



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

2011/2012 Annual Report

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CONTACT DETAILS

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

PUBLICATIONS

The following publications are available from the ODPP:

GENERAL INFORMATION:

Annual Report to Parliament for each financial year since 1992/1993
Reconciliation Action Plan 2008 – 2010
Disability Access and Inclusion Plan 2007 – 2012
Statement of Prosecution Policy and Guidelines 2005

BROCHURES:

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

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 means outlined above.

This report can be made available in alternative formats on request.

GLOSSARY OF TERMS

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 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 start 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 after an Appeal is heard.
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 2012.

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

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

JOSEPH MCGRATH SC

Director of Public Prosecutions
Chief Executive Officer
Accountable Authority

PART 1 OVERVIEW

EXECUTIVE SUMMARY: FROM THE DIRECTOR

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

There are enormous challenges for a prosecution office in the modern criminal justice system. I am committed to creating a modern and effective ODPP that delivers a high quality prosecution service to the community. At the heart of the ODPP are the people, both in the prosecution teams and the corporate services team, who work tirelessly as one team to provide that professional and effective prosecution service.

Therefore, throughout the year the ODPP has continued to have a first class training programme with a diversity of courses. The training, coupled with extensive work being undertaken on the harnessing the legal knowledge base, will assist in ensuring that the ODPP team is a first class prosecution service.

The ODPP has continued its leadership role in proposing strategies to improve the criminal justice system. Throughout the year the ODPP has contributed to requests from stakeholders to engage in the consultation process. 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 making proposals to stakeholders to improve the criminal justice system.

I stated last year that I wished to focus over the next year on reforming the policies and procedures of the ODPP. The Justware system which 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 is now working effectively. The ODPP IT Team has been working hard in improving Justware and all aspects of the ODPP's IT needs. The ODPP IT Team at the Law Tech Awards was awarded the Best Practice in Knowledge Management for work undertaken on electronic management of transcriptions.

The ODPP has now comprehensively redeveloped the intranet with the result that improves 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 in the ODPP.

The confiscations area of the ODPP has this financial year paid \$7.52 million into the Confiscations Proceeds Account under the Criminal *Property Confiscation Act* 2000. This is an increase on the amount paid into the fund last year. The level is not at the point of historical highs. However, a number of factors significantly impact on the figures and in particular, the number of persons who commit offences that generates the drug trafficker declarations and the assets actually held by the traffickers. Recent experience has shown that the events such as the global financial crisis affect both the value of property when confiscated and the equity that a person may hold in the property.

Since the commencement of that confiscation legislation in January 2000 over \$60 million has been paid into the Confiscations Proceeds Account. This reflects the dedication and hard work of the ODPP Confiscations Team.

The work levels continue to increase for the ODPP. For example, there was a marked increase in both the number of trials listed before the President of Children's Court (up 36.2%) and the number of trials proceeding (up 73%). Lengthy and complex trials are particularly demanding on the resources of the ODPP. Lengthy trials require not only substantial amounts of time to be spent in court, but they also require the allocation of small teams of counsel and support staff and involve significant pre-trial preparation. This year the ODPP was required to manage a number of lengthy and complex trials including several complex murder trials (one with a duration of 46 days) and significant drug trials (including one requiring 52 court sitting days).

The ODPP had no directed acquittals out of 842 listed trials resulting in 100 per cent of matters being found to have a case to answer. This figure demonstrates that ODPP prosecutors are well trained lawyers diligently preparing for trials and exercising the prosecutorial discretion appropriately.

The conviction rate after trial remained high with the ODPP securing convictions after trial in 69.3% 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. I note that in 2010 the conviction rate after trial was 58%. The improvement has been achieved in a two year period through the implementation of early and effective case management and by the ODPP exercising the prosecutorial discretion appropriately and thoroughly preparing matters for trial.

The Court of Appeal work continues to grow expeditiously in Western Australia. I noted in last year's Annual Report that there was a significant increase of 26.6% in the overall number of appeals managed by the ODPP. This year there has been another dramatic increase of 25.6% in the number of Court of Appeal cases managed by the ODPP. This has put the ODPP under significant resourcing pressure.

The year has seen the development of an expanded ODPP appeals team that is working to ensure that focused attention is given to the preparation of appeals. The initiative has been very successful. The appeals team has lifted the burden from very busy trial lawyers trying to complete submissions in between (and often during) appearing in trials.

The appeals team has also taken a lead in the management of legal knowledge by publishing an appeals manual that has proven to be an important legal source for all prosecutors. My aim over the next two years is to consolidate the strong appeals team that is seeking to achieve excellence in the ODPP practice.

The continued growth in the ODPP work under *Dangerous Sexual Offenders Act 2006* continues to put pressure on the ODPP resources. The legislation aims to ensure 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. By 2012 the number of offenders subject to ongoing orders has reached 32. Unlike prosecutions the DSO matters do not end with the granting of the order rather a great deal 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 ODPP continues to achieve a workplace of diversity. 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, 56% of ODPP legal staff are female. Significantly, of the prosecutor positions regarded as most senior – that is positions at Senior State Prosecutor Class3/Level 6LG or above – 46% 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 Mr William Yoo who was awarded Young Lawyer of the Year in the practice of Criminal Law. The award was a richly deserved recognition of both William's outstanding service and also to all members of the ODPP Children's Court Team of which William is a part.

I wish to take this opportunity to thank all staff members for their outstanding work and contribution to the ODPP. I am very keen to create an Office with a workplace culture of openness, friendliness and that works together as one team. I am grateful to be able to work alongside dedicated staff.

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 the following 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 SC, reports to the WA Attorney General, the Hon. Michael Mischin MLC.

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

Consultant State Prosecutors

Reporting to the Deputy Director of Public Prosecutions, these are the most experienced prosecutors in the Office and are allocated the conduct of the most complex legal matters. The five Consultant State Prosecutors are authorised to approve substantive discontinuances of whole cases 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 Prosecution 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 help 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 all 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

The Appeals Team was considerably expanded in 2011/2012. Headed by a Consultant State Prosecutor and comprising prosecutors and support staff, the team manages all aspects of the ODPP's appellate practice, particularly all appeals brought by an accused or the State in the Court of Appeal.

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 three 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.

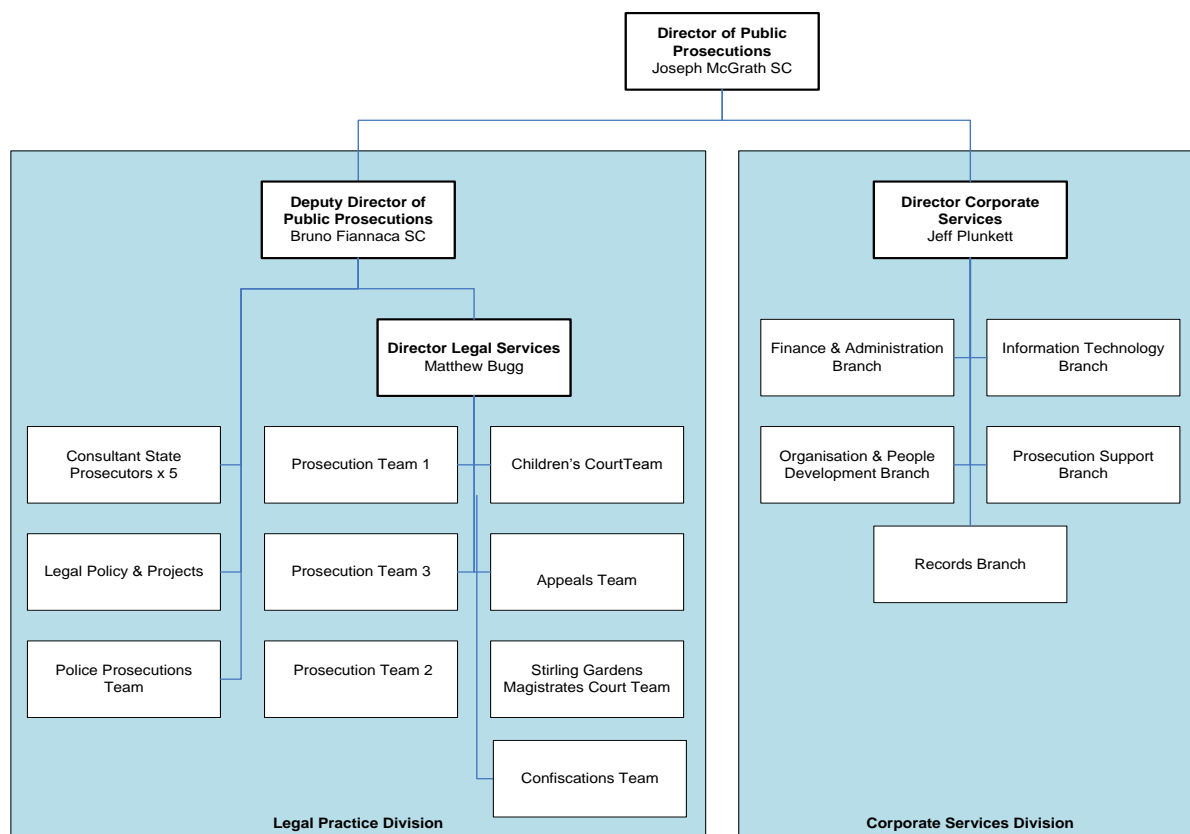
Legal Policy & Projects

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, including providing advice to the Attorney General 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 includes a Prosecution Support branch which plays an important role in the allocation of cases to the Prosecution 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 2012



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. (Target 85%)	Percentage of new cases committed to the District and Supreme Courts where an indictment is filed within 90 days from the date of committal.
2. Establishing a case to answer. (Target 98%)	Percentage of proceeded trials where the outcome was determined by a jury or judge alone 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. (Target 50%)	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. (Target 60%)	Percentage of applications for a Declaration of Confiscation filed within four months of the Drug Trafficker Declaration.
KEY EFFICIENCY INDICATORS	MEASUREMENT PARAMETERS
Service 1 - Criminal Prosecutions	
1. Cost per prosecution. (Target \$14,500)	The raw average cost per matter, expressed as the total cost of service of 'criminal prosecutions' divided by the number of new committals received.
Service 2 - Confiscation of Assets	
2. Ratio of Cost to Return. (Target 25%)	Calculated using the total cost of service of 'confiscation of assets' divided by the payments made to the Confiscation Proceeds Account for the same year, 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 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 may file a Prosecution Notice with the court and bring 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 ordinarily would eventually be heard by the Supreme Court. These charges include armed robberies, criminal damage by fire and homicides. However, the ODPP's early intervention in these matters will save many matters being committed to the Supreme Court.

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 to be 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 offenders, who become Drug Court participants, 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 for entry to the program, his or her suitability to be on the Drug Court program, and progress if accepted to 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 either the District or Supreme Court.

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 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 defended cases are resolved before the trial, often with the accused pleading guilty.

'Fast Track' Guilty Pleas

While a case involving an indictable offence is still in the Magistrates Court, an accused may indicate his or her intention to plead guilty and be committed to - the District or Supreme 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

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 appeal 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.

High Court Appeal

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 which deal with accused who are alleged to have committed offences while aged between 10 and 18 years of age. The most serious offences are dealt with before the President of the Children's Court and the remaining cases are heard by Children's Court Magistrates.

As a result of an agreement between the Courts and the Attorney General in 2003, the ODPP took over the conduct of all matters before the President of the Children's Court. A further agreement between WA Police and the ODPP in 2006

saw the ODPP assume responsibility for the prosecution of all criminal matters in the Perth Children' Court.

