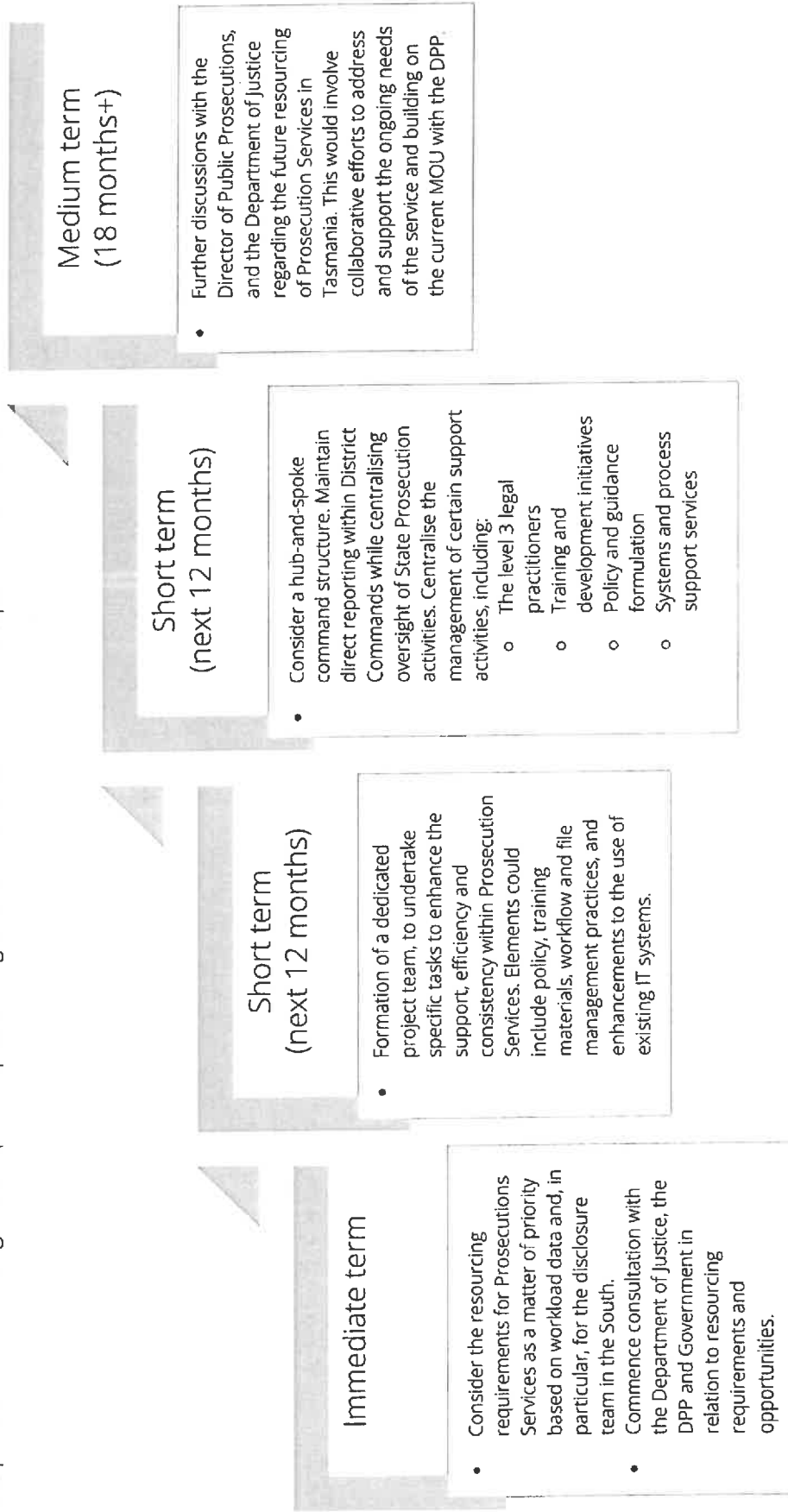
Reference	Key Themes	Finding Detail
		Responses to Child Sexual Abuse and the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. The consultation within this review has noted that many staff are feeling the impacts of the high workload and have indicated that they are considering alternate work. Disclosure teams, especially those in the south, are facing challenges in fulfilling the disclosure obligations as per the Magistrates Court (Criminal and General Division) Act 2019. Magistrates have publicly commented on the timeframes for disclosure to the courts. The current internal staff estimate suggests that in the south, only about 30% of the tasks are expected to meet the legislative deadlines. WLF previous undertook a review of the resource requirements related to the changes in disclosure requirements which indicated that an increase in FTE would be required. Additionally, there is a noted absence of management oversight and support for the southern disclosure team. The impacts of slow disclosure practices have been identified as a significant concern by both internal and external interviewees, with potential reputational impacts to the Department. The review has highlighted that management and leadership capability is critical in supervisory roles as they are managing a substantial workload alongside people management responsibilities. The Inspector role in the North, and Commander role in the Western district also have other functional responsibilities. To effectively manage the provision of legal services, active management and leadership of work and file allocation and performance management is required. It was noted within sections of Prosecutions where active leadership was demonstrated that process improvements were evident and staff management issues were being addressed. The review noted inefficiencies are occurring within Prosecution Services where issues are noted in files received from front line officers. In some cases, staff within Prosecution Services are correcting or fixing files on behalf of officers. This practice creates additional workload for Prosecution Services and undermines the learning and development of officers. The practice has also led to concerns relating to professional boundaries where sworn members with Prosecution Services could be called as witnesses in cases where Prosecution Services are prosecuting the case.
3.2.4	Disclosure	
3.2.5	Leadership support and workload management	
3.2.6	Interaction with front line policing	

