



GOVERNMENT OF
WESTERN AUSTRALIA



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

2017-18 ANNUAL REPORT

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CONTENTS

CONTENTS.....	1
CONTACT DETAILS	2
PUBLICATIONS.....	2
FURTHER INFORMATION.....	2
GLOSSARY OF TERMS.....	3
STATEMENT OF COMPLIANCE	4
PART 1 OVERVIEW	5
EXECUTIVE SUMMARY: FROM THE DIRECTOR	5
MISSION STATEMENT	8
OPERATIONAL STRUCTURE.....	9
ORGANISATION CHART	11
PERFORMANCE MANAGEMENT FRAMEWORK.....	12
SERVICES PROVIDED	13
SERVICE 1 CRIMINAL PROSECUTIONS.....	13
SERVICE 2 CONFISCATION OF ASSETS.....	16
PART 2 AGENCY PERFORMANCE AND SIGNIFICANT ISSUES.....	17
CRIMINAL PROSECUTIONS	17
MAGISTRATES COURTS	17
SUPREME AND DISTRICT COURTS	19
CHILDREN'S COURT	23
APPEALS.....	25
EXTRADITIONS.....	28
DANGEROUS SEXUAL OFFENDERS.....	29
CONFISCATION OF ASSETS.....	32
LEGISLATION AND LAW REFORM.....	35
INTER-AGENCY COMMITTEES AND WORKING GROUPS.....	40
INVESTING IN PEOPLE	42
PART 3 DISCLOSURES AND LEGAL COMPLIANCE.....	44
MINISTERIAL DIRECTIVES	44
OTHER FINANCIAL DISCLOSURES	44
GOVERNANCE DISCLOSURES	45
PUBLIC INTEREST DISCLOSURES.....	45
OTHER LEGAL REQUIREMENTS	45
GOVERNMENT POLICY REQUIREMENTS.....	47
PART 4 KEY PERFORMANCE INDICATORS & FINANCIAL STATEMENTS	49
AUDITOR GENERAL'S REPORT	50
KEY PERFORMANCE INDICATORS	54
FINANCIAL STATEMENTS	62
INDEX OF TABLES	93

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PUBLICATIONS

The following publications are available from the Office of the Director of Public Prosecutions ('ODPP').

General information

- Annual Report to Parliament for each financial year since 1992-93.
- *Statement of Prosecution Policy and Guidelines 2005.*
- Workforce and Diversity Plan 2012-17.
- Disability Access and Inclusion Plan 2014-19.

Brochures

- About the ODPP.
- Information for Victims of Crime.
- Witness Information.

FURTHER INFORMATION

This report has been produced in line with the WA Public Sector Commission's [Annual Reporting Framework 2017-18](#) and meets the Framework's requirement that costs are kept to a minimum for graphics, photographs, artwork and printing.

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

For any further information on the operations of the ODPP please visit our website at www.dpp.wa.gov.au or contact us via any means outlined above.

GLOSSARY OF TERMS

Accused	The person alleged in a prosecution notice or indictment to have committed an offence.
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 Supreme or District Court.
Extradition	The process of retrieving an accused who has left the State to return to WA to answer charges.
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 Supreme or District 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.
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 Western Australian Police ('WA Police').
Sentence	The penalty imposed by the Court for an offence.
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 person's guilt or innocence.

STATEMENT OF COMPLIANCE

In accordance with section 61 of the [Financial Management Act 2006](#) and section 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 2018.

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

In accordance with section 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](#).



Amanda Forrester SC
DIRECTOR OF PUBLIC PROSECUTIONS
CHIEF EXECUTIVE OFFICER
ACCOUNTABLE AUTHORITY

28 September 2018

PART 1 OVERVIEW

EXECUTIVE SUMMARY: FROM THE DIRECTOR

This is my second year as the Director of Public Prosecutions for the State of Western Australia ('DPP'). It has been an immensely busy and productive year for the Office of the Director of Public Prosecutions ('ODPP'), which continues to experience an increased workload, while operating under the challenging fiscal restraints imposed upon the whole public sector by the WA Government.

The ODPP represents the State in all criminal prosecutions in Supreme and District Courts, criminal appeals (whether before a single judge of the Supreme Court, the Court of Appeal or the High Court), proceedings under the [Dangerous Sexual Offenders Act 2006](#), and civil proceedings under the [Criminal Property Confiscation Act 2000](#). The ODPP's areas of practice include criminal prosecutions in some summary Courts, including the Perth Children's Court, the Perth Magistrates Court and the Stirling Gardens Magistrates Court ('SGMC'). The ODPP also provides legal advice to investigators, considers applications for extradition, is regularly consulted in relation to proposed legislative amendments, and has a responsibility to provide information to a number of agencies regarding various aspects of its practice.

