



**Office of the
Director of Public Prosecutions**

for the

State of Western Australia

**Annual Report
2010/2011**

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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
Statement of Prosecution Policy and Guidelines 2005
Reconciliation Action Plan 2008 – 2010
Disability Access and Inclusion Plan 2007 – 2012

INFORMATION BROCHURES:

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

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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 contact details listed above.

This report is available in alternative formats on request.

GLOSSARY OF TERMS (Used in this Report)

Accused	The person alleged in a prosecution notice or indictment to have committed an offence.
Adjourned	The matter is postponed to a later date or time for hearing.
Bench Warrant	A written authorisation (arrest warrant) issued by a Judicial Officer for the arrest of a person who fails to appear in Court.
Brief Out	The process whereby the ODPP contracts external counsel to attend a hearing on behalf of the ODPP. Most Brief Out Counsel are independent, self employed barristers.
Committal	The process whereby a case is forwarded from the Magistrates Court to the District or Supreme Court.
Extradition	The process of retrieving an accused who has left the state to return to WA to answer the charges
Fast Track	Also known as an expedited committal, occurs when the accused pleads guilty at the earliest opportunity in the Magistrates Court and is committed to the District or Supreme Court for sentence.
Hung Jury	A jury which is unable to reach a verdict. The matter may be re-tried at another time before another jury.
Indictment	The written charge of an indictable offence presented in the District or Supreme Court so that the person is tried by that court.
Mistrial	A trial which is aborted by an order of a judge because of some legal or procedural irregularity. The matter may then need to be re-tried at a later date.
Notice of Discontinuance	The formal document presented to the court by the ODPP that discontinues a prosecution. A notice of discontinuance is not an acquittal of the charges against an accused and the charges may be brought later.
PG	An abbreviation meaning a plea of guilty has been entered by the accused.
PNG	An abbreviation meaning 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.
Pre-recording	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.
Prosecution Notice	A formal document setting out the charge against the accused and used to commence a prosecution case in the Magistrates Court. Usually the notice is issued by the Police.
Reserved Decision	May occur in 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. It can also apply following the hearing of an Appeal.

Sentence	The penalty imposed by the court for an offence.
Status Hearing	An appearance in a higher court to determine the progress of a matter in preparation for the trial.
Summons	A document advising a witness of the time, date and location of a trial and requiring the witness to attend and give evidence.
Trial	A court hearing where factual and legal issues are examined before a Judge and jury (or in some cases, a Judge alone) to determine an accused's guilt or innocence.

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 2011.

The report has been prepared in accordance with the provisions of the *Financial Management Act 2006*. The content and layout is consistent with the requirements of *Treasurer's Instruction 903*.

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

PART 1 OVERVIEW OF AGENCY

EXECUTIVE SUMMARY - FROM THE DIRECTOR

This is my second annual report having been appointed Director in February 2010. I continue to head an Office that is staffed by excellent officers and prosecutors.

Last year I observed that there are enormous challenges for a prosecution office in the modern criminal justice system. Each year the demands made of the Office of the Director of Public Prosecutions (ODPP) grow. 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 year has been one of consolidation with the aim of forming an Office quietly going about its core work. There have been some structural changes within the Office including the fast track sentencing team being returned to the three practice teams. There will be some further structural changes with the aim to streamline the practice of the ODPP.

The ODPP has continued its leadership role in proposing strategies to improve the criminal justice system. This year the ODPP commenced a project of publishing comparative sentencing tables. The tables are now published on the ODPP website for practitioners and members of the public to access. The ODPP must continually seek to work with other stakeholders to implement change. Since my appointment I have been working towards the building of strong relationships with all stakeholders. The ODPP has commenced proposing change to improve the justice system. For example, this year the ODPP proposed that the Supreme Court consider a separate list for homicide prosecutions. It is hoped this will achieve focused attention on the conduct of homicide prosecutions.

I stated last year that I wished to focus over the next year on reforming the policies and procedures of the ODPP. 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. The JustWare system is currently under a post implementation review. It is hoped that some difficulties will be overcome and that in the new financial year the system fulfils its promise.

Another project that will modernise the ODPP is the comprehensive redevelopment of the intranet that will greatly improve staff access to research tools. It is now hoped that the new intranet will become the means by which knowledge resources will be managed within the ODPP.

The confiscations area of the ODPP has this financial year paid nearly \$7.5 million into the Confiscations Proceeds Account under the *Criminal Property*

Confiscation Act 2000. Since the commencement of that confiscation legislation in January 2000 over \$54 million has been paid into the Confiscations Proceeds Account.

The ODPP had only one directed acquittal out of 842 listed trials resulting in 99.8 per cent of matters being found to have a case to answer (another directed acquittal was reversed on a State appeal). This figure demonstrates that ODPP prosecutors are exercising the prosecutorial discretion appropriately.

The conviction rate after trial remained high with the ODPP securing convictions after trial in 60.6% per cent of cases. This far exceeds the KPI target of at least 50 per cent for convictions after trial and is an improvement on last year's result. This figure demonstrates that the ODPP is exercising the prosecutorial discretion appropriately and has high quality prosecutors.

The Court of Appeal work continues to grow in Western Australia. This year there was a significant increase of 26.6% in the overall number of appeals managed by the ODPP. This has put the ODPP under significant resourcing pressure. The ODPP was provided with further funding (but only for an initial two year period) to create an appeals team that will ensure that sufficient focused attention is given to the preparation of appeals. Currently the preparation of the State's appeal submissions is left to very busy trial lawyers to complete in between (and often during) appearing in trials. This is one of the most unsatisfactory aspects of the ODPP practice. My aim is to grow over the next three years a strong appeals team that seeks to achieve excellence by permitting focused attention to the conduct of appeals by the State and that permits the practice teams to conduct trials. The development of the appellate team and the continued publication of the comparative sentencing tables are linked directly to the continuation of the funding.

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 at a critical rate and will require the dedication of significant resources in the future. In 2007 the ODPP was conducting 3 ongoing orders. By 2011 the number has grown to 30 with a further 9 applications being made so far this year. Unlike prosecutions the DSO matters do not end with the granting of the order, rather a great deal of work continues with ongoing reviews being required under the legislation. The ODPP has never been funded to undertake this critical workload on behalf of the State. Yet the workload is significantly growing. The creation of a distinct Dangerous Sex Offenders Team must be the principal goal for the ODPP for the next 12 months.

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.

This year the ODPP has welcomed back former ODPP Prosecutors Ms Carmel Barbagallo and Ms Amanda Forrester. It is pleasing to see that the ODPP is attracting the return of former prosecutors and particularly women lawyers. The ODPP has an *Equal Employment Opportunity Management Plan 2010-2012* which includes specific targets and strategies to promote gender equity in the ODPP. Currently, 52.3% of ODPP legal staff are female. Significantly, of the prosecutor positions regarded as most senior – that is positions at Senior State Prosecutor Level 6LG or above – 44.4% are currently held by women lawyers. This is a very positive situation and reflects well on the ODPP's commitment to attracting, retaining, and promoting women lawyers.

I extend my congratulations to Ms Amanda Burrows who was awarded joint Western Australian Women Lawyer of the Year. The award was a richly deserved recognition of both Ms Burrows' outstanding service and also to all members of the ODPP Kimberley Prosecutions Team who have contributed to the success of the Kimberley Taskforce.

The ODPP also farewelled Mr Paul Yovich, Senior State Prosecutor, who has been with the ODPP since its inception, and who is now pursuing a career as a barrister. I wish Paul success in his future endeavours at the Bar.

I wish to take this opportunity to thank all staff members for their outstanding work and contribution to the ODPP. I am grateful to be able to work alongside dedicated staff.

Joseph McGrath
Director of Public Prosecutions

MISSION STATEMENT

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:

- To effectively manage criminal prosecutions;
- To provide an effective service to victims and witnesses;
- To effectively manage criminal confiscations;
- To be a high performing organisation; and
- To deliver strong corporate governance.

OPERATIONAL STRUCTURE

The position of Director of Public Prosecutions for the State of Western Australia was created in February 1992 following the enactment of the *Director of Public Prosecutions Act 1991*.

The Director, Mr Joe McGrath, reports direct to the WA Attorney General, the Hon Christian Porter MP.

The position of Deputy Director of Public Prosecutions was created in 2010. Mr Bruno Fiannaca SC holds this appointment.

Consultant State Prosecutors

Reporting directly to the Deputy Director of Public Prosecutions, these are the most experienced prosecutors in the Office and are allocated conduct of the most complex legal matters. The five Consultant State Prosecutors are authorised to approve substantive discontinuances (whole case) and the negotiation of charges. They provide support and advice to the Indictable Teams and other legal practice teams as well as professional leadership across the ODPP.

Legal Practice Teams

The ODPP's legal practice is team-based reflecting the various types of legal work undertaken by the ODPP. The legal practice area is headed by the Director Legal Services.

Three Indictable (Trial) Teams manage the bulk of the ODPP's indictable work, while smaller and more specialised legal practice teams manage other areas of the ODPP's legal work.

Indictable Prosecution Teams

These three teams, each headed by a Practice Manager, are responsible for all indictable prosecutions in the Supreme and District Courts both in the metropolitan area and all regional areas of the state. Each team 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.

Stirling Gardens Magistrates Court Team

In October 2007 the Stirling Gardens Magistrates Court was created to assist with the case management of matters likely to be committed to the Supreme Court. The Stirling Gardens Magistrates Court Team negotiates pleas of guilty to a considerable proportion of robbery charges listed in the Supreme Court. All homicide cases and those involving a fatality continue to be managed by senior prosecutors within the ODPP.

Children's Court Team

Headed by a Team Manager, this 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 is located on site at the Children's Court.

Appeals Team

A small team of prosecutors and support staff provide 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. With additional funding provided by Government in 2011/2012 this Team will be expanded and considerably strengthened, better reflecting the importance and impact of this area of practice.

Confiscations Team

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

Police Prosecutions Team

In conjunction with the WA Police Service, the ODPP operates a small team of five prosecutors within the Police Prosecuting Division, Perth. Headed by a Consultant State Prosecutor, this team provides direct advice to police on charges and handles a range of more complex matters in the Magistrates Court jurisdiction.

Legal Policy & Projects

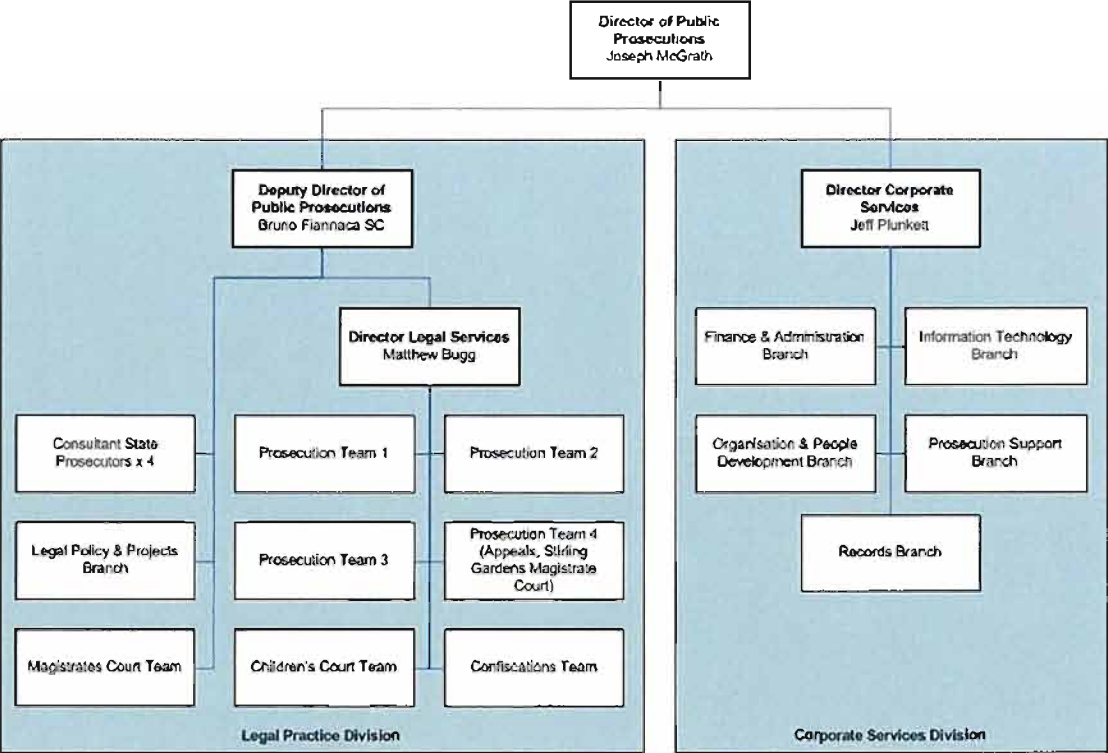
A small legal policy and projects section is responsible for legal policy and procedure development within the Office, monitoring legislative developments and legislative reform proposals or submissions on behalf of the Director. The Section also provides advice to the Attorney General, other Ministers and external bodies on the operation of the criminal law.