Reference	Key Themes	Finding Detail
3.2.7	Recruitment and retention	Stakeholders and staff consulted indicated there are recruitment challenges for both police and legal roles, with staff expressing concerns over the prolonged recruitment process. Retention is currently a significant challenge, attributed to factors such as the absence of permanent positions or succession opportunities for legal staff, and the practice of assigning prosecution staff to appear before magistrates early in their tenure without adequate formal training. The consultation noted that court attendance can be an inherently challenging environment in meeting the expectations of presiding magistrates.
3.2.8	System and process capabilities	This review has noted: - that processes within Prosecution Services are not applied consistently state-wide. We noted inefficiency caused by labour-intensive manual processes that differ throughout the state, which substantially impedes the ability for statewide collaboration. - The current IT systems have notable limitations however the functionality that is there is not being utilised to full effect. - Data is not utilised effectively to manage the workload, understand the workload drivers or report on the outcomes delivered by Prosecution Services. - There is currently no resourcing or projects in train to enhance processes or deliver on system efficiencies. - the lack of adequate clerical support has been identified, leading to prosecutors spending an excessive amount of time on administrative tasks after court proceedings, which is not an optimal use of their expertise.
3.2.9	Training & development	The review has recognised that, aside from a recent well-received course in the Western office, there has been an absence of training for staff over several years. While legal practitioners have access to professional development through the Law Society, sworn members lack a similar body for reference, and the Tasmanian Training Consortium's offerings do not meet the specialised needs of the staff. The consultation highlighted that the regular reinstatement of the prosecutors' course, including its integration into the training for all sworn members, with a focus on establishing best practices for ongoing training would be beneficial. A number of staff consulted have expressed concern that their current workload leaves them with no capacity to participate in training.

4 Recommendations and roadmap

4.1 Roadmap

We have provided the following roadmap for implementing the recommendations of this report for consideration:



4.2 Recommendations summary

The following table details the recommendations shown in the above roadmap.

Ref	Summary	Description of recommendation
4.2.1	Immediate term	Workload and resourcing The workload of Prosecution Services is not controlled by Tasmania Police: it is driven by external factors such as crime rates, operational policing effectiveness in bringing charges, and the court processes. In this context, Prosecution Services must respond to and deal with the workload that comes to the service. The workload requirements of Prosecution Services is not only driven by caseload, but also elements such as the nature of the charges, court scheduling, and disclosure requirements. This report has noted the factors that are contributing to the increasing workload of Prosecution Services and the workload pressure that is being experienced. Based on the findings of this review and with the current resourcing, the risk is increasing that Tasmania Police will not be able to meet the Court demands or will not be able to achieve the quality level expected to ensure that prosecutions are contributing to the crime response within Tasmania into the future. To effectively support staff within Prosecution Services, and to ensure that Tasmania Police is able to continue to meet the expectations of the community and the court system, this report recommends that Tasmania Police consider: 1. The resourcing requirements of Prosecution Services in the short term and in particularly in the southern district within disclosure. We refer to the previous WLF report on additional resource requirements. 2. Consider extending the role of the level 3 practitioner role in the south and consider options for further senior legal support statewide such as the introduction of an additional level 3 role to support the northern and western districts. 3. Review recruitment practices for Prosecution Services to enable concurrent processes for sworn and public servant recruitment to enable resources to be engaged in a timely manner. While we note this recommendation is challenging in the current budgetary context, it is not possible for Prosecution Services to reduce demand for services or reduce service levels and therefore resourcing must be considered in this light. This Review recommends that Tasmania Police commence consultation with the Department of Justice, the DPP and Government in relation to resourcing requirements for Prosecution Services, in particular the increasing demand and resourcing requirements for disclosure in the South. This discussion would also involve collaborative efforts to address and support the ongoing needs of the service and building on the current MOU with the DPP.

Ref	Time-frame	Description of recommendation
4.2.3	Short term (next 12 months)	This review notes that there are opportunities to enhance the practices, processes, systems and staff development within Prosecution Services that can contribute to enhancing the efficiency of the activity and deliver enhanced effectiveness for the resources allocated. To address the needs identified in this review, it is our view that a focused short-term project would assist which would include: • Establishment of a project team within Prosecution Services whose sole focus in the short term would be to develop or implement: ◦ Ongoing training and development requirements and opportunities for all Prosecution Services staff, including specific prosecutor training as identified and engagement with the DPFEM training services team at the academy to understand the inclusion of Prosecutions training at the recruit level; ◦ Supporting guidance documents and resources to assist staff; ◦ On the job mentorship opportunities; ◦ Establishment of processes and resources for technical senior legal expertise (level 3 legal practitioners, see section 4.2.1) resource sharing; ◦ System capabilities and improvement opportunities; ◦ Electronic process implementation prior to or immediately upon the release of the planned e-prosecutor and e-court technical solutions (subsequent to the implementation of the Magistrates Court (Criminal and General Division) Act 2019); ◦ Consistent processes across all districts where possible appreciating the individual preferences of magistrates. This would include consideration of file tracking processes to address current inefficiencies; ◦ Determining an appropriate level of accountability for files and workload management and how this could work in each district; ◦ Resource sharing and collaboration opportunities; ◦ Ongoing legal support officer roles and options for supporting roles within the structure of Prosecution Services. This review notes that dedicated focus and resourcing is required to realise potential efficiencies and enhance effectiveness within Prosecution Services. Achieving these efficiencies will require dedicated resources in the short term as the current workload requirements will not enable adequate focus on these enhancements if attempted within current roles.

Ref	Timeframe	Description of recommendation
4.2.4	Short term (next 12 months)	The consultation from this review indicated a desire to keep Prosecution Services within Police in the short term. This was due to several factors, including: • Informative knowledge sharing of Police systems and processes shared via sworn members working within Prosecution Services. • Positive relationships with front line staff and the ability to engage with front line officers from within Tasmania Police. • Ability of Commanders and district management to manage resources within a district and resolve challenges for Prosecution Services within the district. • Career options for sworn members. • The likelihood of external bodies being able to absorb the workload of Prosecution Services if a revised structure was considered. On this basis, this review recommends that in the short term, a 'hub-and-spoke' model is considered for Prosecution Services. A 'hub-and-spoke' model would continue the district structure for service delivery due to the benefits listed above but would also provide a centralised leadership, support and administration team to enable the prosecution teams across the districts. The central team would undertake the following functions (and any others as determined by the project team and agreed to by CMG): • State oversight of Prosecution Services including weekly meetings to manage workload, resourcing and other activities • Training and development • Mentoring (led by level 3 legal practitioner roles). The senior resourcing within Prosecutions must factor in time available for professional development and mentoring of staff outside of court attendance. • Policy and guidance • Policy, systems and process support

Ref	Timeframe	Description of recommendation
4.2.5	Medium term (18 months+)	In the medium term, this review notes that there are compelling arguments to further review where legal prosecution services are best delivered within the broader Tasmanian context. The challenges for Prosecution Services have been noted across multiple reviews and this review notes: • The importance of quality prosecution services within Tasmania to support the judicial and policing objectives for Tasmania. • That Prosecutions require dedicated legal expertise which is not always consistent with the core capabilities and role of Tasmania Police. • The increasing complexity of cases and the ability of Tasmania Police to resource the required legal expertise and supporting systems to enable service delivery. • The long term challenge of attracting and retaining expertise within Prosecution Services including the ability for Tasmania Police to provide meaningful career pathways and development for staff. This review recommends that in the long term, engagement with the Director of Public Prosecutions (DPP) and the Department of Justice occur to review and consider the optimal delivery model for prosecutions in the future. Tasmania Police currently have an MOU with the DPP in relation to the provision of services, specifically summary matters, and this MOU should form the basis of further considerations.

