



**Office of the
Director of Public
Prosecutions
for the State of Western
Australia**

2009/2010 Annual Report

TABLE OF CONTENTS

INDEX OF FIGURES & TABLES	2
STATEMENT OF COMPLIANCE	3
MISSION STATEMENT.....	4
PUBLICATIONS AND CONTACT DETAILS.....	5
GLOSSARY OF TERMS USED IN THIS REPORT	6
OVERVIEW OF AGENCY.....	8
EXECUTIVE SUMMARY: FROM THE DIRECTOR	8
OPERATIONAL STRUCTURE	11
<i>What We Do: Service 1. Criminal Prosecutions.....</i>	<i>12</i>
<i>What We Do: Service 2. Confiscation of Assets.....</i>	<i>15</i>
<i>What We Do: Performance Management Framework</i>	<i>16</i>
AGENCY PERFORMANCE AND SIGNIFICANT ISSUES IMPACTING THE AGENCY	17
CRIMINAL PROSECUTIONS.....	17
<i>Perth Magistrates Court.....</i>	<i>17</i>
<i>Stirling Gardens Magistrates Court.....</i>	<i>17</i>
<i>District and Supreme Courts.....</i>	<i>18</i>
<i>Applications under the Dangerous Sexual Offenders Act</i>	<i>21</i>
<i>Children's Court</i>	<i>23</i>
<i>Appeals.....</i>	<i>25</i>
CONFISCATION OF ASSETS	27
PROJECTS.....	32
CORPORATE SERVICES REPORT	35
POLICY SECTION	38
<i>Ongoing Liaison.....</i>	<i>38</i>
<i>Legislative reform</i>	<i>39</i>
DISCLOSURE AND LEGAL COMPLIANCE	40
OTHER FINANCIAL DISCLOSURES.....	40
GOVERNANCE DISCLOSURES.....	40
PUBLIC INTEREST DISCLOSURES	40
OTHER LEGAL REQUIREMENTS	41
MINISTERIAL DIRECTIVES	42
GOVERNMENT POLICY REQUIREMENTS.....	43
INTRODUCTION TO KEY PERFORMANCE INDICATORS.....	45
KEY EFFECTIVENESS INDICATORS	50
<i>Effectiveness Indicator No 1: Early advice to Court on charges.....</i>	<i>50</i>
<i>Effectiveness Indicator No 2: Establishing a case to answer.....</i>	<i>52</i>
<i>Effectiveness Indicator No 3: Convictions after trial.....</i>	<i>53</i>
<i>Effectiveness Indicator No 4: Timely Lodgement of Applications for Confiscation in relation to Declared Drug Trafficker matters.....</i>	<i>54</i>
<i>Effectiveness Indicator No 5: Timely resolution of Drug Trafficker confiscations.....</i>	<i>56</i>
KEY EFFICIENCY INDICATORS.....	57
<i>Efficiency Indicator 1: Cost per prosecution.....</i>	<i>57</i>
<i>Efficiency Indicator No 2: Ratio of Cost to Return.....</i>	<i>59</i>
FINANCIAL STATEMENTS	60

INDEX OF FIGURES & TABLES

FIGURE 1: ORGANISATION CHART.....	11
FIGURE 2: CASES RECEIVED FOR HEARING IN PERTH MAGISTRATES COURT.....	17
FIGURE 3: COMMITTALS RECEIVED	18
FIGURE 4: LISTED TRIALS	19
FIGURE 5: TRIALS BRIEFED OUT	19
FIGURE 6: APPROVED EXTRADITION APPLICATIONS	20
FIGURE 7: DOLLAR AMOUNTS PAID INTO CONFISCATION PROCEEDS ACCOUNT FROM 2000/01 TO 2009/10	30
FIGURE 8: BRIEF OUT EXPENDITURE FROM 2001/02 TO 2009/10.....	40
TABLE 1: PERFORMANCE MANAGEMENT FRAMEWORK	16
TABLE 2: CASE OUTCOMES IN STIRLING GARDENS MAGISTRATES COURT	18
TABLE 3: CHILDREN'S COURT CASES RECEIVED FROM 2003/04 TO 2009/10	24
TABLE 4: CHILDREN'S COURT TRIAL OUTCOMES FROM 2003/04 TO 2009/10.....	24
TABLE 5: SINGLE JUDGE APPEAL CASES FROM 2003/04 TO 2009/10.....	25
TABLE 6: COURT OF APPEAL CASES FROM 2003/04 TO 2009/10	25
TABLE 7: HIGH COURT CASES FROM 2003/04 TO 2009/10	26
TABLE 8: FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATION ACT	27
TABLE 9: OUTCOMES AND OBJECTIONS OF FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATION ACT.....	28
TABLE 10: NUMBER OF OBJECTIONS TO FREEZING ORDERS AND FREEZING NOTICES RECEIVED AND FINALISED FROM 2003/04 TO 2009/10.....	28
TABLE 11: DRUG TRAFFICKER DECLARATIONS AND MONEY PAID INTO CONFISCATION PROCEEDS ACCOUNT FROM 2003/04 TO 2009/10.....	29
TABLE 12: NUMBER AND TYPES OF APPLICATIONS MADE SINCE THE COMMENCEMENT OF THE CONFISCATION ACT.....	29
TABLE 13: PROCEEDINGS FINALISED WHERE A DECLARATION OF CONFISCATION MADE FROM 2000/01 TO 2009/10	30
TABLE 14: NUMBER OF APPLICATIONS RECORDED AND AMOUNT PAID TO REVENUE OVER THE LAST 7 YEARS	31
TABLE 15: STAFF CLASSIFICATION LEVELS, NUMBERS AND SALARIES.....	37
TABLE 16: OHS PERFORMANCE AGAINST TARGETS	43
TABLE 17: CULTURAL DEVELOPMENT WORKSHOPS – PARTICIPATION RATES...	44
TABLE 18: KEY EFFECTIVENESS INDICATOR NO. 1: EARLY ADVICE TO COURT ON CHARGES: TRENDS OVER TIME.....	50
TABLE 19: KEY EFFECTIVENESS INDICATOR NO. 2: ESTABLISHING A CASE TO ANSWER: TRENDS OVER TIME.....	52
TABLE 20: KEY EFFECTIVENESS INDICATOR NO. 3: CONVICTIONS AFTER TRIAL: TRENDS OVER TIME.....	53
TABLE 21: KEY EFFECTIVENESS INDICATOR NO. 4: TIMELY LODGEMENT OF APPLICATIONS FOR CONFISCATION IN RELATION TO DECLARED DRUG TRAFFICKER MATTERS: TRENDS OVER TIME.....	54
TABLE 22: KEY EFFECTIVENESS INDICATOR NO. 5: TIMELY RESOLUTION OF DRUG TRAFFICKER CONFISCATIONS: PERFORMANCE OUTCOME.....	56
TABLE 23: KEY EFFICIENCY INDICATOR NO. 1: CRIMINAL PROSECUTIONS: COST PER PROSECUTION.....	57
TABLE 24: KEY EFFICIENCY INDICATOR NO. 2: CONFISCATION OF ASSETS: RATIO OF COST TO RETURN.....	59

STATEMENT OF COMPLIANCE

In accordance with s.61 of the *Financial Management Act 2006* and s.32 of the *Director of Public Prosecutions Act 1991*, I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2010.

The report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

In accordance with s.31 (1) of the *Public Sector Management Act 1994*, I also report that there has been compliance with the Public Sector Standards in Human Resource Management and the Code of Ethics.

JOSEPH MCGRATH
Director of Public Prosecutions
Chief Executive Officer
Accountable Authority

MISSION STATEMENT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR THE STATE OF WESTERN AUSTRALIA

MISSION

Our mission is to provide the people of Western Australia with a fair and just criminal prosecution service.

VISION

Our vision is to provide the highest quality prosecution service for the people of Western Australia.

VALUES

We are committed to applying these core values to achieve our vision:

Justice

*Excellence
Accountability*

Respect

Independence

Integrity

Leadership

GOALS

Achieving the following goals is recognised as being fundamental to achieving our mission:

1. To effectively manage criminal prosecutions;
2. To provide an effective service to victims and witnesses;
3. To effectively manage criminal confiscations;
4. A high performing organisation; and
5. Strong corporate governance.

PUBLICATIONS AND CONTACT DETAILS

The following publications are available from the ODPP:

GENERAL INFORMATION:

Annual Report to Parliament for each financial year since 1992/93
Reconciliation Action Plan 2008 – 2010
Disability Access and Inclusion Plan 2007 – 2012
Statement of Prosecution Policy and Guidelines 2005
Review of Services for Victims and Witnesses Report 2001

INFORMATION BROCHURES:

About the ODPP
Information for Victims of Crime
Witness Information
Customer Service Charter

HEAD OFFICE:

Level 1, International House
26 St George's Terrace
PERTH WA 6000

Telephone: (08) 9425 3999
Freecall for country callers: 1800 264 144
DX 168 PERTH
Email: dpp@dpp.wa.gov.au

OFFICE HOURS:

8:30am – 5:00pm weekdays.

An after hours answering machine can take your recorded message if the office is not attended

FURTHER INFORMATION:

For any further information on the operations of the Office of the Director of Public Prosecutions or for copies of any of the above publications please visit our website at www.dpp.wa.gov.au or contact us via any of the Head Office contact details listed above.

This report is available in alternative formats on request.

GLOSSARY OF TERMS USED IN THIS REPORT

The **Accused** is a person alleged in a prosecution notice or indictment to have committed an offence.

Adjourned means a matter is postponed to a later date or time for hearing.

A **Bench Warrant** is a written authorisation (warrant) issued by a Judicial Officer for the arrest of a person.

Brief Out is the process whereby the ODPP contracts external counsel (a lawyer) to attend a hearing on behalf of the ODPP. Most Brief Out Counsel are independent, self employed barristers.

A **Committal** is used to describe a case that is remanded from the Magistrates Court to the District or Supreme Courts.

Extradition is the process of retrieving an accused who has left the state.

A **Fast Track** (otherwise known as an expedited committal) occurs when the accused pleads guilty at the earliest opportunity (in the Magistrates Court) and is committed to the relevant higher court for sentence.

A **Hung Jury** means a jury which cannot reach a verdict.

An **Indictment** is a written charge of an indictable offence presented in the District or Supreme Court so that the person is tried by that court.

A **Mistrial** is a trial which has been aborted by an order of a judge because of some legal or procedural irregularity.

A **Notice of Discontinuance** is the formal document presented to the court by the ODPP that discontinues a prosecution. Where the Director deems appropriate, the charges against an accused may be brought later. A notice of discontinuance is not an acquittal of the charges against an accused.

The abbreviation **PG** means a plea of guilty has been entered by the accused.

The abbreviation **PNG** means a plea of not guilty has been entered by the accused. As a result, the accused exercises his or her right to put the State to proof on the alleged offences.

A **Pre-recording** is the process by which the evidence of a child or vulnerable witness is recorded on videotape before the actual trial. This means the witness is not required to attend the trial to give evidence in person.

The **Prosecution Notice** is the process by which a prosecution case is begun in the Magistrates Court and is issued by Police.

A **Reserved Decision** may occur after a Trial by Judge Alone, where the trial has concluded but the Judge does not immediately deliver a decision, instead takes time to review the evidence and the law and deliver a decision later.

Sentence means the penalty imposed by the court for an offence.

A **Status Hearing** is an appearance in a higher court to determine the progress of a matter in preparation for the trial.

A **Summons** is a document advising a witness of the time, date and location of a trial where they are required to attend to give evidence.

A **Trial** is a court hearing where factual and legal issues are examined by a judge and/or jury to determine an accused's guilt or innocence.

OVERVIEW OF AGENCY

EXECUTIVE SUMMARY: FROM THE DIRECTOR

This is my first annual report having been appointed Director in February 2010. I inherited an office that is staffed by excellent officers and prosecutors. I wish to extend my sincere thanks to my predecessor Mr Robert Cock QC and also to Mr Bruno Fiannaca SC (who acted as Director for six months before my appointment as Director) for their stewardship of the ODPP and leaving me with an excellent prosecution office.

I am most grateful to Mr Fiannaca SC for extending his support and expertise to me since I started as Director. I was pleased that Mr Fiannaca SC was appointed the first Deputy Director of the ODPP (being appointed in August this year). Along with Mr Matthew Bugg, who was recently appointed Director of Legal Services, the ODPP is served by an excellent leadership team.

There are enormous challenges for a prosecution office in the modern criminal justice system. I am committed to creating a modern prosecution office that is equipped to undertake its core role but also to positively contribute to the criminal justice system.

The ODPP must begin a leadership role in proposing strategies to improve the criminal justice system. This year a memorandum of understanding concerning disclosure was agreed with the Western Australia Police. Protocols with the Western Australia Police and the Law Society about the use of Letters of Recognition (Comfort) will be implemented shortly. The ODPP must continually seek to work with other stakeholders to implement change. The ODPP has been a strong supporter of, and participant at, the Strategic Criminal Justice Forum chaired by the Chief Justice.

I wish to focus over the next year on reforming the policies and procedures of the ODPP. The foundations have been laid. This year the ODPP implemented a new computer management and retrieval system named Justware. The Justware system centralises information about cases within the ODPP and gives us an opportunity to develop greater use of shared information with police, courts, victims, support services and defence lawyers. Another project that will modernise the ODPP is the comprehensive redevelopment of the intranet that will greatly improve prosecutors access to research tools. I am very committed to ensuring that information is made available to all employees of the ODPP in the most efficient manner.

The confiscations area of the ODPP has this financial year raised nearly \$13.5 million. This represents the highest amount paid into the Confiscations Proceeds Account since the beginning of the *Criminal Property Confiscation Act 2000*.

This year the ODPP started moving prosecutors into the Perth Magistrates Court. At this stage, four State prosecutors will join the State Consultant Prosecutor in the Magistrates Court. It is proposed that there will be a continued rotation of prosecutors to ensure that more junior prosecutors are able to benefit from the excellent training provided by prosecuting in the Magistrates Court. It also represents the commitment of the ODPP to provide support to the highly experienced and excellent police prosecutors who now undertake prosecutions in a growing array of serious and complex offences in the Magistrates Court.

The ODPP must continue to devote resources at the commencement of criminal proceedings in the Magistrates Court. This will involve, in part, the early engagement of defence counsel to determine issues and pleas. As part of the management of cases the ODPP this year changed its policy about providing transcripts of records of interviews. Previously, the defence had to contribute to the cost of transcripts. The ODPP now provides the transcript to the defence at no cost and at the same time it is received by the prosecutor. It is hoped this will lead to early dialogue between the prosecutor and the defence with the result that pleas may be entered early without the need for extensive police investigation.

The ODPP only had one directed acquittal out of 987 listed trials resulting in 99.9 per cent of matters being found to have a case to answer. This figure demonstrates that ODPP prosecutors are exercising the prosecutorial discretion appropriately.

The ODPP achieved an overall conviction rate of 79 per cent for 2009/10, which is an improvement on the 2008/09 rate and is significantly above the target of 75 per cent. The conviction rate after trial remained high with the ODPP securing convictions after trial in 58.1 per cent of cases. This far exceeds the KPI target of at least 50 per cent for convictions after trial.

There has been a continued significant growth in the work being done by the ODPP under the *Dangerous Sexual Offenders Act 2006* to ensure that offenders who are a serious risk to the safety of the community are not released from prison or are subjected to strict supervision orders if released. The work under that Act will continue to grow and will require the dedication of significant resources in the future. As workloads generally increase it will be necessary to grow the ODPP to ensure that the State is served with a strong prosecution service.

I am very keen to create an office with a workplace culture of openness, friendliness but also one that invites intellectual discussion among staff. The Corporate Executive of the ODPP, which comprises the most experienced officers of the ODPP, will strive to continue to modernise the ODPP by implementing new policies. The input of all staff in that process will be invaluable.

I extend my congratulations to former prosecutors Mr Kevin Tavener, who was appointed a magistrate and Ms Jan Whitbread, who was recently appointed a Registrar of the Supreme Court. The ODPP also farewelled Mr

Chris Kotsopoulos, Manager of Listings, who has been with the ODPP since its inception. I wish Chris success in his future endeavours.