Corporate Services

Headed by the Director Corporate Services, this team is responsible for the delivery of a range of corporate support services to the wider ODPP and ensures that the ODPP meets its corporate responsibilities as a public sector agency. Services provided include financial management; human resource management; records and information management; information technology; business improvement as well as facilities and administrative services. The team also works closely with the external providers of some corporate services, including the Office of Shared Services (transactional personnel, payroll and financial services) and the Department of the Attorney General (library and some IT services).

Included in the team is a Prosecution Support branch which plays an important role in the allocation of cases to the Indictable Teams, the preparation of monthly counsel allocation lists for matters listed for trial and the coordination of all court appearances by ODPP prosecutors.

FIGURE 1: ORGANISATION CHART 30 JUNE 2011



PERFORMANCE MANAGEMENT FRAMEWORK

The work of the ODPP as a public sector agency is guided by the following performance management framework:

GOVERNMENT GOAL	
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
Service 1 - Criminal Prosecutions	
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 trial outcomes resulting in a conviction against the accused for one or more of the charges indicted.
Service 2 - Confiscation of Assets	
4. Timely lodgement of Declarations of Confiscation in relation to Drug Trafficker matters.	Percentage of applications for a Declaration of Confiscation filed within three months of the Drug Trafficker Declaration.
5. Timely resolution of Drug Trafficker confiscations	Percentage of Drug Trafficker matters resolved within 12 months of the date of the Drug Trafficker Declaration.
KEY EFFICIENCY INDICATORS	MEASUREMENT PARAMETERS
Service 1 - Criminal Prosecutions	
1. Cost per prosecution.	Total cost divided by the number of new committals received.
Service 2 - Confiscation of Assets	
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 and expressed as a percentage.

SERVICES PROVIDED

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

Generally, 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 in October 2007. This Court deals only with indictable charges that will eventually be heard by the Supreme Court. These charges include armed robberies, criminal damage by fire and homicides.

The Stirling Gardens Magistrates Court also deals with all pending charges against an individual who finds themselves in the Stirling Gardens Magistrates Court jurisdiction.

The Stirling Gardens Magistrates Court is focused on early pleas resolution. If the matter is not resolved generally within a month of the accused's first appearance, it is provisionally allocated trial dates subject to the availability of counsel and the main prosecution witnesses. A trial will generally occur within six months of the accused's arrest.

The ODPP's 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 until committal for trial. The system has proven very effective in reducing the number of matters that proceed to trial in the Supreme Court.

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 assess the merits of a prosecution and usually 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 can be committed for sentence to 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 hearing, often with the accused pleading guilty.

Fast Track Guilty Pleas

While a case is still in the Magistrates Court, an accused may indicate his or her intention to plead guilty and be committed to a higher court. In this instance the case is called a 'Fast Track' committal for sentence. 'Fast track' committals will be listed before a Judge for sentencing. 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 charge, 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 requires 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, or after further police investigations some cases are discontinued by the ODPP.

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. An appeal can be filed against the sentence (these may be filed by both the State and the accused); or the conviction (these may be filed by the accused), or more rarely against a judge directed acquittal (these 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 by 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 criminal cases proceed. A decision of the Court of Appeal can only be appealed when the High Court grants an application for special leave to appeal. Most appeals to the High Court are heard in Canberra.

Children's Court

The Children's Court essentially comprises two courts. The President of the Children's Court hears most serious offences and the remaining cases are heard by Children's Court Magistrates. The ODPP appears in the Children's Court in relation to young people from 10 to 17 years of age who have been charged with an offence.

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 2006, after an agreement with the WA Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court. In October 2008, the 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.

Service 2 Confiscation of Assets

The *Criminal Property Confiscation Act 2000 (Confiscation Act)* has been in operation for over ten 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. The Act 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 (including 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.
- 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.
- Derived, either directly or indirectly, from the commission of an offence.

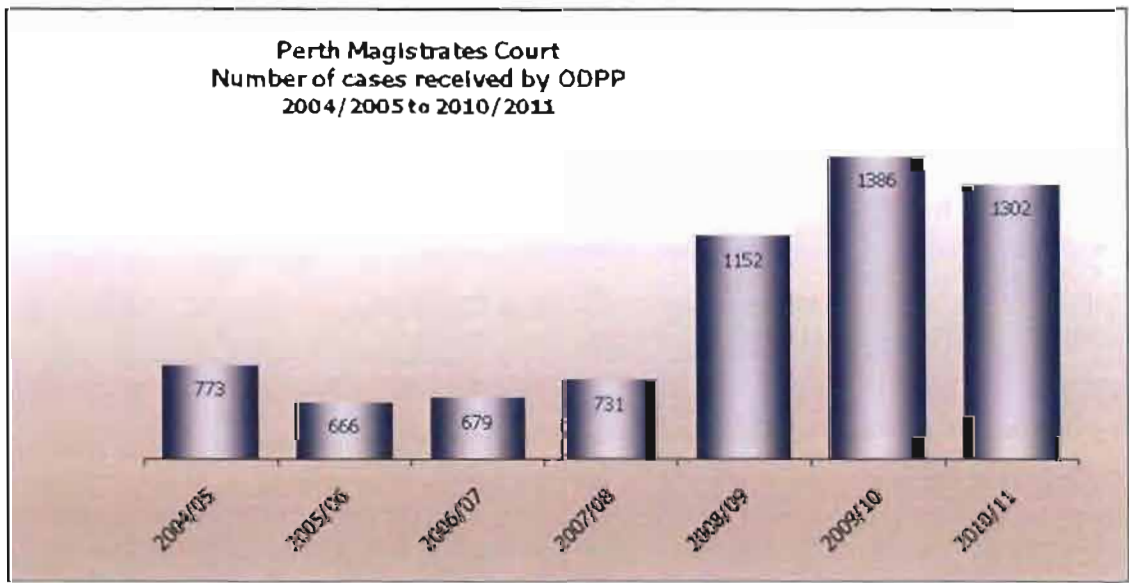
PART 2 AGENCY PERFORMANCE and SIGNIFICANT ISSUES

CRIMINAL PROSECUTIONS

Perth Magistrates Court

In the past 12 months the number of cases being managed by ODPP prosecutors prior to committal decreased slightly from a significant high in 2009/2010. The overall increase in work in this area over the past three years is due to a consolidation of all committal proceedings from outer metropolitan Magistrates Courts to the Perth Magistrates Court in 2008. This change was proposed by the ODPP and supported by the Chief Magistrate and allows ODPP prosecutors to make earlier assessments of each case and ensure that matters receive greater scrutiny prior to committal to the higher Courts.

FIGURE 2: CASES RECEIVED FOR HEARING IN THE PERTH MAGISTRATES COURT



Stirling Gardens Magistrates Court

The number of cases managed by the ODPP at the Stirling Gardens Magistrates Court was maintained in 2010/2011 during what was the third full year of the existence of this new Court. The majority of matters are committed to the Supreme Court for trial or for sentence.

TABLE 3: CASE OUTCOMES STIRLING GARDENS MAGISTRATES COURT 2007/2008 TO 2010/2011

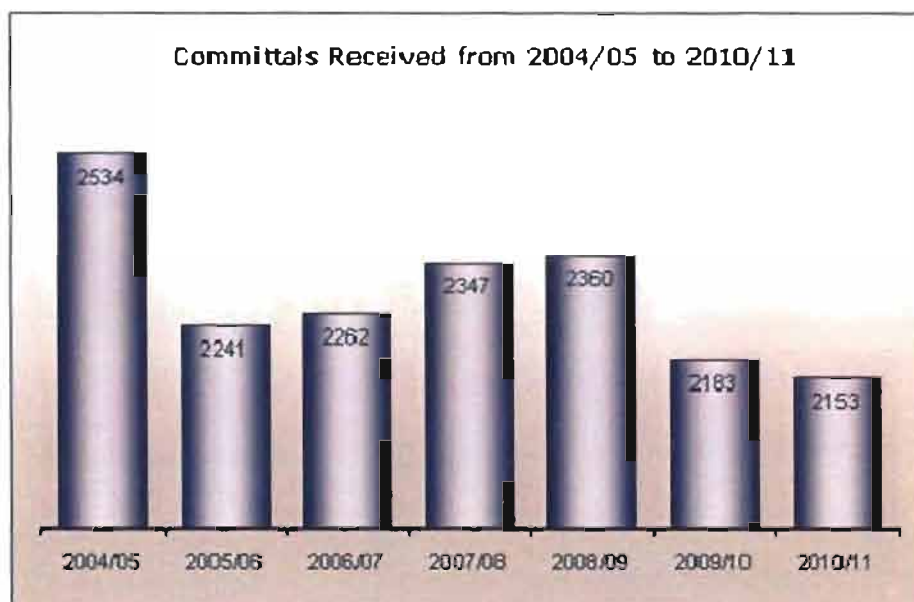
Stirling Gardens Cases	2007/08	2008/09	2009/10	2010/11
Ongoing Cases	25	88	82	54
Concluded Cases	166	202	182	206
Cases Concluded in SGMC	19	21	28	20
Pleas of Guilty	12	17	25	20
Discontinued	7	4	3	0
Cases Remanded to another Jurisdiction	31	21	23	19
Remanded to Magistrates Court	30	19	21	9
Remanded to Drug Court	1	1	2	10
Remanded to Children's Court	0	1	0	0
Committed Cases	116	160	131	167
Committed to District Court	12	17	15	31
Committed to Supreme Court	104	143	116	136
Total Cases	191	290	264	260

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 the number of matters committed has remained reasonably constant in the past six years.

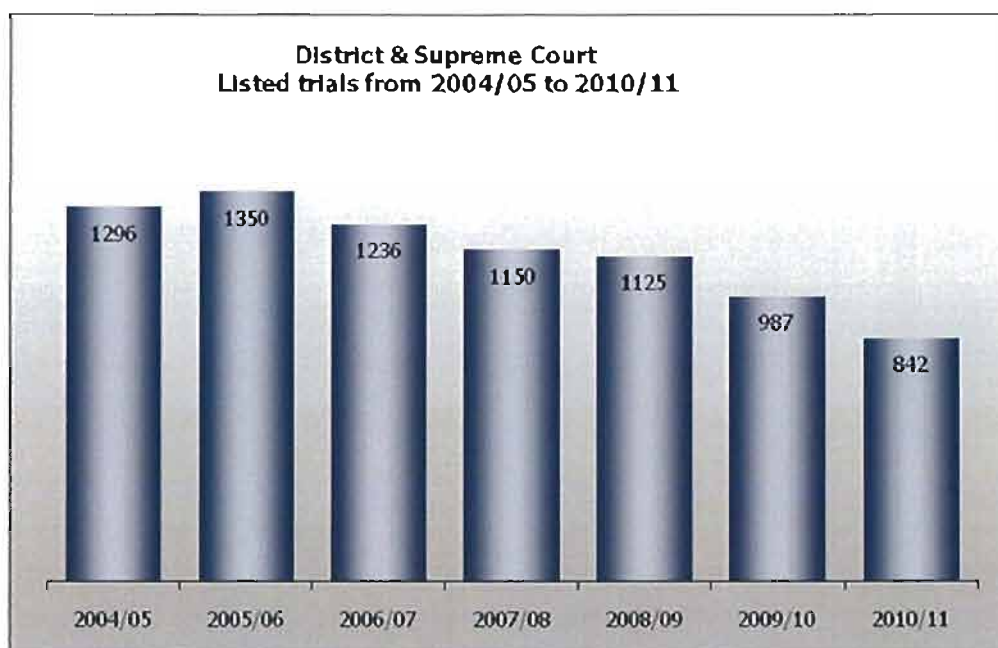
FIGURE 4: COMMITTALS RECEIVED 2004/2005 TO 2010/2011



Trials Listed

Trials listed in the District and Supreme Courts take up a significant proportion of the ODPP's resources because the preparation process is intensive for prosecutors and support staff alike. The number of listed trials has been declining since 2005/2006 and to a significant extent this can be attributed to the ODPP's strategies of early intervention.