Service 2 Confiscation of Assets

The *Criminal Property Confiscation Act 2000 (Confiscation Act)* has been in operation for more than 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 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 a person:

- Whose wealth has not been lawfully acquired.
- Whose property was acquired, directly or indirectly, through criminal activity.
- Who is declared to be a drug trafficker.
- 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

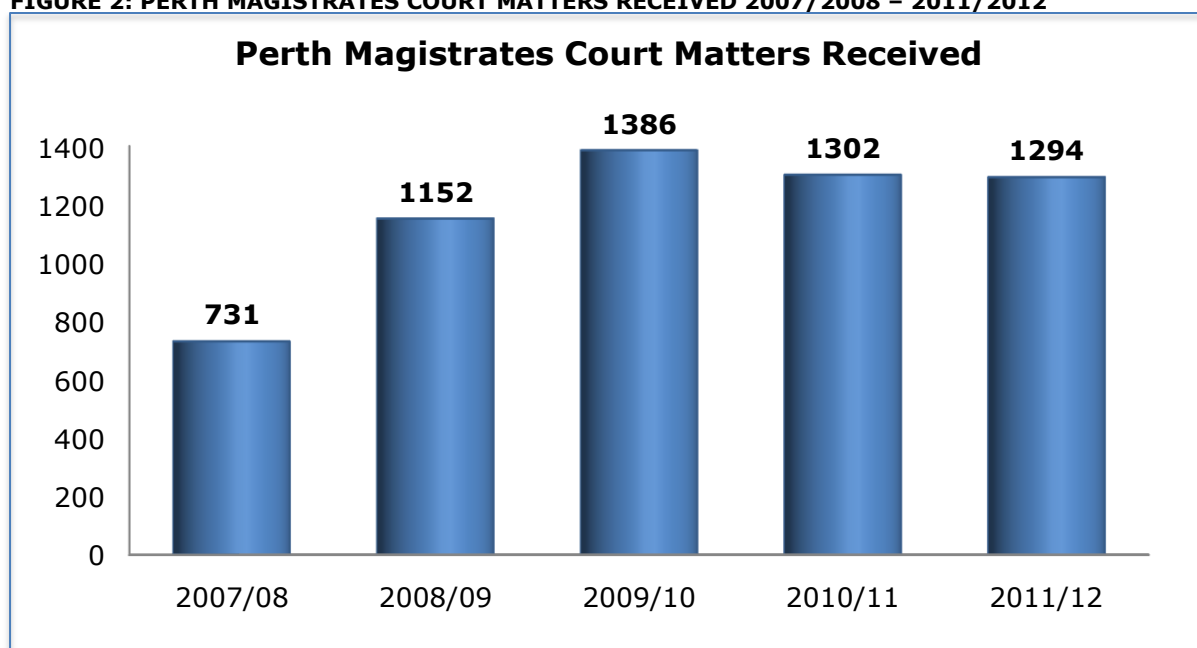
CRIMINAL PROSECUTIONS

Perth Magistrates Court

In 2011/2012 the number of criminal cases managed by ODPP prosecutors in the Magistrates Court before committal remained very similar to the previous year. The ODPP's involvement at this early stage is critical in permitting closer scrutiny of matters prior to committal.

The table below illustrates the number of pre-committal matters managed by the ODPP in the Perth Magistrates Court in each of the past five years. The increase from 2008/2009 is attributed to a change in process whereby matters originally dealt with in metropolitan Magistrates Courts at the pre-committal stage were centralised to the Perth Magistrates Court and placed under ODPP management.

FIGURE 2: PERTH MAGISTRATES COURT MATTERS RECEIVED 2007/2008 – 2011/2012



Stirling Gardens Magistrates Court

The Stirling Gardens Magistrates Court Team continues to efficiently manage matters that are likely to be committed to the Supreme Court. In addition the Team also reviews and negotiates matters that may be more appropriately dealt with in another jurisdiction.

The number of cases managed by the Stirling Gardens Magistrates Court remained constant in 2011/2012 during what was the fourth full year of the existence of this relatively new Court.

Of the 203 managed cases, 21 were either dealt with directly within the Stirling Gardens Magistrates Court or were referred to the Magistrates Court for determination. A further 17 matters were committed to the District Court. Therefore these 38 matters did not require the attention of the Supreme Court.

There were 165 matters committed to the Supreme Court, of which 114 (or 69 per cent) were committed for sentence following a plea of guilty in the Stirling Gardens Magistrates Court; while a further 51 matters (31 per cent) were committed for trial.

The operation of the Stirling Gardens Magistrates Court continues to ensure the better utilisation of the limited resources available in the criminal justice system.

TABLE 1: CASE OUTCOMES STIRLING GARDENS MAGISTRATES COURT 2007/2008 TO 2011/2012

STIRLING GARDENS CASES	2007/08	2008/09	2009/10	2010/11	2011/12
CASES CONCLUDED IN SGMC	19	21	28	20	16
CASES REMANDED TO MAGISTRATES COURT	31	21	23	19	5
CONCLUDED CASES	50	42	51	39	21
COMMITTED TO DISTRICT COURT	12	17	15	31	17
COMMITTED TO SUPREME COURT	104	143	116	136	165
COMMITTED CASES	116	160	131	167	182
TOTAL CASES	166	202	182	206	203

District and Supreme Courts

Committals

The basic unit of measurement of the workload of the ODPP is the number of matters received from the Magistrates Court by way of committal to the District or Supreme Court for trial or sentence. The following graph shows that the number of matters committed has remained reasonably constant from 2009/2010 to 2011/2012.

FIGURE 4: DISTRICT and SUPREME COURT COMMITTALS 2007/2008 – 2011/2012

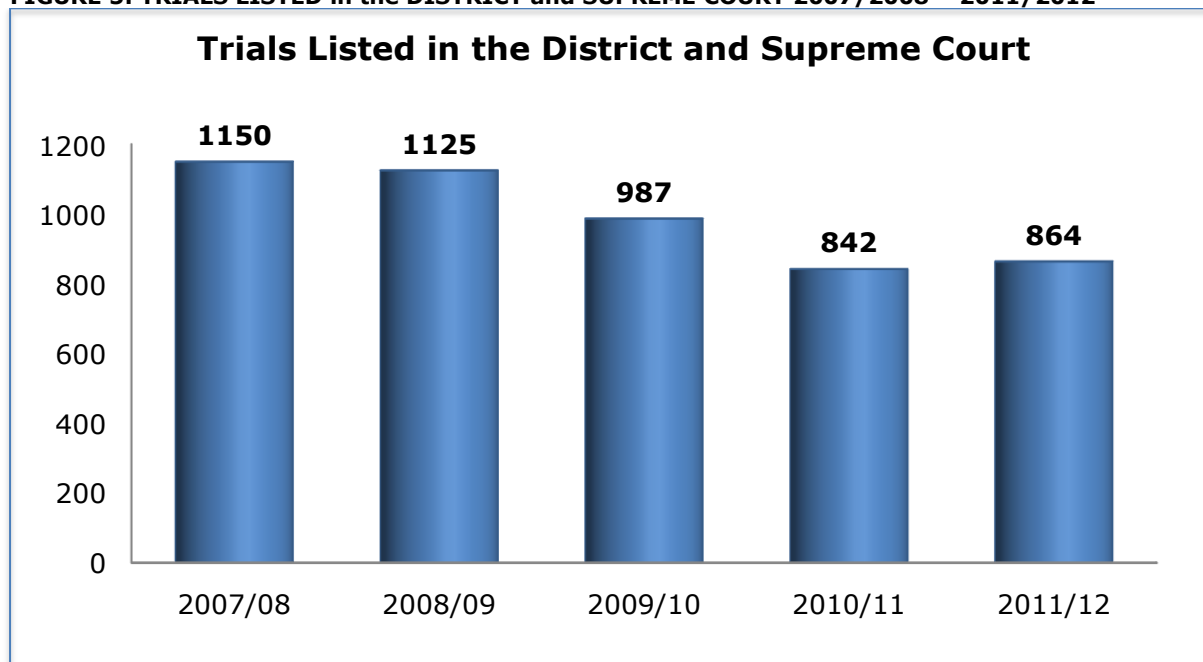


Trials Listed - District and Supreme Court

Trials listed in the District and Supreme Courts consume significant proportion of the ODPP's resources as the pre-trial preparation process is intensive for prosecutors and support staff alike.

The table below confirms a slight increase in the number of listed trials in 2011/2012 - up by 22 (or +2.6 per cent) on the previous year. Before this, the number of listed trials had been declining since 2007/2008 and to an extent that could be attributed to the ODPP's strategies of early intervention.

FIGURE 5: TRIALS LISTED in the DISTRICT and SUPREME COURT 2007/2008 – 2011/2012



Listed Trial Outcomes - District and Supreme Court

A significant number of matters listed for trial will not ultimately proceed to trial before a Jury or Judge alone. The reasons for trials not proceeding are varied and include the accused pleading guilty leading up to the trial, the prosecution discontinuing the matter, court resources not being available or issues arising from the unavailability of witnesses or the accused. These are common themes in all jurisdictions across Australia and overseas.

Approximately 51 per cent of listed trials did not proceed to trial in 2011/2012, a slight decrease from 54 per cent in 2010/2011. However, the cancellation of a 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 2011/2012 approximately 90 per cent involved some degree of advance notice to the Court. While some late adjournments are always inevitable, the ODPP works hard to ensure that very few last-minute trial adjournments are attributable to factors within its control.

Consistent with the increase in the number of trials listed in 2011/2012, the number of cases actually proceeding to trial also increased – up by 38 trials (or +9.7 per cent) on the previous year. This reversed the trend of declining trials proceeding in recent years. Given the significant resources required for a criminal trial to proceed in the superior courts, an increase of this magnitude does have significant resource implications to all stakeholders in the criminal justice system.

Notwithstanding these increases in 2011/2012, the ODPP remains committed to initiatives that avoid, where possible, a case proceeding to trial and working with the wider criminal justice system toward the speedy resolution of matters.

Of the 429 trials that did proceed in 2011/2012, 389 trials delivered a definitive outcome in the form of a conviction or an acquittal, with 69 per cent of accused people put on trial being convicted. This reflects very sound ODPP pre-trial assessments. Generally the matters not definitively concluded will require a further trial.

TABLE 6: TRIAL OUTCOMES in the DISTRICT and SUPREME COURT 2007/2008 – 2011/2012

TRIALS	2007/08	2008/09	2009/10	2010/11	2011/12
TRIALS LISTED	1150	1125	987	842	864
TRIALS PROCEEDING	547	482	438	391	429
%TRIALS PROCEEDING	48%	43%	44%	46%	49%
CONVICTIONS	301	270	233	223	270
ACQUITTALS	190	169	168	145	119
HUNG JURY MISTRIAL OR OTHER	56	43	37	23	40
CONVICTION RATE AFTER TRIAL	61.3%	61.5%	58.1%	60.6%	69.4%

Trial Durations - District and Supreme Court

Criminal trials prosecuted by the ODPP vary considerably in length, depending on a range of factors including the nature, number and complexity of the charges brought against the accused, the number of accused involved in the trial, the nature of the evidence presented and the number of State and defence witnesses.

In 2011/2012 the average duration of trials heard in the District and Supreme Court where the ODPP prosecuted was 3.7 days. This was up slightly from the 3.5 day average experienced in the previous year.

Lengthy and complex criminal trials are particularly demanding on the resources of the ODPP and the wider criminal justice system. Lengthy trials require not only substantial amounts of time to be spent in court, but they also require the allocation of small teams of counsel and support staff and involve significant pre-trial preparation time. In 2011/2012 the ODPP was required to manage a number of lengthy and complex trials including several complex murder trials (one with a trial duration of 46 days) and significant drug trials (including one requiring 52 court sitting days).

CHILDREN'S COURT

Cases Before Magistrates

During 2011/2012 the ODPP Children's Court team managed nearly 3,000 cases which originated in the Children's Magistrate Court at Perth. This was down slightly on the previous year, as is illustrated below. In addition to these matters the ODPP Children's Court team was also responsible for some other matters referred to the Perth Court from regional and outer metropolitan courts.

TABLE 7: NEW CHILDREN'S COURT MAGISTRATES CASES 2007/2008 – 2011/2012

MAGISTRATES COURT CASES	2007/08	2008/09	2009/10	2010/11	2011/12
CASES (INC BENCH WARRANTS & BREACHES)	3,282	3,770	3,649	3,488	2,979

Note: Data provided by the Perth Children's Court.

Cases Before the President

The more serious criminal offences brought against children are heard before the President of the Children's Court. As with the District and Supreme Court, 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 originally charged by the Police.

The table below shows the number of cases received by the ODPP for prosecution before the President of the 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 matters that were previously referred to the President for sentence or trial are now dealt with by a Magistrate. This is reflected in the decline in new matters in 2008/2009.

TABLE 8: RECEIVED CHILDREN'S COURT PRESIDENT CASES 2007/2008 – 2011/2012

CASES RECEIVED	2007/08	2008/09	2009/10	2010/11	2011/12
CASES	375	215	252	263	192

Trials Before the President of the Children's Court

Where an accused pleads not guilty to a serious offence, the case will proceed to a trial before the President of the Court. Generally, similar processes apply as to trials in District or Supreme Courts, with the notable difference that there is no jury involvement.

In 2011/2012 there was a marked increase in both the number of trials listed before the President of the Court (up 17 or +36.2 per cent) and the number of trials proceeding (up 14 or +73.6 per cent). This increase reflects the greater number of sexual and serious assault matters coming before the court where there is a greater propensity for accused children to defend the charges.