5 Appendix A - Consultation and data results

The following section of the report provides the detailed consultation and data results by scope objective. Each section provides the scope objective and detail of the findings from the surveys, interviews, workshops held and data analysis where relevant.

5.1 Business analysis of function by geographical location

Review Objective

A full business analysis of the functions of the three geographical Prosecution Services, including consistency of those functions and workload. This analysis will include:

- Population base;
- Number of courts and magistrates;
- Travel time (remote courts);
- Number of complaints and individual files;
- Number of adjournments on average for each file;
- Average time per type of complaint/file it takes to be finalised; and
- Number of hearings.

Limitation of scope

We were reliant on support and data being provided by Tasmania Police:

- Business analysis data – including travel time, number of complaints and individual files, number of adjournments on average for each file, average time per type of complaint / file and number of hearings. We did not validate the data provided to us and relied on this data for the purposes of this review.

5.1.1 Data results

The only year where data as outlined above was accessible from all sources was the 2022/2023 financial year. The stand-alone results for this year are as follows:

Table 1: Key data statistics by district

	2024 or Oct 23-Oct 24 figures				As a percentage of state total		
	Southern	Northern	Western	State total	Southern	Northern	Western
Population base ¹	297,472	155,894	119,790	573,156	52%	27%	21%
Number of magistrates ^{2y}	10	3.2	3.6	16.8	56%	22%	22%
Travel time (remote courts)	Data unobtainable						
Number of complaints and individual files	Between 25 October 2023 and 25 October 2024, the Police lodged 26,103 complaints with the Magistrates Court						
Number of adjournments on average for each file	- During the same period, 27,271 complaints were finalised. Of these, 18,438 (67.6%) were finalised within 12 months from lodgement. - Out of all the finalised complaints, 23,782 (87%) were adjourned at least once during court proceedings. - On average, each complaint was adjourned about 8 times						
Average time per type of complaint/file it takes to be finalised	Data unobtainable						
Number of hearing listings ³	Data unobtainable						
Number of matters prosecuted ⁴	11,293	6,032	4,203	21,528	52%	28%	20%

¹ Statistics as per the Department of State Growth 2023 estimates, based on the 2021 ABS. Districts split is accordance with emergency management districts. <https://profile.id.com.au/tasmania/#?text=Welcomes%20to%20State%20Growth%20Tasmania,8.44%20persons%20per%20square%20km>.

² Statistics of Magistrates (not courts) as per the Magistrates Court of Tasmania Annual Report 2022 – 2023. https://www.magistratescourt.tas.gov.au/_data/assets/pdf_file/0008/760436/FINAL-Magistrates-Court-Annual-Report-2022-2023.pdf

³ Statistics as per the Magistrates Court of Tasmania Annual Report 2022 – 2023. The number of hearings was not publicly reported on nor was it obtainable via Tasmania Police's data, so this figure represents 'hearing listings' as the closest comparable figure. This does not include other hearing types such as mention or application listings. https://www.magistratescourt.tas.gov.au/_data/assets/pdf_file/0008/760436/FINAL-Magistrates-Court-Annual-Report-2022-2023.pdf

⁴ Statistics as provided by Tasmania Police

5.2 Analysis of human resource commitments

Review Objective

An analysis of the current human resource commitments to determine if arrangements (including numbers) are appropriate across the three cohorts to meet the business needs.

WLF limitation of scope:

We were reliant on support and data being provided by Tasmania Police:

- Analysis of human resources – including data on FTE total hours versus available hours (vacancies, leave, secondments etc)

5.2.1 Data results

Table 2: Full-time equivalent (FTE) organisational structure by district – October 2024

Positional / team names ¹	Southern					Northern					Western					State	
	Inspector	Serg.	Police	State Service	Total	Inspector	Serg.	Police	State Service	Total	Inspector	Serg.	Police	State Service	Total	Total	Total
Inspector ²	1																
Serious Crime (DPP)																	
Youth Justice																	
Administrative support																	
Disclosure Unit																	
Hearing review																	
Processing Unit																	
Prosecution Team 1																	
Prosecution Team 2																	
Prosecution Team 3																	
Prosecution Team 4 (YI)																	
Total	1	5	7	27.31	40.31	1	3	11	12	27	1	3	8	16.7	28.7	96.01	
As a % of state total					42%					29%					30%		

¹Please note this representation assumes no vacancies, which as per the consultation phase of the project (see section 5.2.2) we note this is not an accurate representation of the current state.

²Please note the Inspector of Prosecution Services in the south only oversees Prosecution Services and the Coroner's Office. The Inspector of the Northern and Western districts do not hold the Coroner's Office within their portfolio however they additionally oversee Road Policing Services, Forensic Services and Youth Crime Intervention Units within their portfolios. This suggests the representation of 1 FTE Inspector in the organisational chart for the Northern & Western districts cannot be assigned in full to Prosecution Services.

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Table 3a: Comparison of staffing by district as a percentage of state totals

2022/23 as a percentage of state total			
	Southern	Northern	Western
Organisational structure total FTE ¹	42%	29%	30%
Total costs	43%	29%	28%
Population base	52%	27%	21%
Number of magistrates	56%	22%	22%
Number of matters prosecuted	52%	28%	20%

¹The organisational structure FTE data is as at January 2024 whereas the remainder of the data is as at June 2023 as the best available data at the time of review.

When comparing the above to the indicators shown in section 0 and below is sections 5.3.1 and 5.4.1, a disparity can be seen for the south in particular in relation to workload allocation versus resource allocation. This data was echoed by feedback from the participants, with the western district being the sole area that felt adequately staffed (pending the filling of all vacancies), while the southern district noted the most significant shortage of staff. There is currently insufficient data to understand the impact of leave and vacancies on the available hours within each district as opposed to the FTE allocation. Leave and vacancies further impact the understanding of available hours by staff against workload.