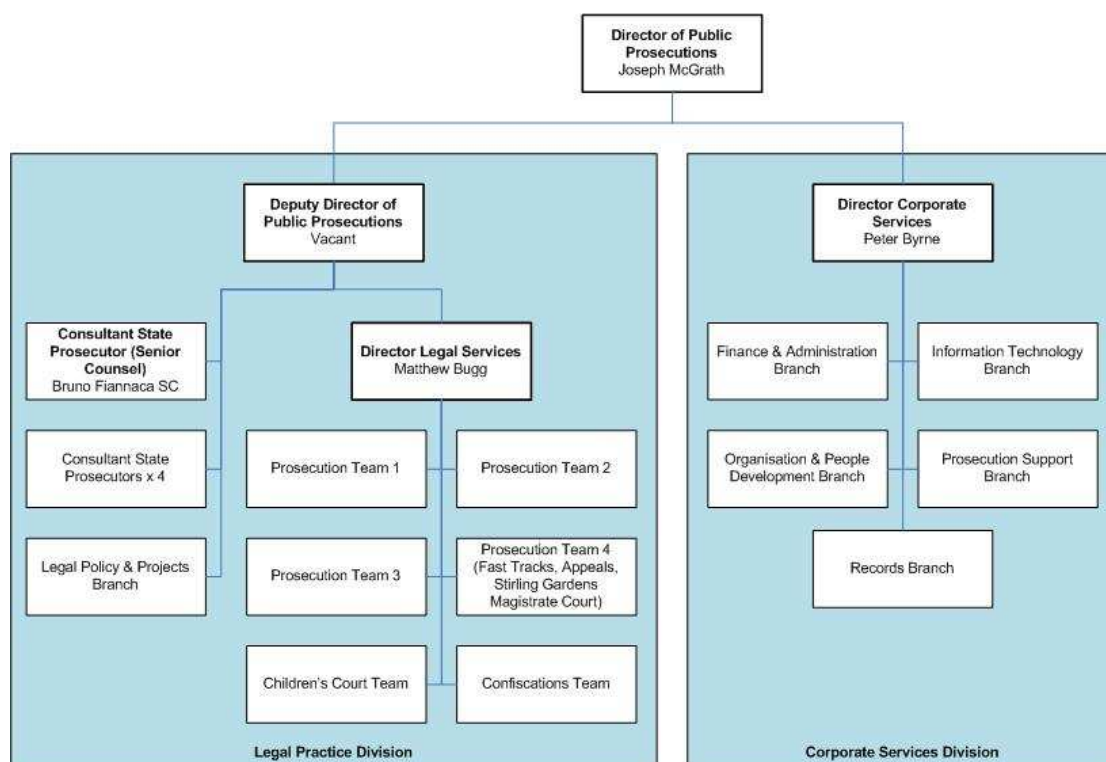
I wish to take this opportunity to thank all staff members for their outstanding work and contribution to the ODPP. In particular, I am grateful to staff for the warm welcome and support shown to me during my first six months as the Director.

Joseph McGrath
Director of Public Prosecutions

OPERATIONAL STRUCTURE

The position of Director of Public Prosecutions for the State of Western Australia and its office was brought into being through the enactment of the *Director of Public Prosecutions Act 1991*. The DPP reports directly to the WA Attorney General, the Hon Christian Porter MP.

FIGURE 1: ORGANISATION CHART



What We Do: Service 1. Criminal Prosecutions

The ODPP is responsible for the prosecution of all accused people charged with indictable state offences in Western Australia's higher courts. To undertake this work, State Prosecutors employed by the ODPP have the carriage of these matters and appear on matters in the courts of criminal jurisdiction across the State. The ODPP appears primarily in the District and Supreme Courts in both metropolitan and regional centres. However, proceedings are also conducted in the Perth Magistrates Court, Stirling Gardens Magistrates Court, Children's Court, Court of Appeal, and the High Court of Australia.

Magistrates Court

Criminal proceedings that begin against an accused person start in the Magistrates Court. After an investigation, the Western Australia Police file a Prosecution Notice with the court and bring an accused before the court either by arrest or by issuing a summons.

The Police are responsible for the conduct of any charge on an indictable offence while it remains in the Magistrates Court. An exception to this arrangement was introduced in early 1997, where the ODPP became responsible for indictable offences in the Perth Magistrates Court before committal to a higher court.

The committal process was amended in 2004 with the introduction of the *Criminal Law Amendment Act* which created a number of 'either-way' offences. The Act allows for a greater number of indictable offences to be dealt with summarily by a Magistrate, reducing the number of cases committed to a higher court for resolution.

Committals are the main form of notification to the ODPP of cases proceeding to a higher court for prosecution and are generated from the 29 regional and metropolitan branches of the Magistrates Court. Receipt of a committal from the Magistrates Court and the subsequent filing of indictments in the higher courts is the initial source of data used to calculate the ODPP's workload and other key statistics.

Stirling Gardens Magistrates Court

The Stirling Gardens Magistrates Court was established in the Supreme Court building on 17 October 2007. This Court deals only with indictable charges that will eventually be heard by the Supreme Court, for example armed robberies or homicides.

All accused charged with Supreme Court indictable offences, and who do not enter a plea of guilty at their first appearance in the Magistrates Court, are remanded to appear at the Supreme Court building in the Stirling Gardens. If the matter is not resolved within a month of the accused's first appearance in the Stirling Gardens, it is provisionally listed for trial dates subject to the availability of counsel and the main

prosecution witnesses. The trial will generally occur within six months of the accused's arrest.

The Stirling Gardens Magistrates Court Team was established to expedite the committal and hearing of criminal cases in the Supreme Court, and to allow individual case management of a matter from start to finish.

Drug Court

The Drug Court is a specialist court dealing with offenders who have committed offences because of their drug use problem. This includes burglaries and robberies as well as drug offences.

The Drug Court Magistrate supervises the offender, who becomes a Drug Court participant, and encourages and supports offenders to make lifestyle changes enabling them to choose to stop using drugs and stop offending.

The ODPP conducts cases in the Drug Court for participants who have been charged with an indictable offence and have pleaded guilty at the earliest opportunity. The Drug Court does not accept as participants those accused who have been charged with sexual offences or high level violence offences or those facing mandatory imprisonment or declared drug traffickers.

The role of the ODPP in the Drug Court is to provide submissions on behalf of the State relating to the accused's eligibility to apply for entry to the program, his or her suitability to be on the Drug Court program, and progress if accepted to enter the program.

District and Supreme Courts

The District and Supreme Courts are the main jurisdictions in which the ODPP operates. After investigations by the Police and the collation of evidence from the investigation, the ODPP is able to file an indictment which formalises the charges against the accused in the higher courts.

The progress of a case for District and Supreme Court prosecutions follows one of two distinct paths – the case will be resolved either by a plea of guilty or by trial. If an accused pleads guilty in the Magistrates Court he or she will proceed to a Fast Track hearing in the District or Supreme Court and be sentenced by a Judge. Alternatively, if the accused pleads not guilty the case will proceed to a trial hearing where a jury, or in some cases a Judge only, will hear evidence against an accused and determine if he or she is guilty or not guilty. A number of trial cases are resolved before the actual trial listing.

Fast Track Guilty Pleas

While a case is still in the Magistrates Court, an accused may indicate his or her intent to plead guilty when the case is committed to a higher court. In this instance the case is called a Fast Track committal. These cases will

appear at a Fast Track hearing where the Judge will usually sentence the accused after he or she formally pleads guilty in the higher court. In some cases the accused will be remanded to a future date for sentence while further information is collected.

Trials

Where an accused pleads not guilty to the charges, the case is remanded to further hearings where any legal, evidentiary or bail issues are determined until the case is ready to proceed to trial. The trial process itself allows the ODPP to present the evidence against the accused and allows the accused to defend the charges brought against them. Not all trial cases are resolved through a trial, because a number of accused will plead guilty before the trial, and after further police investigations some cases are discontinued by the DPP.

Appeals

There are three types of appeals managed by the ODPP:

Single Judge Appeal

Single Judge Appeals are appeals against the decision of a Magistrate in the Magistrates Court. The majority of Single Judge Appeals are filed by an accused against the conviction or sentence imposed. In limited circumstances the ODPP may file an appeal against a sentence or an acquittal ordered by a Magistrate.

Court of Appeal

The Court of Appeal is the first avenue of appeal for decisions arising out of the District, Children's and Supreme Courts. Leave to appeal can be sought by both the State of Western Australia and the accused. Once again, an appeal can be filed against the sentence (may be filed by both the State and the accused), the conviction (may be filed by the accused), or a judge directed acquittal (may be filed by the State). An appeal may also arise on a question of law referred to the Court of Appeal by the District or Supreme Court, or the Attorney General, or, in certain circumstances against an acquittal by jury.

The High Court

The High Court of Australia is the final court of appeal in the country to which only a very few cases proceed. A decision in the Court of Appeal can only be appealed when the High Court grants an application for special leave to appeal. Most appeals in the High Court are heard in Canberra.

Children's Court

The ODPP appears in the Children's Court in relation to young people, from 10 to 17 years old, who have been charged with an offence. The Children's Court comprises two courts. The President of the Children's

Court hears most serious offences, and the remaining cases appear before the Children's Court Magistrates.

In June 2003, after an agreement between the Courts and the Attorney General, the ODPP was given the responsibility for all matters before the President of the Children's Court.

In December 2006, after an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court.

In October 2008, WA Police withdrew its last remaining prosecution staff from the Perth Children's Court. Since that date, the ODPP has been responsible for the conduct of all Children's Court prosecutions in Perth.

What We Do: Service 2. Confiscation of Assets

The *Criminal Property Confiscation Act 2000 (Confiscation Act)* has been in operation for ten-and-a-half years. The *Confiscation Act* enables the Police or the Director to apply to freeze the assets of some people, as outlined in the categories below. It also provides for the confiscation (in some circumstances automatically and in other circumstances following a hearing) of property acquired from criminal activity, property used for criminal activity and the property of a drug trafficker.

The *Confiscation Act* targets property which is owned (includes property controlled or given away) by:

- Someone whose wealth has not been lawfully acquired;
- Someone whose property was acquired, directly or indirectly, through criminal activity;
- Someone who is declared to be a drug trafficker; and,
- Someone who made criminal use of property that they did not own.

The *Confiscation Act* also targets property that is:

- Used or intended to be used in the commission of an offence; and,
- Derived, either directly or indirectly, from the commission of an offence.

What We Do: Performance Management Framework

TABLE 1: PERFORMANCE MANAGEMENT FRAMEWORK

GOVERNMENT GOAL	
Goal 1: Better Services: To enhance the quality of life and wellbeing of all people throughout Western Australia through the provision of high quality, accessible services	
AGENCY LEVEL GOVERNMENT DESIRED OUTCOME	
To provide the people of Western Australia with a fair and just criminal prosecution service.	
KEY EFFECTIVENESS INDICATORS	MEASUREMENT PARAMETERS
<i>Criminal Prosecutions</i>	
1. Early advice to Court on charges.	Percentage of new cases committed to the District and Supreme Courts where an indictment was filed within 42 days (6 weeks) from the date of committal.
2. Establishing a case to answer.	Percentage of proceeded trials where the outcome was determined by a jury because the State demonstrated a case to answer. Where the State does not demonstrate a case to answer the Judge directs an acquittal.
3. Convictions after trial.	Percentage of listed trials resulting in a conviction against one or more of the charges indicted.
<i>Confiscation of Assets</i>	
4. Timely lodgement of Declarations of Confiscation in relation to Drug Trafficker matters.	The ODPP will file applications for a Declaration of Confiscation within three months of the Drug Trafficker Declaration.
5. Timely resolution of Drug Trafficker confiscations	The ODPP will resolve Drug Trafficker matters within 12 months of the date of the Drug Trafficker Declaration.
KEY EFFICIENCY INDICATORS	MEASUREMENT PARAMETERS
<i>Criminal Prosecutions</i>	
1. Cost per prosecution.	Total cost divided by number of new committals received.
<i>Confiscation of assets</i>	
2. Ratio of Cost to Return	Ratio of costs/return of confiscated assets. Calculated using total expenditure for the financial year divided by the actual receipts for the same year. Expressed as a percentage.

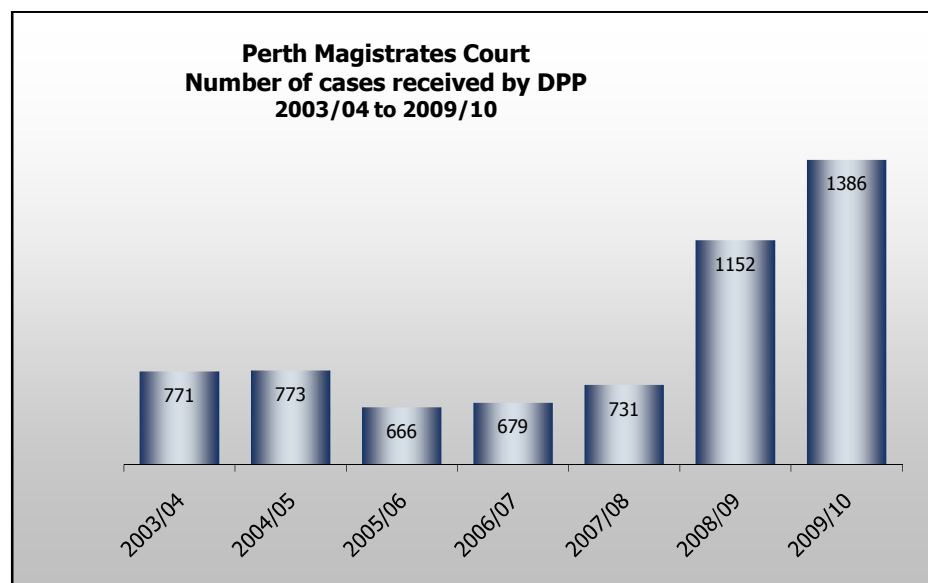
AGENCY PERFORMANCE AND SIGNIFICANT ISSUES IMPACTING THE AGENCY

CRIMINAL PROSECUTIONS

Perth Magistrates Court

In the past 12 months the number of cases being managed by ODPP prosecutors prior to committal has increased by 20 per cent, following an increase of almost 60 per cent the previous year. This increase is due to a consolidation of all committal proceedings from outer metropolitan Magistrates Courts to the Perth Magistrates Court in 2008. This change, proposed by the ODPP and supported by the Chief Magistrate, allows ODPP prosecutors to make earlier assessments of each case and ensure that they are ready for trial upon committal to the higher Courts.

FIGURE 2: CASES RECEIVED FOR HEARING IN PERTH MAGISTRATES COURT



Stirling Gardens Magistrates Court

The number of cases heard at the Stirling Gardens Magistrates Court has decreased in 2009/10, the second full year of the existence of this new Court. The vast majority are committed up to the Supreme Court for trial or for sentence.

TABLE 2: CASE OUTCOMES IN THE STIRLING GARDENS MAGISTRATES COURT

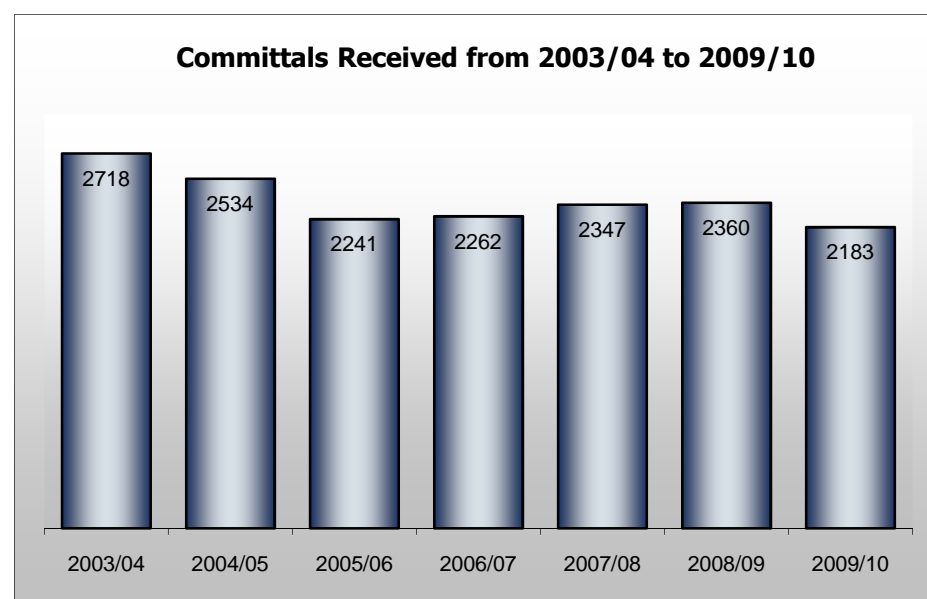
Stirling Gardens Magistrates Court	2007/08		2008/09		2009/10	
Ongoing cases	25		88		82	
Cases Concluded in SGMC	19		21		28	
Plea of Guilty	12	63%	17	81%	25	89%
Discontinued	7	37%	4	19%	3	11%
Remanded to another jurisdiction	31		21		23	
Remanded to Magistrates Court	30	97%	19	90%	21	91%
Remanded to Drug Court	1	3%	1	5%	2	9%
Remanded to Children's Court	0	0%	1	5%	0	0%
Committed cases	116		160		131	
Committed to District Court	12	10%	17	11%	15	11%
Committed to Supreme Court	104	90%	143	89%	116	89%
TOTAL CASES	191		290		264	

District and Supreme Courts

Committals

The basic unit of measurement of the workload of the ODPP is the number of committed matters received. The following chart shows that this number had been increasing each year from 2005/06, until falling slightly in 2009/10.