TABLE 9: CHILDREN'S COURT PRESIDENT TRIAL OUTCOMES 2007/2008 – 2011/2012

TRIALS	2007/08	2008/09	2009/10	2010/11	2011/12
TRIALS LISTED	76	70	51	47	64
TRIALS PROCEEDING	9	6	10	19	33
%TRIALS PROCEEDING	12%	8%	20%	40%	51%
CONVICTIONS	5	4	5	11	24
ACQUITTALS	4	2	5	8	9
TRIALS NOT PROCEEDING	67	64	41	28	31
CONVICTION RATE AFTER TRIAL	55.5%	66.6%	50.0%	57.8%	72.7%

APPEALS

During 2011/2012 the ODPP's Appeals Team structure was expanded with the aim of taking on the management of most, if not all, of the appellate work within the ODPP. The key goal of this expansion was to better manage this critical part of the ODPP's legal practice and to provide improved assistance to the Court of Appeal. A flow-on benefit was to relieve busy trial team prosecutors, as much as possible, from having to manage appeal files and thus allow them to concentrate on preparing for and conducting prosecutions. Several prosecutors from within the ODPP were allocated to the Appeals Team to specifically deal with appeals and to meet the pronounced workload increases in this area. Virtually all sentence appeals and about 90 per cent of conviction appeals are now managed by the Appeals Team.

The ODPP manages three broad types of Appeal, as described below. Whilst there was a small increase in the number of Single Judge Appeals from 2010/2011 and the number of High Court appeals remained steady, there was another dramatic increase (+25.6 per cent) in the number of Court of Appeal cases managed by the ODPP. This follows a 26.6 per cent increase in this area in 2010/2011. The expansion of the team was therefore timely to meet these increases.

Single Judge Appeals

Single Judge Appeals arise from cases prosecuted in the Magistrates Court where the offence is one that could have been dealt with on indictment. These matters are generally prosecuted in the Magistrates Court by the WA Police; however, the ODPP takes responsibility for the Appeal. The number and type of Single Judge Appeals received over the past five years is illustrated below, with an 11.8 per cent increase experienced in 2011/2012.

TABLE 10: SINGLE JUDGE APPEAL CASES 2007/2008 - 2011/2012

SINGLE JUDGE APPEALS		2007/08	2008/09	2009/10	2010/11	2011/12
STATE	ACQUITTAL	0	0	0	0	0
	SENTENCE	0	0	1	0	0
	OTHER	4	4	0	0	0
	TOTAL	4	4	1	0	0
ACCUSED	ACQUITTAL	5	15	12	24	23
	SENTENCE	11	21	26	23	26
	OTHER	6	1	1	4	8
	TOTAL	22	37	39	51	57
TOTAL APPEALS		26	41	40	51	57

Court of Appeal

Court of Appeal cases arise from matters the ODPP has prosecuted in the District or Supreme Court. Generally, appeals may be lodged against a conviction or sentence.

The table below shows the number of Court of Appeal cases the ODPP has either initiated as the Appellant or has responded to as the Respondent over the past five years. The table particularly highlights the substantial increase in the number of appeals managed by the ODPP in 2011/2012 comparative to the previous year, resulting in significant workload pressures. The table also confirms that the vast majority of Court of Appeal matters are initiated by the accused.

TABLE 11: COURT of APPEAL CASES 2007/2008 - 2011/2012

COURT OF APPEAL		2007/08	2008/09	2009/10	2010/11	2011/12
STATE	ACQUITTAL	0	0	1	0	0
	SENTENCE	15	9	11	6	14
	OTHER	0	1	3	2	1
	TOTAL	15	10	15	8	15
ACCUSED	ACQUITTAL	57	60	53	60	78
	SENTENCE	69	91	72	113	140
	OTHER	6	5	14	14	12
	TOTAL	132	156	139	187	230
TOTAL APPEALS		147	166	154	195	245

Appeal to the High Court

High Court appeals arise from cases heard in the Court of Appeal where one of the parties, but usually the accused, applies for leave to appeal a decision made by the Court of Appeal.

The table below shows a consistency in the number of High Court appeal cases where the ODPP has been involved as Respondent to appeals commenced by accused people over the past five years. The State, through the ODPP, has not initiated any High Court appeals during this period.

TABLE 12: HIGH COURT APPEAL CASES 2007/2008 - 2011/2012

HIGH COURT	2007/08	2008/09	2009/10	2010/11	2011/12
ACCUSED APPEALS	14	3	10	14	10

EXTRADITIONS

Each year the ODPP receives a number of applications requesting that an accused be returned to Western Australia. These applications are known as Extraditions. Extraditions are applied for when an accused person leaves Western Australia before they can be charged for the alleged offence and in some cases when an accused who has already been convicted has escaped legal custody.

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.

In 2011/2012, 23 applications were received by the ODPP, with 18 applications approved. This is a decrease on the number of approval of applications in 2010/2011.

TABLE 13: APPROVED EXTRADITIONS 2007/2008 - 2011/2012

EXTRADITION REQUESTS APPROVED	2007/08	2008/09	2009/10	2010/11	2011/12
TOTAL	21	28	45	22	18

DANGEROUS 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 otherwise 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 2011/2012, 14 offenders were already the subject of continuing detention orders (CDO) under the Act, while 16 further offenders were already the subject of supervision orders (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 their detention reviewed in 2011/2012, with the remaining offender not due a review until late 2012 due to an intervening sentence of imprisonment for a 'historical' sexual offence. Of the 13 offenders due for review, in nine cases detention was continued on review. In a further three cases a supervision order was made. The remaining one review was part-heard at the end of the reporting period, with detention continued on completion of the review in July 2012.

Of the sixteen offenders on supervision orders at the start of 2011/2012, two offenders were at that time in custody on remand. The first of these, remanded in custody with respect to an alleged offence committed prior to the finalisation of the original proceedings, remained in custody on remand. The second, remanded in custody for a non-sexual offence committed whilst on a supervision order, was sentenced in May 2012 to five years imprisonment for that offence, with the effect of suspending the length of the supervision order for the period of custodial imprisonment. Of the remaining 14 supervisees at the start of the period, 13 remained in the community on supervision orders, with one being returned to a continuing detention order following the ODPP's application alleging contravention of the supervision order under Part 2 Division 4.

Two other applications alleging contravention were made by the ODPP under that Division, in each case establishing contravention but ultimately resulting in amendments to the supervision order following short periods of interim detention.

A new offence provision relating to contravention of supervision orders (section 40A) was introduced to the Act on 2 March 2011, with the intention of providing the Supreme Court with a power to impose imprisonment for contravention (the existing provisions providing only for amendment, or detention only where risk was subsequently elevated) as well as for summary proceedings in the Magistrates Court for minor contraventions for which Supreme Court applications under Part 2 Division 4 might not be appropriate. By the end of 2011/2012 a number of s.40A prosecutions had been successfully concluded, with six supervisees having received penalties, either in the Magistrates Court (for generally minor contraventions) of substantial fines, or in the Supreme Court, including suspended and immediate imprisonment.

Part-Heard and New Applications 2011/2012

Of the two new applications for orders that were pending or part-heard at the start of 2011/2012, both resulted in continuing detention orders.

In addition to progressing the part-heard applications, during 2011/2012 the ODPP made four new applications under the Act. None of these had been determined by the close of the reporting period, although all four offenders remained in custody, two completing their previous sentences and two on interim detention orders under the Act.

Appeal matters

Two appeals arising under the Act were decided by the Court of Appeal in 2011/2012. Both appeals were made by the ODPP and were upheld, with the decisions clarifying technical matters to do with the timing of reviews of detention and the mechanisms by which supervision orders may be reviewed. A further appeal by an offender related only to legislation as it existed before 2 March 2011, and was conceded by the ODPP without affecting the status of the detainee, who remains on a detention order.

The validity of some of the 2011 amendments to the Act is to be challenged in an appeal made during 2011/2012 but which is yet to be heard by the Court of Appeal.

Future Management of Matters

The following table illustrates that the number of offenders subject to a CDO or SO continued to grow in 2011/2012, notwithstanding a slight, and likely one-off, fall in the number of new applications lodged during the year. This cumulative growth in active cases requiring close scrutiny continues to place 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 2011/2012

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
NEW APPLICATIONS	13	4	8	5	9	4
APPLICATIONS PENDING AT YEAR END	9	3	5	2	2	4
OFFENDERS SUBJECT TO ONGOING ORDERS	3	12	16	24	30	32

DSO Legislative Developments

Following previously reported proposals for amendments to the Act made by the ODPP in January 2010, certain deficiencies in the Act were the subject of amendment with effect from 2 March 2011. However, the other proposals for amendment made at that time are yet to be enacted.

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

Freezing Notices and Freezing Orders

Freezing Notices and Freezing Orders are used to prevent property from being disposed of while a criminal investigation or prosecution is being carried out or until the conclusion of confiscation proceedings. The WA Police may apply under the *Criminal Property Confiscation Act 2000* (the Act) for a Freezing Notice from a Magistrate or Justice of the Peace and the Director of Public Prosecutions may apply for a Freezing Order from the court. The table below shows that the number of Notices and Orders obtained each year since 2007/2008 has remained relatively constant.

TABLE 15: FREEZING NOTICES AND FREEZING ORDERS OBTAINED 2007/2008 – 2011/2012

NOTICES & ORDERS OBTAINED	2007/08	2008/09	2009/10	2010/11	2011/12
NOTICES	231	263	231	218	247
ORDERS	9	17	13	3	14
TOTAL	240	281	244	221	261

Objections to Freezing Notices and Freezing Orders

Individuals who claim an interest in property frozen under a Notice or Order may object to the confiscation of that property. Generally objections must be lodged within 28 days and the person objecting must establish that the property was not crime derived, not used for criminal activity, or was not the property of the person subject to the investigation or prosecution. The majority of objections are made by third parties (such as a mortgagee, a spouse or a person with a beneficial interest) who claim an interest in the property. A single Freezing Notice or Order may give rise to a number of objections by a variety of parties.

During 2011/2012 296 objections (254 concerning Notices and 42 against Orders) were received. The table below illustrates the number and outcome of objections lodged annually, although due to the timing of matters coming before the courts, objections lodged in one financial year may not be determined until a subsequent year.

TABLE 16: NUMBER OF OBJECTIONS TO FREEZING ORDERS AND FREEZING ORDERS RECEIVED AND FINALISED 2007/2008 – 2011/2012

OBJECTIONS	2007/08	2008/09	2009/10	2010/11	2011/12
RECEIVED	259	257	251	243	296
DISMISSED	102	113	126	109	73
% DISMISSED	39.4%	44.0%	50.2%	44.9%	24.6%
SUCCESSFUL	128	109	147	132	129
NO DETERMINATION	22	16	18	10	52
FINALISED	252	238	291	251	254

Declared Drug Traffickers

A significant proportion of confiscated property arises from the conviction of an accused person for a serious drug related offence and the subsequent declaration that the person is a drug trafficker.

Upon a declaration that a convicted person is a drug trafficker, all property relating to that person is forfeited to the State. In 2011/2012 56 people were declared to be drug traffickers and \$5.23 million was paid into the Confiscation Proceeds Account (the Account) from the property of declared drug traffickers.

The table below illustrates that there are significant fluctuations in both the number of declarations made and the amounts paid to the Account in any given year. This is due to a range of factors including offender arrest rates, the nature and value of property seized and the prevailing economic climate. Because of the time lag in selling forfeited property there is not a direct link between the number of declarations made in the relevant year and the amount of monies realised.

TABLE 17: DRUG TRAFFICKER DECLARATIONS AND MONEY PAID INTO THE CONFISCATION PROCEEDS ACCOUNT 2007/2008 – 2011/2012

DRUG TRAFFICKERS	2007/08	2008/09	2009/10	2010/11	2011/12
DECLARATIONS MADE	81	119	109	80	56
AMOUNT PAID	\$8.07m	\$6.07m	\$10.05m	\$5.19m	\$5.23m

Crime Used and Crime Derived Property

Where property is frozen on crime used or crime derived grounds and any objections are resolved, the ODPP may apply to the court for a Declaration of Confiscation, which in essence means that the property is forfeited to the State. This area of proceeds of crime work contributes the second greatest quantum of payments to the Account.

TABLE 18: CRIME USED/CRIME DERIVED DECLARATIONS AND MONEY PAID INTO THE CONFISCATION PROCEEDS ACCOUNT 2007/2008 – 2011/2012

CRIME USED or CRIME DERIVED	2007/08	2008/09	2009/10	2010/11	2011/12
DECLARATIONS MADE	8	20	34	55	40
AMOUNT PAID	\$1.28m	\$1.24m	\$3.21m	\$1.54m	\$1.53m

Other Confiscations Proceedings

The ODPP initiates a range of other proceeds of crime actions with the aim of deterring people from using property they do not own in illegal activities or to deprive people of the benefits of illegal activities. These proceedings include Crime Used Property Substitution applications, Unexplained Wealth applications and Criminal Benefits applications.

The following table illustrates the number of applications and declarations made from the above proceedings and the amounts these have realised into the Account.