FIGURE 5: LISTED TRIALS 2004/2005 TO 2010/2011



Listed Trial Outcomes

A significant number of matters listed for trial will not ultimately proceed to trial before a Jury or Judge alone. The table below shows that 46% of listed trials actually proceed to trial. The reasons for trials not proceeding are varied and include the accused pleading guilty, the prosecution discontinuing the matter or issues arising from the unavailability of defence or prosecution witnesses. These are common themes in all jurisdictions across Australia and overseas.

The cancellation of a listed trial will not adversely affect Court listings if the Court is given sufficient notice to permit it to reschedule other matters. Of the trials that did not proceed in 2010/2011 over 90% involved some degree of advance notice to the Court. While some last-minute adjournments are inevitable, the ODPP works hard to ensure that very few trial adjournments are attributable to factors within its control.

The table below illustrates the continuing decline in the number of matters proceeding to trial. Given the significant resource implications that a criminal trial has on all stakeholders in the criminal justice system, this is a positive trend, reflecting initiatives taken at ODPP and wider criminal justice system levels.

The table also shows that of the trials that do proceed to a definitive outcome (a conviction or an acquittal) approximately 60% of accused are convicted of one of more of the charges brought against them. This reflects very sound ODPP pre-trial assessments and is discussed in more detail in the Key Performance Indicator section of this Report.

TABLE 6: LISTED TRIAL OUTCOMES 2004/2005 TO 2010/2011

Trial Outcomes	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Trials Listed	1296	1350	1236	1150	1125	987	842
Trials Proceeding	707	691	569	547	482	438	391
% Proceeding	55%	51%	46%	48%	43%	44%	46%
Conviction Recorded	386	365	275	301	270	233	223
Acquitted	257	278	243	190	169	168	145
Hung Jury, Mistrial or Other	64	48	51	56	43	37	23
Conviction Rate After Trial	60.0%	56.8%	53.1%	61.3%	61.5%	58.1%	60.6%

CHILDREN'S COURT

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 Before Magistrates

During 2010/2011 the ODPP Children's Court team managed over 12,000 new charges due to be heard before Magistrates. This was slightly down on the previous year.

TABLE 7: CHILDREN'S COURT MAGISTRATES CASES RECEIVED 2006/2007 TO 2010/2011

New Magistrates Court Matters Received:	2006/07	2007/08	2008/09	2009/10	2010/11
New Charges put before the Court	3577	8095	6825	7185	5496
Charges referred as a result of Bench Warrants being issued	1050	2217	2734	2439	2343
Charges returned to Court after a Breach of Sentence	2159	4729	4405	4497	4545
Total Matters received	6786	15041	13964	14121	12384
Matters Finalised:					
Charges sentenced following a guilty plea	3034	3699	4547	4991	3978
Charges listed for trial and dealt with	179	1055	568	556	294
Total Matters Finalised	3213	4754	5115	5547	4272

Cases Before the President

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. The table below shows the number of cases received in each reporting period since 2004/2005.

TABLE 8: CHILDREN'S COURT PRESIDENT CASES RECEIVED 2004/2005 TO 2010/2011

President Cases Received	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Pleas of Guilty	147	210	216	244	113	132	N/A
Pleas of Not Guilty	105	118	142	131	102	120	N/A
Total	252	328	358	375	215	252	263

Note: The breakdown of the initial plea lodged upon receipt of a matter in the Children's Court President's Court is not available for 2010/2011.

Trials Before the President

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 Court. The same process applies to trials in the Children's Court as generally adopted in a District or Supreme Court trial, with the exception that there is no jury involvement.

TABLE 9: CHILDREN'S COURT PRESIDENT TRIAL OUTCOMES 2004/2005 TO 2010/2011

President Listed Trials	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Conviction	18	12	11	5	4	5	11
Acquittal	13	11	9	4	2	5	8
Total Trials Proceeded	31	23	20	9	6	10	19
Adjournments	23	21	33	48	24	11	16
Pleas of Guilty	7	12	9	7	6	0	0
Bench Warrant	2	1	0	1	0	0	0
Discharged	1	0	0	1	10	4	3
Other	2	6	6	10	24	26	9
Total Trials not Proceeded	35	40	48	67	64	41	28
Total Listed Trials	66	63	68	76	70	51	47

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 where the offence is one that could have been dealt with on indictment. These matters generally would have been prosecuted in the Magistrates Court by the WA Police. The table below shows the number and type of Single Judge Appeals received over the past seven years and illustrates a significant increase of 27.5% in 2010/2011 comparative to the previous year.

TABLE 10: SINGLE JUDGE APPEAL CASES 2004/2005 TO 2010/2011

Single Judge Appeals		2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
State	Acquittal	0	2	0	0	0	0	0
	Sentence	4	2	2	0	0	1	0
	Other	1	0	1	4	4	0	0
Accused	Conviction	10	20	14	5	15	12	24
	Sentence	8	14	19	11	21	26	23
	Other	2	4	5	6	1	1	4
TOTAL		25	42	41	26	41	40	51

Court of Appeal

Court of Appeal cases arise from matters the ODPP has previously prosecuted in the District or Supreme Courts. The table below shows the number of types of Court of Appeal cases the ODPP has either initiated as the Appellant or has responded to as the Respondent over the past seven years.

There was a dramatic increase (+26.6%) in the overall number of appeals managed by the ODPP in 2010/2011 comparative to the previous year resulting in significant workload pressures. As is illustrated, the vast majority of Court of Appeal matters are initiated by the accused.

TABLE 11: COURT OF APPEAL CASES 2004/2005 TO 2010/2011

Court of Appeal		2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
State	Acquittal	2	0	2	0	0	1	0
	Sentence	13	4	10	15	9	11	6
	Other	0	7	1	0	1	3	2
Accused	Conviction	89	93	50	57	60	53	60
	Sentence	106	99	75	69	91	72	113
	Other	6	3	12	6	5	14	14
TOTAL		216	206	150	147	166	154	195

High Court Appeals

High Court appeals arise from cases heard in the Court of Appeal where one of the parties applies for leave to appeal a decision made by the Court of Appeal. The table below shows the number of High Court appeal cases the ODPP has been involved in as either Appellant or Respondent over the past seven years, and highlights the rarity of State appeal cases.

TABLE 12: HIGH COURT APPEALS 2004/2005 TO 2010/2011

High Court Appeals	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
State	1	2	2	0	0	0	0
Accused	13	11	16	14	3	10	14
TOTAL APPEALS	14	13	18	14	3	10	14

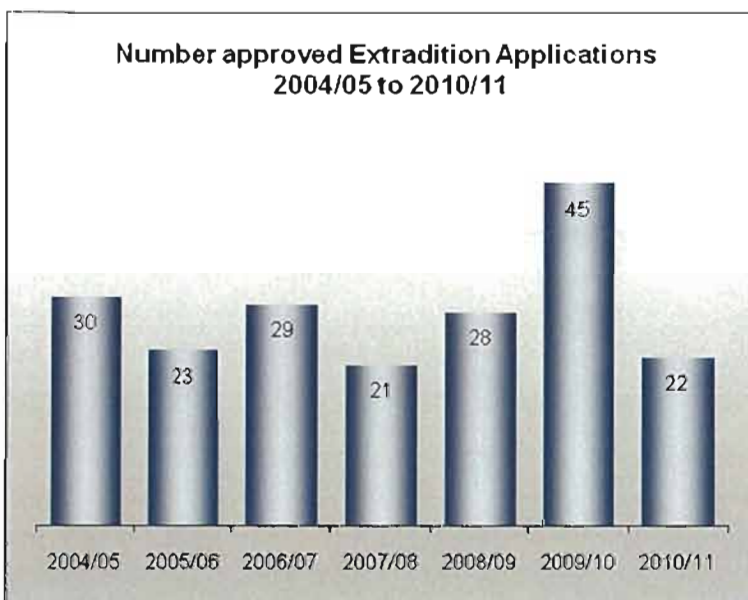
EXTRADITIONS

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

In 2010/2011, 37 applications were considered by the Director. Six applications were withdrawn prior to approval and 22 extradition approvals were granted, including two requests for international extraditions. A further nine applications remained under consideration at 30 June 2011.

Since 5 February 2010 all requests for the extradition of prisoners who are subject to a Return to Prison Warrant issued pursuant to the *Sentence Administration Act 2003* have been determined by the Western Australian Police and are no longer submitted to the ODPP for approval.

FIGURE 13: APPROVED EXTRADITIONS 2003/2004 TO 2010/2011



DANGEROUS AND SEXUAL OFFENDERS

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 for the continued detention or ongoing supervision of an offender who may continue to present a serious danger to the community. The first applications were made by the ODPP in 2006.

Ongoing Management of Earlier Applications and Orders

At the start of 2010/2011, 14 offenders were already the subject of a continuing detention order (CDO) under the Act, while ten further offenders were already the subject of a supervision order (SO) under the Act. There were also two applications previously filed by the ODPP that were still to be determined.

Of the 14 offenders already subject to a CDO, 13 were required to have that detention reviewed in 2010/2011, with the remaining offender not due a review until 2012 due to a sentence for a 'historical' sexual offence. Of the 13 offenders due for review, in five cases detention was continued on review. In a further case the offender died in custody prior to the review date. In a further four cases a supervision order was made, although in one of those cases the offender was subsequently returned to a CDO following contravention. The remaining three reviews were part-heard at the end of the reporting period, with the CDO later continued in one, a SO made in another, and the third not finalised as at the time of preparation of this report.

Of the ten offenders on supervision orders at the start of 2010/2011, all ten remained on SOs at the end of the reporting period, although two offenders were by then in custody on remand, in the first case for an alleged offence committed prior to the finalisation of the original proceedings, and in the second for an alleged non-sexual offence committed whilst on supervision. The second offender was also charged with contraventions of a SO (not for sexual conduct) under the new offence provision (s.40A) which came into effect on 2 March 2011. None of these charges have been finalised at the time of preparation of this report. A further offender on a SO was convicted and sentenced for s.40A offences (not by conduct otherwise an offence), receiving a substantial fine.

Prior to the commencement of the new offence provision, two contraventions of supervision orders were alleged under Part 2 Division 4 of the Act, with one resulting in a return to a CDO (as noted previously) and the second resulting in amendments to the SO. None of the alleged contraventions arose from allegations of sexual offending whilst subject to DSOA orders.

Of the two applications pending at the start of 2010/2011, both were successful, resulting in a CDO and a SO respectively.

New Applications 2010/2011

During 2010/2011 the ODPP made nine new applications under the Act, a figure almost double that of the previous year. Of these, three resulted in CDOs and two resulted in a SO. One application was discontinued by the DPP prior to the final hearing, upon new psychiatric evidence suggesting no reasonable prospects of success, and one application was dismissed by the Supreme Court at preliminary hearing, the first occasion on which this has occurred since commencement of the Act. The remaining two offenders remained in custody pending determination in the 2011/2012 year.

Future Management of Matters

At the end of the reporting period 14 offenders were detained under CDOs and 16 offenders were subject to SOs. The table below illustrates that the number of offenders subject to a CDO or SO is growing exponentially each year, placing significant resourcing strains on the ODPP. The ODPP will continue to lobby Government for additional resources in this area, given the critical need to protect the community in these matters.

TABLE 14: DANGEROUS SEXUAL OFFENDERS ACT APPLICATIONS 2006/2007 TO 2010/2011

	2006/07	2007/08	2008/09	2009/10	2010/11
New Applications	13	4	8	5	9
Applications Pending at Year End	9	3	5	2	2
Offenders Subject to Ongoing Orders at Year End	3	12	16	24	30

DSO Legislative Developments

Following previously reported proposals for amendments to the Act made by the ODPP in January 2010, and the dismissal of an ODPP initiated appeal on 30 July 2010, certain deficiencies in the Act were the subject of amendment with effect from 2 March 2011. The ODPP assisted in the drafting process. The amendments altered the definition of 'community' to make relevant a risk of serious sexual re-offending outside of Western Australia, and provided a clearer mechanism for dealing with alleged contraventions of supervision orders. Other proposals for amendments are still 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.

Aside from the appeal dismissed on 30 July 2010, the only other appellate activity was the filing of an appeal by the ODPP against certain ancillary orders for regular review made by the Supreme Court when making a supervision order in one case. That appeal is yet to be heard at the time of preparation of this report.

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

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 WA Police may apply under the *Criminal Property Confiscation Act 2000 (Confiscation Act)* for Freezing Notices from Magistrates or Justices of the Peace, and the Director of Public Prosecutions may apply for Freezing Orders from the courts. In the reporting period a total of 218 Freezing Notices and 3 Freezing Orders were obtained. A comparative table showing the number of Freezing Notices and Orders obtained since 2004/2005 appears in the table 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 15: FREEZING NOTICES AND FREEZING ORDERS OBTAINED 2004/2005 to 2010/2011

Freezing Notices & Orders Obtained	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Notice	133	152	117	231	263	231	218
Order	0	3	5	9	17	13	3
TOTAL	133	155	122	240	281	244	221

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.