When considering the drivers of workload over recent years, and including a comparison of the workload drivers, this review notes that since 2020, the increases in drivers for workload have not been met by a comparable increase in resourcing.

Table 3b: Comparison of workload drivers to resourcing 2020 - 2024

	2020	2024	Change over 4 years
Total FTE¹	89	96	+7.9%
Southern - FTE	43	40	-7%
Northern - FTE (Inspector excluded)	23	26	+13%
Western - FTE (Inspector excluded)	23	29	+26%
Increase in Judges / Magistrates		+3 Judges Supreme Court +1 Magistrate	
Total Offences	27,557	35,998	+30.6%

The importance of family and sexual violence has been recognised in the creation of the Family and Sexual Violence Command with funding received by Government to progress this strategy. The profile of family and sexual violence and the proactive strategy to create the Command is an important element in considering the future expectation of workload in this area.

¹ Noting that vacancies are not reflected in the data provided.

5.2.3 Consultation results – resource allocation and workload

The following themes and comments were noted from the consultation process:

- Many respondents, externally and internally, noted that the people at Prosecution Services were great to work / deal with. In most instances, comments were made by internal staff that they got along well with the people they worked with and there was a good feeling of teamwork and assistance from their colleagues when they needed it.
- Respondents within Prosecution Services, more broadly within the Department, and external stakeholders, all collectively indicated there was insufficient capacity within Prosecution Services. Some respondents from Western District believe their structure provides sufficient capacity to maintain their workload if there are no vacancies however they have had significant vacancies for a period of time.
- The consultation noted staff are being overworked with specific comments indicating potential significant impacts at an individual level. Stakeholders noted that the reputation of Prosecution Services is seen as a high workload environment.
- There were comments made specifically regarding capacity, stating the need to increase the number of prosecutors and support staff per Magistrate, with many noting the numbers had not increased with Magistrate changes nor in line with increased case numbers.
- The consultation noted the desire for better processes for Prosecutors regarding court lock ups in the south, noting the significant amount of stationery (inefficient) time spent on site.
- Internal staff noted the disparity between districts regarding the capacity needed for out of hours court sessions, with a heightened level of sessions being regularly required in the South.
- There were concerns noted from a large portion of respondents in regard to the impact of changes in the disclosure requirements. It was noted there is a significant need for more administrative staff to handle disclosures. Internal and external stakeholders noted the current understaffing in administrative roles is causing delays and issues in court, negatively impacting prosecutors' performance. We note our observations of the physical work environment of the disclosure team in the south included large piles of files which extended out into the hallway.
- Internal staff in the south noted the lack of management oversight for the southern disclosure unit and inefficient processes that were leading to increased pressure for staff in this area.
- Commentary in the review emphasised the complexity of cases has intensified for several reasons, including:
 - The evolving requirements for evidence, especially concerning digital evidence.
 - A rise in the number of not-guilty pleas, which extends the duration of each case.

- An uptick in family violence cases and a heightened need for trauma-informed approaches.
- Increased public scrutiny of the prosecution process following the Royal Commission into Institutional Responses to Child Sexual Abuse and the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.
- The consultation noted the underutilisation of technology (i.e. hardware and software licenses) with a large reliance on inefficient manual systems. This was noted as having a significant impact on capacity in particular with post court administration for prosecutors. Please see further commentary on this in section 5.8.1 below.
- Staff consulted noted that they believe the capability of staff is there, however there is an inability to utilise their full potential due to aspects such as the lack of training for new staff and the high amount of time spent on administration.
- Consultation inputs also noted the disparity of the pay packages for sworn members and state service employees.

5.3 District outputs

Review Objective

Comparisons across the three districts regarding outputs:

- Administration staff
- Police; and
- Legal Practitioners (levels required) – compared to the 2019 review

5.3.1 Data Analysis – case load analysis and district outputs

The data analysis relating to case load and district outputs is an interesting picture. Overall, the number of matters prosecuted across Tasmania over the last 5 years has decreased while number of offences recorded and cleared within Tasmania have increased. The data available within Tasmania Police, and the districts, was insufficient to further analyse the matters and outputs to understand the extent of time required on these matters. The analysis of the types of matters indicates an inconsistent trend with some matters significantly decreasing and others, such as family violence, showing an increasing trend.

Workload and outputs from Prosecutions is impacted by the nature of the matter, the complexity of the matter and evidential requirements. The anecdotal evidence from the consultation regarding workloads points to these elements impacted workload, rather than simply the numbers of matters prosecuted. Without data to inform the time required on matters broken down by matter type, we are unable to utilise data to inform our analysis of the workload pressures.

5.3.1.1 Matters prosecuted

The matters prosecuted over the 5 year period indicate that the number of matters overall has decreased across Tasmania since 2018/19, with an increase in 2022/23 from the previous year.

Table 4: Total matters prosecuted by district and year

District	2018-19	2019-20	2020-21	2021-22	2022-23	Trend line
Northern	6,151	6,068	5,607	5,873	6,032	
Southern	11,921	11,717	10,517	10,284	11,293	
Western	5,411	5,062	5,000	4,321	4,203	
State total	23,483	22,847	21,124	20,478	21,528	

Table 5: Matters prosecuted by district, category and year (a)

District	Category	2019/20	2020/21	2021/22	2022/23	2023/24
Northern	Crime	3,888	3,679	3,406	3,670	4,022
	Drugs	492	611	547	564	646
	Marine	8	8	-	1	-
	Other	78	103	69	88	77
	Pub. Order	260	306	306	293	344
	Traffic	2,073	2,133	2,028	2,058	1,894
	Total	6,799	6,840	6,356	6,674	6,983
Southern	Crime	6,981	7,223	6,580	6,944	7,946
	Drugs	947	1,079	885	620	719
	Marine	4	2	2	-	2
	Other	190	323	187	145	120
	Pub. Order	861	743	682	684	729
	Traffic	4,085	3,798	3,510	2,954	3,057
	Total	13,068	13,168	11,846	11,347	12,573
Western	Crime	2,991	3,018	2,903	2,663	2,660
	Drugs	672	597	633	434	374
	Marine	-	-	1	2	1
	Other	71	136	80	106	47
	Pub. Order	306	268	252	208	124
	Traffic	2,035	1,704	1,776	1,450	1,448
	Total	6,075	5,723	5,645	4,863	4,654
State total	Crime	13,860	13,920	12,889	13,279	14,629
	Drugs	2,111	2,287	2,065	1,619	1,739
	Marine	12	10	3	3	3
	Other	339	562	336	339	244
	Pub. Order	1,427	1,317	1,240	1,186	1,197
	Traffic	8,193	7,635	7,314	6,467	6,401
	Total	25,942	25,731	23,847	22,893	24,213

5.3.1.2 Family violence matters prosecuted

The below table indicates a continued trend in the number of family violence cases as a proportion of total cases. This data supports the assertion that family violence may be impacting the complexity and time required on matters.