TABLE 19: OTHER CONFISCATION PROCEEDINGS 2007/2008 – 2011/2012

OTHER CONFISCATIONS PROCEEDINGS		2007 /08	2008/ 09	2009/ 10	2010/ 11	2011/ 12
CRIME USED SUBSTITUTION	APPLICATION	3	3	4	1	0
	DECLARATION	2	0	1	0	2
UNEXPLAINED WEALTH	APPLICATION	2	5	3	0	0
	DECLARATION	2	2	1	4	0
CRIMINAL BENEFITS	APPLICATION	0	1	0	1	0
	DECLARATION	0	1	1	0	1
AMOUNT PAID		\$3.25m	\$0.52m	\$0.18m	\$0.60m	\$0.75m

Overview of Payments to the Confiscation Proceeds Account

The table below shows the total amounts derived annually from all confiscation actions taken by the ODPP and paid into the Account since 2007/2008.

Since the commencement of the Act in January 2000 over \$61 million has been stripped from people engaged in criminal activities and has been paid into the Account.

Under the Act the Attorney General can make grants from the Account for specified purposes. These may include funding the development and delivery of programs to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs and to provide support services and assistance to victims of crime. The Department of the Attorney General administers a community grants program on behalf of the Attorney, seeking and assessing applications from eligible organisations.

In addition to the payments made into the Account during 2011/2012 the ODPP also managed a number of matters under the *Misuse of Drugs Act 1981* which resulted in revenue of \$66,118 being paid into the State's Consolidated Fund.

TABLE 20: AMOUNTS PAID INTO THE CONFISCATION PROCEEDS ACCOUNT 2007/2008 – 2011/2012

YEAR	2007/08	2008/09	2009/10	2010/11	2011/12
AMOUNT	\$12.61m	\$7.83m	\$13.43m	\$7.33m	\$7.52m

LEGISLATIVE REFORM

Legislative Changes

There were several legislative changes during the year which are relevant to the work of the ODPP. Principal changes were:

- On 1 July 2011 the *Juries Legislation Amendment Act 2011* (the "JLA Act") began. The JLA Act amended the *Criminal Procedure Act 2004* to provide the prosecution with the same number of peremptory challenges as the accused - three per accused per side. The JLA Act also amended the *Juries Act 1957* to restrict persons previously convicted of criminal offences from serving on a jury, and increased community representation on juries by amending the Act so that people engaged in emergency services, health and health-related fields, in occupations associated with religious practice, persons who care for others, or persons aged between 65 and 70 years are no longer excused as of right from serving on a jury.
- On 1 August 2011 changes to laws relating to cannabis began. Amendments abolished the cannabis infringement notice scheme and established a new cannabis intervention requirement scheme under the *Misuse of Drugs Act 1981* with the intention of the new scheme being to inform minor cannabis offenders about the adverse health and social consequences of cannabis use. Amending legislation also made it illegal to sell or display cannabis smoking paraphernalia.
- On 8 July 2011 the Government banned one version of the synthetic cannabinoid known as "Kronic". A further 14 versions were additionally banned on 6 August 2011.
- On 1 October 2011 the *Sentence Administration (Interstate Transfer of Community Based Sentences) Act 2011* and accompanying regulations began, allowing offenders subject to a community based sentence to relocate from one State to another and have their sentences supervised in the other State. Initially the Act is only operational between WA, NSW and the ACT.
- Amendments to the *Road Traffic Act 1974* began on 1 October 2011 and increased the fines and demerit points lost in relation to driving under the influence offences.
- From 11 February 2012 the drug known as "MDPV" was banned.
- On 17 March 2012 the *Manslaughter Legislation Amendment Act 2011* began. The Act amended s.280 of the *Criminal Code* to increase the maximum penalty for manslaughter from 20 years imprisonment to life imprisonment, moving the prosecution of manslaughter offences out of the District Court of Western Australia to the Supreme Court of Western Australia. The Act also amended s.59 and s.67 of the *Road Traffic Act 1974* to provide that in certain cases when dangerous driving results in a death, the offence will no longer be able to be dealt with summarily in the Magistrates Court, but must be dealt with on indictment in the District Court.
- On 24 March 2011 new provisions in the *Misuse of Drugs Act 1981* began imposing mandatory sentencing for the sale or supply of drugs by adults to children and mandatory sentencing for possession of precursor chemicals (for the manufacturing of drugs) in circumstances that endanger the life, health or safety of a child under 16.

- On 20 April 2012 new legislation began to criminalise the misappropriation and misuse of another person's identity. The *Criminal Code Amendment (Identity Crime) Act 2010* criminalised known existing activities such as ATM skimming and internet fraud, and also provides for the criminalisation of future unknown methodologies by creating offences for the making, using, supplying or possession of identification material and/or equipment with the intention that such material and equipment will be used to commit or facilitate the commission of an indictable offence.
- The *Criminal Appeals Amendment (Double Jeopardy) Act 2012* passed through State Parliament and was assented to on 21 May 2012. When the Act began people acquitted of serious offences could face a retrial if fresh and compelling evidence comes to light. This only applies to the most serious offences under WA law – where the penalty is life imprisonment or imprisonment for 14 years or more. The Act stipulates that Police may not start investigating an acquitted person without the permission of senior legal officers such as the Attorney General or the Director of Public Prosecutions.

Reforms

The ODPP is regularly invited to make submissions and contribute to legislative reform. In this regard, in 2011/2012 the Office made submissions to:

- The WA Department of the Attorney General in relation to the review of the *Victims of Crime Act 1994*.
- The Law Reform Commission of WA in relation to a review of Coronial Practice in Western Australia.
- The WA Police in relation to the statutory review of the *Terrorism (Preventative Detention) Act 2006* and the review of the *Community Protection (Offender Reporting) Act 2004*.
- The Western Australia Government Uniform Legislation and Statutes Review Committee inquiry into the *Criminal Investigations (Covert Powers) Bill 2011*.
- The WA Department for Child Protection in relation to the statutory review of the *Working with Children (Criminal Record Checking) Act 2004*.
- The WA Department of Corrective Services in relation to their cabinet submission and drafting instructions regarding proposed amendments for GPS tracking in 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:

- The *Acts Amendment (Double Jeopardy Reform) Bill 2010*.
- The *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*.
- The draft Parliamentary Report on the review of the *Bail Act 1982*.
- The drafting instructions on regulation of the sentencing discounts available to offenders who plead guilty and the subsequent draft legislative amendments to the *Sentencing Act 1995*.
- The desirability of "duty to aid" ("good Samaritan") legislative amendments.
- The cabinet submission and drafting instructions regarding proposed legislative amendments to treat juvenile serious offenders as adults.

- The cabinet submission and drafting instructions regarding sentencing parole periods.
- The cabinet submission and drafting instructions regarding unlawful acts causing harm to unborn children.

Inter Agency Initiatives

In 2011/2012 the ODPP assisted a number of other agencies with enquiries relating to criminal prosecutions and processes in Western Australia. These included:

- Advising and liaising with the WA Department of Fisheries regarding prosecution of trafficking in fish offences under the *Fish Resources Management Act 1994*.
- Advising and liaising with the WA Department for Infrastructure and Transport regarding prosecutions under Australia's transport security legislation.
- Assisting the WA Department of Premier and Cabinet in relation to a review of the Western Australia section of the publication "Guide to Australian Maritime Security Arrangements".
- Providing details to the Law Reform Commission of WA about the implementation within the ODPP of Aboriginal Customary Law recommendations.
- Assisting the Victims of Crime Reference Group by the completion of their Stakeholder Consultation and Feedback Questionnaire.
- Assisting the Victorian Director of Public Prosecutions with information regarding policy in Western Australia in relation to double jeopardy for acquittals.
- Assisting the Queensland Sentencing Advisory Council with information regarding sentencing of armed robbery offences in Western Australia.
- Assisting the Northern Territory Police with copies of Western Australian policies and procedures in relation to letters of recognition (letters of comfort).
- Providing data for an Australian Research Council funding project focusing on the impact of hate speech laws on public discourse in Australia.
- Assisting the Australian Institute of Criminology in relation to a national research project on juvenile bail and remand.
- Providing information to the Public Prosecution Service of Canada regarding policies and procedures in Western Australia relating to the prosecution of government departments.
- Providing information to the New Zealand Crown Counsel regarding the use of interpreters in criminal trials in Western Australia.

Inter Agency Committees

During 2011/2012 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 SC 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
ODPP, 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
Interagency Cross Justice Working Group	Facilitate the alignment of IT systems and the sharing or exchange of information electronically and foster associated business improvements across justice agencies (including WA Police, DCS and DotAG).	Jeff Plunkett Director Corporate Services
Data Quality Working Group	Improve the exchange of information and data quality between justice agencies	Julian Williams Mgr. Prosecution Support George Nastos Manager IT

Law Society Committees

Throughout 2011/2012 a number of lawyers from the ODPP contributed positively to the Law Society of Western Australia through membership of a number of Law Society committees.

Committee	Representative
Ethics Committee	Joe McGrath SC 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 (Dep. Convenor)
Human Rights Committee	David Davidson State Prosecutor
Costs Committee	David Davidson State Prosecutor
Courts Committee	David Davidson State Prosecutor

Legal Practice Board Committees

Committee	Representative
Legal Practice Board	Joe McGrath SC Director Bruno Fiannaca SC Deputy Director Robert Wilson Senior State Prosecutor
Admissions and Registrations Committee	Joe McGrath SC Director Robert Wilson Senior State Prosecutor
Professional Affairs Committee	Bruno Fiannaca SC Deputy Director

BUSINESS IMPROVEMENT PROJECTS

The following are examples of some of the range of business improvement initiatives addressed by the ODPP in 2011/2012.

Comparative Sentencing Tables

In July 2011 the ODPP launched the first comprehensive comparative sentencing tables on the ODPP's website. Designed primarily for State prosecutors in the Court of Appeal and at sentencing hearings, the comparative sentencing tables outline decisions of the Court of Appeal of WA that consider the sentences imposed for various criminal offences. The Tables are published and maintained on-line to also assist legal practitioners and members of the public.

Review of Outstanding Bench Warrants

In 2011/2012 the ODPP, together with the District Court and the WA Police, began reviewing outstanding bench warrants. Bench warrants are orders issued by a Judge for the immediate arrest of an accused person who fails to appear at a Court hearing. A large number of warrants were reviewed and further investigations carried out resulting in a number of accused persons being brought back before the Court to be dealt with. In one of the cases an accused person was arrested and subsequently pleaded guilty to an offence committed more than a decade ago. This joint review will continue into 2012/2013 and will result in the implementation of measures to ensure that outstanding warrants are regularly assessed.

Case Management System

During 2011/2012 the ODPP conducted a comprehensive post implementation review of the 'JustWare Prosecutor' case management system purchased from Newdawn Technologies of Utah USA in 2010. The review confirmed that JustWare was largely delivering the intended benefits. However, the review also identified some areas for improvement including improved contract and document management, better reporting functionality and more comprehensive staff training. Implementation of the review's recommendations began in 2012 under the auspices of a dedicated steering committee and will continue throughout 2012/2013.

Intranet Redevelopment

A new ODPP intranet was launched in December 2011. Developed using Microsoft SharePoint 2010, the intranet has a new look and feel and aims to provide ODPP staff with ready access to contemporary legal research materials, a knowledge base and corporate information, plus handy links to critical external information sources. The functionality of the new Intranet also facilitates an increased culture of collaboration across business areas.

Appeals Manual

In March 2012 the ODPP launched a comprehensive internal Appeals Manual. The Manual is a one stop guide to appeals and a summary of sentencing principles. The Appeals Manual will become one of the most used knowledge based documents in the ODPP.

Paralegal, Clerical and Secretarial Review

The Director commissioned a review of the structure and roles of staff employed at the ODPP to support prosecutors in the preparation and management of indictable prosecutions. The review, which is being conducted internally, aims to improve the standard of support to prosecutors, to standardise processes across the office, promote accountability and provide a defined career path for support staff. The review recommendations will utilise existing resources, have minimal cost impact and will be concluded early in 2012/2013.

Improvements to the ODPP Electronic Transcript Library

In 2009 the ODPP began receiving and storing transcripts of Court appearances in the District Court, Perth electronically in a secure e-library. This has proven to be an excellent resource for prosecutors and other ODPP staff and allows them to review and act upon matters immediately following Court appearances. In 2012 the ODPP began receiving and storing transcripts electronically for all remaining District Court and Supreme Court hearings in which the ODPP appears, including those that take place in circuit courts in regional areas. Under previous arrangements the ODPP would only receive printed copies of these documents which would often not be available for days or weeks after the Court hearing. The timely receipt of electronic transcript is a significant practical improvement.

PART 3 DISCLOSURES AND LEGAL COMPLIANCE

MINISTERIAL DIRECTIVES

No directives were made by the Attorney General during 2011/2012.

OTHER FINANCIAL DISCLOSURES

Brief Out Expenditure

The workload demands on the ODPP are such that on occasions the ODPP needs to brief some criminal prosecution work, particularly the conduct of criminal trials, to private barristers.