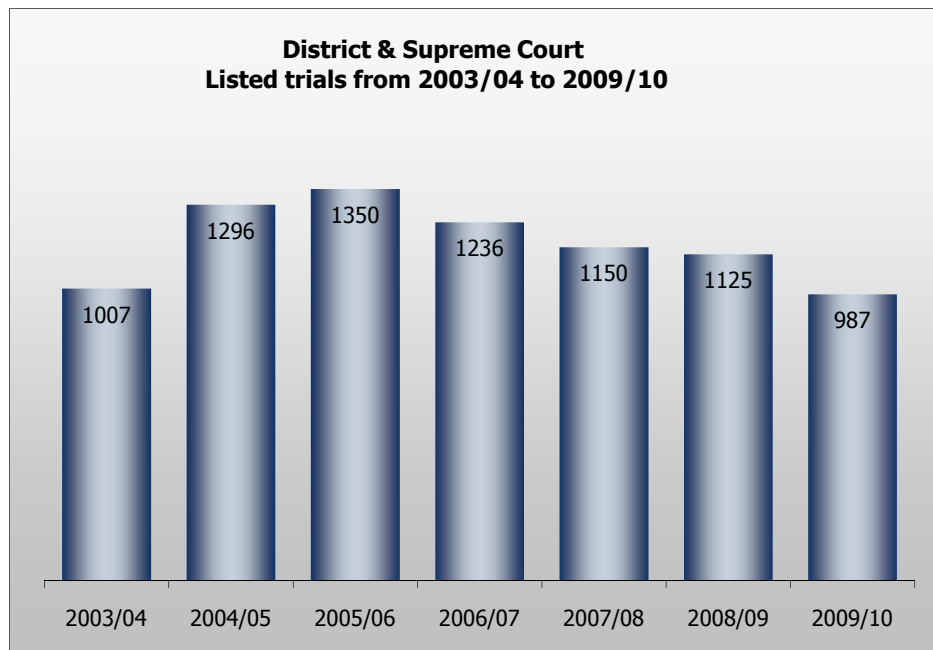
FIGURE 3: COMMITTALS RECEIVED



Trials

Trials listed in the District and Supreme Courts take up a significant proportion of the ODPP resources because the preparation process is intensive for prosecutors and support staff alike. The number of listed trials has been declining since 2005/06.

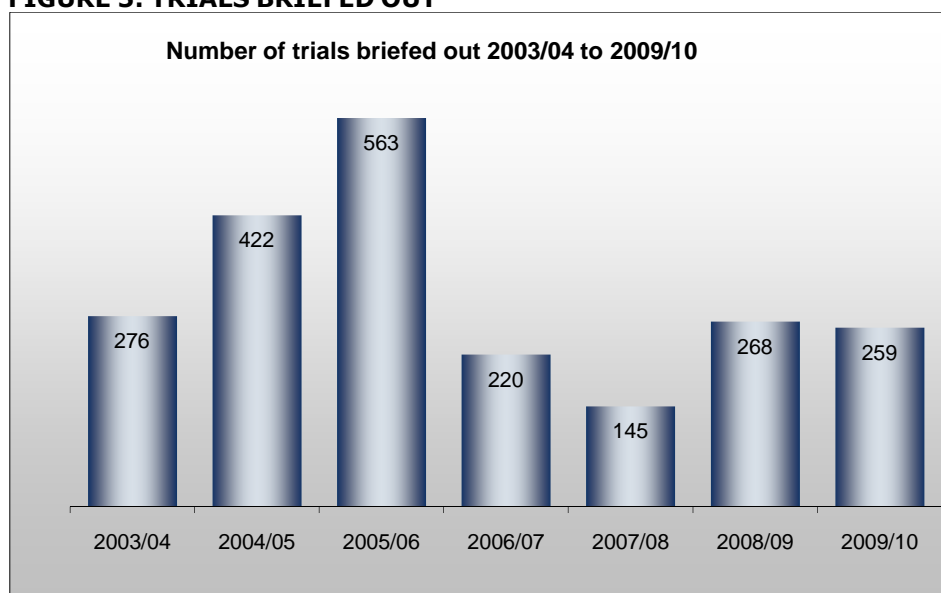
FIGURE 4: LISTED TRIALS



Brief Out

The ODPP briefs a proportion of its trials out to barristers in private practice. This allows the office to manage its workload and guarantee the availability of its prosecutors for other duties.

FIGURE 5: TRIALS BRIEFED OUT

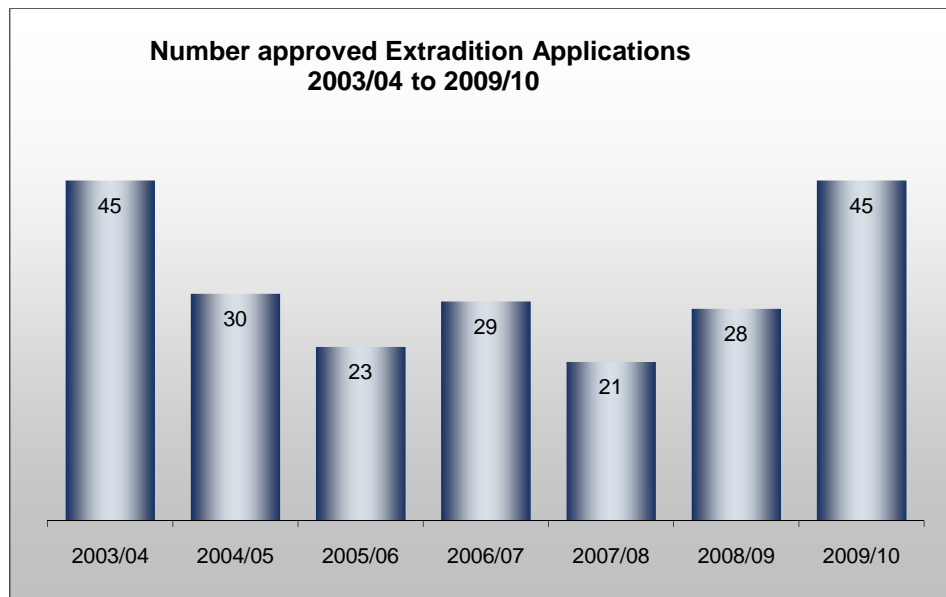


Extraditions

Each year the ODPP receives a number of applications requesting approval for the extradition of persons from interstate or overseas to Western Australia.

In 2009/10, 53 applications were considered by the Director. Of the 53 applications considered, 45 extradition approvals were granted.

FIGURE 6: APPROVED EXTRADITION APPLICATIONS



Applications under the *Dangerous Sexual Offenders Act*

The *Dangerous Sexual Offenders Act 2006* allows applications to be made to the Supreme Court with respect to serious sexual offenders who are at, or near, the end of their sentence. Applications may be made to the Court for the continued detention or ongoing supervision of an offender who may continue to present a serious danger to the community. All applications to date have been made by the ODPP, with the first applications made in 2006.

At the start of the 2009/2010 reporting period, ten offenders were already the subject of a continuing detention order (CDO) under the Act, while six further offenders were already the subject of a supervision order (SO) under the Act. There were also five applications previously filed by the ODPP that were still to be determined.

The ten offenders, already subject to a CDO, were required to have that detention reviewed in 2009/2010 and in seven cases on review that detention was continued. Of the remaining three cases, in one case a supervision order was made, and the remaining two reviews were part-heard and adjourned into the next reporting period, with supervision orders being made in both cases in the first quarter of 2010/2011.

Of the six offenders on SOs at the start of 2009/2010, all remained on SOs at the end of the reporting period, although in three cases contraventions were alleged during the year (more below), and in one case the offender spent much of the year as a sentenced prisoner for an offence committed prior to the making of the SO.

Of the five applications still pending at the start of 2009/2010, all were successful during the reporting period, with two offenders made the subject of CDOs and the other three made the subject of SOs, although one of those initially made subject to a SO was returned to custody on a CDO shortly thereafter, following allegations of contravention. No applications were dismissed in 2009/2010.

In addition to the five pending applications determined, during 2009/2010 the ODPP made a further five new applications under the Act, of which two resulted in CDOs, one resulted in a SO, with the other two offenders still in custody pending determination in the 2010/2011 year.

The ODPP was also involved in contravention proceedings in respect to four offenders subject to SOs. In all cases the alleged contraventions were of conditions of the order but none involved further sexual offending. In one case the offender was returned to custody on a CDO, in two cases the Court released the offenders with amended conditions to their SOs, and one allegation of contravention was not pursued when the evidence ultimately could not support the allegations.

Thus at the end of the reporting period there were 14 offenders detained under CDOs, 10 offenders on SOs, with two further applications pending.

Only one appeal under the Act was decided by the Court of Appeal during 2009/2010. This was an appeal by a respondent against the making of a CDO and was dismissed two days into the 2009/2010 reporting period. A further appeal by the ODPP was brought in the last quarter of 2009/2010 with respect to the contravention provisions of the Act and the relationship with s.178 of the *Criminal Code*. A decision in that appeal was pending at the end of the reporting period, and was decided on 30 July 2010. The ODPP's appeal was unsuccessful, and the appeal highlighted deficiencies in the existing statutory mechanisms to deal with alleged contraventions.

In January 2010 the ODPP made a number of proposals for possible amendments to the Act including to the contravention provisions of the Act. Those proposals are currently being considered as part of a review of the Act coordinated by the Department of the Attorney General, which is ongoing at the time of this report.

The increasing number of offenders subject to CDOs (whose detention must be reviewed under the Act every year) and SOs (with the potential for contravention allegations), as well as new applications, has significantly increased the workload for the ODPP in meeting its responsibilities under the Act. Additionally, the predicted workload for 2010/2011 has sharply increased, with the number of new applications to be made in 2010/2011 likely to be more than double that of 2009/2010. This increase is likely to put significant pressure on all stakeholders in proceedings under the Act.

The ODPP continued to work co-operatively with the Department of Corrective Services and the Sex Offender Management Squad of WA Police in carrying out its functions under the Act.

Children's Court

On 1 December 2006, after an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court. To accommodate the increased workload in the Children's Court a new team, consisting of prosecutors, paralegals and clerical staff was established to manage these matters. The following information outlines the management of both the Magistrates and President's cases.

In July 2008 the sentencing jurisdiction of a Magistrate of the Children's Court was doubled from six to twelve months detention. As a result many of the matters that were previously referred to the President of the Court for sentence or trial are now dealt with by a Magistrate.

Cases Heard before Magistrates in the Children's Court¹

During the period 1 July 2009 to 30 June 2010 the team dealt with the following matters before Magistrates in the Children's Court:

New Magistrates matters received:

- 7,185 new charges were put before the Court;
- 2,439 charges were referred as a result of bench warrants being issued; and
- 4,497 charges were 'reactivated' or returned to the court after a breach of sentence.

Matters Finalised:

- 4,991 charges were sentenced after a guilty plea;
- 566 charges were listed for trial and dealt with before 30 June 2010; and
- 676 individual offenders were dealt with by the team in this period.

Cases Heard before the President of the Children's Court

The more serious offences are heard before the President of the Children's Court. As with the District and Supreme Courts, the number and types of cases received by the ODPP for hearing in the President's Court varies from year to year, and depends on the types of offences charged by the Police. Table 3 shows the number of cases received in each reporting period since 2003/04.

¹ Case numbers for the Children's Court appearances before a Magistrate were supplied by the Children's Court.

TABLE 3: CHILDREN'S COURT CASES RECEIVED FROM 2003/04 TO 2009/10

Children's Court – President's Court	2003 /04	2004 /05	2005 /06	2006 /07	2007 /08	2008 /09	2009 /10
Plea of Guilty	175	147	210	216	244	113	132
Plea of Not Guilty	149	105	118	142	131	102	120
President's Court Total Cases	324	252	328	358	375	215	252

Trials Heard before the President of the Children's Court

Where an accused in the Children's Court pleads not guilty to a serious offence, the case will proceed to a trial hearing before the President of the Children's Court. The same process applies to trials in the Children's Court as per the District or Supreme Court trial, with the exception that there is no jury involvement.

TABLE 4: CHILDREN'S COURT TRIAL OUTCOMES FROM 2003/04 TO 2009/10

Children's Court President Trials	2003 /04	2004 /05	2005 /06	2006 /07	2007 /08	2008 /09	2009 /10
Conviction	12	18	12	11	5	4	5
Acquittal	8	13	11	9	4	2	5
Total Trials Proceeded	20	31	23	20	9	6	10
Adjournments	24	23	21	33	48	24	11
Pleas of Guilty	3	7	12	9	7	6	0
Bench Warrant	2	2	1	-	1	0	0
Discharged	2	1	-	-	1	10	4
Other	4	2	6	6	10	24	26
Total Trials not Proceeded	35	35	40	48	67	64	41
Total President's Court Trials	55	66	63	68	76	70	51

Appeals

Single Judge Appeals

Single Judge Appeals are one of three types of appeals managed by the ODPP. Appeals of this type arise from cases prosecuted in the Magistrates Court and as such are 'new' files to the ODPP. Table 5 shows the number and types of Single Judge Appeals received over the past seven years.

TABLE 5: SINGLE JUDGE APPEAL CASES FROM 2003/04 TO 2009/10

Single Judge Appeals		2003 /04	2004 /05	2005 /06	2006 /07	2007 /08	2008 /09	2009 /10
State	Acquittal	-	-	2	-	-	-	-
	Sentence	2	4	2	2	-	-	1
	Other	-	1	-	1	4	4	-
Accused	Conviction	5	10	20	14	5	15	12
	Sentence	18	8	14	19	11	21	26
	Other	1	2	4	5	6	1	1
TOTAL APPEALS		26	25	42	41	26	41	40

Appeals before the Court of Appeal

Court of Appeal cases arise from matters the ODPP has previously prosecuted in the District or Supreme Courts. Table 6 shows the number of types of Court of Appeal cases the ODPP has received over the past seven years.

TABLE 6: COURT OF APPEAL CASES FROM 2003/04 TO 2009/10

Court of Appeal		2003 /04	2004 /05	2005 /06	2006 /07	2007 /08	2008 /09	2009 /10
State	Acquittal	4	2	-	2	-	-	1
	Sentence	14	13	4	10	15	9	11
	Other	2	-	7	1	-	1	3
Accused	Conviction	70	89	93	50	57	60	53
	Sentence	115	106	99	75	69	91	72
	Other	-	6	3	12	6	5	14
TOTAL APPEALS		205	216	206	150	147	166	154

High Court Appeals

High Court appeals arise from cases heard in the Court of Appeal where the appellant applies for leave to appeal a decision made by the Court of Appeal. Table 7 shows the number of types of High Court cases the ODPP has received for the past seven years.

TABLE 7: HIGH COURT CASES FROM 2003/04 TO 2009/10

High Court Appeals	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
State	-	1	2	2	-	-	-
Accused	23	13	11	16	14	3	10
TOTAL APPEALS	23	14	13	18	14	3	10

CONFISCATION OF ASSETS

Proceeds of Crime

Freezing Notices and Freezing Orders are used to prevent property from being disposed of while an investigation or prosecution is carried out and/or until the conclusion of confiscation proceedings. The Police have power under the *Criminal Property Confiscation Act 2000 (Confiscation Act)* to obtain Freezing Notices from Magistrates or Justices of the Peace, and the Director of Public Prosecutions has the power to obtain Freezing Orders from the superior courts. In the reporting period a total of 234 Freezing Notices and 13 Freezing Orders were obtained. A comparative table showing the number of Freezing Notices and Orders obtained since 2000/01 appears in Table 8 (below). It should be noted that in certain circumstances multiple Freezing Notices may be issued for one person, which accounts for some variations between reporting periods.

TABLE 8: FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATION ACT

Freezing Notices and Orders – Obtained	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Notice	41	115	58	68	133	152	117	231	263	231
Order	2	9	7	6	0	3	5	9	18	13
TOTAL	43	124	65	74	133	155	122	240	281	244

Individuals who claim an interest in property that has been frozen after a Freezing Notice or Order are entitled to object to the confiscation of that property. The *Confiscation Act* provides that these objections must be received within a specified timeframe, usually within 28 days of serving the Freezing Order or Notice. The person objecting is responsible for establishing the property was not crime derived or used for criminal activity, or was not the property of the person subject to an investigation or prosecution. The majority of objections assert an interest in property registered in the name of declared drug traffickers (mortgagee, spouse, other beneficial interest). A single Freezing Notice or Order may give rise to multiple objections.