Table 6: Matters prosecuted, by whether family violence ^(b)

	2018-19	2019-20	2020-21	2021-22	2022-23	Trend line
Family violence						
Northern	822	799	872	929	882	
Southern	1,122	1,136	1,101	1,142	1,304	
Western	575	650	610	700	657	
State total	2,519	2,585	2,583	2,771	2,843	
Not family violence						
Northern	5,329	5,269	4,735	4,944	5,150	
Southern	10,799	10,581	9,416	9,142	9,989	
Western	4,836	4,412	4,390	3,621	3,546	
State total	20,964	20,262	18,541	17,707	18,685	
Total matters						
Northern	5,329	5,269	4,735	4,944	5,150	
Southern	10,799	10,581	9,416	9,142	9,989	
Western	4,836	4,412	4,390	3,621	3,546	
State total	20,964	20,262	18,541	17,707	18,685	
Family violence as a % of total matters						
Northern	15%	15%	18%	19%	17%	
Southern	10%	11%	12%	12%	13%	
Western	12%	15%	14%	19%	19%	
State total	12%	13%	14%	16%	15%	

^(b) Family violence is not an identified separate category (as like those in Table 2), therefore family violence complaints can cross the categories above and cannot be separated in Table 2.

5.3.1.4 Discharge details

Table 7: Total matters prosecuted by district and year

District	Discharge details	2016-19	2019-20	2020-21	2021-22	2022-23
Northern	Bailed	1,826	1,772	1,755	1,923	2,191
	Detained for Court	656	597	629	686	716
	Police Family Violence Order Issued and person released from Custody	3	0	4	4	2
	To Gaol - Warrant of Commitment	2	0	0	0	0
	Unconditional Release	47	21	16	26	22
	District total	2,534	2,390	2,404	2,639	2,931
Southern	Bailed	4,273	4,308	3,906	3,781	4,034
	Detained for Court	1,381	1,517	1,302	1,201	1,354
	Police Family Violence Order Issued and person released from Custody	5	6	8	9	4
	Released in accordance with public drunkenness legislation	0	2	1	3	3
	To Gaol - Warrant (Other)	1	1	2	0	3
	To Gaol - Warrant of Commitment	1	0	0	0	3
Western	Unconditional Release	72	96	132	116	146
	District total	5,733	5,930	5,351	5,110	5,547
	Bailed	1,707	1,612	1,705	1,672	1,456
	Detained for Court	486	440	427	451	431
	Police Family Violence Order Issued and person released from Custody	3	1	2	1	0
	To Gaol - Warrant (Other)	1	0	2	3	3
State total	To Gaol - Warrant of Commitment	0	1	6	1	4
	Unconditional Release	25	18	9	22	20
	District total	2,222	2,072	2,151	2,150	1,914
	Bailed	7,806	7,692	7,366	7,376	7,681
	Detained for Court	2,523	2,554	2,358	2,338	2,501
	Police Family Violence Order Issued and person released from Custody	11	7	14	14	6
State total	Released in accordance with public drunkenness legislation	0	2	1	3	3
	To Gaol - Warrant (Other)	2	1	4	3	6
	To Gaol - Warrant of Commitment	3	1	6	1	7
	Unconditional Release	144	135	157	164	188
	District total	10,489	10,392	9,906	9,899	10,392

Table 8: Number of Offences Recorded and Cleared

Major Offence Categories	Number of Offences Recorded		Number of Offences Recorded		Number of Offences Recorded		Trend line
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	
Offences Against the Person	4,687	4,621	4,963	5,405	6,058	6,618	
Offences Against Property	21,910	21,536	18,147	19,214	25,046	27,902	
Fraud and Similar Offences	945	1,002	729	881	1,058	907	
Other (Miscellaneous) Offences	394	398	417	398	459	571	
Total Offences	27,936	27,557	24,256	25,898	32,621	35,998	

As per the ABS¹ 'In Tasmania, there were 1,012 offenders aged between 10 and 17 years proceeded against by police in 2022-23, an increase of 14% from the previous year. Youth offenders comprised 14% of total offenders in Tasmania. Accounting for population change, the youth offender rate also increased from 1,660 offenders in 2021-22 to 1,877 offenders per 100,000 persons aged between 10 and 17 years in 2022-23.'

¹ <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/latest-release#tasmania>

5.4 Cost of operation by region

Review Objective

Determining the total cost of operating the three geographical Prosecution Services

Limitation of scope:

We were reliant on support and data being provided by Tasmania Police:

Cost of operating the three geographical regions – we relied on financial data provided by Tasmania Police for this analysis.

5.4.1 Data results

From the data in tables 9 and 10 below, we note that costs are primarily driven by FTE salaries and therefore the cost structure is consistent with our analysis of the staffing resources. We note that while the South has 52.46% of the matters prosecuted in 2022/23, the resource allocation represented only 42.73% of the overall funding to Prosecution Services.

Please note that while the data for matters prosecuted was not available for the 2023-24 financial year at the time of the request, the financial figures were provided to the period from 1 July 2024 to 4 June 2024 and continued to show a trend of less relative funding in the south.