The number of matters briefed in any year is dependent on many factors, principally court listings and also staffing levels and counsel availability in the ODPP. The following table shows the pattern of briefing expenditure since 2007/2008. Although the number of matters briefed in 2011/2012 fell slightly, the actual number of court days briefed increased. This combined with an adjustment to the scale of the fees paid to briefed counsel resulted in an increase in expenditure in 2011/2012.

TABLE 21: BRIEF OUT EXPENDITURE – 2007/2008 – 2011/2012

BRIEF OUT EXPENDITURE	2007/08	2008/09	2009/10	2010/11	2011/12
MATTERS BRIEFED	145	268	259	232	219
AVERAGE COST PER BRIEF	\$3,034	\$4,123	\$5,538	\$5,338	\$6,489
TOTAL COST	\$439,977	\$1,104,831	\$1,413,298	\$1,238,325	\$1,421,093

Note: The above data does not include payments made to the New South Wales Office of the Director of Public Prosecutions for the prosecution of the matter The State –v- L.P.Rayney.

Ex-Gratia Payments

No ex-gratia payments were made during 2011/2012.

EMPLOYMENT STATISTICS

The ODPP's approved Full Time Equivalent (FTE) staffing ceiling for 2011/2012 was 232.0. The average actual FTE usage over the course of the year was 232.3. As at 30 June 2012 the ODPP employed 253 individual 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 22:	2010-2011			2011-2012			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Female	Male		Female	Male		
Legal Staff							
Articled Clerk	3	1	4	4	0	4	\$60,330 - \$65,503
L1LG	2	2	4	3	1	4	\$75,121 - \$84,089
L2LG	15	10	25	16	6	22	\$81,348 - \$97,899
L3LG	14	3	17	13	7	20	\$108,304 - \$116,080
L4LG	10	14	24	11	12	23	\$122,664 - \$145,476
L5LG	11	14	25	11	13	24	\$159,621
L6LG	10	10	20	11	9	20	\$176,644 - \$198,603
L7LG	0	1	1	0	1	1	\$208,967
CSP	2	2	4	2	3	5	\$253,780 - \$304,536
DLS	0	1	1	0	1	1	\$304,536
Deputy DPP	0	1	1	0	1	1	\$359,982
DPP	0	1	1	0	1	1	\$399,981
Legal Staff Total	67	60	127	71	55	126	
Non Legal Staff							
L1	3	5	8	4	2	6	\$21,210 - \$50,983
L2	35	16	51	33	17	50	\$52,579 - \$57,096
L3	28	12	40	28	9	37	\$60,330 - \$65,503
L4	11	5	16	15	3	18	\$67,933 - \$71,794
L5	4	2	6	3	3	6	\$75,570 - \$83,520
L6	3	2	5	2	2	4	\$87,939 - \$97,378
L7	2	2	4	2	2	4	\$102,830 - \$110,213
L8	1	0	1	1	0	1	\$116,667 - \$126,719
L9	0	1	1	0	1	1	\$133,898 - \$143,963
Non Legal Staff Total	87	45	132	88	39	127	
TOTAL	154	105	259	159	94	253	

GOVERNANCE DISCLOSURES

No disclosures are required under Treasurer's Instruction 903(14) for 2011/2012.

PUBLIC INTEREST DISCLOSURES

The ODPP did not receive any matters under the *Public Interest Disclosure Act* in 2011/2012, 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 public sector agencies to publish in their annual report a statement detailing all expenditure incurred by, or on behalf of, the 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 2011/2012.

Disability Access and Inclusion Plan

The ODPP continues to progress implementing priority strategies identified in the *ODPP Disability Access and Inclusion Plan (DAIP) 2007-2012*. Achievements in 2011/2012 included:

- Ongoing implementation, monitoring and reviewing of the DAIP.
- Conducting three Disability Awareness Workshops attended by 44 staff members, bringing the total number of participants to 228.

Public Sector Standards and Ethical Codes

The ODPP did not receive any claims for breaches of the Public Sector Standards in 2011/2012.

The ODPP dealt with one compliance issue during the financial year relating to a breach of the Public Sector Code of Ethics and the ODPP Code of Conduct. The issue related to the area of 'Relationships with Others'.

Significant action taken to monitor and ensure compliance in these areas included conducting two induction workshops (with 18 staff members attending) where information was provided on the Public Sector Standards and ethical codes and the consequences of non-compliance.

The ODPP Code of Conduct and supporting information is maintained on the ODPP's internal Intranet and is readily available to all staff members.

Records Management Framework

The ODPP is committed to continuously improving record keeping practices consistent with the *State Records Act 2000* and aims for 'best practice' in record keeping practices.

The ODPP's Record Keeping Plan was approved by the State Records Commission for a period of five years from April 2011. The ODPP's Retention and Disposal Schedule, approved in June 2010, also remains contemporary.

The ODPP continues to provide Record Keeping Awareness Training to all staff members through on-line training and other information available on the ODPP's Intranet. An induction program is in place for record keeping awareness and record keeping training is specifically tailored to the role of each new staff member joining the ODPP. The ODPP continues to review records keeping processes to achieve best practice and to demonstrate compliance within a framework and commitment to efficient practices. Ongoing improvements and records keeping training have resulted in improved awareness in records keeping.

The ODPP continues to improve practices to capture, manage and secure documents electronically through its Justware Case Management System and electronic document records management system (TRIM). Ongoing staff training in the use of Justware and TRIM is delivered and is essential in improving the effectiveness in electronic records management.

Government Policy Requirements

Substantive Equality

Public Sector Commissioner's Circular 23 of 2009 provides that 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 are cognisant of meeting the diverse needs of the people of Western Australia.

Occupational Safety, Health and Injury Management

The ODPP is committed to providing and maintaining a safe and healthy workplace that is free of work related injuries and diseases and that in the event an injury occurs, it is 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. The ODPP also complies with the *Occupational Safety and Health in the Western Australian Public Sector Code of Practice 2007*

The ODPP has a management structure based on a number of management, policy and operational committees. All staff are able to raise any OSH issue with the committees. The committees also address OSH issues, and take the views of staff into account, as the need arises.

The ODPP is fully compliant with the *Workers' Compensation and Injury Management Act 1981*, and comprehensive return to work plans have been developed for employees who require them.

In December 2009 internal auditors Stantons International carried out a review of certain aspects of the ODPP's safety and health procedures and their findings have since been addressed and implemented. The ODPP also carries out regular internal reviews to ensure compliance with all requisite safety and health regulations. All accidents and incidents are thoroughly investigated by the ODPP Safety and Health Officer. However, due to the low number and disparate nature of the incidents no discernible patterns have been identified to warrant significant changes to work practices.

The ODPP's performance against the 2011/2012 annual targets are as follows:

Indicator	Target 2011/2012	Actual
Number of fatalities	Zero	0
Lost time injury/diseases (LTI/D) incidence rate.	Zero or 10% reduction on the previous 3 years	0
Lost time injury severity rate	Zero or 10% improvement on the previous 3years	0
Percentage of injured workers returned to work within (i) 13 weeks and (ii) 26 weeks	Greater than or equal to 80% return to work within 26 weeks	No relevant incidents
Percentage of managers trained in occupational safety, health and injury management responsibilities.	Greater than or equal to 80%	0*

[*Note: The ODPP will be delivering Occupational Safety and Health training and Injury Management training to all managers in 2012/2013]

INVESTING IN PEOPLE

The ODPP is committed to the professional development of all staff and continues to deliver on this commitment through the contributions of the Training and Professional Development Committee and the *ODPP's Continuing Professional Development (CPD) Arrangements 2011-2016*.

During 2011/2012 the ODPP delivered a comprehensive CPD program for staff which featured highly informative sessions presented by a number of ODPP prosecutors, supplemented by a range of external speakers including members of the Judiciary, WA Law Society, Commonwealth Attorney General's Department, Legal Practice Board, Forensic Analysis Coordination Team, WA Police and academics from the University of WA and Curtin University.

The internal CPD sessions, combined with the ODPP's funding of some external courses, ensured that all ODPP legal staff members had the ready opportunity to meet their professional development obligations under the *CPD Arrangement*.

The ODPP also supported staff attendance at a range of managerial, technical and other professional development courses with the overall result that 172 staff members (representing approx. 70% of ODPP headcount) attended a minimum of one formal professional development activity during 2011/2012.

The following table provides examples of the range of professional development and training activities supported by the ODPP in 2011/2012 and the number of staff who benefited.

Activity	Total Staff Attendance
Continuing Professional Development Seminars (46 internal seminars)	1177 (Averaging 26 participants per seminar)
External CPD seminars - Notre Dame University, Legal Aid WA and the WA Law Society	22
Advocacy Training Courses for Legal Staff	38
Written Advocacy Masterclass	2
Conferences	7
GESB Seminars	10
International Women's Day Event	48
Articled Clerk Training	4
Leadership Workshops	24
Information Technology Training	39
First Aid and RiskCover Courses	6
Disability Awareness Workshops	44

PART 4 KEY PERFORMANCE INDICATORS

INTRODUCTION

The core work of the Office of the Director of Public Prosecutions (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 matters proceed to appeal. In addition, the ODPP initiates confiscations actions pursuant to the *Criminal Property Confiscation Act 2000* and the *Misuse of Drugs Act 1981*, and also manages committal proceedings in the Magistrates Court.

Assessing the work of a prosecuting service is inherently difficult. ODPP 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 ODPP's is to develop a set of meaningful indicators that will reflect the key activities over which an ODPP has complete, or at least substantial, control. That is not easy given the role of an ODPP in the criminal justice system.

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 its core work. 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 principally found in the *Criminal Code* and the *Misuse of Drugs Act 1981* 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 case cannot proceed through the court.

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* 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.

Output 2 – Confiscation of Assets

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 Western Australian Police Service under the *Criminal Property Confiscation Act 2000*.



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 2012, 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 2012 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.

Report on Controls

I have audited the controls exercised by the Office of the Director of Public Prosecutions during the year ended 30 June 2012.

Controls exercised by the Office of the Director of Public Prosecutions are those policies and procedures established by the Director to ensure 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.

Director's Responsibility for Controls

The Director is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

Auditor's Responsibility

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

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Office complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

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

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 during the year ended 30 June 2012.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2012.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

Director's Responsibility for the Key Performance Indicators

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 and for such controls as the Director determines necessary to ensure that the key performance indicators fairly represent indicated performance.

Auditor's Responsibility

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 and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Director's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

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

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 2012.

Independence

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

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2012 included on the Office's website. The Office's management are responsible for the integrity of the Office's website. This audit does not provide assurance on the integrity of the Office's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



GLEN CLARKE
DEPUTY AUDITOR GENERAL
Delegate of the Auditor General for Western Australia
Perth, Western Australia
12 September 2012



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 2012.

Joseph McGrath SC
ACCOUNTABLE AUTHORITY

Date: 7 SEPTEMBER 2012

KEY PERFORMANCE INDICATORS

Government Goal

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

Desired Outcome

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 in the criminal justice system. A case cannot progress in the Supreme or District Court until the charges in indictment have been lodged. Therefore the timely lodgement of the indictment by the ODPP is a key factor in achieving a fair and just outcome.

Performance Outcome 2011/2012

This Key Performance Indicator (KPI) was modified in 2011/2012.

The previous indicator provided that an indictment was to be filed within 42 days of the date of committal to either the District or Supreme Court. The ODPP reviewed this timeframe and concluded that a more realistic and achievable standard was required. Subsequently, a successful submission was made to the Department of Treasury to change this KPI to a period of 90 days to file an indictment.

This is the first formal reporting period for the new KPI, however, comparative data for previous years was reported in the 2010/2011 ODPP Annual Report with figures of 69% for 2009/2010 and 79% for 2010/2011. These figures have been included in the table below.

In 2011/2012, 1816 matters committed to the Supreme or District Court were referred to the ODPP for consideration for prosecution. Following case reviews, 42 matters were returned to the Magistrates Court to be dealt with summarily. A further 110 matters were wholly discontinued, so that no charges remained against the accused. Of the remaining 1664 matters committed to the District and Supreme Court and where an indictment was due during the reporting period, in 1361 cases (or 81.8%) the indictment was filed with the court within 90 days from the date of committal.

YEAR	INDICTMENT FILED WITHIN 90 DAYS OF COMMITTAL
2011/2012	81.8%
2010/2011	79.0%
2009/2010	69.0%

KPI TARGET 2011/2012	KPI RESULT 2011/2012
85%	81.8%

Explanation for variation between the target and actual performance

The target was substantially met with a state wide outcome of 81.8%.

In metropolitan courts the proportion of indictments filed within 90 days exceeded the target. However, for prosecutions in regional (circuit) courts there may be a delay in the ODPP receiving the case papers, making the target more difficult to attain. Regional matters accounted for approximately a quarter of all cases where an indictment was due in 2011/2012 and a much lower proportion of indictments in regional matters were filed within 90 days of the date of committal.