The following table 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 16: OUTCOMES AND OBJECTIONS OF FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE 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	1627	1248	468	759	1947	631	736
Freezing Order	74	51	16	35	150	49	54

A total of 250 objections (239 Freezing Notices and 11 Freezing Orders) were finalised this reporting period, resulting in 108 objections being dismissed and 132 succeeding. The table below shows the breakdown of objections received and the outcomes of finalised objections for the past seven years.

TABLE 17: NUMBER OF OBJECTIONS TO FREEZING ORDERS AND FREEZING NOTICES RECEIVED AND FINALISED 2004/2005 TO 2010/2011

Objections	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Received	159	258	153	259	257	251	230
Dismissed	40	29	92	102	113	126	108
% Dismissed	25.2%	11.2%	60.1%	39.4%	44.0%	50.2%	47.0%
Successful	47	51	100	128	110	146	132
Total Finalised	88	83	198	254	239	290	250

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 were begun against a number of the 65 people declared as drug traffickers during 2010/2011, although formal confiscation may not necessarily occur within the same reporting year as the declaration.

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 2010/11, \$5,191,166 was paid into the Confiscation Proceeds Account from the property of declared (or taken to be declared) drug traffickers. The table below illustrates that there are significant fluctuations in amounts paid to the account in any given year.

This is due to a range of factors including relevant offender arrest rates, the nature and value of property seized and the prevailing economic climate.

TABLE 18: DRUG TRAFFICKER DECLARATIONS AND MONEY PAID INTO THE CONFISCATION PROCEEDS ACCOUNT 2004/2005 TO 2010/2011

Drug Traffickers	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Declarations Made	70	91	85	80	110	95	65
Amount Paid into Account	\$1.82 m	\$1.22m	\$2.71m	\$8.07m	\$6.07 m	\$10.05 m	\$5.19 m
% Variation from Previous Year	+154%	-33%	+121%	+198%	-25%	+65%	-48%

The table below shows the number and types of applications made since 2004/2005.

TABLE 19: NUMBER AND TYPES OF APPLICATIONS MADE 2004/2005 TO 2010/2011

Applications for Confiscation	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	Total made	Total finalised	No. leading to confiscation
Unexplained Wealth Declaration	0	0	0	2	5	3	0	10	7	6
Criminal Benefits Declaration	0	1	0	0	1	0	1	3	2	2
Crime Used Property Substitution Declaration	0	0	2	2	3	4	1	12	7	5
TOTAL	0	1	2	4	9	7	2	25	16	13

The following table shows the number of proceedings in which a declaration of confiscation was made.

TABLE 20: PROCEEDINGS FINALISED WHERE A DECLARATION OF CONFISCATION 2004/2005 TO 2010/2011

Finalised Proceedings	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Declared Drug Trafficker	24	32	60	61	89	109	58
Crime-Used or Crime-Derived	7	9	13	8	20	34	54
Crime Used Property Substitution	1	0	0	2	0	1	0
Unexplained Wealth	1	3	0	2	2	1	4
Criminal Benefits	1	0	1	0	1	1	0
Examination Order	0	0	1	0	0	0	0
Total Declarations	34	44	75	73	112	146	116

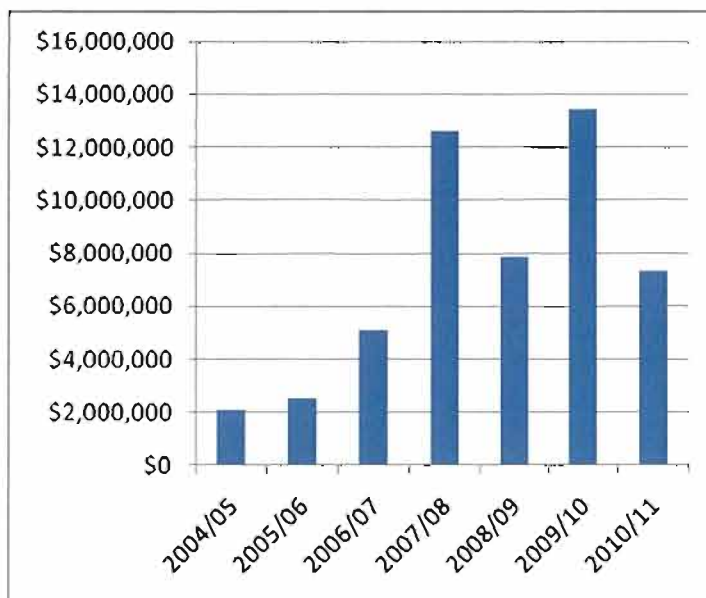
Payments to the Confiscation Proceeds Account

The table below shows the total amount arising from all confiscations paid into the Confiscation Proceeds Account since 2004/2005. The majority of these funds are derived from declared drug traffickers (see table 18).

Since the commencement of the *Criminal Property Confiscation Act 2000* in January 2000, over \$54 million has been stripped from people engaged in criminal activities and has been paid into the Confiscation Proceeds Account.

FIGURE 21: DOLLAR AMOUNTS PAID INTO THE CONFISCATION PROCEEDS ACCOUNT 2004/2005 TO 2010/2011

Period	Amount
2004/05	\$2,091,774
2005/06	\$2,524,362
2006/07	\$5,070,596
2007/08	\$12,618,686
2008/09	\$7,837,418
2009/10	\$13,438,281
2010/11	\$7,332,843



Misuse of Drugs Act

During 2010/2011, the ODPP managed a number of matters pursuant to the *Misuse of Drugs Act 1981* which resulted in revenue of \$128,244 being paid into the State's Consolidated Fund. The table below shows the number of applications made and the revenue derived from such applications in recent years. There has been a decline in the number of applications and money forfeited since 2000 as a result of applications now being made under the *Criminal Property Confiscation Act 2000*.

TABLE 22: NUMBER OF APPLICATIONS RECORDED AND AMOUNT PAID TO REVENUE 2004/2005 TO 2010/2011

Misuse of Drugs Act	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Applications	41	70	46	62	52	51	30
Paid to Revenue ('000)	\$247K	\$505K	\$314K	\$206K	\$285K	\$149K	\$128K
% Variation from Previous Year	+146%	+104%	-38%	-34%	+38%	-48%	-14%

LEGISLATIVE REFORM

Reform Projects

The ODPP is regularly invited to make submissions and contribute to legislative reform. In this regard, in 2010/2011 the Office made submissions to:

- The WA Department of the Attorney General in relation to the review of the *Bail Act 1982*.
- The WA Department of the Attorney General in relation to the review of the *Victims of Crime Act 1994*.
- The WA Department of the Attorney General in relation to the review of Justices of the Peace in Western Australia.
- The Law Reform Commission of WA in response to proposals for reform contained in the Discussion Paper on the *Community Protection (Offender Reporting) Act 2004*.
- The WA Department of the Attorney General in relation to amendments to the *Dangerous Sexual Offenders Act 2006*.

The ODPP also regularly liaised with the Department of the Attorney General on policy, proposed legislation and Bills, including being consulted about proposed amendments to Double Jeopardy Laws in Western Australia, amendments to the *Misuse of Drugs Act 1981* and amendments to the *Criminal Procedure Act 2004* in relation to defence disclosure and an accused's right to silence.

Inter Agency Initiatives

In 2010/2011 the ODPP signed Protocols with the Law Society of Western Australia and the Western Australian Police regarding the issuing, handling and dissemination of Letters of Recognition (also referred to as Letters of Comfort). This assisted in addressing many of the difficulties in the criminal justice system that arose in relation to the manner in which assistance rendered by an accused is acknowledged.

Subsequent to this the ODPP assisted the Northern Territory Department of Justice in relation to their enquiries regarding procedures for the handling of Letters of Comfort.

Inter Agency Committees

During 2010/2011 the ODPP actively participated in a range of external committees principally established to promote improvements to the criminal justice system in Western Australia. The ODPP's involvement is summarised in the following table:

Committee	Purpose	ODPP Representative
Strategic Criminal Justice Forum	Consider high level strategic issues and formulate and implement policies and plans to meet the strategic goals of the criminal justice system	Joe McGrath Director Bruno Fiannaca SC Deputy Director
Forensic Psychology Consultation Committee	Considers training to be provided for psychologists to become forensic psychologists	Bruno Fiannaca SC Deputy Director
Children's Court of WA Interagency Committee	Facilitate communication and issue resolution between the Court stakeholders	Sean Stocks Team Manager
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds	Fiona Humphries Confiscations Lawyer
Drug Court Strategic Management Group	Oversee the strategic direction of the Drug Court	Genevieve Cleary State Prosecutor
Drug Court Operational Committee	Resolve issues on the day-to-day operations of the Drug Court	Genevieve Cleary State Prosecutor
Victims of Crime Reference Group	Advise Government on the needs and issues for victims of crime and to make recommendations to improve the criminal justice system	Linda Keane State Prosecutor
Child Witness Committee	Deal with issues arising from children giving evidence in WA courts	Amanda Burrows Senior State Prosecutor
Magistrates Court Liaison Committee	Facilitate communication and issue resolution between Court stakeholders	Brent Meertens Consultant State Prosecutor Ian Flynn Manager Committals
DPP, VSS and CWS Liaison Committee	Improve services to witnesses and victims and crime and enhance inter-agency communication	Julian Williams Mgr. Prosecution Support Nicholas Cogin Practice Manager
Pathwest/WAPOL/ODPP Joint Consultative Committee	Facilitate communication and issue resolution between the agencies in areas of mutual interest	Matthew Bugg Director Legal Services Linda Petrusa Consultant State Prosecutor Justin Whalley Senior State Prosecutor
Sexual Assault Services Advisory Group	Improve processes for victims of crime and enhance inter-agency communication in sexual assault matters	Amanda Burrows Senior State Prosecutor
State Witness Protection Committee	Consider applications for witnesses to be admitted to State Witness Protection Plans	James Mactaggart Senior State Prosecutor
Data Quality Working Group	Improve the exchange of information and data between justice agencies	Julian Williams Mgr. Prosecution Support George Nastos, Manager IT

Law Society Committees

During 2010/2011 a number of lawyers from the ODPP contributed positively to the Law Society of Western Australia through membership on a number of Law Society committees.

Committee	Representative
Ethics Committee	Joe McGrath Director
Taxation Committee	Fiona Humphries Confiscations Lawyer
Criminal Law Committee	David Davidson State Prosecutor (Convenor)
Commercial and Corporate Committee	David Davidson State Prosecutor
Mental Health and Wellbeing Committee	David Davidson State Prosecutor
Human Rights Committee	David Davidson State Prosecutor
Costs Committee	David Davidson State Prosecutor
Courts Committee	David Davidson State Prosecutor

BUSINESS IMPROVEMENT PROJECTS

The following are examples of some of the business improvement initiatives addressed by the ODPP in 2010/2011.

Case Management System

A new case management system 'JustWare Prosecutor' purchased from Newdawn Technologies based in Utah USA, went live on 19 July 2010. As with many new systems, implementation issues were encountered, in this case with customised reports which caused performance problems. The contractor reviewed and corrected these and due to the impacts a review of the reporting systems within JustWare is underway. These post implementation issues have delayed progress with the integration project with other Justice agencies which will now begin in late 2011. The initial phase will be to establish data feeds directly from Police and Courts systems for ODPP related case information into JustWare. These feeds will primarily focus on case creation, court sitting and outcome data with the aim of streamlining case file management through reduced data entry requirements. Long term goals are to develop an electronic brief with Police and improved administration of electronic evidence. A comprehensive post implementation review of JustWare will also be undertaken early in 2011/2012.

Electronic files

The JustWare implementation included a link to the ODPP's record management system (TRIM) which moved the ODPP closer to electronic files. Case documents are stored and catalogued into TRIM against cases through a combination of physical document scanning, training staff to catalogue emails and network files and documents against case files. This has improved the accessibility to case documents via the JustWare application interface directly into TRIM. The number of electronic case documents stored in TRIM is now over 360,000 with 260,000 added since July 2010. Just over 19,000 documents are added each month. A new storage system was procured in mid 2009 as a strategy to cope with the increased storage requirements related to these documents. This was the first phase of implementing electronic files to improve user accessibility to case documents. Notwithstanding these developments, the official ODPP case file continues to be the physical (paper) file from a records perspective and the move to full electronic case files remains a few years away while issues such as archiving, administration and management of electronic documents are resolved. In addition, coordination with other justice agencies is required to fully realise the benefits and become an effective strategy for replacing physical documents.