Table 9 shows the number of objections arising from Freezing Orders and Freezing Notices, as well as the subsequent outcomes for all notices and orders since the *Confiscation Act* was enacted.

TABLE 9: OUTCOMES AND OBJECTIONS OF FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATION ACT

Freezing Notices and Orders – Outcomes	Total Issued	Total Finalised	Number Cancelled	Number leading to Confiscation	Number of Objections Received	Objections Dismissed	Objections Allowed
Freezing Notice	1409	1016	286	608	1714	516	612
Freezing Order	72	45	3	31	145	47	44

A total of 278² objections were finalised this reporting period, resulting in 119 objections being dismissed and 145 succeeding. Table 10 shows the breakdown of objections received and the outcomes of finalised objections for the past seven years.

TABLE 10: NUMBER OF OBJECTIONS TO FREEZING ORDERS AND FREEZING NOTICES RECEIVED AND FINALISED FROM 2003/04 TO 2009/10

Objections	2003 /04	2004 /05	2005 /06	2006 /07	2007 /08	2008/ 09	2009 /10
Objections received in the period	144	159	258	150	258	245	243
Objections dismissed in the period	27	40	29	92	102	102	119
Objections successful in the period	32	47	50	100	124	129	145
Total objections finalised for the period³	62	88	82	198	245	251	278

A significant proportion of confiscated property arises from the conviction of an accused person and the subsequent declaration that the person is a drug trafficker. Therefore the number of applications of declaration of confiscation is directly related to the number of people who have been declared drug traffickers.

Upon declaration that a convicted person is a drug trafficker, all property relating to that person is confiscated to the State. While many individuals declared as drug traffickers have no assets, proceedings have begun against a number of declared drug traffickers during 2009/10. During 2009/10, 95 people were declared drug traffickers. It should be noted that formal confiscation may not necessarily occur within the same reporting year as a declaration that a person is a drug trafficker.

²254 for Freezing Notices and 24 for Freezing Orders

³This may include objections finalised for Freezing Notices issued prior to this reporting year. The number of objections finalised is often greater than the combined total of objections dismissed and successful as some objections fall away due to other action.

The proceeds of confiscated assets are paid into the Confiscation Proceeds Account and the Attorney General has the power to make grants from the account for a range of purposes. In 2009/10 a total of \$10,047,391 was paid into the Confiscation Proceeds Account from the property of declared (or taken to be declared) drug traffickers (see the table in Figure 17).

TABLE 11: DRUG TRAFFICKER DECLARATIONS AND MONEY PAID INTO THE CONFISCATION PROCEEDS ACCOUNT FROM 2004/05 TO 2009/10

Drug Traffickers	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Declarations made	70	91	85	80	110	95
Amount paid into account	\$1,832,814	\$1,224,694	\$2,708,766	\$8,071,257	\$6,074,700	\$10,047,391
% variation to previous year	154%	-33%	121%	198%	-25%	65%

Table 12 shows the number and types of applications made since the commencement of the *Confiscation Act*.

TABLE 12: NUMBER AND TYPES OF APPLICATIONS MADE SINCE THE COMMENCEMENT OF THE CONFISCATION ACT

Applications for Confiscation	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total made	Total finalised	No. leading to confiscation
Unexplained wealth declaration	8	4	3	2	0	0	0	2	5	3	27	18	16
Criminal Benefits Declaration	2	2	2	4	0	1	0	0	1	0	12	9	9
Crime Used Property Substitution Declaration	0	1	2	1	0	0	2	2	3	4	15	7	6
TOTAL	10	7	7	7	0	1	2	4	9	7	54	34	31

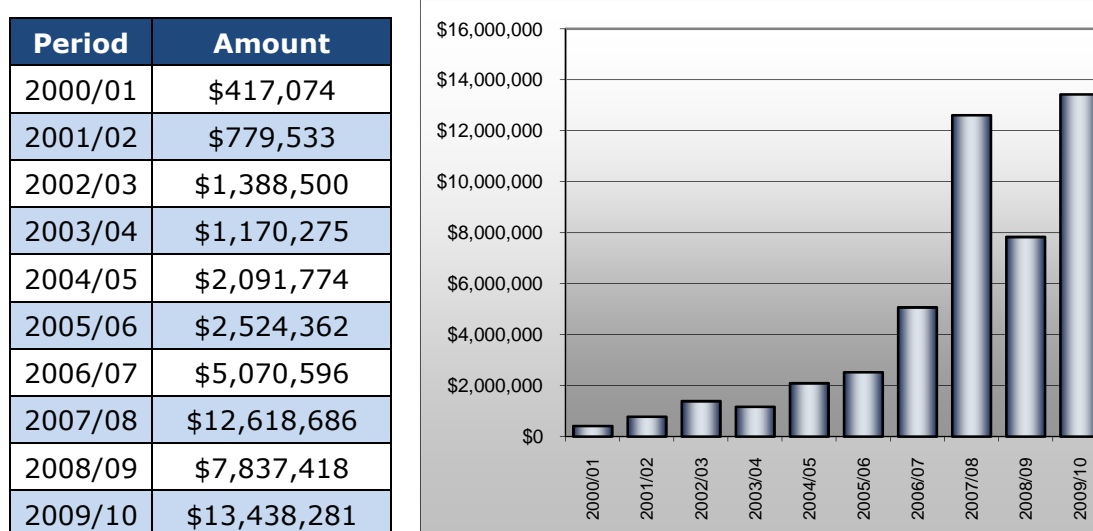
Table 13 shows the number of proceedings in which a declaration of confiscation was made.

TABLE 13: PROCEEDINGS FINALISED WHERE A DECLARATION OF CONFISCATION MADE FROM 2000/01 TO 2009/10

Finalised proceedings	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total Made
On grounds of declared drug trafficker	0	9	19	17	24	32	60	61	88	105	415
On grounds of Crime-Used or Crime-Derived	1	16	3	2	7	9	13	8	20	33	112
On grounds of Crime Used Property Substitution	0	0	1	0	1	0	0	2	0	1	5
On grounds of Unexplained Wealth	0	0	0	1	1	3	0	2	2	1	10
Criminal Benefits	0	0	0	0	1	0	1	0	1	1	4
Examination Order	0	0	0	0	0	0	1	0	0	0	1
Total Declarations	1	25	23	20	34	44	75	73	111	141	547

Figure 7 shows the total amount arising from all confiscations, paid into the Confiscation Proceeds Account, since January 2001 in table and graph format.

FIGURE 7: DOLLAR AMOUNTS PAID INTO THE CONFISCATION PROCEEDS ACCOUNT FROM 2000/01 TO 2009/10



Misuse of Drugs Act

During 2009/10, the ODPP managed a number of matters pursuant to the *Misuse of Drugs Act 1981* (*Misuse of Drugs Act*) which resulted in revenue of \$149,369 being paid into the State's Consolidated Fund. Table 14 shows the number of applications recorded, and revenue derived from applications under the *Misuse of Drugs Act* in recent years. There has been a decline in the number of applications and money forfeited pursuant to these Acts since 2000 as a result of applications now being made under the *Criminal Property Confiscation Act 2000*.

TABLE 14: NUMBER OF APPLICATIONS RECORDED AND AMOUNT PAID TO REVENUE OVER THE LAST 7 YEARS

Misuse of Drugs Act	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
No. of Applications	39	41	70	46	62	52	51
Paid to Revenue	\$100,498	\$247,073	\$504,988	\$313,812	\$205,951	\$284,981	\$149,369
% variation	-46%	146%	104%	-38%	-34%	38%	-48%

PROJECTS

Information Technology Projects

Replacement of the Case Management System

In March 2009, the ODPP purchased a new Case Management System (CMS) called Justware, supplied by New Dawn Technologies Inc., a US Company. Justware is a web-based case and document management system that will hyperlink important information, produce customised reports and send or receive data from other agencies, either through interfaces or via email.

The objectives of the CMS are to:

1. Assist staff to manage the administrative aspect of prosecutions effectively and efficiently;
2. Enable matters to be resolved at the earliest possible opportunity;
3. Support the ODPP relationship with key stakeholders, including victims, the Courts and investigative agencies;
4. Ensure appropriate accountability for, and reviewability of the management of prosecutions;
5. Standardise processes and documentation across the ODPP; and
6. Move towards fully electronic case management of prosecutions.

The system has now gone live and implementation has required significant changes to ODPP practices and documentation. The Project Team has successfully managed the first stage of implementation and is currently working with prosecution staff in the refinement of practices, ongoing training and minor modification of the CMS that will enable the system to gain widespread acceptance in the Office.

The next stage of the project includes a proposed interface between Police and Court systems to automate the transfer of information directly into JustWare. It is also planned to incorporate court sitting and outcome data to streamline file management and minimise data entry requirements. Future requirements include the transfer from Police of an electronic brief and to build upon the document storage processes implemented within the current system.

JustWare will provide the majority of operational reporting to the ODPP business areas with the product allowing a unique portal type feature which can be customised by the ODPP for specific business requirements. A new business performance reporting structure is also being implemented to improve analysis and reporting of the ODPP's performance against KPIs and targets. The goal is to provide business areas with a self service reporting environment to improve decision making and enhance access to key management data.

Intranet redevelopment

The ODPP has initiated a project to improve the ODPP intranet (DPPnet) as a source of accurate and useful information. Goals for this project are the reduction of administrative tasks required in maintaining DPPnet, smarter knowledge areas and team sites that will reduce duplication of information and improve ability to find information, and a portal insulated from organisational change. The ODPP has determined these goals can be achieved by improving the Information Architecture design and implementing a more effective ownership model for the intranet.

CSG has been contracted to design both the information architecture and the governance model, develop a change management strategy, and migrate the information on the existing intranet to the new intranet. CSG will implement the new intranet using Microsoft SharePoint 2010. The project is about 50per cent completed.

Transition to DTF Shared Services

The ODPP transferred its corporate services transaction processing to the Department of Treasury and Finance Shared Services Centre (DTFSS) in February 2010. This involved the implementation of Whole of Government business processes to manage transactions in the area of Human Resources, Payroll, Finance and Procurement.

Although prior to DTFSS roll-in transaction processing was undertaken for the ODPP by the Department of the Attorney General, the transition has had a significant impact on the operations of the Office as new procedures and processes have needed to be implemented to meet DTFSS requirements. The ODPP continues to work closely with DTFSS staff to improve the functioning of corporate services transaction processing in the new environment.

ODPP Involvement in the Perth Magistrates Court

Western Australia Police and the ODPP have been considering strategies to increase the involvement of the ODPP in matters before the Perth Magistrates Court. This began with the placement of a Consultant State Prosecutor at the Police Prosecuting Division and the assumption of responsibility for matters before Magistrates in the Perth Children's Court in 2007.

Following listing changes introduced by the District Court from 1 September 2008, the ODPP needs to be involved in matters at a much earlier stage, with the Office now actively tracking matters listed for committal and assigning them to prosecution staff at the earliest possible opportunity. While such measures have led to a significant improvement in the number of matters concluded in the Perth Magistrates Court (an increase from 6 per cent of matters concluded in 2004/05 to 21 per cent concluded in 2009/10) the additional administrative tasks and compressed timeframes have created considerable pressure for the ODPP.

The Director and Commissioner of Police have also agreed to jointly fund a team of ODPP prosecutors within the Perth Prosecuting Division of WA Police. Greater participation by the ODPP in the Magistrates Court is supported by the Director because it provides excellent training opportunities for junior staff to develop advocacy skills and will lead to a stronger relationship between the ODPP and WAPol. The ODPP Magistrates Court Team reports to the Consultant State Prosecutor at the Police Prosecuting Division and is important because the increased complexity of matters before the Magistrates Court necessitates greater involvement by legal practitioners to ensure appropriate outcomes for the justice system.

Any further involvement by the ODPP in the Magistrates Court will be subject to resources being provided to the Office, either through a similar arrangement with WAPol or as part of a larger initiative supported and funded by Government.

CORPORATE SERVICES REPORT

The ODPP structure is effectively based on the core business of the Office. However, since 2006 it has been considerably strengthened through the significant increase in staff and a greater emphasis on performance management and leadership.

The ODPP is comprised of six legal teams (three Indictable Teams, a Confiscations Team, Children's Court Team, and a combined Fast-track Sentencing, Drug Court, Appeals and Stirling Gardens Magistrates Court Team); a Corporate Services Division and a Policy Section. Four Consultant State Prosecutors and the Director Legal Services report directly to the Deputy Director of Public Prosecutions, and the Deputy and Director Corporate Services report directly to the Director. The Director, Deputy Director, Director Corporate Services, Director Legal Services and four Consultant State Prosecutors form the Corporate Executive of the ODPP.

Indictable Prosecution Teams

These teams, headed by a Practice Manager, are responsible for all indictable prosecutions in the metropolitan and regional areas of both the Supreme and District Courts. Each of the three teams comprises a number of State Prosecutors and supporting paralegal, clerical and secretarial staff. The prosecutors within each team are divided into four Workgroups, each of which is headed by a Workgroup Coordinator; a Senior State Prosecutor who manages the matters assigned to the Workgroup, signs indictments for State Prosecutors within the Workgroup and ensures junior prosecutors are appropriately mentored and guided.

Fast-track Sentencing and Drug Court Team

In the Fast-track Sentencing Team, cases where early pleas of guilty have been entered are prepared for court by a team of paralegal staff, under the guidance of solicitors. Administrative staff also prepare cases where court orders have been breached and where there has been a referral to the Drug Court.

Appeals Team

This small team of prosecutors and support staff provides assistance and advice to prosecutors in the office who are assigned appeal files to manage. They also manage a small number of cases within the team.

Stirling Gardens Magistrates Court Team

In October 2007, the Supreme Court created the Stirling Gardens Magistrates Court to help with case management on Supreme Court matters. The Stirling Gardens Magistrates Court Team continues to successfully negotiate pleas of guilty to a considerable proportion of

robbery charges listed in the Supreme Court. All cases involving a fatality continue to be managed by senior prosecutors within the ODPP.

Children's Court Team

Since December 2006, the Children's Court Team has operated as a distinct team within the office. Headed by a manager, the team is responsible for all prosecutions before the President of the Children's Court and prosecutions before a Magistrate of the Children's Court sitting in Perth. The team consists of a total of nine prosecutors and seven clerical staff. Originally split between the ODPP office at International House and the Perth Children's Court, in June 2009 a refurbishment of the Children's Court offices facilitated the co-location of the team.

Confiscations Team

The Confiscations Team, headed by a Practice Manager, plays a unique role in the Office. Acting as solicitors and counsel in civil litigation, the team manages a number of matters, including bringing confiscation proceedings, pursuant to the *Criminal Property Confiscation Act 2000*.

Consultant State Prosecutors

Reporting directly to the Deputy Director of Public Prosecutions, these are the most experienced prosecutors in the Office and are given conduct of the most complex legal matters. They are authorised to approve substantive discontinuances (whole case) and the negotiation of charges. They provide support and advice to the Indictable Teams and the Children's Court, Drug Court, Stirling Gardens Magistrates Court and Fast-track Sentencing Team as well as professional leadership across the ODPP.

The Corporate Services Division

Reporting directly to the Director of Public Prosecutions through the Director Corporate Services, this division is responsible for the provision of finance, human resources, information management, information technology, business improvement and administrative services to the ODPP. In addition, there is a Prosecution Support section which includes the Listings and Appeals and Magistrates' Court branches. The Prosecution Support section allocates cases to the Indictable Teams, prepares monthly allocation lists of matters for trial and all other court appearances, and provides administrative support for the Indictable Teams.

Employment Statistics and Salaries

As at the 30 June 2010 the ODPP comprised of 256 staff (head count) or 227.81 FTE (full time equivalent)

The following table provides a breakdown between legal and non-legal staff, by gender. It also shows the staff classification levels and salaries.