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 2011/2012

There were no Judge directed acquittals in the reporting year out of a total of 864 trials, resulting in 100% of matters having a case to answer.

YEAR	ESTABLISHING A CASE TO ANSWER
2011/2012	100.0%
2010/2011	99.8%
2009/2010	99.9%
2008/2009	99.3%
2007/2008	99.3%

KPI TARGET 2011/2012	KPI RESULT 2011/2012
98%	100.0%

Explanation for variation between the target and actual performance

The target was exceeded, reflecting the extremely thorough and consistent approach of the ODPP in appropriately assessing matters prior to trial.

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 2011/2012

In 2011/2012 429 trials proceeded before a jury or a Judge alone in the District and Supreme Court. Of these, 19 (or 4.4%) resulted in a hung jury and 21 (or 4.8%) resulted in a mistrial. Therefore 389 trials delivered either a conviction or acquittal. Of these, 270 (or 69.4%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

YEAR	CONVICTIONS AFTER TRIAL
2011/2012	69.4%
2010/2011	60.6%
2009/2010	58.1%
2008/2009	61.8%
2007/2008	55.0%

KPI TARGET 2011/2012	KPI RESULT 2011/2012
50%	69.4%

Explanation for variation between the target and actual performance

The ODPP exceeded this target and also outperformed the relatively stable performance outcomes achieved over the three year period 2008/2009 to 2010/2011. The marked increase in the convictions after trial result may be at least in part the consequence of the consolidation of reforms to key case management tasks that were introduced in May 2011.

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 confiscations 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 ODPP's Confiscations Team and are therefore the most relevant area for assessing effectiveness.

Performance Outcome 2011/2012

This Key Performance Indicator (KPI) was reviewed in 2011/2012 and the ODPP concluded that a more manageable and achievable target was required. Subsequently, a successful submission was made to the Department of Treasury to change an application for a declaration of confiscation to be filed from within a 3 month period of the drug trafficker declaration with a KPI target of 100%, to a period of 4 months with a KPI target of 60%.

Although this is the first reporting period for the newly established KPI, the ODPP has retrospectively captured comparative data from previous financial years. This is included in the table below.

In 2011/2012, 49 declarations for confiscations were filed. Of these, 14 (28.6%) were filed within 4 months of the drug trafficker declaration.

YEAR	APPLICATION FOR A DECLARATION OF CONFISCATION FILED WITHIN 4 MONTHS OF THE DRUG TRAFFICKER DECLARATION
2011/2012	28.6%
2010/2011	50.0%
2009/2010	37.0%
2008/2009	30.8%

KPI TARGET 2011/2012	KPI RESULT 2011/2012
60%	28.6%

Explanation for variation 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.

In addition to the above factors, during 2011/2012 the ODPP Confiscations Team conducted a review of many outstanding historical matters. Although successful in clearing a number of matters, this review compromised the ability of the ODPP to meet this timeliness target. However, it is envisaged that the review will enhance the ability of the ODPP to meet this target in 2012/2013.

Key Efficiency Indicators

Efficiency Indicator No 1: Cost per Prosecution

Relationship to Desired Outcome

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. Further, 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. 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 new committals into the ODPP's 'Total Cost of Services' for criminal prosecutions.

Performance Outcome 2011/2012

The total expenditure on criminal prosecutions for the 2011/2012 was \$35.88 million. A total of 2202 new prosecution cases were received by the ODPP during the same period, therefore, and with the qualifications outlined above, the average cost per criminal prosecution in 2011/2012 was \$16,294.

YEAR	COST PER PROSECUTION
2011/2012	\$16,294
2010/2011	\$16,021
2009/2010	\$14,525
2008/2009	\$12,890
2007/2008	\$11,254

KPI TARGET 2011/2012	KPI RESULT 2011/2012
\$14,500	\$16,294

Explanation for variation between the target and actual performance

While the performance in 2011/2012 represented a stabilisation of costs per prosecution compared to 2010/2011, the outcome was significantly more than the target as published in the 2011/2012 Budget Papers. In retrospect, that target was unrealistically low, given the actual total cost of service in 2010/2011 and given significant increases in salary costs, accommodation costs and other legal practice costs over the two year period.

Efficiency Indicator No 2: Ratio of Cost to Return

Relationship to Desired Outcome

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, complex in nature. Proceedings may also take considerable time to be resolved, especially where the criminal charges must be completed first, including the trial and appeal processes, which can take a number of years and, accordingly, can be very demanding of resources.

Performance Outcome 2011/2012

In 2011/2012, the ODPP Confiscations team managed a variety of matters that delivered payments of \$7.52 million to the Confiscations Proceeds Account. The total cost of the confiscations function in the year was \$3.05 million. The ratio of cost to return was 40.5%.

YEAR	COST AS A PERCENTAGE OF RETURN
2011/2012	40.5%
2010/2011	40.6%
2009/2010	24.6%

KPI TARGET 2011/2012	KPI RESULT 2011/2012
25%	40.5%

Explanation for variation between the target and actual performance

This indicator is a function of cost to return and changes to either (or both) will influence the outcome.

Uncontrollable cost increases in this area have generally been at an acceptable level in the last three financial years and overall costs have been relatively stable. However, revenues have fluctuated over that period.

In 2010/2011 and 2011/2012 there was a significant drop in payments into the Confiscations Proceeds Account relative to 2009/2010, hence the increase in the ratio. While fluctuations in revenue levels are always likely given the nature of this work, it appears that a flattening of the property market has had the effect of both delaying and reducing the average return from the sale of real estate, which forms a significant proportion of the revenue derived through confiscation proceedings.

PART 5 FINANCIAL STATEMENTS

Auditor General Certification



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

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 2012.

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.

A handwritten signature in blue ink, appearing to read 'D Li'.

David Li

Chief Finance Officer

Date: 07 SEPTEMBER 2012

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

Joseph McGrath SC

Accountable Authority

Date: 7 SEPTEMBER
2012

Statement of Comprehensive Income

For the year ending 30 June 2012

	Note	2012 \$	2011 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	27,274,020	25,540,909
Supplies and services	7	4,400,503	5,283,066
Depreciation and amortisation expense	8	654,282	685,283
Accommodation expenses	9	3,249,007	2,939,886
Loss on disposal of non-current assets	10	366	-
Other expenses	11	3,355,629	3,038,179
Total cost of services		38,933,807	37,487,323
Income			
<i>Revenue</i>			
Other revenue	12	102,331	95,726
Total Revenue		102,331	95,726
Total income other than income from State Government		102,331	95,726
NET COST OF SERVICES		38,831,476	37,391,597
Income from State Government			
	13		
Service Appropriation		34,099,000	28,255,000
Contribution from Confiscation Proceeds Account		3,599,961	4,999,139
Grants and subsidies		-	212,626
Resources received free of charge		704,164	1,244,341
Total income from State Government		38,403,125	34,711,106
SURPLUS/(DEFICIT) FOR THE PERIOD		(428,351)	(2,680,491)
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		(428,351)	(2,680,491)

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 2012

	Note	2012	2011
		\$	\$
ASSETS			
Current Assets			
Cash and cash equivalents	24	1,075,481	593,652
Receivables	15	234,128	731,888
Amounts receivable for services	16	50,000	50,000
Other current assets	17	17,545	22,792
Total Current Assets		1,377,154	1,398,332
Non-Current Assets			
Restricted cash and cash equivalents	14,24	685,952	479,410
Amounts receivable for services	16	2,897,000	2,533,000
Property, plant and equipment	18	3,161,658	3,540,423
Intangible assets	19	429,724	593,925
Total Non-Current Assets		7,174,334	7,146,758
TOTAL ASSETS		8,551,488	8,545,090
LIABILITIES			
Current Liabilities			
Payables	21	1,386,725	1,978,792
Provisions	22	5,270,500	4,286,488
Total Current Liabilities		6,657,225	6,265,280
Non-Current Liabilities			
Provisions	22	1,757,907	1,715,103
Total Non-Current Liabilities		1,757,907	1,715,103
TOTAL LIABILITIES		8,415,132	7,980,383
NET ASSETS		136,356	564,707
EQUITY			
Contributed Equity	23	6,972,760	6,972,760
Accumulated surplus/(deficiency)		(6,836,404)	(6,408,053)
TOTAL EQUITY		136,356	564,707

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 2012

	Note	Contributed Equity	Reserves	Accumulated surplus/(deficit)	Total Equity
Balance at 1 July 2010	23	6,972,760	-	(3,727,562)	3,245,198
Changes in accounting policy or correction of prior period errors		-	-	-	-
Restated balance at 1 July 2010		6,972,760	-	(3,727,562)	3,245,198
Surplus/(deficit)		-	-	(2,680,491)	(2,680,491)
Other comprehensive income					
Total comprehensive income for the period		-	-	(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
Balance at 1 July 2011		6,972,760	-	(6,408,053)	564,707
Surplus/(deficit)		-	-	(428,351)	(428,351)
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	(428,351)	(428,351)
Transactions with owners in their capacity as owners:					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		-	-	-	-
Balance at 30 June 2012		6,972,760	-	(6,836,404)	136,356

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 2012

	Note	2012	2011
		\$	\$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		33,685,000	27,834,000
Contributions from Confiscation Proceeds Account ^(a)		4,134,437	6,264,663
Grants and subsidies		-	212,626
Holding account drawdowns		50,000	50,000
Net cash provided by State Government		37,869,437	34,361,289
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(26,298,690)	(24,873,517)
Supplies and services		(10,835,203)	(9,367,307)
GST payments on purchases		(1,032,361)	(859,611)
Receipts			
Receipts from services ^(a)		29,861	29,970
GST receipts on sales		115,577	9,058
GST receipts from taxation authority		951,432	801,062
Net cash provided by/(used in) operating activities	24	(37,069,384)	(34,260,345)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current physical assets		(111,682)	(35,204)
Net cash provided by/(used in) investing activities		(111,682)	(35,204)
Net increase/(decrease) in cash and cash equivalents			
		688,371	65,740
Cash and cash equivalents at the beginning of the period		1,073,062	1,007,322
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	24	1,761,433	1,073,062

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

(a) Comparative amounts have been amended to correct an error in classification

Schedule of Income and Expense by Service
For the year ended 30 June 2012

	Criminal Prosecutions		Confiscation of Assets		Total	
	2012	2011	2012	2011	2012	2011
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	25,201,239	23,554,321	2,072,781	1,986,588	27,274,020	25,540,909
Supplies and services	4,030,155	5,009,054	370,348	274,012	4,400,503	5,283,066
Depreciation and amortisation expense	607,912	638,102	46,370	47,181	654,282	685,283
Accommodation expenses	3,065,417	2,764,630	183,590	175,256	3,249,007	2,939,886
Loss on disposal of non-current assets	366	-	-	-	366	-
Other expenses	2,979,127	2,629,300	376,502	408,879	3,355,629	3,038,179
Total cost of services	35,884,216	34,595,407	3,049,591	2,891,916	38,933,807	37,487,323
<u>Income</u>						
Other revenue	99,101	93,274	3,230	2,452	102,331	95,726
Total income other than income from State Government	99,101	93,274	3,230	2,452	102,331	95,726
NET COST OF SERVICES	35,785,115	34,502,133	3,046,361	2,889,464	38,831,476	37,391,597
<u>Income from State Government</u>						
Service appropriation	34,099,000	28,255,000	-	-	34,099,000	28,255,000
Contribution from Confiscation Proceeds Account	1,000,000	1,000,000	2,599,961	3,999,139	3,599,961	4,999,139
Grants and subsidies	-	212,626	-	-	-	212,626
Resources received free of charge	704,164	1,244,341	-	-	704,164	1,244,341
Total income from State Government	35,803,164	30,711,967	2,599,961	3,999,139	38,403,125	34,711,106
SURPLUS/DEFICIT FOR THE PERIOD	18,049	(3,790,166)	(446,400)	1,109,675	(428,351)	(2,680,491)

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 2012

	Criminal Prosecutions		Confiscation of Assets		Total	
	2012	2011	2012	2011	2012	2011
	\$	\$	\$	\$	\$	\$
<u>Assets</u>						
Current assets	1,269,047	1,299,190	108,107	99,142	1,377,154	1,398,332
Non-current assets	6,611,149	6,640,053	563,185	506,705	7,174,334	7,146,758
Total assets	7,880,196	7,939,243	671,292	605,847	8,551,488	8,545,090
<u>Liabilities</u>						
Current liabilities	6,134,633	5,821,072	522,592	444,208	6,657,225	6,265,280
Non-current liabilities	1,619,911	1,593,502	137,996	121,601	1,757,907	1,715,103
Total liabilities	7,754,544	7,414,574	660,588	565,809	8,415,132	7,980,383
NET ASSETS	125,652	524,669	10,703.95	40,038	136,356	564,707