Table 9: Total matters prosecuted and total costs by financial year

District	2021-22			2022-23			2023-24			
	Total matters prosecuted	Total matters prosecuted as a % of state total	Total costs	Total costs as a % of state total	Total matters prosecuted	Total matters prosecuted as a % of state total	Total costs	Total costs as a % of state total	Total costs as a % of state total	
Southern	10,284	50.22%	\$ 3,518,978	48.25%	11,293	52.46%	\$ 3,327,331	42.73%	\$ 3,178,873	40.41%
Northern	5,873	28.68%	\$ 1,923,850	26.38%	6,032	28.02%	\$ 2,270,087	29.15%	\$ 2,314,086	29.41%
Western	4,321	21.10%	\$ 1,850,263	25.37%	4,203	19.52%	\$ 2,189,366	28.12%	\$ 2,374,128	30.18%
State total	20,478	100.00%	\$ 7,293,090	100.00%	21,528	100.00%	\$ 7,786,784	100.00%	\$ 7,867,086	100.00%

Table 10: Average cost per matter prosecuted

District	2021-22	2022-23	2022-23 \$ difference to total data average
Southern	\$ 342.18	\$ 294.64	\$ 67.06
Northern	\$ 327.58	\$ 376.34	\$ 14.64
Western	\$ 428.20	\$ 520.91	\$ 159.21
Total state average	\$ 356.14	\$ 361.70	

Table 11 below outlines the split of employee costs across the district by employee group. We note the increasing trend to State Service employees in the Southern and Western Districts. The Northern District has maintained a relatively consistent split of police officers to state servants.

Table 11: Total DPFEM employee group costs by district

District	DPFEM employee group	Total Costs				As a % of total salary costs			
		2021-22	2022-23	2023-24		2021-22	2022-23	2023-24	
Southern	Police	\$ 2,854,787	\$ 2,623,749	\$ 2,314,514		82%	80%		73%
	State Service	\$ 612,770	\$ 651,292	\$ 837,134		18%	20%		26%
	Grouped	\$ -	\$ -	\$ 27,225		0%	0%		1%
	Total	\$ 3,467,557	\$ 3,275,042	\$ 3,178,873		100%	100%		100%
Northern	Police	\$ 1,443,205	\$ 1,660,771	\$ 1,798,432		76%	74%		78%
	State Service	\$ 450,815	\$ 575,593	\$ 515,654		24%	26%		22%
	Grouped	\$ -	\$ -	\$ -		0%	0%		0%
	Total	\$ 1,894,020	\$ 2,236,363	\$ 2,314,086		100%	100%		100%
Western	Police	\$ 1,383,334	\$ 1,522,200	\$ 1,630,823		77%	72%		69%
	State Service	\$ 402,114	\$ 602,684	\$ 740,950		22%	28%		31%
	Grouped	\$ 11,944	\$ 405	\$ 2,355		1%	0%		0%
	Total	\$ 1,797,392	\$ 2,125,289	\$ 2,374,128		100%	100%		100%
All Districts	State Total	\$ 7,158,969	\$ 7,636,694	\$ 7,867,086					

5.5 Recruitment and retention

Review Objective

An examination of the issues surrounding the recruitment and retention of prosecution staff (Police and non-sworn). Including engagement with staff who have recently left that area.

5.5.1 Consultation results – recruitment and retention

We note our commentary in section 5.2.2 of this report in relation to staff capacity. The following consultation input was received in relation to recruitment and retention of staff within Prosecution Services.

- Stakeholders noted the permanency of positions (state service) being a significant recruitment and retention issue.
- The consultation noted the work environment within the courts and interactions with Magistrates as a key retention issue within many noting negative experiences within the court environment.
- The overall inability to fill positions and positions not being back filled for an extensive amount of time was noted as impacting on resource availability.
- The high turnover at the senior experienced or management level was identified as impacting long-term thinking, causing breakdown in fundamental processes and less support to enable lower staff to complete tasks to a high standard.
- Multiple respondents noted the need for the sworn member and legal practitioner recruitment processes to run concurrently to try to limit any delays in recruitment.
- There were comments made internally and externally about the limited field of legal practitioners in which to recruit from.
- Stakeholders noted the low desire of Police to join Prosecution Services which is also evidenced by the applications received for positions.
- The consultation noted salary as impacting recruitment and retention including the lack of recognition of specialisation in the bandings and less salary when compared to other areas within Tasmania Police.
- The need to focus on retaining staff through management approach and workload management was noted as critical to reduce the impact of constant knowledge loss.

- Some of the staff consulted noted that secondments into a region could be a helpful option both for upskilling others (i.e. investigators) and for future staffing exposure to the possibilities within Prosecution Services.

5.6 Training and succession planning

Review Objective

Future proofing - training and succession planning (including career pathway for legal practitioners within DPfEM).

5.6.1 Consultation results - training and succession planning

The following themes and comments were noted from the consultation process:

- Internal participants noted there was no opportunity for on-the-job mentoring.
- Participants noted there is low-to-no opportunity for career development and progression within Prosecution Services, particularly for legal practitioners. It was noted that the current level 3 legal practitioner role is a temporary position and only exists in the south.
- There were many comments made from internal staff about there being inadequate training and mentoring for all staff, with new starters receiving low to no training.
- DPfEM Prosecution Training has not been run for many years.
- There were comments made noting that while there is professional body for legal practitioners, there is no appropriate training authority for sworn members.
- Internal staff highlighted their wish for formalisation of training on processes and procedures.
- Respondents within Southern Prosecution Services noted the lack of 'in the door triage' and appropriate file ownership of complex cases. It was noted the current process is to pass files back into the general file lists after each appearance. It was noted by some external participants that this issue is apparent in court proceedings where there is continuous change to prosecutors appearing on each case.

5.7 Structure of Prosecution Services

Review Objective

Consideration whether the current structure of Prosecution Services across the State (three separate Prosecution Services reporting to geographic commands) is suitable.

5.7.1 Consultation results

The following themes and comments were noted from the consultation process:

- A majority of respondents agree that Tasmania Police is the right place for Prosecution Services to remain in the short to medium term (at a minimum). Some respondents believe it would be better suited under the Director of Public Prosecutions.
- Many agreed a mix of sworn members and legal practitioners should remain, however multiple participants commented that a higher level of legal practitioner would be better suited to the evolving legal landscape.
- A number of Western District staff noted the new hearing review system was working well.
- All Southern staff consulted were happy with the level 3 legal practitioner and Northern and Western districts both noted their need for an equivalent level in their area.
- All southern staff consulted were happy with the newly created (temporary) legal support officer roles and how they were working.
- There were many comments regarding the lack of collaboration across the three districts, with no respondents able to provide examples of any cross-region collaboration currently in use.
- Many participants, including from each district and external, noted that the processes followed differed between each region, particularly for example with court specific forms. Many respondents noted they believed all areas could follow the same processes and procedures (with some noting they could also have central management).
- Many internal staff noted the poor quality of files coming from front line officers. There were a variety of responses around how this was dealt with which varied depending on the background of the staff member (sworn member or legal practitioner). Some sworn members (particularly in the South) noted they updated the file on the front line officers behalf rather than send the file back for corrections. An example was provided where this meant a Prosecution Services staff member would become a witness in court in certain circumstances.