TABLE 15: STAFF CLASSIFICATION LEVELS, NUMBERS AND SALARIES

	2008/09			2009/10			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Female	Male		Female	Male		
Legal Staff							
Articled Clerks	4	0	4	2	2	4	\$55,913 - \$60,707
L1LG	4	1	5	3	0	3	\$69,621 - \$77,933
L2LG	12	11	23	13	9	22	\$75,392 - \$90,732
L3LG	14	5	19	14	7	21	\$100,374 - \$107,581
L4LG	11	7	18	16	11	27	\$113,683 - \$134,825
L5LG	6	11	17	8	14	22	\$147,934
L6LG	9	12	21	9	8	17	\$163,711 - \$184,062
L7LG	0	1	1	0	1	1	\$193,667
CSP	0	5	5	1	2	3	\$238,986 - \$302,027
DLS	0	1	1	0	1	1	\$238,986
DPP	0	1	1	0	1	1	\$351,545
Legal Staff Total	60	55	115	66	57	122	
Non Legal Staff							
Trainee	2	1	3	0	0	0	\$12,311 - \$13,563
L1	5	3	8	11	4	15	\$19,657 - \$47,250
L2	33	13	46	30	17	47	\$48,730 - \$52,916
L3	29	12	41	30	11	45	\$55,913 - \$60,707
L4	14	4	18	10	4	14	\$62,959 - \$66,538
L5	3	5	8	3	3	6	\$70,037 - \$77,405
L6	2	3	5	3	3	6	\$81,501 - \$90,249
L7	2	1	3	2	1	3	\$95,301 - \$102,144
L8	1	0	1	1	0	1	\$108,125 - \$117,441
L9	0	1	1	0	1	1	\$124,094 - \$133,423
Non Legal Staff Total	91	43	134	90	44	134	
TOTAL	151	98	249	156	101	256	

POLICY SECTION

The Policy Section reports to the Deputy Director of Public Prosecutions and is responsible for policy and procedure development within the Office and legislative reform proposals or submissions on behalf of the Director. The Section also provides advice upon request to the Attorney General, other Ministers and external bodies on the operation of the law.

Ongoing Liaison

Strategic Criminal Justice Forum

Following a recommendation of the 2008 WA Police "Project Anticus" Report, a Strategic Criminal Justice Forum was convened in August 2009 to provide a forum for coordinated action by the Courts and agencies engaged in the administration of criminal justice in Western Australia. The ODPP has been an active member of this Forum, which is chaired by the Chief Justice and attended by the Chief Judge, Chief Magistrate, Commissioner of Police and representatives of the Law Society, Legal Aid and the Aboriginal Legal Service.

Disclosure Memorandum of Understanding

In September 2009 a Disclosure Memorandum of Understanding was jointly signed by the Director and Commissioner of Police which stipulates new procedures to promote the joint obligations of WA Police and the ODPP in relation to disclosure. Through the Strategic Criminal Justice Forum, the Office is working closely with the Courts, defence counsel and investigative agencies to improve disclosure and reduce delays or adverse outcomes in the judicial process associated with late or inadequate disclosure.

Victims of Crime Reference Group

The ODPP continued to be represented on the Victims of Crime Reference Group (VOCRG), established in 2006 to advise Government on the needs of victims and recommend improvements to the criminal justice system. The group is chaired by former Attorney-General Cheryl Edwardes. Further information can be found on the Group's website, which was launched in 2008 to assist victims.

The website is: www.victimsofcrime.wa.gov.au

Inter-Agency Liaison

The ODPP has bi-monthly meetings with Victim Support Service and the Child Witness Service, to resolve any issues about victims and witnesses and their role in the criminal justice system. Areas for reform are also considered and discussed.

The ODPP is also represented on the Child Witness Committee chaired by a District Court Judge, which meets regularly to deal with any operational and policy issues affecting child witnesses.

Legislative reform

Law Reform

The ODPP is regularly invited to make submissions and contribute to legislative reform. In this regard, in 2009/2010 the Office has made submissions to:

- The WA Standing Committee on Uniform Legislation and Statute Review on the *Child Exploitation Material & Classification Legislation Amendment Bill 2009* and the *Working with Children (Criminal Record Checking) Amendment Bill 2009*;
- The Law Reform Commission of WA in response to proposals for reform contained in the Selection, Eligibility and Exemption of Jurors: Discussion Paper of September 2009;
- The Commonwealth Attorney General's Department on the Operation of Part 1D (Forensic Procedure) of the *Crimes Act 1914*;
- The WA Department of the Attorney General in relation to the Review of the *Sentencing Act 1995*;
- The National Justice Chief Executive Officers' Group on the Development of Guidelines for Diversion and Support of People with Mental Illness;
- The WA Standing Committee on Environment and Public Affairs in relation to the Inquiry into the Transportation of Detained Persons; and
- The Victorian Department of Justice Review of Identity Motivated Crime.

The ODPP also regularly liaises with the Department of the Attorney General on policy, proposed legislation and Bills, including suggesting amendments to the *Dangerous Sexual Offenders Act 2006* in 2009/2010.

Legal Policy Committee

The ODPP Legal Policy Committee, made up of senior ODPP Prosecutors, focuses on appropriate implementation of prosecution policy and legal reforms.

DISCLOSURE AND LEGAL COMPLIANCE

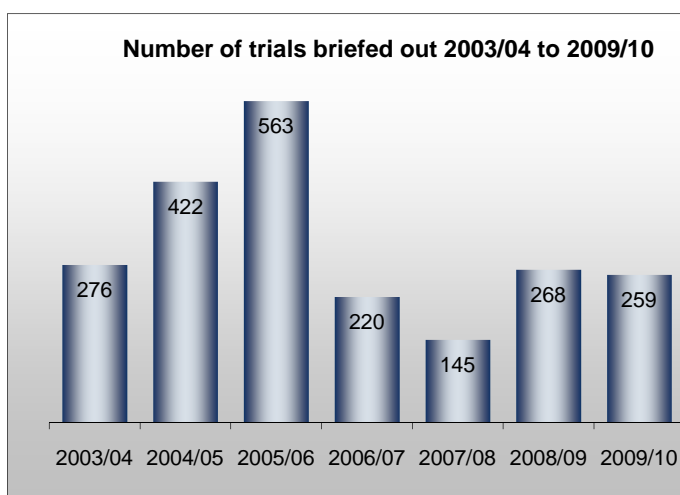
OTHER FINANCIAL DISCLOSURES

Brief Out Expenditure

The following table shows the pattern of expenditure for briefing out the conduct of trials to private barristers. The number of matters briefed out in a given year is dependent on a number of factors, such as court workload and staffing levels. The number of trials briefed out has remained relatively constant at 26 per cent in the 2009/10 period compared to 24 per cent in the 2008/09 period.

FIGURE 8: BRIEF OUT EXPENDITURE FROM 2001/02 TO 2009/10

Brief Out	Number of trial matters briefed	Expenditure
2001/02	458	\$869,635
2002/03	161	\$386,389
2003/04	276	\$604,929
2004/05	422	\$841,446
2005/06	563	\$1,267,059
2006/07	220	\$746,691
2007/08	145	\$439,977
2008/09	268	\$1,104,831
2009/10	259	\$1,413,298



GOVERNANCE DISCLOSURES

Nil return in relation to Governance disclosures under TI 903 (14).

PUBLIC INTEREST DISCLOSURES

In 2009/10, the Office did not receive any matters raised under the *Public Interest and Disclosure Act 2003*, nor were any carried over from the previous financial year. The ODPP Public Interest Disclosure Internal Procedures and supporting information and documentation are maintained on the Intranet.

OTHER LEGAL REQUIREMENTS

Advertising

The *Electoral Act 1907* requires all public sector agencies to publish an annual report under the *Financial Management Act 2006* or any other written law and include a statement in the report detailing all expenditure incurred by, or on behalf of, the public agency during the 2009/2010 reporting period in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies. Other than expenditure associated with advertising staff positions, the ODPP did not incur any expenditure in the above areas in this reporting period.

Disability Access and Inclusion Plan Outcomes

Further to the development in 2007 of the ODPP Disability Access and Inclusion Plan (DAIP) 2007-2012, the Office has progressed implementing priority strategies. Achievements for 2009-2010 include:

- Ongoing implementation, monitoring and reviewing of the DAIP by the Compliance Management Committee.
- Conducted one Disability Awareness Workshop of which 20 employees attended, bringing the total number of participants to 161.
- Published on the Disability Awareness and Inclusion intranet site information for staff on:
 - How to provide alternative communication methods, e.g. audio loop; and
 - Providing accessible services and communicating with hard of hearing and deaf people.
- Engaged three interns as part of the WA State Government Internship Program to assist in progressing the following projects:
 - Incorporate the WA Language Services Policy into the conduct of prosecutions.
 - Improve the identification of witnesses and victims with special needs.
 - Improve the ODPP's contact with witnesses and victims with a disability.

Compliance with Public Sector Standards and Ethical Codes

The ODPP did not have an identified or reported compliance issue during the financial year with regards to the WA Code of Ethics or the ODPP Code of Conduct.

There were three claims of breach of the Recruitment, Selection and Appointment Standard, of which all claims were dismissed after the Review stage.

Significant action taken to monitor and ensure compliance included:

- Prepared the ODPP Organisation and People Development Plan 2010 – 2012 that identifies 22 strategies and 79 initiatives, categorised according to the six Strategies/Outcomes defined in the Strategic Directions for the Public Sector Workforce 2009-2014.
- Conducted 2 Induction workshops (24 employees) that included information on the Public Sector Standards and Ethical Codes, and the consequences of non-compliance.
- Published on the Intranet an eChairperson's Guide to Recruitment, Selection and Appointment.
- Conducted a Selection Panel workshop.

Recordkeeping Plans (*State Records Act 2000*, Section 61, and State Record Commission Standards, Standard 2, Principle 6)

Recordkeeping Systems Review

The new ODPP case management system is integrated with the ODPP's existing TRIM records management system. Both systems will provide the ODPP the opportunity to move in the direction of electronic records and content management. TRIM and Justware will be rolled out to all ODPP staff in the second half of 2010.

The ODPP undertook a review of its Retention and Disposal in April/May 2010. A revised R & D was approved by the State Records Commission on 18th June 2010. The ODPP is now in the process of revising its Recordkeeping Plan.

Recordkeeping Training Program

The ODPP continues to provide Recordkeeping Awareness Training to all staff through on-line training and other information available on the ODPP Intranet. An Induction program is in place for Recordkeeping Awareness and recordkeeping training specifically tailored to the role of the new employee within the ODPP.

Effectiveness of Record Keeping Training

A review of the effectiveness of the ODPP's Recordkeeping Training will be undertaken within the next 12 months.

MINISTERIAL DIRECTIVES

Nil return as there was no directives made by the Attorney General during 2009/2010.

GOVERNMENT POLICY REQUIREMENTS

Substantive Equality As per the Public Sector Commissioner's Circular 2009-23 all departments represented on the Strategic Management Council are required to report on their progress in implementing the Policy Framework for Substantive Equality. The ODPP is not represented on the Strategic Management Council and therefore is not required to report on this initiative. However, the ODPP is aware of the intent and substance of the Policy Framework, and when developing and reviewing policies and procedures is cognisant of meeting the diverse needs of the people of Western Australia.

Occupational Safety, Health and Injury Management The ODPP is committed to providing and maintaining a safe and healthy workplace that is free of work related injuries and diseases, and that in the event an injury occurs, they are managed quickly and properly so that the injured worker can remain at work or return to work at the earliest appropriate time. The ODPP has documented this commitment in the ODPP Occupational Safety and Health Policy, ODPP Injury Management Policy and the ODPP Injury Management Procedures.

Progressing from the development of these policies and procedures, the Office has established a formal consultative mechanism including:

- Appointing 6 Safety and Health Representatives
- Conducting regular Safety and Health Committee meetings.

The ODPP's performance against the 2009/10 annual targets are as follows:

TABLE 16: OHS PERFORMANCE AGAINST TARGETS

Indicator	Target 2009/10	Actual
Number of fatalities	Zero (0)	0
Lost time injury/diseases (LTI/D) incidence rate.	Zero (0) or 10% reduction on previous year	1
Lost time injury severity rate	Zero (0) or 10% improvement on previous year	100
Percentage of injured workers returned to work within 28 weeks		100
Percentage of managers trained in occupational safety, health and injury management responsibilities.	Greater than or equal to 50%	0

In 2009-10, the Office achieved the following in the identified priority areas for implementing a safe and healthy workplace in the ODPP.

Cultural Development

Since 2007, the Office has embarked on building an Organisation of Excellence by delivering a workforce development program focused on developing core organisational and legal capabilities to provide a fair and just prosecutorial service to the people of Western Australia, as well as addressing cultural and health and wellbeing issues. Several priority areas are documented below and the participation rates are highlighted in Figure 25.

In recognition that employees in the course of providing a prosecution service are exposed to graphic and stress provoking experiences, the ODPP is committed to regularly conducting Recognising & Managing Stressful Experiences Workshops. Participants are provided with meaningful and practical learning experiences and the opportunity:

- to gain a greater understanding of the short and long term impact of being exposed to stressful experiences; and
- to develop practical skills, methods, techniques and strategies to manage these stressful experiences effectively.

"Enhancing Communication and Better Relationships" with colleagues and external parties was identified as critical to improving the health and wellbeing of staff. Consequently, the Office has systematically been conducting Communicating Effectively workshops (Fundamentals; Conflict Management and Negotiation Skills; Giving and Receiving Feedback) aimed at three levels of employees: senior managers, supervisors and employees.

Managing Difficult Behaviours and Situations Workshops are also regularly conducted, to empower and enhance employee capability to successfully establish and manage high quality-working relationships in their team and in the wider Office culture, including managing bullying complaints.

TABLE 17: CULTURAL DEVELOPMENT WORKSHOPS – PARTICIPATION RATES

Workshop	2009-10	2008-09	2007-08	Total
<i>Recognising & Managing Stressful Experiences</i>	0	32	30	62
<i>Communicating Effectively – Fundamentals</i>	20	27	0	47
<i>Communicating Effectively – Conflict Management and Negotiation Skills</i>	6	46	0	52
<i>Communicating Effectively – Giving and Receiving Feedback</i>	18	47	0	65
<i>Managing Difficult Behaviours and Situations</i>	13	79	0	92

INTRODUCTION TO KEY PERFORMANCE INDICATORS

The core work of the Office of the Director of Public Prosecutions is to prosecute serious criminal offences in the Supreme Court, District Court, and before the Children's Court. The ODPP also appears if any of those matters proceed to appeal. In addition, the ODPP initiates actions pursuant to the *Criminal Property Confiscation Act* and the *Misuse of Drugs Act* and manages committal proceedings in the Magistrates Court at the Central Law Courts, Perth, and the Stirling Gardens Magistrates Court, Perth.

ODPP Mission

The mission of the ODPP is to provide the people of Western Australia with a fair and just criminal prosecution service.

ODPP Outputs

Output 1 – Criminal Prosecutions remains the ODPP's principal output and essentially represents the core work of the ODPP. The key outcome under this output is to *provide a fair and just criminal prosecution service for the State of Western Australia*.

Criminal offences prosecuted by the ODPP are to be found in the *Criminal Code* and the *Misuse of Drugs Act* which together cover virtually the full range of offences dealt with by the District Court and Supreme Court on indictment.

An indictment is the formal document advising the court and the Accused of the charges laid and without it the court cannot proceed.

The work of prosecuting is carried out by State Prosecutors who are responsible to the Director of Public Prosecutions. They have the task of analysing the brief that has been prepared by the investigating police, assessing the accuracy of the charges and the evidence. Once the indictment is presented to the relevant court, State Prosecutors represent the State in court on every appearance by an accused, whether it is a question of bail, a plea, a trial, a sentence, or an appeal.

Representing the State in criminal proceedings places obligations on prosecutors to adhere to legal principles and published guidelines issued under Section 24 of the *Director of Public Prosecutions Act 1991*. To prosecute fairly is to prosecute according to law and in accordance with the ODPP's published Statement of Prosecution Policy and Guidelines⁴ which amplifies the relevant legal principles. Those principles are fundamental to our criminal justice system, are of universal application and govern matters on which the State is accountable to the accused person and the court.

⁴ Available on the ODPP website: www.dpp.wa.gov.au

While the ODPP must be accountable as a public sector agency, its first point of accountability in every criminal matter is to the court, which has a legal obligation to ensure that the prosecution is conducted fairly. The court has the power to prevent any impropriety or abuse of process if it believes that State prosecution decisions are wrong or impact in any way adversely on the accused's right to fairness. In reality there is probably no agency in government where the day-to-day decisions of its staff are so constantly under judicial scrutiny.

Output 2 – Confiscations of Assets was introduced in the 2002/03 financial year. The role of the ODPP under this output is to confiscate property acquired as a result of criminal activity, property used for criminal activity and the property of a declared drug trafficker. Much of this work is conducted in close co-operation with WA Police under the *Criminal Property Confiscation Act 2000*.



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2010

I have audited the accounts, financial statements, controls and key performance indicators of the Office of the Director of Public Prosecutions.

The financial statements comprise the Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes, including Administered transactions and balances.

The key performance indicators consist of key indicators of effectiveness and efficiency.

Director's Responsibility for the Financial Statements and Key Performance Indicators

The Director is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the *Financial Management Act 2006* and other relevant written law.

Summary of my Role

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. This document is available on the OAG website under "How We Audit".