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

Office of the Director of Public Prosecutions - 30 June 2012

Summary of Consolidated Account Appropriations and Income Estimates
For the year ending 30 June 2012

	2012 Estimate \$	2012 Actual \$	Variance \$	2012 Actual \$	2011 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 53 Net amount appropriated to deliver services	27,948,000	31,168,000	3,220,000	31,168,000	25,705,000	5,463,000
Amount Authorised by Other Statutes - <i>Salaries and Allowances Act 1975</i>	2,931,000	2,931,000	-	2,931,000	2,550,000	381,000
Total appropriations provided to deliver services	30,879,000	34,099,000	3,220,000	34,099,000	28,255,000	5,844,000
<u>Capital</u>						
Capital appropriations	-	-	-	-	-	-
<u>Administered Transactions</u>						
Administered Grants and Transfer Payments	100,000	66,119	(33,881)	66,119	128,244	(62,126)
Total Administered Transactions						
GRAND TOTAL	30,979,000	34,165,119	3,186,119	34,165,119	28,383,244	5,781,874
<u>Details of Expenses by Services</u>						
Criminal Prosecutions	31,556,000	35,884,216	4,328,216	35,884,216	34,595,407	1,288,809
Confiscation of Assets	4,150,000	3,049,591	(1,100,409)	3,049,591	2,891,916	157,675
Total Cost of Services	35,706,000	38,933,807	3,227,807	38,933,807	37,487,323	1,446,484
Less total income	(4,200,000)	(3,702,292)	497,708	(3,702,292)	(5,307,491)	1,605,199
Net Cost of Services	31,506,000	35,231,515	3,725,515	35,231,515	32,179,832	3,051,683
Adjustments	(627,000)	(1,132,515)	(505,515)	(1,132,515)	(3,924,832)	2,792,317
Total appropriations provided to deliver services	30,879,000	34,099,000	3,220,000	34,099,000	28,255,000	5,844,000
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	50,000	111,682	61,682	111,682	35,204	76,478
Adjustments for other funding sources	(50,000)	(111,682)	(61,682)	(111,682)	(35,204)	(76,478)
Capital appropriations	-	-	-	-	-	-
<u>Details of Income Estimates</u>						
Income disclosed as Administered Income	100,000	66,119	(33,881)	66,119	128,244	(62,125)

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 2012 and between the actual results for 2012 and 2011.

Office of the Director of Public Prosecutions

Notes to the Financial Statements

For the year ended 30 June 2012

Note 1. Australian Accounting Standards

General

The Office's financial statements for the year ended 30 June 2012 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. There has been no early adoption of Australian Accounting Standards that have been issued or amended [but not operative] by the Office for the annual reporting period ended 30 June 2012.

Note 2. Summary of significant accounting policies

(a) General statement

The Office is a not-for-profit entity reporting that prepares general purpose financial statements 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 impose legislative provisions govern 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 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 2011-2012 Budget Statements, the Office retained \$102,331 in 2012 (\$95,726 in 2011) 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.

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, and bank overdrafts.

(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. The Office considers the carrying amount of accrued salaries to be equivalent to its 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 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 that is expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave that is not expected to be settled within 12 months after the end of 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 end of the reporting period.

Long service leave

The liability for long service leave that is expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Long service leave that is not expected to be settled within 12 months after the end of 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 end of the reporting period. Pre-conditional and 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 10 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) and the other funds administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees varies according to commencement and implementation dates.

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 Scheme 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). From 30 March 2012, existing members of the WSS or GESBS and new employees became able to choose their preferred superannuation fund. The Office makes concurrent contributions to GESB or other funds on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Office's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

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 or other superannuation fund. 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 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.

Operating lease commitments

The Office has entered into a commercial lease and has determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, this lease has been classified as an operating lease.

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 Office'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 2011 that impacted on the Office.

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 from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.

- AASB 2009-12** *Amendments to Australian Accounting Standards [AASB 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Int 2, 4, 16, 1039 & 1052]*
- This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.
-
- AASB 2010-4** *Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, 7, 101 & 134 and Int 13]*
- The amendments to AASB 7 clarify financial instrument disclosures in relation to credit risk. The carrying amount of financial assets that would otherwise be past due or impaired whose terms have been renegotiated is no longer required to be disclosed. There is no financial impact.
- The amendments to AASB 101 clarify the presentation of the statement of changes in equity. The disaggregation of other comprehensive income reconciling the carrying amount at the beginning and the end of the period for each component of equity is no longer required can be presented in either the Statement of Changes in Equity or the Notes. There is no financial impact.
-
- 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 Int 112, 115, 127, 132 & 1042]*
- This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.
-
- AASB 2010-6** *Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & 7]*
- This Standard introduces additional disclosures relating to transfers of financial assets in AASB 7. An entity shall disclose all transferred financial assets that are not derecognised and any continuing involvement in a transferred asset, existing at the reporting date, irrespective of when the related transfer transaction occurred. There is no financial impact*
-
- 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 Int 2, 112 & 113]*
- This Standard, in conjunction with AASB 1054, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.
-
- AASB 2011-5** *Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation [AASB 127, 128 & 131]*
- This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity are not-for-profit non-reporting entities that comply with Australian Accounting Standards. There is no financial impact.*

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 9	<p><i>Financial Instruments</i></p> <p>This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was reissued in December 2010. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 10	<p><i>Consolidated Financial Statements</i></p> <p>This Standard supersedes requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i> and Int 112 <i>Consolidation – Special Purpose Entities</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 11	<p><i>Joint Arrangements</i></p> <p>This Standard supersedes AASB 131 <i>Interests in Joint Ventures</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 12	<p><i>Disclosure of Interests in Other Entities</i></p> <p>This Standard supersedes disclosure requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i> and AASB 131 <i>Interests in Joint Ventures</i>.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard</p>	1 Jan 2013
AASB 13	<p><i>Fair Value Measurement</i></p> <p>This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. There is no financial impact.</p>	1 Jan 2013
AASB 119	<p><i>Employee Benefits</i></p> <p>This Standard supersedes AASB 119 (October 2010). As the Commission does not operate a defined benefit plan, the impact of the change is limited to measuring annual leave as a long-term employee benefit. The resultant discounting of the annual leave benefit has an immaterial impact</p>	1 Jan 2013

AASB 127	<i>Separate Financial Statements</i>	1 Jan 2013
	<p>This Standard supersedes requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard</p>	
AASB 128	<i>Investments in Associates and Joint Ventures</i>	1 Jan 2013
	<p>This Standard supersedes AASB 128 <i>Investments in Associates</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard</p>	
AASB 1053	<i>Application of Tiers of Australian Accounting Standards</i>	1 Jul 2013
	<p>This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial impact.</p>	
AASB 2009-11	<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 Int 10 & 12]</i>	1 Jul 2013
	[Modified by AASB 2010-7]	
AASB 2010-2	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Int 2, 4, 5, 15, 17, 127, 129 & 1052]</i>	1 Jul 2013
	<p>This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</p>	
AASB 2010-7	<i>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 Int 2, 5, 10, 12, 19 & 127]</i>	1 Jan 2013
	<p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The Office has not yet determined the application or the potential impact of the Standard.</p>	
AASB 2011-2	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & 1054]</i>	1 Jul 2013
	<p>This Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no financial impact.</p>	
AASB 2011-6	<i>Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation – Reduced Disclosure Requirements [AASB 127, 128 & 131]</i>	1 Jul 2013
	<p>This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity comply with Australian Accounting Standards or Australian Accounting Standards – Reduced Disclosure Requirements. There is no financial impact.</p>	

AASB 2011-7	<p><i>Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 & 1038 and Int 5, 9, 16 & 17]</i></p> <p>This Standard gives effect to consequential changes arising from the issuance of AASB 10, AASB 11, AASB 127 <i>Separate Financial Statements</i> and AASB 128 <i>Investments in Associates and Joint Ventures</i>. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 2011-8	<p><i>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 & 132]</i></p> <p>This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.</p>	1 Jan 2013
AASB 2011-9	<p><i>Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]</i></p> <p>This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jul 2012
AASB 2011-10	<p><i>Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14]</i></p> <p>This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 <i>Employee Benefits</i> in September 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 2011-11	<p><i>Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements</i></p> <p>This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.</p>	1 Jan 2013
AASB 2012-1	<p><i>Amendments to Australian Accounting Standards - Fair Value Measurement - Reduced Disclosure Requirements [AASB 3, 7, 13, 140 & 141]</i></p> <p>This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 13 and the consequential amendments implemented through AASB 2011-8. There is no financial impact.</p>	1 Jul 2013

Note 6. Employee benefits expense

	2012	2011
	\$	\$
Wages and salaries ^(a)	24,509,567	23,007,534
Superannuation - defined contribution plans ^(b)	2,265,354	2,094,929
Other employee related expenses ^(c)	499,099	438,446
	27,274,020	25,540,909

(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, Gold State, Super Choice Schemes 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 expenses, such as workers' compensation insurance are included at note 10 'Other expenses'.

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

Note 7. Supplies and Services

	2012	2011
	\$	\$
Communications	197,627	237,140
Consultants and contractors ^(a)	2,711,182	2,942,370
Consumables	739,620	822,827
Staff travel and accommodation	307,228	406,468
Miscellaneous	444,846	874,261
	4,400,503	5,283,066

(a) Comparative figures from the category 'Consultants and contractors' have been reclassified to the categories 'Witness expenses', 'External brief-out expense', and 'Litigation costs' to be comparable with figures presented in the current financial year.

Note 8. Depreciation and amortisation expense

	2012	2011
	\$	\$
<u>Depreciation</u>		
Leasehold improvements	372,520	372,520
Computer hardware	53,022	50,443
Office equipment	64,540	101,039
Total depreciation	490,082	524,002
<u>Amortisation</u>		
Intangible assets	164,200	161,281
Total amortisation	164,200	161,281
Total depreciation and amortisation	654,282	685,283

Note 9. Accommodation expenses

	2012	2011
	\$	\$
Building rental operating lease expense	3,249,007	2,939,886
	3,249,007	2,939,886

Note 10. Net gain(loss) on disposal of non-current assets

	2012	2011
	\$	\$
Cost on disposal of non-current assets		
Office equipment and computers	(366)	-
Net gain/(loss)	(366)	-

Note 11. Other expenses

	2012	2011
	\$	\$
Witness expenses ^(b)	581,824	600,262
Equipment and vehicles operating lease expense	186,275	297,530
Building and equipment repairs and maintenance	145,322	49,316
Litigation Costs ^(c)	385,028	566,685
External brief out expense ^(d)	2,024,482	1,516,009
Other expenses ^(a)	32,698	8,377
	3,355,629	3,038,179

(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.

(b) Comparative figures for 'Witness expenses' have been reclassified from the category 'Consultants and contractors' to be comparable with figures presented in the current financial year.

(c) Litigation costs previously has been classified in the category 'Consultants and contractors'. They have now been classified in their own right.

(d) External brief out expense previously has been classified in the category 'Consultants and contractors'. They have now been classified in their own right.

Note 12. Other revenue

	2012	2011
	\$	\$
Contributions to motor vehicle scheme	49,157	45,410
Other revenue	53,174	50,316
	102,331	95,726

Note 13. Income from State Government

	2012 \$	2011 \$
Appropriation received during the period:		
Service appropriations ^(a)	34,099,000	28,255,000
Contributions from Confiscation Proceeds Account ^(b)	3,599,961	4,999,139
Grants and subsidies ^(c)	-	212,626
	37,698,961	33,466,765
Resources received free of charge ^(d)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- Corporate services	594,265	1,037,414
- State Solicitor's Office	47,318	173,690
Department of Finance		
- Building and Management Works	9,704	6,295
Landgate		
- Valuation services	52,877	26,942
	704,164	1,244,341
	38,403,125	34,711,106

(a) Service appropriations fund the net cost of services delivered. 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 Office 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.

(d) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contribution of assets or services in the nature of contributions by owners, are recognised direct to entity.