- The consultation included several staff that had previously worked in Prosecution Services (and are either now there again or are involved in a different internal or external capacity) who noted there have been no significant improvements in practices over the last few decades and themes related to high capacity but poor culture remained.

5.8 Evolving technology impacts and opportunities

Review Objective

An analysis of the impacts and opportunities of evolving technology, including changes that may affect Prosecution Services through the implementation of the Magistrates Court (Criminal and General Division) Act 2019 and subsequent planned e-prosecutor and e-court technical solutions.

WLF limitation of scope:

- The scope of this review did not assess the potential impacts and opportunities in detailed analysis. This review identified the key impacts and opportunities through the consultation phase for consideration.

5.8.1 Consultation results

The following themes and comments were noted from the consultation process:

- The paper filing system is inefficient and has many restrictions on the effective processes, including the inability for more than one person to be working on a file at the same time.
- It was noted by many internal respondents that the current computer/IT systems in use are legacy systems, with little to no significant improvements occurring over the last decade. One of the electronic systems being used is from the 1980s and was noted as being no longer compatible with evolving legislation and legal requirements.
- WHS issues were raised by many participants (internally and externally) regarding the number of paper files prosecutors had to take to court with them every day.
- Many respondents noted a move to an electronic filing system is necessary. External respondents noted other jurisdictions have already successfully implemented solutions so there are options already available on the market.

- Participants noted that there needs to be better utilisation of Court File Tracking (CFT) system, including following existing processes.
- Participants noted, particularly in the south, that the manual scanning process isn't followed and this leads to a substantial amount of time being spent every day looking for files. Estimates provided ranged between 2 hours and half a day of time lost each week looking for files.
- There were comments made on the significant improvement opportunities that would become available to disclosure if the process was fully electronic, rather than being electronic to paper to electronic, as it is now.

5.9 2019 Joint Review recommendation considerations

Review Objective

Whether the recommendations of the 2019 Joint Review are achievable and addresses some of the current issues being experienced by Prosecution Services.

5.9.1 Overall Summary – prior review recommendations

The following recommendations from the previous review are still relevant. The outcomes from this review have utilised the previous recommendations where appropriate or revised based on the current context for the Department.

Table 12: Annexure A – Recommendations from the 2019 Joint Review (aka Bugg/Tully Review)

Recommendation		Progress as at July 2021
1	Attach a senior ODPP lawyer to Southern, Northern and Western District Prosecution Services	This recommendation was closed as it was not supported by either the ODPP or DPfEM. Business Case (A22/8617) was not progressed due to funding.
2	Created in service prosecutors training course for police officers and provide ongoing development to serving prosecutors	This recommendation was listed as delayed due to the likely changes arising from the implementation of the <i>Magistrates Court (Criminal and General Division) Act 2019</i> . NOTE: at the time, a basic introductory course was offered and run at the time, however this recommendation was concerned with a more advanced course with UTAS involvement.
3	Transfer responsibility for Prosecution Services to a central command separate from the districts (perhaps Operational Support under the command of an Inspector)	This recommendation was listed as ongoing. There were differing opinions on the benefits of this recommendation, however it was noted that Inspectors in Northern and Western are also required to oversee other areas, not exclusively prosecution as is the case in the south.
4	Support staff (police applicants to be placed in Prosecution Services prior to recruit course).	This recommendation was listed as closed and was not supported. NOTE: Some applicants currently undertake duties at Radio Dispatch Services
5	Attracting, retaining and providing a career path for police prosecutors A. Specialist allowance B. Exit interviews	This part of the recommendation was closed. NOTE: a proposal was submitted by the PAT to increase the specialist allowance payment This part of the recommendation is ongoing.
6	Formalise pilot (transfer of some summary matters to the DPP for prosecution)	This recommendation was closed and supported to continue.
7	ODPP to prosecute otherwise indictable offences in Youth Court	This recommendation was closed and not supported at that time.

Please note, this table is direct from the Terms of Reference.

6 Relevant Data

The following analysis was provided from the Tasmania Police CRIMES statistical database and reviewed for the purposes of this review.

6.1 Lodgements

Table below highlights the total number of complaints lodged with the Magistrates Court in the last 12 months (Oct 23 to Oct 24) , the proportion that were finalised, and the average and median times taken to finalise these complaints. This analysis excludes matter types lodged by Police categorised such as Applications, Family Violence Orders and Restraint Orders.

Statistics of Police Complaints Lodged with the Magistrates Court

Statistic	Value
Complaints Lodged	26,103
Complaints Finalised ¹	11,102 (58%)
Average Duration to Finalisation (Days)	136
Median Duration for Finalisation (Days)	113

¹ Complaints finalised refer to those lodged and finalised between 25 October 2023 and 25 October 2024

6.2 Adjournments

An adjournment in the Magistrates Court of Tasmania refers to the postponement of a court hearing or trial to a later date. This can occur for reasons, such as the need for additional time to gather evidence, the unavailability of a key participant, or other procedural requirements. The court has the authority to grant adjournments, and the matters are rescheduled to a specific future date. Whilst adjournments help ensure that all parties have adequate time to prepare and that the proceedings are fair and just, each adjournment can extend the overall duration of the case.

To better understand the nature of adjournments, the following tables provide a summary of adjournments of police complaints finalised in the last 12 months (Oct 23-24). This analysis excludes pending matters, which are not yet finalised, to avoid skewing the results, as they may incur additional adjournments in the future.

Police Complaints Finalised with the Magistrates Court

Time to Finalisation ²	No Adjournments	With Adjournments	Total
<=12 Months	3,275	15,163	18,438

> 12 Months	214	8,619	8,833
Total	3,489 (13%)	23,272 (87%)	27,271

² Complaints finalised during this period may have been lodged prior to 25 October 2023

Adjournment Statistics of Police Complaints Finalised with the Magistrates Court

Statistic	Value
Total Complaints with Adjournments	23,782
Average Number of Times Adjourned	8
Median Number of Adjournments	5
Maximum Number of Adjournments	85

Limitations

The summary statistics analysis focuses on complaints not charges. A complaint may comprise multiple charges, and the number and complexity of these charges can vary significantly between complaints. This variability can impact the processing time and outcomes and should be considered when interpreting the results. Similarly, offence type and method of finalisation were not considered in this analysis, as these attributes can vary for the different charges within a single complaint.