The ODPP is committed to providing a fair and just prosecution service, and its position as the agency responsible for prosecuting the most serious criminal cases in the State places it at the core of the criminal justice system.

In this reporting period, the ODPP received 2,826 committals for trial or sentence, a small increase of nine on 2016-17. There were 1,602 new cases listed for committal in the Perth Magistrates Court, a reduction of 270 cases (14.4%) on the previous year. This reduction appears to be the result of the new Police Committal Mention procedure implemented by the Chief Magistrate commencing on 1 January 2018. However, it is not clear at this stage if that reduction merely reflects a lag in new cases or is due to the resolution or discontinuance of more matters by WA Police. There were also 83 less committals for sentence. However, these reductions were offset to a large extent by the number of committals for trial, up by 92 (7.5%). There was also a small increase in the total number of listed trials, 1,050, up by 12 on the previous year. There were 29 more trials which actually proceeded than in the previous year, an increase of 6%.

In 2017-18 the average duration of trials in the Supreme Court was 6.1 days, and in the District Court the average duration was 4.2 days.

The figures show that since 2013-14, the ODPP has absorbed a 40.3% increase in committals, a 37.1% increase in listed trials and a 28.3% increase in trials proceeding. As a result of the increased number of trials proceeding, there are an extra 475 Court days which the ODPP is required to cover per year since 2013-14. The preparation time associated with those days is likely to have been equal to, if not greater than, the number of Court days themselves, representing a very significant increase in the workload of prosecutors and support staff.

This dramatic increase in workload has been absorbed with an increase of only 6.5 approved FTE for the whole of the ODPP over the same period, from 215.3 to 221.8 FTE. This reflects the significant achievements of the ODPP in improving productivity and efficiency. However, it also reflects the very high levels of dedication and

commitment of ODPP staff, who have worked very long hours to maintain their professional standards, their high level of legal skill, and their careful attention to the needs of the ODPP's many stakeholders.

Of the trials in 2017-18, 538 (51.2%) did not proceed, with 247 (45.9%) not proceeding due to a plea of guilty by the accused either prior to, or on the day of trial. A case listed for trial must still be fully prepared by a State Prosecutor, on the assumption it will proceed, until it is confirmed it will not. While late pleas of guilty may, at times, mean little additional burden on judicial resources (another trial has usually also been listed which can take its place), the burden on State Prosecutors and support staff remains very substantial.

Of the 512 trials which did proceed, 462 delivered a definitive final outcome, that is, a conviction or an acquittal. The remaining 50 trials resulted in a mistrial or a hung jury, usually requiring a retrial.

Where trials proceeded to a final conclusion, 70.1% resulted in a conviction of the accused of one or more of the offences with which they were charged. This is a reflection of the thorough evaluation of cases, skilled trial advocacy and the exercise of sound judgment by prosecutors in the exercise of prosecutorial discretion.

The numbers of appeals commenced in 2017-18 (216) continues to rise, as is to be expected as the number of trials prosecuted by the ODPP increases. The number of appeals finalised also rose by 15 to 230, reflecting an increased workload in the appeals section of the ODPP.

As is inevitable having regard to the nature of the regime under the [Dangerous Sexual Offenders Act 2006](#), the ODPP continues to deal with greater numbers of offenders declared under that Act. During 2017-18, the ODPP lodged four new applications and had the conduct of 47 matters under the Act, an increase of two from the previous reporting period.

The Confiscations Team had a small increase in the number of matters conducted by it. However, the value of property confiscated in 2017-18 was \$8.48m, less than any year since 2013-14.

In summary, the upwards trajectory in the ODPP's workload has continued the trend of previous years, but with a lesser incline.

The conditions under which the ODPP has operated for a number of years is less than ideal. The substantial increase in workload, the need to vastly improve technology, budgetary constraints imposed upon the ODPP, the public sector wage policy, a more stringent leave liability management program, and the difficulty finding experienced prosecutors to replace those who leave for improved career opportunities or a better work-life balance, have combined with the increased pressure placed upon the ODPP by the Courts and WA Police to place a significant strain upon all of the ODPP's staff.

This strain is exacerbated by the nature of the ODPP's work. Many of the prosecutions conducted by the ODPP involve highly traumatic subject matter, with highly traumatised victims. The subject matter, as well as the need to support victims through the criminal justice system can be difficult and distressing, and can cause vicarious trauma. The increase in graphic and indecent digital content located by WA Police, which needs to be viewed in preparation for a case, whether a sentencing hearing or a trial, is also a matter which can severely affect the wellbeing of ODPP staff. Working in a highly pressured environment can only increase the detrimental impact of this material. The ODPP is

continuing to investigate ways to support its employees, to provide them with methods of preventing and coping with vicarious trauma and to ensure their well-being.