Digital Evidentiary Material

A new initiative with the WA Police was begun in late 2010 to improve the exchange and management of electronic evidentiary media, which in recent years has arrived in significantly greater quantities and diverse formats. Case information is becoming increasingly digital in format due to the widespread and growing use of electronic recording devices. This has placed significant workload and logistical pressures on the ODPP to manage the use, tracking and storage of this information. New storage infrastructure was implemented in late 2009 to accommodate this increase, and planning with other Justice agencies is in progress to improve tracking and administration of information.

Intranet Redevelopment

Work on the ODPP's new intranet (DPPnet) began in July 2010 with CSG awarded the tender. Delays in go live occurred due to changes in the project team in late 2010 which were resolved in early 2011. The new Intranet is now planned to be released in late 2011. The new DPPnet will include a new look and feel, add knowledge management functionality and will become the main communication platform. The current intranet, implemented in 2007, saw significant benefits for ODPP staff accessing resources. The new version will build upon that capability. An improved collaborative environment utilising knowledge and resource management functionality is also a primary focus. The new Intranet, which is being developed using Microsoft SharePoint 2010, will be insulated from organisational changes and enable an increased culture of collaboration across business areas.

Information Access and Reporting

During 2010 a project was commenced to analyse and develop a business data model which would be incorporated into an enterprise reporting framework. The aim is to provide a one stop shop for staff to access key business information for operational and management use and improve decision making in case management. Three business areas models have been developed, indictment, court outcomes and allocations. These models are planned to be released to production in late 2011.

PART 3 DISCLOSURES AND LEGAL COMPLIANCE

MINISTERIAL DIRECTIVES

No directives were made by the Attorney General during 2010/2011.

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 proportion of trials briefed out has remained relatively constant at 26% in the 2009/2010 and 2010/2011 reporting periods.

TABLE 23: BRIEF OUT EXPENDITURE 2001/2002 TO 2010/2011

Year	Number of Trials Briefed	Total Expenditure	Average Trial Cost
2001/02	458	\$869,635	\$1,899
2002/03	161	\$386,389	\$2,400
2003/04	276	\$604,929	\$2,192
2004/05	422	\$841,446	\$1,994
2005/06	563	\$1,267,059	\$2,251
2006/07	220	\$746,691	\$3,394
2007/08	145	\$439,977	\$3,034
2008/09	268	\$1,104,831	\$4,123
2009/10	259	\$1,413,298	\$5,457
2010/11	232	\$1,238,325	\$5,338

Ex-Gratia Payment

During 2010/2011 the ODPP made one ex-gratia payment amounting to \$1,881 for the reimbursement of legal fees.

EMPLOYMENT STATISTICS

The ODPP's approved Full Time Equivalent (FTE) staffing figure for 2010/2011 was 236.0 and the average FTE usage over the course of the year mirrored that. As at 30 June 2011 the ODPP employed 259 staff members.

The following table provides a breakdown of staff between legal and non-legal staff and by gender as compared to the preceding financial year.

TABLE 24: STAFF CLASSIFICATION LEVELS, NUMBERS AND SALARIES

	2009/2010			2010/2011			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Female	Male		Female	Male		
Legal Staff							
Articled Clerk	2	2	4	3	1	4	\$58,010 - \$62,984
Lawyer L1LG	3	0	3	2	2	4	\$72,232 - \$80,855
Lawyer L2LG	13	9	22	15	10	25	\$78,219 - \$94,134
Lawyer L3LG	14	7	21	14	3	17	\$104,138 - \$111,615
Lawyer L4LG	16	11	27	10	14	24	\$117,946 - \$139,881
Lawyer L5LG	8	14	22	11	14	25	\$153,482
Lawyer L6LG	9	8	17	10	10	20	\$169,850 - \$190,964
Lawyer L7LG	0	1	1	0	1	1	\$200,930
Consultant State Prosecutor	1	2	3	2	2	4	\$253,780 - \$304,536
Director Legal Services	0	1	1	0	1	1	\$304,536
Deputy DPP	0	0	0	0	1	1	\$349,497
DPP	0	1	1	0	1	1	\$388,331
Legal Staff Total	66	57	122	67	60	127	
Non Legal Staff							
Level 1	11	4	15	3	5	8	\$20,394 - \$49,022
Level 2	30	17	47	35	16	51	\$50,557 - \$54,900
Level 3	30	11	45	28	12	40	\$58,010 - \$62,984
Level 4	10	4	14	11	5	16	\$65,320 - \$69,033
Level 5	3	3	6	4	2	6	\$72,663 - \$80,308
Level 6	3	3	6	3	2	5	\$84,557 - \$93,633
Level 7	2	1	3	2	2	4	\$98,875 - \$105,974
Level 8	1	0	1	1	0	1	\$112,180 - \$121,845
Level 9	0	1	1	0	1	1	\$128,748 - \$138,426
Non Legal Staff Total	90	44	134	87	45	132	
TOTAL	156	101	256	154	105	259	

GOVERNANCE DISCLOSURES

No disclosures are required under Treasurer's Instruction 903(14) for 2010/2011.

PUBLIC INTEREST DISCLOSURES

In 2010/2011, the ODPP did not receive any matters raised under the *Public Interest Disclosure Act* nor were any matters carried over from the previous financial year. The *ODPP Public Interest Disclosure Internal Procedures* and supporting information and documentation are maintained on the ODPP's internal Intranet.

OTHER LEGAL REQUIREMENTS

Advertising

The *Electoral Act 1907* requires all public sector agencies to publish in its annual report under the *Financial Management Act 2006* or any other written law, a statement detailing all expenditure incurred by, or on behalf of, the public agency during the relevant 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

Following the development in 2007 of the *ODPP Disability Access and Inclusion Plan (DAIP) 2007-2012*, the Office has progressed the implementation of a number of priority strategies. Achievements for 2010/2011 included:

- Ongoing implementation, monitoring and reviewing of the DAIP by an in-house Compliance Management Committee.
- Conducting two Disability Awareness Workshops of which 23 employees attended, bringing the total number of participants to 184.
- Reviewing reports prepared by three WA State Government Internship Program on:
 - Incorporating the WA Language Services Policy into the conduct of prosecutions.
 - Improving the identification of witnesses and victims with special needs.
 - Improving the ODPP's contact with witnesses and victims with a disability.

Public Sector Standards and Ethical Codes

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

The ODPP did not receive any claims for any breaches of the Public Sector Standards.

Significant action taken to monitor and ensure compliance included:

- Conducted two induction workshops (involving 18 new employees) that included information on the Public Sector Standards and Ethical Codes, and the consequences of non-compliance.
- Conducted the PSC Employee Perception Survey in June 2011.

State Records Act 2000 - Recordkeeping Plan

The ODPP implemented a new case management system - JustWare Prosecutor - in July 2010. The new case management system is integrated with the ODPP's existing TRIM records management system. This integration facilitates the capture, management, security of electronic records and content management. A significant number of records consist of documents received from the WA Police. The ODPP Records Branch introduced scanning equipment and software to capture these records electronically ensuring that they are properly recorded and are accessible through both the case management system and TRIM.

During 2010/2011 the ODPP undertook a review of its Records Keeping Plan, with the amended Plan being approved by the State Records Commission in April 2011.

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's Intranet. An Induction program is in place for Recordkeeping Awareness and recordkeeping training is specifically tailored to the role of each new employee joining the ODPP.

Effectiveness of Record Keeping Training

A review of the effectiveness of the ODPP's Recordkeeping Training will be undertaken during 2011/2012.

GOVERNMENT POLICY REQUIREMENTS

Substantive Equality

In accordance with 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 disease, and that in the event an injury occurs, they are managed quickly and effectively 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:

- maintaining a sufficient number of Safety and Health Representatives, and
- conducting regular Safety and Health Committee meetings.

The ODPP carries out regular reviews to ensure compliance with all requisite safety and health regulations. Internal auditors Stantons International also carried out an audit of certain aspects of the ODPP's safety and health procedures. The auditors identified a few minor non-compliance issues which were addressed.

Processes are in place for all accidents and incidents to be thoroughly investigated by the ODPP Safety and Health Committee. However, due to the low volume and disparate nature of incidents in the ODPP, no discernible patterns have ever been identified. Consequently, each incident is addressed in its own right.

The ODPP's performance against the 2010/2011 annual targets are as follows:

Indicator	Target 2010/2011	Actual
Number of fatalities	Zero	0
Lost time injury/diseases (LTI/D) incidence rate.	Zero or 10% reduction on previous year	2
Lost time injury severity rate	Zero 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

PART 4 KEY PERFORMANCE INDICATORS

INTRODUCTION

As explained earlier in this report, the core work of the ODPP 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.

Assessing the work of a prosecuting service is inherently difficult. DPP offices in all jurisdictions play a critical role in the functioning of their respective criminal justice systems and as such they do not operate in isolation. The performance of any ODPP is always influenced by a range of external factors, including the activities of other criminal justice agencies - principally the Courts and their respective Police Service.

A challenge for all ODPPs is to develop a set of meaningful indicators that will reflect those activities over which an ODPP has complete, or at least substantial, control. That is not easy given the place of an ODPP in the criminal justice system.

While accepting these inherent difficulties, the ODPPs across Australia have made a commitment to attempt to develop a set of indicators that may be used within each Office, but which may permit some degree of cross jurisdictional comparison. Work on this project commenced in 2010/2011 and will continue in 2011/2012.

The following notes may assist readers with the context of the WA ODPP's key performance indicators.

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

This is the ODPP's principal output and 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 and determining whether the prosecution ought to proceed, and if so, the precise charges to be brought. 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 Guidelines*¹ 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.

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

These indicators were introduced in the 2002/2003 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 the WA Police under the *Criminal Property Confiscation Act 2000*.

¹ Available on the ODPP website: www.dpp.wa.gov.au



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Report on the Financial Statements

I have audited the accounts and financial statements of the Office of the Director of Public Prosecutions.

The financial statements comprise the Statement of Financial Position as at 30 June 2011, 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, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

Director's Responsibility for the Financial Statements

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 for such internal control as the Director determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Office's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Director, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Office of the Director of Public Prosecutions at 30 June 2011 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

Page 1 of 2

4th Floor Dumas House 2 Havelock Street West Perth 6005 Western Australia Tel: 08 9222 7500 Fax: 08 9322 5664

Office of the Director of Public Prosecutions

Report on Controls

I have audited the controls exercised by the Office of the Director of Public Prosecutions. The Director is responsible for ensuring that adequate control is maintained over the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Director based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the controls exercised by the Office of the Director of Public Prosecutions are sufficiently adequate to 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.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Office of the Director of Public Prosecutions. The Director is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the key performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to assist users to assess the Office's performance and fairly represent indicated performance for the year ended 30 June 2011.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and the Australian Auditing Standards, and other relevant ethical requirements.



COLIN MURPHY
AUDITOR GENERAL
9 September 2011



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

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 Public Prosecutions for the financial year ending 30 June 2011.

A handwritten signature in blue ink, appearing to read 'Joseph McGrath'.

Joseph McGrath

ACCOUNTABLE AUTHORITY

Date: *5 September 2011.*

KEY PERFORMANCE INDICATORS

Government Goal

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

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. A case cannot progress in the Supreme or District Courts until the charges (as formalised in a document called the indictment) have been lodged, so timely lodgement of the indictment by the Office of the Director of Public Prosecutions (ODPP) is a key factor in achieving a fair and just outcome.

Performance Outcome 2010/2011

In 2010/2011, 1764 matters committed to the Supreme or District Court were referred to the ODPP for consideration for prosecution. Following case reviews, 48 matters were returned to the Magistrates Court to be dealt with summarily. A further 155 matters were wholly discontinued, so that no charges remained against the accused. Of the remaining 1561 matters committed to the superior courts and where an indictment was due during the reporting period, in 399 cases (or 25.6%) the indictment was filed with the court within 42 days from the date of committal.

Trends Over Time

Year	Indictment filed within 42 days of committal
2010/2011	25.6%
2009/2010	21.6%
2008/2009	19.0%
Year	Indictment filed at least five working days before the first appearance of the accused
2007/2008	54.8%
2006/2007	53.0%

KPI Target 2010/2011	KPI Result 2010/2011
85%	25.6%

Explanations for variations between the target and actual performance

The method of calculating this performance indicator changed in July 2008. The apparent sharp decrease in the proportion of indictments lodged 'on time' since then is directly related to the change in the measurement of 'timeliness'. Prior to the change, timeliness was determined on an indictment being filed 5 or more working days before the first appearance of the accused in the District or Supreme Court.