Note 14. Restricted cash and cash equivalents

	2012	2011
	\$	\$
Non-current		
Accrued salaries suspense account ^(a)	685,952	479,410
	685,952	479,410

(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

	2012	2011
	\$	\$
Current		
Receivables	191,955	624,754
GST Receivable	42,173	107,134
Total current	234,128	731,888

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of period	-	3,661
Doubtful debts expense	-	-
Amounts written off during the period	-	(3,388)
Miscellaneous Other	-	(273)
Balance at end of period	-	-

Note 16. Amounts receivable for services (holding account)

	2012	2011
	\$	\$
Current	50,000	50,000
Non-Current	2,897,000	2,533,000
	2,947,000	2,583,000

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

Note 17. Other assets

	2012	2011
	\$	\$
<u>Current</u>		
Prepayments	17,545	22,792
Total current	17,545	22,792

Note 18. Property, plant and equipment

	2012	2011
	\$	\$
<u>Leasehold improvements</u>		
At cost	5,163,600	5,163,600
Accumulated depreciation	(2,157,566)	(1,785,046)
	3,006,034	3,378,554
<u>Computer hardware</u>		
At cost	281,828	226,277
Accumulated depreciation	(202,550)	(156,028)
	79,278	70,249
<u>Office equipment</u>		
At cost	391,396	364,436
Accumulated depreciation	(315,050)	(272,816)
	76,346	91,620
	3,161,658	3,540,423

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
2012	\$	\$	\$	\$	\$
Carrying amount at start of period	3,378,554	70,250	91,620	-	3,540,424
Transferred to Assets	-	-	-	-	-
Transferred to Intangible Assets	-	-	-	-	-
Additions	-	62,051	49,631	-	111,682
Disposals	-	-	(366)	-	(366)
Depreciation	(372,520)	(53,022)	(64,540)	-	(490,082)
Carrying amount at end of period	3,006,034	79,279	76,346	-	3,161,659
2011	\$	\$	\$	\$	\$
Carrying amount at start of period	3,746,074	85,489	192,659	741,785	4,766,007
Transferred to Assets	5,000	-	-	(5,000)	-
Transferred to Intangible Assets	-	-	-	(736,785)	(736,785)
Additions	-	35,204	-	-	35,204
Disposals	-	-	-	-	-
Depreciation	(372,520)	(50,443)	(101,039)	-	(524,002)
Carrying amount at end of period	3,378,554	70,250	91,620	-	3,540,424

Note 19. Intangible assets

	2012	2011
	\$	\$
<u>Licences</u>		
At cost	18,199	11,699
Accumulated amortisation	(15,275)	(4,875)
	<u>2,924</u>	<u>6,824</u>
<u>Computer Software</u>		
At cost	747,994	747,994
Accumulated amortisation	(321,194)	(160,893)
	<u>426,800</u>	<u>587,101</u>
Total intangible assets	<u>429,724</u>	<u>593,925</u>

Reconciliations:

Intangible assets	2012	2011
Licences		
Carrying amount at start of period	6,824	10,724
Additions	-	-
Amortisation	(3,900)	(3,900)
Carrying amount at end of period	<u>2,924</u>	<u>6,824</u>
Computer software		
Carrying amount at start of period	587,100	7,696
Transferred from Assets	-	736,785
Amortisation	(160,300)	(157,381)
Carrying amount at end of period	<u>426,800</u>	<u>587,100</u>

Note 20. Impairment of assets

There were no indications of impairment to property, plant and equipment, and intangible assets at 30 June 2012.

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 2012 have either been classified as assets held for sale or written-off.

Note 21. Payables

	2012	2011
	\$	\$
<u>Current</u>		
Trade payables	215,673	289,280
Accrued expenses	549,809	1,045,990
Accrued salaries and wages	614,061	643,522
Other current liabilities	7,182	-
Total current	1,386,725	1,978,792

Note 22. Provisions

	2012	2011
	\$	\$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave ^(a)	2,260,491	1,999,422
Long service leave ^(b)	2,981,510	2,275,204
Purchased leave	23,697	7,929
	5,265,698	4,282,555
<i>Other provisions</i>		
Employment on-costs ^(c)	4,802	3,933
	4,802	3,933
	5,270,500	4,286,488
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave ^(b)	1,756,293	1,713,529
	1,756,293	1,713,529
<i>Other provisions</i>		
Employment on-costs ^(c)	1,614	1,574
	1,614	1,574
	1,757,907	1,715,103

(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 end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2012	2011
	\$	\$
Within 12 months of the end of the reporting period	1,460,456	1,334,007
More than 12 months after the end of the reporting period	800,035	665,415
	2,260,491	1,999,422

(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 end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2012	2011
	\$	\$
Within 12 months of the end of the reporting period	1,013,025	832,996
More than 12 months after the end of the reporting period	3,724,778	3,155,737
	<u>4,737,803</u>	<u>3,988,733</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

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

	2012	2011
	\$	\$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	5,507	5,230
Payments/other sacrifices of economic benefits	909	277
Carrying amount at end of the period	<u>6,416</u>	<u>5,507</u>

Note 23. Equity

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

Contributed Equity

	2012	2011
	\$	\$
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)

	2012	2011
	\$	\$
Balance at start of period	(6,408,053)	(3,727,562)
Result for the period	(428,351)	(2,680,491)
Balance at end of year	<u>(6,836,404)</u>	<u>(6,408,053)</u>
Total Equity at end of period	<u>136,356</u>	<u>564,707</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:

	2012	2011
	\$	\$
Cash advances	2,000	2,000
Cash and cash equivalents	1,073,481	591,652
Restricted cash and cash equivalents	685,952	479,410
	1,761,433	1,073,062

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

	2012	2011
	\$	\$
Net cost of services	(38,831,476)	(37,391,597)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	654,282	685,283
Other expenses	-	(3,661)
Resources received free of charge	704,164	1,244,341
Net (gain)/loss on sale of property, plant and equipment	366	-
<u>(Increase)/decrease in assets:</u>		
Current receivables ^(a)	(101,677)	(62,096)
Other current assets	5,247	208,338
<u>Increase/(decrease) in liabilities:</u>		
Current payables	(592,067)	716,866
Current provisions	984,012	368,137
Non-current provisions	42,804	(3,514)
Net GST receipts/(payments) ^(b)	(34,648)	49,491
Change in GST in receivables/payables ^(c)	99,609	(71,933)
Net cash provided by/(used in) operating activities	(37,069,384)	(34,260,345)

- (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

	2012	2011
	\$	\$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	1,980,119	1,926,874
Later than 1 year and not later than 5 years	7,409,881	7,075,268
Later than 5 years	5,442,834	6,931,665
	14,832,834	15,933,807

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 estimate and actual for 2012

	2012 Estimate \$	2012 Actual -	Variance \$
Service Appropriation	30,879,000	34,099,000	3,220,000

The Office obtained supplementary funding to fund significant expenditure in the area of professional services (including transcription costs and external brief out costs), and lease costs.

Significant variances between actuals results for 2012 and 2011

	2012 \$	2011 \$	Variance \$
Service Appropriation	34,099,000	28,255,000	5,844,000
Total Income	3,702,292	5,307,491	(1,605,199)

The Office obtained supplementary funding to fund significant expenditure in the area of professional services (including transcription costs and external brief out costs), and lease costs.

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 2012

	2012 Estimate \$	2012 Actual \$	Variance \$
Criminal Prosecutions	31,556,000	35,884,216	4,328,216
Confiscation of Assets	4,150,000	3,049,591	(1,100,409)

The Office obtained supplementary funding to fund significant expenditure in the area of professional services (including transcription costs and external brief out costs), and lease costs.

Significant variances between actual results for 2012 and 2011

	2012 \$	2011 \$	Variance \$
Criminal Prosecutions	35,884,216	34,595,407	1,288,809
Confiscation of Assets	3,049,591	2,891,916	157,675

The Office incurred significant expenditure in the area of professional services (including transcription costs and external brief out costs), and lease costs.

Total administered transactions

	2012	2011	Variance
	\$	\$	\$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	100,000	66,119	33,881

Significant variances between actual results for 2012 and 2011

	2012	2011	Variance
	\$	\$	\$
Administered Grants and Transfer Payments			
- Proceeds of Crime (Misuse of Drugs Act 1981)	66,119	128,244	(62,125)

Administered IncomeSignificant variances between actuals results for 2012 and 2011

	2012	2011	Variance
	\$	\$	\$
Proceeds of Crime (Misuse of Drugs Act 1981)	66,119	128,244	(62,125)

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 allowance 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:

	2012	2011
	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	1,075,481	593,652
Restricted cash and cash equivalents	685,952	479,410
Loans and receivables ^(a)	3,138,955	3,207,754
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	1,386,725	1,978,792

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

(c) Financial Instrument disclosuresCredit Risk

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

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

Aged analysis of financial assets

	Carrying Amount \$	Not past due and not impaired \$	<u>Past due but not impaired</u>					Impaired financial assets \$
			Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 Years \$	
2012								
Cash and cash equivalents	1,075,481	1,075,481	-	-	-	-	-	-
Restricted cash and cash equivalent	685,952	685,952	-	-	-	-	-	-
Receivables ^(a)	191,955	81,688	106,465	3,802	-	-	-	-
Amounts receivable for services	2,947,000	2,947,000	-	-	-	-	-	-
	4,900,388	4,790,121	106,465	3,802	-	-	-	-
2011								
Cash and cash equivalents	593,652	593,652	-	-	-	-	-	-
Restricted cash and cash equivalent	479,410	479,410	-	-	-	-	-	-
Receivables ^(a)	624,754	571,299	30,663	8,506	11,531	2,755	-	-
Amounts receivable for services	2,583,000	2,583,000	-	-	-	-	-	-
	4,280,816	4,227,361	30,663	8,506	11,531	2,755	-	-

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

Liquidity Risk and interest rate exposure

The following table details the Office's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analyses only the carrying amounts of each item.

Interest rate exposure and maturity analysis of financial assets and financial liabilities

		<u>Interest rate exposure</u>					<u>Maturity Dates</u>				
	Weighted average effective interest Rate %	Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Total Nominal Amount \$	Up to 1 months \$	1-3months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2012											
<u>Financial Assets</u>											
Cash and cash equivalents		1,075,481	-	-	1,075,481	1,075,481	1,075,481	-	-	-	-
Restricted cash and cash equivalent		685,952	-	-	685,952	685,952	-	-	-	685,952	-
Receivables ^(a)		191,955	-	-	191,955	191,955	191,955	-	-	-	-
Amounts receivable for services		2,947,000	-	-	2,947,000	2,947,000	50,000	-	-	200,000	2,697,000
		4,900,388	-	-	4,900,388	4,900,388	1,317,436	-	-	885,952	2,697,000
<u>Financial Liabilities</u>											
Payables		1,386,725	-	-	1,386,725	1,386,725	1,386,725	-	-	-	-
		1,386,725	-	-	1,386,725	1,386,725	1,386,725	-	-	-	-

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

Interest rate exposure and maturity analysis of financial assets and financial liabilities

		<u>Interest rate exposure</u>					<u>Maturity Dates</u>				
	Weighted average effective interest Rate %	Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Total Nominal Amount \$	Up to 1 months \$	1-3months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2011											
<u>Financial Assets</u>											
Cash and cash equivalents		593,652	-	-	593,652	593,652	593,652	-	-	-	-
Restricted cash and cash equivalent		479,410	-	-	479,410	479,410	-	-	-	479,410	-
Receivables ^(a)		624,754	-	-	624,754	624,754	624,754	-	-	-	-
Amounts receivable for services		2,583,000	-	-	2,583,000	2,583,000	50,000	-	-	200,000	2,333,000
		4,280,816	-	-	4,280,816	4,280,816	1,268,406	-	-	679,410	2,333,000
<u>Financial Liabilities</u>											
Payables		1,978,792	-	-	1,978,792	1,978,792	1,978,792	-	-	-	-
		1,978,792	-	-	1,978,792	1,978,792	1,978,792	-	-	-	-

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

Notes to the Financial Statements
For the year ending 30 June 2012

Note 29. Remuneration of senior officers

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

	2012	2011
\$		
70,001 - 80,000		1
120,001 - 130,000		1
170,001 - 180,000	1	
240,001 - 250,000		1
280,001 - 290,000		1
290,001 - 300,000	2	1
300,001 - 310,000		1
310,001 - 320,000	1	
320,001 - 330,000	1	
360,001 - 370,000		1
380,001 - 390,000	1	
400,001 - 410,000	1	
420,001 - 430,000		1
430,001 - 440,000	1	
450,001 - 460,000		
470,001 - 480,000	1	1
	\$	\$
Total remuneration of senior officers	3,113,963	2,596,356

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:

	2012	2011
	\$	\$
Auditing the accounts, financial statements and key performance indicators	30,000	26,900

Note 31. Supplementary financial information

(a) Write-offs

During the financial year bad debts totalling \$1,500 (2011: \$6,450) were written off, under the Authority of the accountable authority.

Note 32. Disclosure of administered income and expenses by service

	Confiscation of Assets	
	2012	2011
	\$	\$
COST OF SERVICES		
<u>Expenses</u>		
Transfer payments	66,119	128,244
Total administered expenses	66,119	128,244
 Income		
For transfer:		
Misuse of Drugs Act	66,119	128,244
Total administered income	66,119	128,244

Note 33. Administered assets and liabilities

	2012	2011
	\$	\$
<u>Current Assets</u>		
Cash and cash equivalents	65,860	-
Total Administered Current Assets	65,860	-
 TOTAL ADMINISTERED ASSETS	65,860	-
 <u>Current Liabilities</u>		
Payables	65,860	-
Total Administered Current Liabilities	65,860	-
 TOTAL ADMINISTERED LIABILITIES	65,860	-

Note 34 Contingent Liability

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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