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term “reasonable assurance” recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

**Office of the Director of Public Prosecutions
Financial Statements and Key Performance Indicators for the year ended 30 June
2010**

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Office of the Director of Public Prosecutions at 30 June 2010 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards and the Treasurer’s Instructions;
- (ii) the controls exercised by the Office provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Office are relevant and appropriate to help users assess the Office’s performance and fairly represent the indicated performance for the year ended 30 June 2010.



COLIN MURPHY
AUDITOR GENERAL
16 September 2010



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Level 1, 26 St Georges Terrace, PERTH WA 6000

KEY PERFORMANCE INDICATORS

CERTIFICATION OF KEY PERFORMANCE INDICATORS

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Office of the Director of Public Prosecutions' performance, and fairly represent the performance of the Office of the Director of Public Prosecutions for the financial year ended 30 June 2010.

Joseph McGrath

ACCOUNTABLE AUTHORITY

Date: *14 SEPTEMBER 2010*

KEY PERFORMANCE INDICATORS

Government Goal

Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.

Desired Outcome

That the people of Western Australia are provided with a fair and just criminal prosecution service.

KEY EFFECTIVENESS INDICATORS

Effectiveness Indicator No 1: Early advice to Court on charges

Relationship to Desired Outcome

The timely resolution of cases contributes significantly to fair and just outcomes for all stakeholders, including accused persons, victims and the Court. A case cannot progress within the Court system until the charges (as formalised in the indictment) have been lodged, so timely lodgement of this document by the ODPP is a key factor in achieving a fair and just outcome.

Performance Outcome 2009/10

In 2009/10 the Office of the Director of Public Prosecutions received 2183 cases. In the case of 21.6% of prosecutions (472 cases), the indictment was filed with the court within 42 days from the date of committal. Of the 2183 cases received 276 were discontinued. Where a case was discontinued, the notice of discontinuance was filed by the date of the first appearance in 22.5% of cases.

TABLE 18: KEY EFFECTIVENESS INDICATOR NO. 1: TRENDS OVER TIME

Year	Indictment document filed within 42 days of committal
2009/2010	21.6%
2008/2009	19.0%
Year	Indictment document filed at least five working days before the first appearance of the accused.
2007/2008	54.8%
2006/2007	53.0%
2005/2006	40.6%

KPI Target 2009/2010	KPI Result 2009/2010
85%	21.6%

Explanations for variations between the target and actual performance

The method of calculating this performance indicator has changed since July 2008. The sharp decrease in the proportion of indictments lodged on time is directly related to the change in the measurement of "timeliness". Prior to the change, timeliness was measured by counting when an indictment was filed 5 or more working days before the first appearance and the target for 2009/10 was 85%.

According to the new counting rules, indictment timeliness is defined as an indictment filed within 42 days (6 weeks) from the date of committal for new cases committed to the District and Supreme Courts. Although the new performance measure is significantly harder to achieve, ambitious targets were maintained while further assessment is undertaken on appropriate performance targets. The ODPP will work with the Department of Treasury and Finance in 2010/11 to ascertain a more realistic target.

In the case of regional matters, the receipt of the committal documents by the ODPP may be delayed, affecting the attainment of the 42 day target. Circuit matters accounted for 25.5% (557) of all cases received by the ODPP in 2009/10. Of these 14.0% had an indictment document lodged within 42 days from the date of committal.

The ability of the Office to prepare and lodge an indictment document within 42 days from the date of committal is also dependent on the timeliness and quality of the brief prepared by the Police. Insufficient or late evidence provided in the brief can delay the preparation of the indictment document. In July 2010 the ODPP launched a new case management system, *JustWare*, which facilitates the sharing of electronic information between the ODPP, WA Police, forensic agencies and Victim Support Services. It is anticipated that the new system will give prosecutors easier and quicker access to police information and this will expedite the preparation of indictments.

The performance result for the period July 2009 to June 2010 shows an improvement in indictment timeliness compared to the result obtained for the financial year 2008/09.

Effectiveness Indicator No 2: Establishing a case to answer

Relationship to Desired Outcome

Fundamental to the provision of a fair and just prosecution service is the premise that the State must be able to establish a *prima facie* case against an accused person. Although small in number, each instance of failure to establish a case, as measured by the termination of proceedings by a judge due to no *prima facie* case, is a significant event that warrants scrutiny both internally and externally.

Performance Outcome 2009/10

There has been one reported Judge directed acquittal this year out of a total of 987 listed trials, resulting in 99.9% of matters having a case to answer.

TABLE 19: KEY EFFECTIVENESS INDICATOR NO. 2: TRENDS OVER TIME

Year	Case to answer
2009/2010	99.9%
2008/2009	99.3%
2007/2008	99.3%
2006/2007	98.8%
2005/2006	98.0%

KPI Target 2009/2010	KPI Result 2009/2010
98%	99.9%

Effectiveness Indicator No 3: Convictions after trial

Relationship to Desired Outcome

For cases contested at trial, it is the role of the ODPP to fairly and effectively present the evidence in the case to the Court and the jury. While it is not the role of the ODPP to secure a conviction at any cost, monitoring and measuring the percentage of convictions after trial to some degree confirms the propriety and therefore fairness of the original decision to prosecute.

Performance Outcome 2009/10

In 2009/10 40.6% (401) of listed trials were resolved by jury. Of these, 58.1% (233) resulted in a conviction against one or more of the charges listed in the indictment. The conviction rate is calculated by dividing the total number of convictions (233) by the sum of the total number of convictions plus the total number of acquittals (including Judge directed acquittals). This calculation has differed slightly from previous years. Using the method of calculation prior to the March 2008 KPI review, the conviction rate would have been 53.2%.

TABLE 20: KEY EFFECTIVENESS INDICATOR NO. 3: TRENDS OVER TIME

Year	Convictions after jury trial
2009/2010	58.1%
2008/2009	61.8%
Year	Convictions after trial
2007/2008	55.0%
2006/2007	48.2%
2005/2006	53.0%

KPI Target 2009/2010	KPI Result 2009/2010
At least 50%	58.1%

Effectiveness Indicator No 4: Timely Lodgement of Applications for Confiscation in relation to Declared Drug Trafficker matters

Relationship to Desired Outcome

Timely resolution of a case contributes significantly to fair and just outcomes for all stakeholders including the community, innocent third parties and declared drug traffickers. The majority of confiscation cases relate to drug traffickers and such matters cannot progress to conclusion until an application for a Declaration of Confiscation is filed with a court by the ODPP. Drug trafficker declarations and the applications for confiscation of assets which arise from these form over 70% of the work of the Confiscations Unit and are therefore the most relevant area for assessing effectiveness.

Performance Outcome 2009/10

In 2009/10, 74 declarations for confiscations were filed. Of these, 23 (31.1%) were filed within 3 months of the Drug Trafficker Declaration. The greatest number of applications for confiscations filed during 2009/10 was reported in December 2009 and the greatest proportion filed within 3 months of the Drug Trafficker Declaration was recorded in July 2009 and January 2010, (66.7%).

In previous years, the ODPP measured the percentage of applications for a freezing order that were successful. Since the beginning of the *Criminal Property Confiscation Act 2000*, the Court has been satisfied that a Freezing Order should be made in relation to every application by the ODPP, and the usefulness of this indicator was questionable on that basis.

TABLE 21: KEY EFFECTIVENESS INDICATOR NO. 4: TRENDS OVER TIME

Year	Application for a Declaration of Confiscations filed within 3 months of the Drug Trafficker Declaration
2009/2010	31.1%
2008/2009	20.0%
Year	Successful Applications for Freezing Orders
2007/2008	100%
2006/2007	100%
2005/2006	100%
2004/2005	N/A (Nil applications)

KPI Target 2009/2010	KPI Result 2009/2010
100%	31.1%

Explanations for variations between the target and actual performance

The ability of the ODPP to meet the performance target for this indicator is affected by a number of factors, including the progress of the Police investigation conducted to establish the ownership of the property, the tracking of the Court process, provision of proof that a Drug Trafficker declaration has been made (this is sometimes obtained from the Court and sometimes from Police), and negotiation with respect to claimed interests in relation to the property to be confiscated. A delay in any of these processes will result in a delay in the filing of the application for a Declaration of Confiscations with the Court.

It is expected that in the proceeding reporting periods, particularly with the introduction of the new case management system, the Unit will deliver a substantial improvement in the timeliness of lodging applications for a Declaration of Confiscations.

However, in view of the large number of external factors which influence the timeliness of such applications, the ODPP is reviewing the target for this performance indicator for future years.

Effectiveness Indicator No 5: Timely resolution of Drug Trafficker confiscations

Relationship to Desired Outcome

Timely resolution of a case contributes significantly to fair and just outcomes for all stakeholders. Until confiscation proceedings are concluded, recovery of confiscated property for the benefit of the State and the people of Western Australia cannot occur, while innocent third parties cannot deal with their property freely.

Performance Outcome 2009/10

Forty-three out of 66 (65.2%) Drug Trafficker matters were resolved within 12 months of the Drug Trafficker Declaration in 2009/10.

TABLE 22: KEY EFFECTIVENESS INDICATOR NO. 5: PERFORMANCE OUTCOME

Year	Resolution of Drug Trafficker matter within 12 months of the Drug Trafficker Declaration
2009/2010	65.2%
2008/2009	52.4%

KPI Target 2009/2010	KPI Result 2009/2010
75%	65.2%

Explanations for variations between the target and actual performance

Timely resolution of Drug Trafficker confiscation matters is dependent on a number of external factors, most notably the ability to negotiate an agreement with respect to claimed interests. Some negotiations can be complex and time consuming. In some instances further investigations are required at the conclusion of the criminal process, as it would have been inappropriate to conduct these earlier.

In concluding the matter quickly, the ODPP is often reliant on further Police investigations providing strong evidence which will either support the State claim or reject the third party claim.

Again, the ODPP will monitor the appropriateness of the target for the performance indicator for future years, however there has been considerable improvement in performance over the last twelve months.

KEY EFFICIENCY INDICATORS

Service 1: Criminal Prosecutions

Efficiency Indicator 1: Cost per prosecution

Explanatory Note

As a Consolidated Fund agency with no capacity to levy fees or charges for its services the ODPP has no need to maintain a comprehensive matter costing system. Criminal prosecutions vary greatly as to type of offence, complexity and length. Some matters may be concluded within a short time upon an early plea of guilty. Others requiring a trial and perhaps an appeal may not be concluded for a number of years and can be very demanding of resources. Given these factors, it is difficult to provide an accurate and meaningful cost per prosecution. The figure below has been determined by dividing the number of committals into the ODPP's "Total Cost of Services" for criminal prosecutions.

Performance Outcome 2009/10

The total expenditure on criminal prosecutions for the 2009/10 financial year was \$31,709,037. There were a total of 2183 cases received by the Office in 2009/10. With the above qualifications in relation to providing such a calculation, the average cost per criminal prosecution in 2009/10 was approximately \$14,525.

TABLE 23: KEY EFFICIENCY INDICATOR NO. 1: TRENDS OVER TIME

Year	Cost Per Matter
2009/2010	\$14,525
2008/2009	\$12,980
2007/2008	\$11,254
2006/2007	\$10,931
2005/2006	\$8,531

KPI Target 2009/2010	KPI Result 2009/2010
\$12,500	\$14,525

Explanations for variations between the target and actual performance

The ODPP incurred additional costs in the 2009/10 financial year which significantly increased overall expenditure, particularly in relation to information technology, transcription costs, and extra expenditure relating to previous accommodation at Westralia Square and parking bays at International House. There has also been a 7% reduction in the matters received by the ODPP, however additional Court requirements and

amended listings practices for those matters received have not enabled the Office to produce savings from the overall reduction in matters.

There were also significant increases in salaries and related staff costs and increased services and supplies expenditure, particularly relating to brief out expenses. These increased costs are incorporated in the 2009/10 performance target.

Service 2: Confiscation of Assets

Efficiency Indicator No 2: Ratio of Cost to Return

Explanatory Note

Confiscation proceedings vary greatly as to the type of application, complexity and length of time required to resolve them. Some proceedings can be dealt with relatively quickly, such as where there is no objection to the application for confiscation. Some proceedings are, by virtue of the underlying factual matrix or by virtue of the type of application, for example, applications for unexplained wealth declarations, complex in nature. Proceedings may also take considerable time where the criminal charges must be finalized first, including the trial and appeal processes, which can take a number of years and, accordingly, can be very demanding of resources.

Given these factors, it is difficult to provide an entirely meaningful average cost per confiscations matter reflective of the practice of the section.

Performance Outcome 2009/10

In 2009/10, 146 declarations for confiscations were filed. Receipts for the financial year 2009/10 totalled \$13,438,281. The total cost of the confiscations function in 2009/10 was \$3,311,074. The ratio of cost to return is 24.6% ($\$3,311,074/\$13,438,281$). The performance of the ODPP against this indicator has improved significantly since 2008/09, achieving the target set by Treasury.

TABLE 24: KEY EFFICIENCY INDICATOR NO. 2: PERFORMANCE OUTCOME

KPI Target 2009/2010	KPI Result 2009/2010: cost as a percentage of return.
25%	24.6%
KPI Target 2008/2009	KPI Result 2008/2009: cost as a percentage of return.
22%	40.1%

FINANCIAL STATEMENTS



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Level 1, 26 St Georges Terrace, PERTH WA 6000


CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

The accompanying financial statements of the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2010.

At the date of signing we are not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.



Peter Byrne
Chief Finance Officer
Date: 14 September 2010



Joseph McGrath
Accountable Authority
Date: 14 SEPTEMBER
2010

Office of the Director of Public Prosecutions - 30 June 2010

Statement of Comprehensive Income

For the year ended 30 June 2010

	Note	2010 \$	restated 2009 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	24,099,788	24,184,097
Supplies and services	7	6,926,165	5,733,619
Depreciation and amortisation expense	8	605,543	566,270
Accommodation expenses	9	2,661,459	2,307,326
Loss on disposal of non-current assets	11	440	6,093
Other expenses	10	726,716	939,237
Total cost of services		35,020,111	33,736,642
Income			
<i>Revenue</i>			
Other revenue	12	108,863	81,437
Total Revenue		108,863	81,437
Total income other than income from State Government		108,863	81,437
NET COST OF SERVICES		34,911,248	33,655,205
Income from State Government			
	13		
Service Appropriation		28,243,000	26,824,000
Contribution from Confiscation Proceeds Account		4,352,593	3,099,985
Resources received free of charge		1,583,718	1,258,965
Total income from State Government		34,179,311	31,182,950
SURPLUS/(DEFICIT) FOR THE PERIOD		(731,937)	(2,472,255)
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		(731,937)	(2,472,255)

Refer to the 'Schedule of Income and Expenses by Service'.

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position**As at 30 June 2010**

	Note	2010	2009	As at 1 July
		\$	restated	2008
			\$	restated
				\$
ASSETS				
Current Assets				
Cash and cash equivalents	24	621,691	3,101,996	4,848,536
Receivables	15	1,909,213	254,438	147,263
Amounts receivable for services ^(a)	16	50,000	-	217,000
Other current assets	17	231,130	26,002	13,985
Total Current Assets		2,812,034	3,382,436	5,226,784
Non-Current Assets				
Restricted cash and cash equivalents	14,24	385,631	304,723	200,000
Amounts receivable for services ^(a)	16	2,162,000	1,823,000	1,456,000
Plant and equipment	18	4,766,007	5,224,251	4,904,406
Intangible assets	19	18,420	10,836	-
Total Non-Current Assets		7,332,058	7,362,810	6,560,406
TOTAL ASSETS		10,144,092	10,745,246	11,787,190
LIABILITIES				
Current Liabilities				
Payables	21	1,261,926	745,883	1,257,082
Provisions	22	3,918,351	4,345,982	2,365,753
Total Current Liabilities		5,180,277	5,091,865	3,622,835
Non-Current Liabilities				
Provisions	22	1,718,617	1,676,246	1,714,965
Total Non-Current Liabilities		1,718,617	1,676,246	1,714,965
TOTAL LIABILITIES		6,898,894	6,768,111	5,337,800
NET ASSETS		3,245,198	3,977,135	6,449,390
EQUITY				
Contributed Equity	23	6,972,760	6,972,760	6,972,760
Accumulated surplus/(deficiency)	23	(3,727,562)	(2,995,625)	(523,370)
TOTAL EQUITY		3,245,198	3,977,135	6,449,390

The Statement of Financial Position should be read in conjunction with the accompanying notes.

(a) The Statement of Financial Position as at 1 July 2008 has been presented to illustrate the reclassification of Amounts receivable for services, which has a material non-current component that was not originally identified.