Under the current counting methodology, indictment timeliness is defined as an indictment filed within 42 days (6 weeks) from the date of committal of the case to either the District or Supreme Court. Although the current performance measure is significantly harder to achieve, ambitious targets have been maintained while further assessment is undertaken on the appropriate performance target. However, an improvement of 4.0% over the previous financial year is significant.

It is important to note that the percentage of indictments filed within 12 weeks of the date of committal was 79% - a marked improvement from 69% in 2009/2010. In practical terms, this 'filed within 12 weeks' outcome has closer alignment to the figures derived under the previous counting methodology where generally the ODPP had a longer period of time to prepare and file an indictment.

Where a case was wholly discontinued in 2010/2011, the notice of discontinuance was filed by the date of the first appearance in 57% of cases - indicating that the ODPP generally made very timely assessments of the brief.

The receipt of the committal documents by the ODPP for prosecutions in regional (circuit) courts is often delayed, thereby adversely affecting the ODPP's ability to attain the 42 day target. Circuit matters accounted for 26.2% (409) of all cases where an indictment was due in 2010/2011. Of these 409 cases, 17.6% had an indictment lodged within 42 days from the date of committal. While this represented a 3.6% improvement over the previous year, it was less than the metropolitan average of 28.6% and thereby brought down the state-wide average.

It should also be recognised that the ability of the Office to prepare and lodge an indictment in a timely manner is dependent on a range of uncontrollable factors such as the complexity of the case, the number of charges against the accused and the timeliness and quality of the brief prepared by the Police. Insufficient or late evidence can also delay the preparation of the indictment. In view of this the ODPP is reviewing this KPI target as it is unlikely to be attainable.

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 2010/2011

There were two Judge directed acquittals in the reporting year out of a total of 842 listed trials, resulting in 99.8% of matters having a case to answer.

Trends Over Time

Year	Case to answer
2010/2011	99.8%
2009/2010	99.9%
2008/2009	99.3%
2007/2008	99.3%
2006/2007	98.8%

KPI Target 2010/2011	KPI Result 2010/2011
98%	99.8%

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 2010/2011

In 2010/2011 391 (or 46%) of listed trials were resolved by jury. Of these, 223 (or 60.6%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment. The conviction rate is calculated by dividing the total number of convictions (223) by the sum of the total number of convictions plus the total number of acquittals (including Judge directed acquittals). Using the slightly different method of calculation in place prior to a 2008 KPI review, the conviction rate would have been 57%.

Trends Over Time

Year	Convictions after jury trial
2010/2011	60.6%
2009/2010	58.1%
2008/2009	61.8%
Year	Convictions after trial
2007/2008	55.0%
2006/2007	48.2%

KPI Target 2010/2011	KPI Result 2010/2011
At least 50%	60.6%

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 comprise approximately 70% of the work of the Confiscations Unit and are therefore the most relevant area for assessing effectiveness.

Performance Outcome 2010/2011

In 2010/2011, 54 declarations for confiscations were filed. Of these, 20 (37%) were filed within 3 months of the Drug Trafficker Declaration.

This indicator changed significantly in 2008. Previously the ODPP measured the percentage of applications for freezing orders that were successful. As the table illustrates, all applications made up to that time were successful and the utility of the indicator was questioned. The current indicator is more reflective of the performance of the ODPP:

Trends Over Time

Year	Application for a Declaration of Confiscations filed within 3 months of the Drug Trafficker Declaration
2010/2011	37.0%
2009/2010	31.1%
2008/2009	20.0%
Year	Successful Applications for Freezing Orders
2007/2008	100%
2006/2007	100%
KPI Target 2010/2011	KPI Result 2010/2011
100.0%	37.0%

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 associated criminal charges against the accused, the provision of proof that a Drug Trafficker declaration has been made (this is sometimes obtained from the Court and sometimes from Police), and negotiations with third parties as 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.

While the performance in 2010/2011 represented a marked improvement since this indicator was first used in 2008/2009, the outcome was significantly less than the target. However, in view of the number of external factors which influence the timeliness of these particular applications, the ODPP is reviewing the target as it is unlikely to be attainable.

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. It may also mean that in some cases innocent third parties may not be able to deal with their property freely.

Performance Outcome 2010/2011

During 2010/2011, 32 out of 55 (58.2%) Drug Trafficker matters were resolved within 12 months of the Drug Trafficker Declaration.

Year	Resolution of Drug Trafficker matter within 12 months of the Drug Trafficker Declaration
2010/2011	58.2%
2009/2010	65.2%
2008/2009	52.4%

KPI Target 2010/2011	KPI Result 2010/2011
75.0%	58.2%

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 third parties with respect to claimed interests. Some negotiations can be very complex and time consuming. In some instances further enquiries by either the ODPP or the WA Police need to be undertaken at the conclusion of the criminal process as to the ownership and whereabouts of property. It may have been inappropriate to conduct these enquiries earlier.

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

The ODPP is reviewing the target for this indicator.

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 2010/2011

The total expenditure on criminal prosecutions for the 2010/2011 financial year was \$34.51 million. A total of 2154 new prosecution cases were received by the ODPP during the same period, therefore, and with the qualifications outlined in the Explanatory Note above, the average cost per criminal prosecution in 2010/2011 was \$16,021.

Trends Over Time

Year	Cost Per Matter
2010/2011	\$16,021
2009/2010	\$14,525
2008/2009	\$12,890
2007/2008	\$11,254
2006/2007	\$10,931

KPI Target 2010/2011	KPI Result 2010/2011
\$14,400	\$16,021

Explanations for variations between the target and actual performance

The increased cost per matter reflects a slight reduction in the number of new matters received by the ODPP combined with overall cost increases – particularly in salaries, accommodation and legal practice costs.

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; the nature and value of the property involved; and the 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 finalised first, including the trial and appeal processes, which can take a number of years and, accordingly, can be very demanding of resources.

Performance Outcome 2010/2011

In 2010/2011, 114 declarations for confiscations were filed and these and other ongoing matters delivered payments of \$7.33 million to the Confiscations Account. The total cost of the confiscations function in the year was \$2.98 million. The ratio of cost to return was therefore 40.6%.

Year	Cost as a percentage of return
2010/2011	40.6%
2009/2010	24.6%

KPI Target 2010/2011	KPI Result 2010/2011
25.0%	40.6%

Explanations for variations between the target and actual performance

This indicator is a function of cost to return. Costs in this area have been relatively consistent over the past four financial years; however, revenues have fluctuated significantly over that period.

In 2010/2011 there was a significant drop in payments into the account as compared to 2009/2010. While this may be attributable to the general factors outlined in the Explanatory Note above, it appears that the Global Financial Crisis and other deteriorating financial conditions has had the effect of reducing the average return for the sale of real estate (which forms a significant proportion of the revenue received) as well as delaying sale processes.

PART 5 FINANCIAL STATEMENTS

Auditor General Certification



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

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 2011

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

Handwritten signature of David Li in blue ink.

David Li
Chief Finance Officer
Date: 05 SEPTEMBER 2011

Handwritten signature of Joseph McGrath in blue ink.

Joseph McGrath
Accountable Authority
Date: 5 September 2011

Statement of Comprehensive Income

For the year ending 30 June 2011

	Note	2011 \$	2010 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	25,540,909	24,099,788
Supplies and services	7	7,658,263	6,926,165
Depreciation and amortisation expense	8	685,283	605,543
Accommodation expenses	9	2,939,886	2,661,459
Loss on disposal of non-current assets	11	-	440
Other expenses	10	662,982	726,716
Total cost of services		37,487,323	35,020,111
Income			
Revenue			
Other revenue	12	95,726	108,863
Total Revenue		95,726	108,863
Total income other than income from State Government		95,726	108,863
NET COST OF SERVICES		37,391,597	34,911,248
Income from State Government			
	13		
Service Appropriation		28,255,000	28,243,000
Contribution from Confiscation Proceeds Account		4,999,139	4,352,593
Grants and subsidies		212,626	-
Resources received free of charge		1,244,341	1,583,718
Total income from State Government		34,711,106	34,179,311
SURPLUS/(DEFICIT) FOR THE PERIOD		(2,680,491)	(731,937)
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		(2,680,491)	(731,937)

See also 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 2011

	Note	2011	2010
		\$	\$
ASSETS			
Current Assets			
Cash and cash equivalents	24	593,652	621,691
Receivables	15	731,888	1,909,213
Amounts receivable for services	16	50,000	50,000
Other current assets	17	22,792	231,130
Total Current Assets		1,398,332	2,812,034
Non-Current Assets			
Restricted cash and cash equivalents	14,24	479,410	385,631
Amounts receivable for services	16	2,533,000	2,162,000
Property, plant and equipment	18	3,540,423	4,766,007
Intangible assets	19	593,925	18,420
Total Non-Current Assets		7,146,758	7,332,058
TOTAL ASSETS		8,545,090	10,144,092
LIABILITIES			
Current Liabilities			
Payables	21	1,978,792	1,261,926
Provisions	22	4,286,488	3,918,351
Total Current Liabilities		6,265,280	5,180,277
Non-Current Liabilities			
Provisions	22	1,715,103	1,718,617
Total Non-Current Liabilities		1,715,103	1,718,617
TOTAL LIABILITIES		7,980,383	6,898,894
NET ASSETS		564,707	3,245,198
EQUITY	23		
Contributed Equity		6,972,760	6,972,760
Accumulated surplus/(deficiency)		(6,408,053)	(3,727,562)
TOTAL EQUITY		564,707	3,245,198

See also the 'Schedule of Assets and Liabilities by Service'.

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

Statement of Changes in Equity
For the year ending 30 June 2011

	Note	Contributed Equity	Reserves	Accumulated surplus/(deficit)	Total Equity
Balance at 1 July 2009	23	6,972,760	-	(2,995,625)	3,977,135
Changes in accounting policy or correction of prior period errors		-	-	-	-
Restated balance at 1 July 2009		6,972,760	-	(2,995,625)	3,977,135
Total comprehensive income for the year		-	-	(731,937)	(731,937)
Transactions with owners in their capacity as owners					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		-	-	-	-
Balance at 30 June 2010		6,972,760	-	(3,727,562)	3,245,198
Balance at 1 July 2010		6,972,760	-	(3,727,562)	3,245,198
Total comprehensive income for the year:			-	(2,680,491)	(2,680,491)
Transactions with owners in their capacity as owners:					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		-	-	-	-
Balance at 30 June 2011		6,972,760	-	(6,408,053)	564,707

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

Statement of Cash Flows

For the year ending 30 June 2011

	Note	2011 \$	2010 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		27,884,000	27,854,000
Contributions from Confiscation Proceeds Account		4,999,139	2,552,593
Grants and subsidies		212,626	-
Net Cash provided by State Government		<u>33,095,765</u>	<u>30,406,593</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(24,873,517)	(24,219,382)
Supplies and services		(9,367,307)	(8,692,235)
GST payments on purchases		(859,611)	(797,565)
Receipts			
Receipts from services		1,295,493	237,018
GST receipts on sales		9,058	14,881
GST receipts from taxation authority		801,062	806,617
Net cash provided by/(used in) operating activities	24	<u>(32,994,821)</u>	<u>(32,650,666)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current physical assets		(35,204)	(155,324)
Net cash provided by/(used in) investing activities		<u>(35,204)</u>	<u>(155,324)</u>
Net increase/(decrease) in cash and cash equivalents		65,740	(2,399,397)
Cash and cash equivalents at the beginning of period		1,007,322	3,406,719
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	24	<u>1,073,062</u>	<u>1,007,322</u>

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

**Schedule of Income and Expense by Service
FOR THE YEAR ENDED 30 JUNE 2011**

	Criminal Prosecutions		Confiscation of Assets		Total	
	2011	2010	2011	2010	2011	2010
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	23,472,197	22,013,860	2,068,712	2,085,928	25,540,909	24,099,788
Supplies and services	7,076,235	5,971,470	582,028	954,695	7,658,263	6,926,165
Depreciation and amortisation expense	633,201	584,980	52,082	20,563	685,283	605,543
Accommodation expenses	2,716,455	2,455,859	223,431	205,600	2,939,886	2,661,459
Loss on disposal of non-current assets	-	440	-	-	-	440
Other expenses	612,595	682,428	50,387	44,288	662,982	726,716
Total cost of services	34,510,683	31,709,037	2,976,640	3,311,074	37,487,323	35,020,111
Income						
Other revenue	95,726	108,863	-	-	95,726	108,863
Total income other than income from State Government	95,726	108,863	-	-	95,726	108,863
NET COST OF SERVICES	34,414,957	31,600,174	2,976,640	3,311,074	37,391,597	34,911,248
Income from State Government						
Service appropriation	28,255,000	28,243,000	-	-	28,255,000	28,243,000
Contribution from Confiscation Proceeds Account	-	-	4,999,139	4,352,593	4,999,139	4,352,593
Grants and subsidies	212,626	-	-	-	212,626	-
Resources received free of charge	1,244,341	1,583,718	-	-	1,244,341	1,583,718
Total income from State Government	29,711,967	29,826,718	4,999,139	4,352,593	34,711,106	34,179,311
SURPLUS/DEFICIT FOR THE PERIOD	(4,702,990)	(1,773,456)	2,022,499	1,041,519	(2,680,491)	(731,937)