7 Appendix B – Approach to this review

7.1 Consultation approach

The following approach was undertaken for this review:

- Face to face meetings / focus groups with:
 - Internal staff at Prosecution Services
 - Internal staff who manage Prosecution Services
 - Internal staff within the DPFEM but outside Prosecution Services
 - External participants
- Online workshops
- Electronic surveys
- Review of written reports
- Examination of departmental statistics

Findings from the engagement process will inform the CMG of evidence-based outcomes with a view of improving resourcing capabilities and performance.

The targeted review was objective, ensuring balanced views were received and considered within the report.

The following table indicates the key stakeholders identified in the agreed Terms of Reference and as agreed with members of the CMG, alongside our consultation approach.

Table 13: Key participants

Stakeholder	Stakeholder category	Consultation Approach
Tasmania Police and SSE members currently attached to the Prosecution sections	- Internal staff at Prosecution Services - Internal staff within the DPFEM but outside Prosecution Services	- Survey - Interviews with identified staff, including team leaders - Consultation workshops online with staff, by district
Three District Commanders	Internal staff who manage prosecution services	Interviews (individually)
Three District Inspectors	Internal staff who manage prosecution services	Interviews (individually)
Commander, Emergency Management and Special Response	Internal staff within the DPFEM but outside Prosecution Services	Interview
Inspector, Employment Conditions and Strategy	Internal staff within the DPFEM but outside Prosecution Services	Interview
Director, Wellbeing Support	Internal staff within the DPFEM but outside Prosecution Services	Interview
Manager, Partnering and Employment Services	Internal staff within the DPFEM but outside Prosecution Services	Interview
Senior Consultant, Workplace Relations	Internal staff within the DPFEM but outside Prosecution Services	Interview
Crown Council, The Director of Public Prosecutions	External participant	Interview
Director and Legal Practitioner, The Police Association of Tasmania	External participant	Interview
Associate Director, Tasmania Legal Aid	External participant	Interview
Three district representatives, The Law Society of Tasmania	External participants	Interview (joint)
Organiser, Community & Public Sector Union Tasmania	External participant	Interview
Administrator of Courts, Magistrates Court of Tasmania	External participant	Interview

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7.2 Data reviewed

We reviewed the following key background documents to inform the review:

Table 14: Document Reference

Tasmania Police documents
Statistics by district for prosecution review
Prosecution Budget Summary 2021-22 to current 4-6-24
Prosecution Organisational Chart
Overall Organisational Chart
A20 20887 Review of Summary Prosecutions Model
External documents and websites
Magistrates Court of Tasmania Annual Report 2021-2022
Magistrates Court of Tasmania Annual Report 2022-2023
https://profile.id.com.au/tasmania/#:~:text=Welcome%20to%20State%20Growth%20Tasmania,8.44%20persons%20per%20square%20km.
https://www.ses.tas.gov.au/emergency-management-2/tasemt/
Crime-Statistics-Supplement-2020-21 through to 2023-24

8 Appendix C – Member survey data

8.1 Member survey question and options

The table below outlines the survey questions & completions options for members in all locations.

Table 15: Survey questions & options

Survey Question	Survey completion option
1. Are you currently working in Prosecution Services?	Select option – Yes, No
2. Please indicate your current/previous District	Select option - Southern, Northern, Western
3. What are/were your employment arrangements?	Select option – Police, State Service
3a. If Police, what is/was your position?	Select option – Constable, Sergeant
3b. If State Services, what is/was your position?	Select option – Clerical, Lawyer
4. Please indicate the relevant roles that you perform(ed). Note you can select multiple options.	Multiple choice options - Leadership/oversight, Prosecutor that attends court, Prosecutor who performs an administration role, Clerical duties
5. In your view, what are the key drivers to supporting retention of and attraction of staff to Prosecution Services?	Open-ended response (Comment box)
6. In your view does Prosecution Services have the capacity and capability to undertake its key functions? Why or why not?	Open-ended response (Comment box)
7. Do you have any comments in relation to training and development in relation to ensuring capability within Prosecution Services?	Open-ended response (Comment box)
8. Do you have any observations in relation to career pathways and succession planning within Prosecution Services' current structure?	Open-ended response (Comment box)
9. In relation to systems, processes and management of activity within Prosecution Services, what works well?	Open-ended response (Comment box)
10. In relation to systems, processes and management of activity within Prosecution Services, what could be improved or done differently?	Open-ended response (Comment box)
11. Do you have views on the current structure of Prosecution Services both within your team and also within Tasmania Police more broadly?	Open-ended response (Comment box)

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8.2 Member survey participation statistics

Table 16: Survey completion statistics

Survey response statistics	Number	% completion
Total survey recipients	105	
Survey responses received	56	53%
Valid responses received (some data provided)	43	41%
Complete responses*	36	34%

*7 respondents completed a majority, but not all, of the questions. The incomplete surveys have had responses recorded where provided. 13 respondents opened the survey but did not provide any answers to the open-ended questions, their results (of rank, location & relevant roles performed have been excluded from the figures below).

The following data sets provide further details on the valid survey respondents:

Table 17: Number of respondents by location

Location of respondents	No. Respondents	Percentage*
Southern	18	42%
Western	9	21%
Northern	16	37%

*This is a percentage of total respondents, not a percentage of respondents per recipients in each area. As all email addresses were the same (not identifiable by location), location by recipient was unable to be utilised in these figures.

Table 18: Respondents employment status

Are you currently working in Prosecution Services?	No. Respondents	Percentage
Yes	39	91%
No	4	9%

Table 19: Prosecution Services staff respondents position

Position of respondents	No. Respondents	Percentage
State Service - Clerical	7	16%
State Service - Lawyer	12	28%
Police - Constable	17	40%
Police - Sergeant	7	16%

Table 20: Prosecution Services staff roles performed

Relevant roles performed	No. Respondents	Percentage
Leadership/oversight	16	22%
Prosecutor that attends court	30	40%
Prosecutor who performs an administration role	19	26%
Clerical duties	9	12%

Note: multiple options could be chosen in this question so the totals in table 20 will not match the totals in table 19.



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