Statement of Changes in Equity
For the year ended 30 June 2010

	<u>Note</u>	<u>Contributed Equity</u>	<u>Reserves</u>	<u>Accumulated surplus/(deficit)</u>	<u>Total Equity</u>
Balance at 1 July 2008	23	6,972,760	-	(523,370)	6,449,390
Total comprehensive income for the year		-	-	(2,472,255)	(2,472,255)
Balance at 30 June 2009		6,972,760	-	(2,995,625)	3,977,135
Balance at 1 July 2009		6,972,760	-	(2,995,625)	3,977,135
Total comprehensive income for the year			-	(731,937)	(731,937)
Balance at 30 June 2010		6,972,760	-	(3,727,562)	3,245,198

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows
For the year ended 30 June 2010

	Note	2010 \$	2009 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		27,854,000	26,457,000
Contributions from Confiscation Proceeds Account		2,552,593	3,099,985
Holding account drawdowns		-	217,000
Net Cash provided by State Government		30,406,593	29,773,985
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(24,219,382)	(22,603,772)
Supplies and services		(8,692,235)	(7,884,287)
GST payments on purchases		(797,565)	(810,156)
Receipts			
Receipts from services		237,018	(895)
GST receipts on sales		14,881	32,922
GST receipts from taxation authority		806,617	753,427
Net cash provided by/(used in) operating activities	24	(32,650,666)	(30,512,761)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of non-current physical assets		(155,324)	(903,043)
Net cash provided by/(used in) investing activities		(155,324)	(903,043)
Net increase/(decrease) in cash and cash equivalents		(2,399,397)	(1,641,818)
Cash and cash equivalents at the beginning of period		3,406,719	5,048,537
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	24	1,007,322	3,406,719

The Cash Flow Statement should be read in conjunction with the accompanying notes.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Notes to the Financial Statements

For the year ending 30 June 2010

Note 1. Australian Accounting Standards

General

The Office's financial statements for the year ended 30 June 2010 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' refers to Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The Office has adopted any applicable, new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. No Australian Accounting Standards that have been issued or amended but not operative have been early adopted by the Office for the annual reporting period ended 30 June 2010.

Note 2. Summary of significant accounting policies

(a) General statement

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act* and the Treasurer's instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and values are rounded to the nearest dollar.

The judgements that have been made in the process of applying the Office's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 3 'Judgements made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are disclosed at note 4 'Key sources of estimation uncertainty'.

(c) Reporting entity

The reporting entity comprises the Office and no other related bodies.

Mission

The Office's mission is to provide the people of Western Australia with a fair and just criminal prosecution service.

The Office is funded by Parliamentary appropriations. The financial statements encompass all funds through which the Office controls resources to carry on its functions.

Services

The Office provides the following services:

Service 1: Criminal Prosecutions

Comprises prosecutions against people accused of serious breaches of the State's criminal laws.

Service 2: Confiscation of Assets

Comprises proceedings to confiscate property acquired as a result of criminal activity, property used for criminal activity and property of declared drug traffickers.

The Office administers assets, liabilities, income and expenses on behalf of Government which are not controlled by, nor integral to the function of the Office. These administered balances and transactions are not recognised in the principal financial statements of the Office but schedules are prepared using the same basis as the financial statements and are presented at note 32 'Disclosure of administered expenses and income' and note 33 'Administered assets and liabilities,.

(d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

(e) Income

Revenue recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

Sale of goods

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership transfer to the purchaser and can be measured reliably.

Provision of services

Revenue is recognised on delivery of the service to the client or by reference to the stage of completion of the transaction.

Interest

Revenue is recognised as the interest accrues.

Service appropriations

Service Appropriations are recognised as revenues at nominal value in the period in which the Office gains control of the appropriated funds. The Office gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Office. In accordance with the determination specified in the 2009-2010 Budget Statements, the Office retained \$108,863 in 2010 (\$81,437 in 2009) from the Executive vehicle scheme and miscellaneous revenue.

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the Office obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Plant and equipment

Capitalisation/expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

Initial recognition and measurement

All items of plant and equipment are initially recognised at cost.

For items of plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

Subsequent to initial recognition as an asset, the cost model is used for all plant and equipment. All items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits.

Depreciation is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

Leasehold improvements	13 years
Computer hardware	3 years
Office equipment	5 years

(g) Intangible assets

Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 are capitalised. Costs incurred below this threshold are immediately expensed directly to the Statement of Comprehensive Income.

All acquired intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life) on the straight line basis using rates which are reviewed annually. All intangible assets controlled by the Office have a finite useful life and zero residual value.

The expected useful lives for each class of intangible asset are:

Licences	3 years
Computer software	3 years

Licences

Licences have a finite useful life and are carried at cost less accumulated amortisation and accumulated impairment losses.

Computer software

Software that is an integral part of the related hardware is treated as plant and equipment. Software that is not an integral part of the related hardware is treated as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

(h) Impairment of assets

Plant and equipment assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Office is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at the end of each reporting period.

(i) Leases

The Office has not entered into any finance leases.

The Office holds operating leases for buildings and motor vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(j) Financial instruments

In addition to cash and bank overdraft, the Office has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- Financial Assets
 - Cash and cash equivalents
 - Restricted cash and cash equivalents
 - Receivables
 - Amounts receivable for services
- Financial Liabilities
 - Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(k) Cash and cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

(l) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Office considers the carrying amount of accrued salaries to be equivalent to its net fair value.

The accrued salaries suspense account consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

(m) Amounts receivable for services (holding account)

The Office receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (holding account receivable) that is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(n) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Office will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(o) Payables

Payables are recognised at the amounts payable when the Office becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

(p) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

Provisions - employee benefits

Annual leave and long service leave

The liability for annual and long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the reporting period is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the end of the reporting period.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

Purchased leave

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional ten weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the nominal amounts expected to be paid when the liabilities are settled. This liability is measured on the same basis

as annual leave.

Superannuation

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in Western Australia.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members.

The Office has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Office to the GESB. The concurrently funded part of the GSS is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS obligations.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Office makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS and is recouped from the Treasurer for the employer's share.

Provisions – other

Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Office's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

(q) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS and the GESBS.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

(r) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

Where assets or services are received from another State Government agency, these are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(s) Comparative figures

During the year the Office began utilising the Department of Treasury and Finance's Shared Services business unit to facilitate corporate services delivery. As part of this process, the Office adopted classifications substantially in line with the Model Financial Statements, outlined in the Department of Treasury and Finance's Financial Administration Bookcase.

In such case, comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

Note 3. Judgements made by management in applying accounting policies

The judgements that have been used in the process of applying accounting policies have had no material effect on amounts recognised in the financial statements.

Note 4. Key sources of estimation uncertainty

The Office makes key estimates and assumptions concerning the future. These estimates and assumptions are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Long Service Leave

In calculating the Office's long service leave provision, several estimations and assumptions have been made. These include expected future salary rates, salary inflation, discount rates, employee retention rates and expected future payments. Any changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Note 5. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Office has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2009 that impacted on the Office.

<i>AASB 101</i>	<i>Presentation of Financial Statements</i> (September 2007). This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Statement of Changes in Equity and the Statement of Comprehensive Income. It is now a requirement that owner changes in equity be presented separately from non-owner changes in equity. There is no financial impact resulting from the application of this revised Standard.
<i>AASB 2007-10</i>	<i>Further Amendments to Australian Accounting Standards arising from AASB 101</i> . This Standard changes the term 'general purpose financial report' to 'general purpose financial statements', where appropriate in Australian Accounting Standards and the Framework to better align with IFRS terminology. There is no financial impact resulting from the application of this Standard.
<i>AASB 2009-2</i>	<i>Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments</i> AASB 4, AASB 7, AASB 1023 & AASB 1038. This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. There is no financial impact resulting from the application of this Standard.

Future impact of Australian Accounting Standards not yet operative

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Office has not applied early any following Australian Accounting Standards that have been issued that may impact the Authority. Where applicable, the Office plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 2009-11	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].</i></p> <p>The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The Authority does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.</p>	1 Jan 2013
AASB 1053	<p><i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.</p> <p>The Standard does not have any financial impact on the Office. However it may affect disclosures in the financial statements of the Office if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.</p>	1 July 2013
AASB 2010-2	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements</i></p> <p>This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.</p> <p>The Standard is not expected to have any financial impact on the Office. However this Standard may reduce some note disclosures in financial statements of the Office. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.</p>	1 July 2013

Note 6. Employee benefits expense

	2010	restated 2009
	\$	\$
Wages and salaries	19,406,948	17,560,044
Superannuation - defined contribution plans ^(a)	1,894,003	1,868,057
Annual and long service leave (b)	2,260,862	4,401,279
Other employee related expenses ^(c)	537,975	354,717
	24,099,788	24,184,097

(a) Defined contribution plans include West State and Gold State and GESB Super Scheme (contributions paid).

(b) Includes a superannuation contribution component.

(c) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component.

Employment on-costs such as workers' compensation insurance are included at note 10 'Other expenses'.

The employment on-costs liability is included in note 22 'Provisions'.

Note 7. Supplies and Services

	2010	2009
	\$	\$
Communications	182,031	206,757
Consultants and contractors	5,267,975	4,045,623
Consumables	633,840	763,078
Staff travel and accommodation	326,601	348,625
Miscellaneous	515,718	369,536
	6,926,165	5,733,619

Note 8. Depreciation and amortisation expense

	2010	2009
	\$	\$
<u>Depreciation</u>		
Leasehold improvements	449,783	507,040
Computer hardware	71,507	15,029
Office equipment	80,138	43,828
Total Depreciation	601,428	565,897
<u>Amortisation</u>		
Intangible assets	4,115	373
Total amortisation	4,115	373
Total depreciation and amortisation	605,543	566,270

Note 9. Accommodation expenses

	2010	restated 2009
	\$	\$
Building rental operating lease expense	2,661,459	2,307,326
	2,661,459	2,307,326

Note 10. Other expenses

	2010	2009
	\$	\$
Witness expenses	358,858	511,562
Doubtful debts expense	3,389	3,530
Equipment and vehicles operating lease expense	264,738	281,057
Building and equipment repairs and maintenance	53,337	119,389
Other expenses ^(a)	46,394	23,699
	726,716	939,237

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 22 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Note 11. Net gain(loss) on disposal of non-current assets

	2010	2009
	\$	\$
<u>Cost on disposal of non-current assets</u>		
Office equipment and computers	(440)	(6,093)
<u>Proceeds from disposal of non-current assets</u>		
Office equipment and computers	-	-
	(440)	(6,093)

Note 12. Other revenue

	2010	2009
	\$	\$
Contributions to motor vehicle scheme	40,823	36,372
Other revenue	68,040	45,065
	108,863	81,437

Note 13. Income from State Government

	2010	restated 2009
	\$	\$
Appropriation received during the year:		
Service appropriations ^(a)	28,243,000	26,824,000
Contributions from Confiscation Proceeds Account ^(b)	4,352,593	3,099,985
	32,595,593	29,923,985
Resources received free of charge ^(c)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- Corporate services	1,336,392	1,258,965
- State Solicitor's Office	58,187	-
Department of Treasury and Finance		
- Building Management and Works	162,339	-
Landgate		
- Valuation services	26,800	-
	1,583,718	1,258,965
	34,179,311	31,182,950

(a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(b) At the direction of the Attorney General, money is paid out of the Confiscation Proceeds Account to the Department for reimbursement of costs associated with administering the Criminal Property Confiscation Act 2000.

(c) Where assets or services have been received free of charge or for nominal cost, the Office recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if they were not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contribution of assets or services are in the nature of contributions by owners, the Office makes an adjustment direct to equity.

Note 14. Restricted cash and cash equivalents

	2010	restated 2009
	\$	\$
<u>Non-current</u>		
Accrued salaries suspense account ^(a)	385,631	304,723
	385,631	304,723

(a) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

Note 15. Receivables

	2010	2009
	\$	\$
<u>Current</u>		
Receivables	1,828,182	159,595
Allowances for impairment of receivables	(3,661)	(3,530)
GST Receivable	84,692	98,373
Total Current	1,909,213	254,438

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year	3,530	273
Doubtful debts expense recognised in the statement of comprehensive income	3,388	3,530
Amounts written off during the year	(3,257)	(273)
Balance at end of year	3,661	3,530

Note 16. Amounts receivable for services

	2010	2009	As at 1 July 2008
	\$	\$	\$
Current	50,000	-	217,000
Non-Current	2,162,000	1,823,000	1,456,000
	2,212,000	1,823,000	1,673,000

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

The Statement of Financial Position as at 1 July 2008 has been presented to illustrate the reclassification of Amounts receivable for services, which has a material non-current component that was not originally identified.

Note 17. Other assets

	2010	restated 2009
	\$	\$
<u>Current</u>		
Prepayments	231,130	26,002
	231,130	26,002

Note 18. Plant and Equipment

	2010	2009
	\$	\$
<u>Leasehold improvements</u>		
At cost	5,158,600	5,060,461
Accumulated depreciation	(1,412,526)	(964,181)
	3,746,074	4,096,280
<u>Computer hardware</u>		
At cost	191,073	178,016
Accumulated depreciation	(105,584)	(77,648)
	85,489	100,368
<u>Office equipment</u>		
At cost	364,436	335,394
Accumulated depreciation	(171,777)	(96,357)
	192,659	239,037
<u>Work in progress</u>		
At Cost	741,785	788,566
	741,785	788,566
	4,766,007	5,224,251

Reconciliation

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the reporting period are set out below:

	Leasehold improvements	Computer hardware ^(a)	Office equipment	Work in progress	Total
2010	\$	\$	\$	\$	\$
Carrying amount at start of year	4,096,280	100,368	239,037	788,566	5,224,251
Transferred to Assets	-	45,703	-	(45,703)	-
Adjustment	-	-	-	(6,078)	(6,078)
Transfers	(11,255)	-	11,255	-	-
Additions	110,832	10,925	22,945	5,000	149,702
Disposals	-	-	(440)	-	(440)
Depreciation	(449,783)	(71,507)	(80,138)	-	(601,428)
Carrying amount at end of year	3,746,074	85,489	192,659	741,785	4,766,007

	Leasehold improvements	Computer hardware	Office equipment	Work in progress	Total
2009	\$	\$	\$	\$	\$
Carrying amount at start of year	4,578,626	53,662	248,523	23,595	4,904,406
Transferred	24,694	-	-	(24,694)	-
Additions	-	61,735	40,435	789,665	891,835
Disposals	-	-	(6,093)	-	(6,093)
Depreciation	(507,040)	(15,029)	(43,828)	-	(565,897)
Carrying amount at end of year	4,096,280	100,368	239,037	788,566	5,224,251

Note 19. Intangible assets

	2010	2009
	\$	\$
<u>Licences</u>		
At cost	11,699	-
Accumulated amortisation	(975)	-
	<u>10,724</u>	<u>-</u>

Computer Software

At cost	11,209	11,209
Accumulated amortisation	(3,513)	(373)
	<u>7,696</u>	<u>10,836</u>
	<u>18,420</u>	<u>10,836</u>

Reconciliations:

Licences

Carrying amount at start of year	-	-
Additions	11,699	-
Amortisation expense	(975)	-
Carrying amount at end of year	<u>10,724</u>	<u>-</u>

Computer software

Carrying amount at start of year	10,836	-
Additions	-	11,209
Amortisation expense	(3,140)	(373)
Carrying amount at end of year	<u>7,696</u>	<u>10,836</u>

Note 20. Impairment of assets

There were no indications of impairment to property, plant and equipment, and intangible assets at 30 June 2010.

The Office held no goodwill or intangible assets with an indefinite useful life during the reporting period and at the end of the reporting period there were no intangible assets not yet available for use.

All surplus assets at 30 June 2010 have either been classified as assets held for sale or written-off.

Note 21. Payables

	2010	2009
	\$	\$
<u>Current</u>		
Trade payables	117,792	226,153
Accrued expenses	803,381	444,642
Accrued salaries and wages	340,753	75,088
Total current	1,261,926	745,883

Note 22. Provisions

	2010	2009
	\$	\$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave ^(a)	1,701,881	2,553,194
Long service leave ^(b)	2,212,827	1,788,763
	3,914,708	4,341,957
<u>Other provisions</u>		
Employment on-costs ^(c)	3,643	4,025
	3,643	4,025
	3,918,351	4,345,982
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave ^(b)	1,687,464	1,674,671
Purchased leave	29,566	-
	1,717,030	1,674,671
<u>Other provisions</u>		
Employment on-costs ^(c)	1,587	1,575
	1,587	1,575
	1,718,617	1,676,246

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2010	2009
	\$	\$
Within 12 months of balance sheet date	1,158,912	1,470,721
More than 12 months after balance sheet date	542,969	1,082,473
	1,701,881	2,553,194

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2010	2009
	\$	\$
Within 12 months of balance sheet date	1,378,123	831,972
More than 12 months after balance sheet date	2,522,168	2,631,462
	<u>3,900,291</u>	<u>3,463,434</u>

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including worker's compensation insurance. The provision is the present value of expected future payments.