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 2011

	Criminal Prosecutions		Confiscation of Assets		Total	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$
Assets						
Current assets	1,318,068	2,650,623	80,264	161,411	1,398,332	2,812,034
Non-current assets	6,736,534	6,911,198	410,224	420,860	7,146,758	7,332,058
Total assets	8,054,602	9,561,821	490,488	582,271	8,545,090	10,144,092
Liabilities						
Current liabilities	5,773,456	4,773,625	491,824	406,652	6,265,280	5,180,277
Non-current liabilities	1,580,467	1,583,706	134,636	134,911	1,715,103	1,718,617
Total liabilities	7,353,923	6,357,332	626,460	541,563	7,980,383	6,898,894
NET ASSETS	700,679	3,204,489	(135,972)	40,708	564,707	3,245,198

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

Summary of Consolidated Account Appropriations and Income Estimates
For the year ending 30 June 2011

	2011 Estimate \$	2011 Actual \$	Variance \$	2011 Actual \$	2010 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 88 Net amount appropriated to deliver services	25,846,000	25,705,000	(141,000)	25,705,000	25,053,000	652,000
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	2,550,000	2,550,000	0	2,550,000	3,190,000	(640,000)
Total appropriations provided to deliver services	28,396,000	28,255,000	(141,000)	28,255,000	28,243,000	12,000
<u>Capital</u>						
Capital appropriations	-	-	-	-	-	-
<u>Administered Transactions</u>						
Administered Grants and Transfer Payments	100,000	128,244	28,244	128,244	148,254	(20,010)
Total Administered Transactions						
GRAND TOTAL	28,496,000	28,383,244	(112,756)	28,383,244	28,391,254	(8,010)
<u>Details of Expenses by Services</u>						
Criminal Prosecutions	28,988,000	34,510,683	5,522,683	34,510,683	31,709,037	2,801,647
Confiscation of Assets	4,650,000	2,976,640	(1,673,360)	2,976,640	3,311,074	(334,434)
Total Cost of Services	33,638,000	37,487,323	3,849,323	37,487,323	35,020,111	2,467,213
Less total income	(4,700,000)	(5,307,491)	(607,491)	(5,307,491)	(4,461,456)	(846,035)
Net Cost of Services	28,938,000	32,179,832	3,241,832	32,179,832	30,558,655	1,621,178
Adjustments	(542,000)	(3,924,832)	(3,382,832)	(3,924,832)	(2,315,655)	(1,609,178)
Total appropriations provided to deliver services	28,396,000	28,255,000	(141,000)	28,255,000	28,243,000	12,000
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	50,000	35,204	(14,796)	35,204	161,401	(126,197)
Adjustments for other funding sources	(50,000)	(35,204)	14,796	(35,204)	(161,401)	126,197
Capital appropriations	-	-	-	-	-	-
<u>Details of Income Estimates</u>						
Income disclosed as Administered Income	100,000	128,244	28,244	128,244	148,254	(20,010)

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 2011 and between the actual results for 2010 and 2011

Office of the Director of Public Prosecutions

Notes to the Financial Statements

For the year ended 30 June 2011

Note 1. Australian Accounting Standards

General

The Office's financial statements for the year ended 30 June 2011 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes 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 2011.

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 all values are rounded to the nearest dollar.

Note 3 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Office's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses 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.

(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.

(e) Income

Revenue recognition

Revenue is recognised and 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 transactions.

Interest

Interest is recognised as the interest accrues.

Service appropriations

Service Appropriations are recognised as revenues at fair 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 2010-2011 Budget Statements, the Office retained \$95,726 in 2011 (\$108,863 in 2010) from the following:

- executive vehicle scheme;
- 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 service are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Gains

Realised or unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets.

(f) Property, plant and equipment

Capitalisation/expensing of assets

Items of property, 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 property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income *[other than where they form part of a group of similar items which are significant in total]*.

Initial recognition and measurement

Property, plant and equipment are initially recognised at cost.

For items of property, 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 historical cost model is used for plant and equipment. All items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Derecognition

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

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 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or 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 which is reviewed annually) on the straight line basis. 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:

Licenses	3 years
Computer software	3 years

Licenses

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

(h) Impairment of assets

Property, 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 the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

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 the 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.

(h) 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.

(i) Financial instruments

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

- 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.

(j) 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.

(k) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are generally settled within a fortnight of the financial year end. For the current financial year a component of accrued salaries relates to settlement of liability in relation to the Public Services and Government Officers General Agreement 2011(PS GOSAG) pay award. Settlement of this component of accrued salaries is within a month of the financial year end. The Commission 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.

(l) Amounts receivable for services (holding account)

The Office receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(m) 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.

(n) 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 the equivalent to fair value, as settlement is generally within 30 days.

(o) 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

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

Annual leave

The liability for annual 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 liability is settled.

Annual leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as 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.

The provision for annual leave is classified as a current liability as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

Long service leave

The liability for 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 liability is settled.

Long service leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as 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.

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. Conditional long service leave provisions are classified as non-current liabilities because the Office has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

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. The liability is measured on the same basis as annual leave.

Superannuation

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

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

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 Office to GESB extinguishes the Office's obligations to the related superannuation liability.

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 attributable 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.

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 (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 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'.

(p) 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 employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

(q) 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 at fair value. Where the resource received represents a service that the Office would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services are received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(r) Comparative figures

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 preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Office evaluates these judgements regularly.

Note 4. Key sources of estimation uncertainty

Key estimates and assumptions concerning the future 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

Several estimations and assumptions used in calculating the Commission's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. 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 Australia Accounting Standards effective for annual reporting beginning on or after 1 July 2010 that impacted on the Office.

2009-5

Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project. [AASB 5, 8, 101, 107, 118, 136, & 139]

Under amendments to AASB 107, only expenditures that result in a recognised asset are eligible for classification as investing activities in the Statement of Cash Flows. All

investing cashflows reported in the Office's Statement of Cash Flows relate to increases in recognised assets

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 Office. Where applicable, the Office plans to apply these Australian 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 <i>Financial Instruments: Disclosures</i> 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 2009-12	<p><i>Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2,4,16,1039 & 1052]</i></p> <p>This Standards introduces a number of terminology changes. There is no financial impact resulting from the application of this revised Standard.</p>	1 Jan 2011
AASB 1053	<p><i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standards 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 Authority. However this Standard may reduce some note disclosures in the financial statements of the Authority. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.</p>	1 July 2013
AASB 2011-2	<p><i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & 1054].</i></p> <p>This Amending Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to</p>	1 July 2011

achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.

AASB 2010-5 *Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042] (October 2010)* 1 Jan 2011

This Standard introduces a number of terminology changes as well as minor presentation changes to the Notes to the Financial Statements. There is no financial impact resulting from the application of this revised Standard.

AASB 2010-6 *Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]* 1 July 2011

This Standard makes amendments to Australian Accounting Standards, introducing additional presentation and disclosure requirements for Financial Assets.

The Standard is not expected to have any financial impact on the Office. DTF has not yet determined the application of the potential impact of the amendments to these Standards for agencies.

AASB 9 *Financial Instruments* 1 Jan 2013

This Standard supersedes AASB 139 *Financial Instruments: Recognition and Measurement*, introducing a number of changes to accounting treatments.

The Standard was reissued on 6 Dec 2010 and the Department is currently determining the impact of the Standard. DTF has not yet determined the application or the potential impact of the Standard for agencies.

AASB 2010-7 *Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]* 1 Jan 2013

This Amending Standard makes consequential adjustments to other Standards as a result of issuing AASB 9 *Financial Instruments* in December 2010. DTF has not yet determined the application or the potential impact of the Standard for agencies.

AASB 1054 *Australian Additional Disclosures*

This Standard, in conjunction with AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project*, removes disclosure requirements for other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.

1 July 2011

AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Interpretations 2, 112 & 113]*

1 July 2011

This Amending Standard, in conjunction with AASB 1054 *Australian Additional Disclosures*, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.

Note 6. Employee benefits expense

	2011	2010
	\$	\$
Wages and salaries ^(a)	23,007,534	21,867,810
Superannuation - defined contribution plans ^(b)	2,094,929	1,894,003
Other employee related expenses ^(c)	438,446	537,975
	<u>25,540,909</u>	<u>24,099,788</u>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component, leave entitlements including superannuation contribution component

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

(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 expense's'.

Employment on-costs liability is included in note 22 'Provisions'

Note 7. Supplies and Services

	2011	2010
	\$	\$
Communications	237,140	182,031
Consultants and contractors	5,317,587	5,267,975
Consumables	822,827	633,840
Staff travel and accommodation	406,468	326,501
Miscellaneous	874,261	515,718
	<u>7,658,263</u>	<u>6,926,165</u>

Note 8. Depreciation and amortisation expense

	2011	2010
	\$	\$
<u>Depreciation</u>		
Leasehold improvements	372,520	449,783
Computer hardware	50,443	71,507
Office equipment	101,039	80,138
Total depreciation	<u>524,002</u>	<u>601,428</u>
<u>Amortisation</u>		
Intangible assets	161,281	4,115
Total amortisation	<u>161,281</u>	<u>4,115</u>
Total depreciation and amortisation	<u>685,283</u>	<u>605,543</u>

Note 9. Accommodation expenses

	2011	2010
	\$	\$
Building rental operating lease expense	2,939,886	2,661,459
	<u>2,939,886</u>	<u>2,661,459</u>

Note 10. Other expenses

	2011	2010
	\$	\$
Witness expenses	307,759	358,858
Equipment and vehicles operating lease expense	297,530	264,738
Building and equipment repairs and maintenance	49,316	53,337
Other expenses ^(a)	8,377	49,783
	<u>662,982</u>	<u>726,716</u>

(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

	2011	2010
	\$	\$
<u>Cost on disposal of non-current assets</u>		
Office equipment and computers	-	(440)
Net gain/(loss)	<u>-</u>	<u>(440)</u>

Note 12. Other revenue

	2011	2010
	\$	\$
Contributions to motor vehicle scheme	45,410	40,823
Other revenue	50,316	68,040
	<u>95,726</u>	<u>108,863</u>

Note 13. Income from State Government

	2011	2010
	\$	\$
Appropriation received during the year:		
Service appropriations ^(a)	28,255,000	28,243,000
Contributions from Confiscation Proceeds Account ^(b)	4,999,139	4,352,593
Grants and subsidies ^(c)	212,626	-
	<u>33,466,765</u>	<u>32,595,593</u>
Resources received free of charge ^(d)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- Corporate services	1,037,414	1,336,392
- State Solicitor's Office	173,890	58,187
Department of Treasury and Finance		
- Building Management and Works	6,295	162,339
Landgate		
- Valuation services	26,942	26,800
	<u>1,244,341</u>	<u>1,583,718</u>
	<u>34,711,106</u>	<u>34,179,311</u>

(a) Service appropriations fund the net 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) Funding from Western Australia Police for Prosecutors in the Office's Magistrates Court Team for this financial year.

(d) Where assets or services 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. Contribution of assets or services are in the nature of contributions by owners, are recognised direct to entity.

Note 14. Restricted cash and cash equivalents

	2011	2010
	\$	\$
<u>Non-current</u>		
Accrued salaries suspense account ^(a)	479,410	385,631
	<u>479,410</u>	<u>385,631</u>

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

Note 15. Receivables

	2011	2010
	\$	\$
<u>Current</u>		
Receivables	624,754	1,828,182
Allowances for impairment of receivables	-	(3,661)
GST Receivable	107,134	84,692
Total current	<u>731,888</u>	<u>1,909,213</u>

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year	3,661	3,530
Doubtful debts expense	-	3,388
Amounts written off during the year	(3,388)	(3,257)
Miscellaneous Other	(273)	-
Balance at end of year	<u>-</u>	<u>3,661</u>

Note 16. Amounts receivable for services (holding account)

	2011	2010
	\$	\$
Current	50,000	50,000
Non-Current	2,533,000	2,162,000
	<u>2,583,000</u>	<u>2,212,000</u>

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

Note 17. Other assets

	2011	2010
	\$	\$
<u>Current</u>		
Prepayments	22,792	231,130
Total current	22,792	231,130

Note 18. Property, Plant and Equipment

	2011	2010
	\$	\$
<u>Leasehold improvements</u>		
At cost	5,163,600	5,158,600
Accumulated depreciation	(1,785,046)	(1,412,526)
	3,378,554	3,746,074
<u>Computer hardware</u>		
At cost	226,277	191,073
Accumulated depreciation	(156,028)	(105,584)
	70,249	85,489
<u>Office equipment</u>		
At cost	364,436	384,436
Accumulated depreciation	(272,816)	(171,777)
	91,620	192,659
<u>Work in progress</u>		
At Cost	-	741,785
	-	741,785
	3,540,423	4,766,007

Reconciliation

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

Asset Reconciliation

	Leasehold Improvements	Computer hardware ^(a)	Office equipment	Work in progress	Total
2011	\$	\$	\$	\$	\$
Carrying amount at start of year	3,746,074	85,489	192,659	741,785	4,766,007
Transferred to Assets	5,000	-	-	(5,000)	-
Transferred to Intangible Assets	-	-	-	(738,785)	(738,785)
Additions	-	35,204	-	-	35,204
Disposals	-	-	-	-	-
Depreciation	(372,520)	(50,443)	(101,039)	-	(524,002)
Carrying amount at end of year	3,378,554	70,250	91,620	-	3,540,424

	Leasehold Improvements	Computer hardware	Office equipment	Work in progress	Total
2010	\$	\$	\$	\$	\$
Carrying amount at start of year	4,098,280	100,368	239,037	788,566	5,224,251
Transferred to Assets	-	45,703	-	(45,703)	-
Classified as Expense	-	-	-	(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

Note 19. Intangible assets

	2011	2010
	\$	\$
<u>Licences</u>		
At cost	11,699	11,699
Accumulated amortisation	(4,875)	(975)
	<u>6,824</u>	<u>10,724</u>
<u>Computer Software</u>		
At cost	747,994	11,209
Accumulated amortisation	(160,893)	(3,513)
	<u>587,101</u>	<u>7,696</u>
Total Intangible assets	<u>593,925</u>	<u>18,420</u>

Reconciliations:

	2011	2010
<u>Licences</u>		
Carrying amount at start of year	10,724	-
Additions		11,699
Transferred to Assets		
Amortisation	(3,900)	(975)
Carrying amount at end of year	<u>6,824</u>	<u>10,724</u>
<u>Computer software</u>		
Carrying amount at start of year	7,696	10,835
Additions	738,785	-
Transferred to Assets		
Amortisation	(157,381)	(3,140)
Carrying amount at end of year	<u>587,100</u>	<u>7,696</u>

Note 20. Impairment of assets

There were no indications of impairment to property, plant and equipment, and intangible assets at 30 June 2011

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 2011 have either been classified as assets held for sale or written-off.

Note 21. Payables

	2011	2010
	\$	\$
Current		
Trade payables	289,280	117,792
Accrued expenses	1,045,990	803,381
Accrued salaries and wages	643,522	340,753
Total current	1,978,792	1,261,926

Note 22. Provisions

	2011	2010
	\$	\$
Current		
<i>Employee benefits provision</i>		
Annual leave ^(a)	1,999,422	1,701,881
Long service leave ^(b)	2,275,204	2,212,827
Purchased leave	7,929	-
	4,282,555	3,914,708
<i>Other provisions</i>		
Employment on-costs ^(c)	3,933	3,643
	3,933	3,643
	4,286,488	3,918,351

Non-current

<i>Employee benefits provision</i>		
Long service leave ^(b)	1,713,529	1,687,464
Purchased leave	-	29,566
	1,713,529	1,717,030

Other provisions

Employment on-costs ^(c)	1,574	1,587
	1,574	1,587
	1,715,103	1,718,617

(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

	2011	2010
	\$	\$
Within 12 months of balance sheet date	1,334,007	1,158,912
More than 12 months after balance sheet date	665,415	542,969
	1,999,422	1,701,881

(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:

	2011	2010
	\$	\$
Within 12 months of balance sheet date	832,998	1,378,123
More than 12 months after balance sheet date	3,155,737	2,522,188
	<u>3,988,733</u>	<u>3,900,291</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

2011	2010
\$	\$

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	5,230	5,600
Payments/other sacrifices of economic benefits	277	(370)
Carrying amount at end of year	<u>5,507</u>	<u>5,230</u>

Note 23. Equity

The Government holds the equity interest in the Commission on behalf of the community. Equity represents the residual interest in the net assets of the Commission. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets

Contributed Equity

	2011	2010
	\$	\$
Balance at start of period	6,972,760	6,972,760
<u>Contributions by owners</u>		
Capital appropriation	-	-
Total contributions by owners	<u>-</u>	<u>-</u>
Balance At End Of Period	<u>6,972,760</u>	<u>6,972,760</u>

Accumulated surplus/(deficit)

	2011	2010
	\$	\$
Balance at start of year	(3,727,562)	(2,995,625)
Result for the period	(2,880,491)	(731,937)
Balance at end of year	<u>(6,408,053)</u>	<u>(3,727,562)</u>
Total Equity at end of period	<u>564,707</u>	<u>3,245,198</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

	2011	2010
	\$	\$
Cash advances	2,000	2,000
Cash and cash equivalents	581,652	619,691
Restricted cash and cash equivalents	479,410	385,631
	<u>1,073,062</u>	<u>1,007,322</u>

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

	2011	2010
	\$	\$
Net cost of services	(37,391,597)	(34,911,248)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	665,283	605,543
Other expenses	(3,861)	3,388
Resources received free of charge	1,244,341	1,583,718
Net (gain)/loss on sale of property, plant and equipment	-	440
<u>(Increase)/decrease in assets:</u>		
Current receivables ^(a)	1,203,428	128,155
Other current assets	208,338	(205,129)
<u>Increase/(decrease) in liabilities:</u>		
Current payables	716,866	516,044
Current provisions	368,137	(427,831)
Non-current provisions	(3,514)	42,371
Net GST receipts/(payments) ^(b)	49,491	23,937
Change in GST in receivables/payables ^(c)	(71,933)	(10,254)
Net cash provided by/(used in) operating activities	<u>(32,994,821)</u>	<u>(32,650,666)</u>

(a) 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

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

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

Note 25. Commitments

The commitments below are inclusive of GST where relevant

Non-cancellable operating lease commitments

	2011	2010
	\$	\$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	1,926,874	1,590,691
Later than 1 year and not later than 5 years	7,075,268	5,159,556
Later than 5 years	6,931,665	4,814,908
	<u>15,933,807</u>	<u>11,565,155</u>

Representing:

Non-cancellable operating lease - accommodation	15,596,246	11,309,499
Non-cancellable operating lease - motor vehicles	337,561	255,656
	<u>15,933,807</u>	<u>11,565,155</u>

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.

The motor vehicle lease is a non-cancellable lease with a three year term, with lease payments monthly. New vehicle leases are negotiated at the end of this period, the number of the vehicle leases being subject to the Commission's operational needs.

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 actuals results for 2010 and 2011

	2011 \$	2010 \$	Variance \$
Total Income	5,307,491	4,461,456	846,035

Variation related to a payment for confiscation funding from the Department of the Attorney General for the financial year 2009-10, received in 2010-11.

Service expenditureSignificant variances between estimate and actual for 2011

	2011 Estimate \$	2011 Actual \$	Variance \$
Criminal Prosecutions	28,988,000	34,510,683	5,522,683
Confiscation of Assets	4,650,000	2,976,640	(1,673,360)

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 area of professional services (including transcription costs with the adopted of new court procedures), and extra costs related to car bay rental.

Significant variances between actual results for 2010 and 2011

	2011 \$	2010 \$	Variance \$
Criminal Prosecutions	34,510,683	31,709,037	2,801,647
Confiscation of Assets	2,976,640	3,311,074	(334,434)

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.

Total administered transactionsSignificant variances between estimate and actual for 2011

	2011 Estimate \$	2011 Actual \$	Variance \$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	100,000	128,244	(28,244)

Significant variances between actual results for 2010 and 2011

	2011 \$	2010 \$	Variance \$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	128,244	148,254	(20,010)

Administered IncomeSignificant variances between estimate and actual for 2011

	2011 Estimate	2011 Actual	Variance
	\$	\$	\$
Proceeds of Crime (Misuse of Drugs Act 1981)	100,000	128,244	(28,244)

Significant variances between actuals results for 2010 and 2011

	2011	2010	Variance
	\$	\$	\$
Proceeds of Crime (Misuse of Drugs Act 1981)	128,244	148,254	(20,010)

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, and 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 receivable for services (holding account). For receivables other than government, the Office trades only with recognised, creditworthy third parties. The Office has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an 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.

Other than as detailed in the Interest rate sensitivity analysis table at Note 28(c), the Office is not exposed to interest rate risk because all other cash and cash equivalents and restricted cash are non-interest bearing, and the Office has no borrowings.

(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:

	2011 \$	2010 \$
<u>Financial Assets</u>		
Cash and cash equivalents	593,652	621,691
Restricted cash and cash equivalents	479,410	385,631
Loans and receivables ^(a)	3,207,754	4,036,521
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	1,978,792	1,261,926

(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 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.

Interest rate exposures and ageing analysis of financial assets ^(a)										
Weighted Average Effective Interest Rate %	Carrying Amount \$	Interest rate exposure			Past due but not impaired					Impaired financial assets \$
		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>										
2011										
Cash and cash equivalents	593,652	-	-	593,652	-	-	-	-	-	-
Restricted cash and cash equivalent	479,410	-	-	479,410	-	-	-	-	-	-
Loans and receivables ^(a)	624,754	-	-	624,754	583,265	41,489	-	-	-	-
Amounts receivable for services	2,583,000	-	-	2,583,000	-	-	-	-	-	-
	4,280,816	-	-	4,280,816	583,265	41,489	-	-	-	-
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	-	-	-	-

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



The following table details the contractual maturity analysis for financial liabilities. The table includes both interest and principal cash flows. An adjustment has been made where material

Interest rate exposure and maturity analysis of financial liabilities^(a)

Weighted Average Effective Interest rate %	Carrying Amount \$	Interest rate exposure					Maturity Dates				
		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 \$	More than 5 years
<u>Financial Liabilities</u>											
2011											
Payables	1,978,792	-	-	1,978,792	-	-	1,978,792	-	-	-	-
	1,978,792	-	-	1,978,792	-	-	1,978,792	-	-	-	-
2010											
Payables	1,261,926	-	-	1,261,926	-	-	1,261,926	-	-	-	-
	1,261,926	-	-	1,261,926	-	-	1,261,926	-	-	-	-

(a) The amount disclosed are the contractual undiscounted cash flows of each class of financial liabilities at the end of the reporting period

Notes to the Financial Statements

For the year ending 30 June 2011

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:

	2011	2010
\$		
40,001 - 50,000		1
60,001 - 70,000	1	
120,001 - 130,000	1	
130,001 - 140,000		1
150,001 - 160,000		1
190,001 - 200,000		1
220,001 - 230,000	1	1
230,001 - 240,000		1
240,001 - 250,000		1
250,001 - 260,000		1
260,001 - 270,000		1
270,001 - 280,000	1	
280,001 - 290,000	1	
300,001 - 310,000	1	
340,001 - 350,000	1	
360,001 - 370,000		1
400,001 - 410,000	1	
420,001 - 430,000	1	
450,001 - 460,000		1
	\$	\$
Total remuneration of senior officers	2,463,227	2,585,717

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:

	2011	2010
	\$	\$
Auditing the accounts, financial statements and performance indicators	26,900	26,900

Notes to the Financial Statements

For the year ending 30 June 2011

Note 31. Supplementary financial information

(a) Write-offs

During the financial year bad debts totalling \$6,450 (2010: \$3,257) were written off, under the Authority of the accountable authority

Note 32. Disclosure of administered income and expenses by service

	Confiscation of Assets	
	2011	2010
	\$	\$
COST OF SERVICES		
<u>Expenses</u>		
Transfer payments	128,244	148,254
Total administered expenses	128,244	148,254
Income		
For transfer:		
Misuse of Drugs Act	128,244	148,254
Total administered Income	128,244	148,254

Note 33. Administered assets and liabilities

	2011	2010
	\$	\$
<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 \$14 million exists

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