Movement in Other Provisions

	2010	2009
	\$	\$
Movements in each class of provisions during the financial year, other than employee benefits are set out below.		

Employment on-cost provision

Carrying amount at start of year	5,600	42,156
Payments/other sacrifices of economic benefits	(370)	(36,556)
Carrying amount at end of year	<u>5,230</u>	<u>5,600</u>

Note 23. Equity

Equity represents the residual interest in the net assets of the Office. The Government holds the equity interest in the Office on behalf of the community.

Contributed Equity

	2010	2009
	\$	\$
Balance at start of period	6,972,760	6,972,760
Balance at end of period	<u>6,972,760</u>	<u>6,972,760</u>

Accumulated surplus/(deficit)

	2010	2009
	\$	\$
Balance at start of year	(2,995,625)	(523,370)
Result for the period	(731,937)	(2,472,255)
Balance at end of year	<u>(3,727,562)</u>	<u>(2,995,625)</u>

Note 24. Notes to the Statement of Cash Flows**Reconciliation of cash**

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2010	2009
	\$	\$
Cash advances	2,000	500
Cash and cash equivalents	619,691	3,101,496
Restricted cash and cash equivalents (refer to note 14)	385,631	304,723
	1,007,322	3,406,719

Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

	2010	2009
	\$	\$
Net cost of services	(34,911,248)	(33,655,205)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	605,543	566,270
Doubtful debts expense	3,388	3,530
Resources received free of charge	1,583,718	1,258,965
Net (gain)/loss on sale of property, plant and equipment	440	6,093
<u>(Increase)/decrease in assets:</u>		
Current receivables ^(c)	128,155	(85,862)
Other current assets	(205,129)	(12,018)
<u>Increase/(decrease) in liabilities:</u>		
Current payables	516,044	(511,201)
Current provisions	(427,631)	1,980,230
Non-current provisions	42,371	(38,719)
Net GST receipts/(payments) ^(a)	53,933	(23,808)
Change in GST in receivables/payables ^(b)	(40,254)	(1,036)
Net cash provided by/(used in) operating activities	(32,650,666)	(30,512,761)

(a) This is the net GST paid/received, i.e cash transaction.

(b) This reverses out the GST in receivables and payables.

(c) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

Note 25. Commitments

	2010	2009
	\$	\$
Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:		
Within 1 year	1,590,691	1,551,332
Later than 1 year and not later than 5 years	5,159,556	5,141,284
Later than 5 years	4,814,908	5,898,924
	11,565,155	12,591,540
Representing:		
Non-cancellable operating lease - accommodation	11,309,499	12,332,860
Non-cancellable operating lease - motor vehicles	255,656	258,680
	11,565,155	12,591,540

The property lease is a non-cancellable lease with a term of thirteen years and four months, with rent payable monthly in advance. Rent provisions within the lease agreement require that the minimum lease payments shall be increased by 4% per annum. An option exists to renew the lease at the end of the thirteen year and four months term for two additional terms of five years each.

These commitments are all exclusive of GST.

Note 26. Event occurring after the balance sheet date.

There were no events occurring after the reporting date that impact on the financial statements.

Note 27. Explanatory Statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be greater than 10% or \$1 million.

Total appropriations provided to deliver servicesSignificant variances between estimate and actual for 2010

	2010 Estimate	2010 Actual	Variance
	\$	\$	\$
Criminal Prosecutions	27,041,000	28,243,000	1,202,000

Funding for additional once-off Salaries and Allowances act payments to departing Senior Officers and additional funding due to the transfer of the Office to the Department of Treasury and Finance Shared Services.

Significant variances between actuals for 2009 and 2010

	2010 Actual	2009 Actual	Variance
	\$	\$	\$
Criminal Prosecutions	28,243,000	26,824,000	1,419,000

Funding for additional once-off Salaries and Allowances act payments to departing Senior Officers and additional funding due to the transfer of the Office to the Department of Treasury and Finance Shared Services.

Service expenditureSignificant variances between estimate and actual for 2010

	2010 Estimate	2010 Actual	Variance
	\$	\$	\$
Criminal Prosecutions	28,268,000	31,709,037	3,441,037
Confiscation of Assets	3,900,000	3,311,074	(588,926)

Additional funding was received through the Confiscation Proceeds Account in accordance with an agreement between the Attorney General and the Minister for Police, which was used on strategic briefing expenses.

The Office also used cash assets to fund significant expenditure in the areas of information technology (PS replacement programme), professional services (increased transcription costs due to new Court procedures) and extra costs relating to previous accommodation at Westralia Square and parking bays at International House.

Significant variances between actuals for 2009 and 2010

	2010 Actual	2009 Actual	Variance
	\$	\$	\$
Criminal Prosecutions	31,709,037	30,593,439	1,115,598
Confiscation of Assets	3,311,074	3,143,203	167,871

Additional funding was received through the Confiscations Proceeds Account in accordance with an agreement between the Attorney General and the Minister for Police, which was used on strategic briefing expenses.

Total administered transactionsSignificant variances between estimate and actual for 2010

	2010 Estimate	2010 Actual	Variance
	\$	\$	\$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	100,000	148,254	48,254

Significant variances between actuals for 2009 and 2010

	2010 Actual \$	2009 Actual \$	Variance \$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	148,254	284,981	(136,727)

Administered IncomeSignificant variances between estimate and actual for 2010

	2010 Estimate \$	2010 Actual \$	Variance \$
Proceeds of Crime (Misuse of Drugs Act 1981)	100,000	148,254	48,254

Significant variances between actuals for 2009 and 2010

	2010 Actual \$	2009 Actual \$	Variance \$
Proceeds of Crime (Misuse of Drugs Act 1981)	148,254	284,981	(136,727)

The variances related to administered transactions and Administered Income reflect the difference in amounts paid in relation to the Misuse of Drugs Act 1981. Due to the nature of this income stream, it is impossible to forecast income with any certainty. It also means that large fluctuations in income may be apparent between years.

Note 28. Financial instruments

(a) Financial risk management objectives and policies

Financial Instruments held by the Office are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. The Office has limited exposure to financial risks. The Office's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the Office's receivables defaulting on their contractual obligations resulting in financial loss to the Office.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at note 28(c) 'Financial instrument disclosures' and Note 15 'Receivables'.

Credit risk associated with the Office's financial assets is minimal because the main receivable is amounts owing from other government agencies. For receivables other than government, the Office trades only with recognised, creditworthy third parties. In addition, receivable balances are monitored on a ongoing basis with the result that the Office's exposure to bad debts is minimal. At the end of the reporting period there are no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Office is unable to meet its financial obligations as they fall due.

The Office is exposed to liquidity risk through its trading in the normal course of business.

The Office has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Office's income or value of its holdings of financial instruments. The Office does not trade in foreign currency and is not materially exposed to other price risks.

(b) Categories of financial instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows

	2010 \$	2009 \$
Financial Assets		
Cash and cash equivalents	621,691	3,101,996
Restricted cash and cash equivalents	385,631	304,723
Loans and receivables ^(a)	4,036,521	1,979,065
Financial Liabilities		
Financial liabilities measured at amortised cost	1,261,926	745,883

(a) The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable)

Note 28. continued**(c) Financial Instrument disclosures**Credit Risk and interest Rate Risk Exposures

The following table disclose the Office's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Office's maximum exposure to credit risk at the end of the reporting period is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in financial assets. The table is based on information provided to senior management of the Office.

The Office does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Office does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

	Weighted average effective interest rate %	Interest rate exposure				Past due but not impaired					Impaired financial assets \$
		Carrying Amount \$	Fixed Interest Rate \$	Variable interest rate \$	Non- Interest Bearing \$	Up to 3 months	3 - 12 months	1-2 Years \$	2-5 Years \$	More than 5 Years \$	
<u>Financial assets</u>											
2010											
Cash and cash equivalents		621,691	-	-	621,691	-	-	-	-	-	-
Restricted cash and cash equivalent		385,631	-	-	385,631	-	-	-	-	-	-
Receivables(a)		1,824,521	-	-	1,824,521	18,094	11,216	-	-	-	-
Amounts receivable for services		2,212,000	-	-	2,212,000	-	-	-	-	-	-
		5,043,843	-	-	5,043,843	18,094	11,216	-	-	-	-
2009											
Cash and cash equivalents		3,101,996	-	-	3,101,996	-	-	-	-	-	-
Restricted cash and cash equivalent		304,723	-	-	304,723	-	-	-	-	-	-
Receivables(a)		159,595	-	-	159,595	52,309	8,681	2,329	-	-	-
Amounts receivable for services		1,823,000	-	-	1,823,000	-	-	-	-	-	-
		5,389,314	-	-	5,389,314	52,309	8,681	2,329	-	-	-

(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes both interest and principal cash flows.

Interest rate exposure and maturity analysis of financial liabilities

	<u>Interest rate exposure</u>							<u>Maturity Dates</u>					
	Weighted average effective interest rate %	Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non- Interest Bearing \$	Adjustment for discounting \$	Total Nominal Amount \$	Up to 3 months \$	3 - 12 months \$	1 - 2 years \$	2 - 5 years \$	3 - 4 years	More than 5 years
<u>Financial Liabilities</u>													
2010													
Payables		1,261,926	-	-	1,261,926	-	-	1,261,926	-	-	-	-	-
		1,261,926	-	-	1,261,926	-	-	1,261,926	-	-	-	-	-
2009													
Payables		745,883	-	-	745,883	-	-	745,883	-	-	-	-	-
		745,883	-	-	745,883	-	-	745,883	-	-	-	-	-

Interest rate sensitivity analysis

None of the Office's financial assets and liabilities at the end of the reporting period are sensitive to movements in interest rates, hence movements in interest rates have no bottom line impact on the Office's surplus or equity.

Fair Values

All financial assets and liabilities recognised in the statement of financial position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

Notes to the Financial Statements
For the year ended 30 June 2010

Note 29. Remuneration of senior officers

The number of senior officers whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year, fall within the following bands are:

	2010	2009
\$	\$	\$
40,001 - 50,000	1	-
130,001 - 140,000	1	-
140,001 - 150,000	-	1
150,001 - 160,000	1	-
190,001 - 200,000	1	-
220,001 - 230,000	1	-
230,001 - 240,000	1	-
240,001 - 250,000	1	-
250,001 - 260,000	1	2
260,001 - 270,000	1	-
320,001 - 330,000	-	1
330,001 - 340,000	-	1
360,001 - 370,000	1	-
390,001 - 400,000	-	1
450,001 - 460,000	1	-
Total remuneration of senior officers	2,585,717	1,716,997

The total remuneration includes the superannuation expense incurred by the Office in respect of senior officers.

Note 30. Remuneration of Auditor

Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2010	2009
	\$	\$
Auditing the accounts, financial statements and performance indicators	26,900	24,900

Notes to the Financial Statements

For the year ended 30 June 2010

Note 31. Supplementary financial information

(a) Write-offs

During the financial year bad debts totalling \$3,257 (2009: \$273) were written off, under the Authority of the accountable authority

Note 32. Disclosure of administered income and expenses by service

	Confiscation of Assets	
	2010	2009
	\$	\$
COST OF SERVICES		
<u>Expenses</u>		
Transfer payments	148,254	284,981
Total administered expenses	148,254	284,981
Income		
For transfer:		
Misuse of Drugs Act	148,254	284,981
Total administered income	148,254	284,981

Note 33. Administered assets and liabilities

	2010	2009
	\$	\$
<u>Current Assets</u>		
Cash and cash equivalents	77,348	-
Total Administered Current Assets	77,348	-
TOTAL ADMINISTERED ASSETS	77,348	-
<u>Current Liabilities</u>		
Payables	77,348	-
Total Administered Current Liabilities	77,348	-
TOTAL ADMINISTERED LIABILITIES	77,348	-

Note 34. Contingent liabilities

In addition to the liabilities included in the financial statements, a claim on the State to the value of \$3 million exists.

**Schedule of Income and Expense by Service
FOR THE YEAR ENDED 30 JUNE 2010**

	Criminal Prosecutions		Confiscation of Assets		Total	
	2010	2009	2010	2009	2010	2009
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	22,013,860	21,708,297	2,085,928	2,475,800	24,099,788	24,184,097
Supplies and services	5,971,470	5,309,289	954,695	424,330	6,926,165	5,733,619
Depreciation and amortisation expense	584,980	522,965	20,563	43,305	605,543	566,270
Accommodation expenses	2,455,859	2,172,847	205,600	134,479	2,661,459	2,307,326
Loss on disposal of non-current assets	440	5,621	-	472	440	6,093
Other expenses	682,428	874,420	44,288	64,817	726,716	939,237
Total cost of services	31,709,037	30,593,439	3,311,074	3,143,203	35,020,111	33,736,642
<u>Income</u>						
Other revenue	108,863	81,437	-	-	108,863	81,437
Total income other than income from State Government	108,863	81,437	-	-	108,863	81,437
NET COST OF SERVICES	31,600,174	30,512,002	3,311,074	3,143,203	34,911,248	33,655,205
<u>Income from State Government</u>						
Service appropriation	28,243,000	26,824,000	-	-	28,243,000	26,824,000
Contribution from Confiscation Proceeds Account	-	-	4,352,593	3,099,985	4,352,593	3,099,985
Resources received free of charge	1,583,718	1,258,965	-	-	1,583,718	1,258,965
Total income from State Government	29,826,718	28,082,965	4,352,593	3,099,985	34,179,311	31,182,950
SURPLUS/DEFICIT FOR THE PERIOD	(1,773,456)	(2,429,037)	1,041,519	(43,218)	(731,937)	(2,472,255)

The Schedule of Income and Expenses by Service should be read in conjunction with the accompanying notes.

Schedule of Assets and Liabilities by Service
AS AT 30 JUNE 2010

	Criminal Prosecutions		Confiscation of Assets		Total	
	2010 \$	2009 \$	2010 \$	2009 \$	2010 \$	2009 \$
<u>Assets</u>						
Current assets	2,650,623	3,188,284	161,411	194,152	2,812,034	3,382,436
Non-current assets	6,911,198	6,940,185	420,860	422,625	7,332,058	7,362,810
Total assets	9,561,821	10,128,469	582,271	616,777	10,144,092	10,745,246
<u>Liabilities</u>						
Current liabilities	4,773,625	4,692,154	406,652	399,711	5,180,277	5,091,865
Non-current liabilities	1,583,706	1,544,661	134,911	131,585	1,718,617	1,676,246
Total liabilities	6,357,331	6,236,815	541,563	531,296	6,898,894	6,768,111
NET ASSETS	3,204,490	3,891,654	40,708	85,481	3,245,198	3,977,135

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

Office of the Director of Public Prosecutions - 30 June 2010

Summary of Consolidated Account Appropriations and Income Estimates
For the year ended 30 June 2010

	2010 Estimate \$	2010 Actual \$	Variance \$	2010 Actual \$	2009 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 93 Net amount appropriated to deliver services	24,682,000	25,053,000	371,000	25,053,000	24,533,000	520,000
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	2,359,000	3,190,000	831,000	3,190,000	2,291,000	899,000
Total appropriations provided to deliver services	27,041,000	28,243,000	1,202,000	28,243,000	26,824,000	1,419,000
<u>Administered Transactions</u>						
Administered Grants and Transfer Payments	100,000	148,254	48,254	148,254	284,981	(136,727)
Total Administered Transactions						
GRAND TOTAL	27,141,000	28,391,254	1,250,254	28,391,254	27,108,981	1,282,273
<u>Details of Expenses by Services</u>						
Criminal Prosecutions	28,268,000	31,709,037	3,441,037	31,709,037	30,593,439	1,115,598
Confiscation of Assets	3,900,000	3,311,074	(588,926)	3,311,074	3,143,203	167,871
Total Cost of Services	32,168,000	35,020,111	2,852,111	35,020,111	33,736,642	1,283,469
Less total income	(4,050,000)	(4,461,456)	(411,456)	(4,461,456)	(3,181,422)	(1,280,034)
Net Cost of Services	28,118,000	30,558,655	2,440,655	30,558,655	30,555,220	3,435
Adjustments	(1,077,000)	(2,315,655)	(1,238,655)	(2,315,655)	(3,731,220)	1,415,565
Total appropriations provided to deliver services	27,041,000	28,243,000	1,202,000	28,243,000	26,824,000	1,419,000
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	-	161,401	161,401	161,401	903,043	(741,642)
Adjustments for other funding sources	-	(161,401)	(161,401)	(161,401)	(903,043)	741,642
Capital appropriations	-	-	-	-	-	-
<u>Details of Income Estimates</u>						
Income disclosed as Administered Income	100,000	148,254	48,254	148,254	284,981	(136,727)

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 27 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2010 and between the actual results for 2009 and 2010.