As foreshadowed in last year's Annual Report, the ODPP continues to make gradual improvements in the area of information and technology. In the past year, the ODPP has successfully rolled out Windows 10 and Office 365 upgrades and has supplied a number of more functional laptops to staff, particularly for use on circuit. These upgrades form the foundation for developing a legal practice less reliant on paper-based recording and moving towards digital record keeping with full remote access in future years.

The ODPP continues to manage a number of very significant prosecutions, as well as multiple matters arising from WA Police operations, such as those targeting child sexual offending in the Pilbara, and cannabis grow houses across the State. Such large-scale cases and operations require dedicated resources to most efficiently prosecute them, and often impact most on the availability of senior staff. While the government has provided additional funding to reduce the impact upon the ODPP, the human resources they require are not easily replaced.

Effective 1 September 2018, I issued an amended [DPP Statement of Prosecution Policy and Guidelines](#) and a new statement of the [DPP Prosecution Policy and Guidelines for Victims of Crime](#). These documents together represent a substantial body of work by the most senior legal staff in the ODPP, and modernise the policy framework under which the ODPP will operate in the coming years. In particular, they provide for a formal and transparent process by which victims of alleged offences can seek the review of certain prosecution decisions by the ODPP, in accordance with recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. We continue to work with government to implement the broader response to the Royal Commission recommendations.

It is appropriate to end with an acknowledgement of the highly dedicated and professional staff of the ODPP. Many staff work extremely long hours of overtime, under immense pressure, and at great sacrifice to their personal lives, in their attempts to ensure trials proceed fairly to all parties, to support victims and witnesses, and to provide the paralegal and corporate services so imperative to running prosecutions and the ODPP as a whole. They support each other in a highly collegiate and collaborative way, and they provide an enormous amount of support to me in my performance of the many and varied functions of the DPP. I am very grateful to them all.



Amanda Forrester SC
DIRECTOR OF PUBLIC PROSECUTIONS

MISSION STATEMENT

Mission

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

Vision

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

Values

We are committed to applying 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.
- To deliver strong corporate governance.

OPERATIONAL STRUCTURE

The ODPP for the State of Western Australia was created in February 1992 following the enactment of the [*Director of Public Prosecutions Act 1991*](#). Ms Amanda Forrester SC is the DPP and reports to the WA Attorney General, the Hon. John Quigley MLA, and to the Western Australian Parliament.

The position of Deputy Director of Public Prosecutions ('Deputy DPP'), also a statutory office, is held by Ms Carmel Barbagallo SC.

Consultant State Prosecutors

Reporting to the DPP and Deputy DPP, these are the most senior prosecutors in the ODPP and are allocated the conduct of the most complex legal matters. Currently, there are four Consultant State Prosecutors and one acting Consultant State Prosecutor, who are authorised to approve substantive discontinuances of whole cases and the negotiation of charges. They provide high level legal support and advice to the legal practice teams as well as 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, Mr Matthew Bugg.

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.

Prosecution Teams

Three teams, each headed by a Practice Manager (Senior State Prosecutor) are responsible for all indictable prosecutions in the Supreme and District Courts throughout the State, and take over prosecutions pre-committal in the Perth and Stirling Gardens Magistrates Courts. Each team comprises approximately 50 staff members, including State Prosecutors, paralegals and legal assistants. The prosecutors within each team are divided into four work groups, each of which is headed by a Work Group Co-ordinator (Senior State Prosecutor) who manages the matters assigned to the work group, signs indictments for State Prosecutors within the work group and ensures junior prosecutors are appropriately mentored and guided.

Children's Court Team

Headed by a Practice Manager (Senior State Prosecutor), this team is responsible for all prosecutions that come before the President of the Children's Court. The team prosecutes cases before Magistrates sitting in the Children's Court at Perth. The team is located on site at the Perth Children's Court.

Appeals Team

Headed by a Consultant State Prosecutor and comprised of prosecutors and support staff, the Appeals Team manages all aspects of the ODPP's appellate practice, including all

appeals brought by the State or an accused in the Court of Appeal or High Court, and single Judge appeals from decisions in some classes of Magistrates Court cases.

Dangerous Sexual Offenders Team

A team of two prosecutors and one paralegal manages all work required of the ODPP under the [Dangerous Sexual Offenders Act 2006](#).

Confiscations Team

The Confiscations Team is headed by a Practice Manager (Senior State Prosecutor) and has a unique role in the ODPP. Acting as solicitors and counsel in civil litigation, the team manages a range of matters including confiscation proceedings pursuant to the [Criminal Property Confiscation Act 2000](#).

Legal Policy and Projects

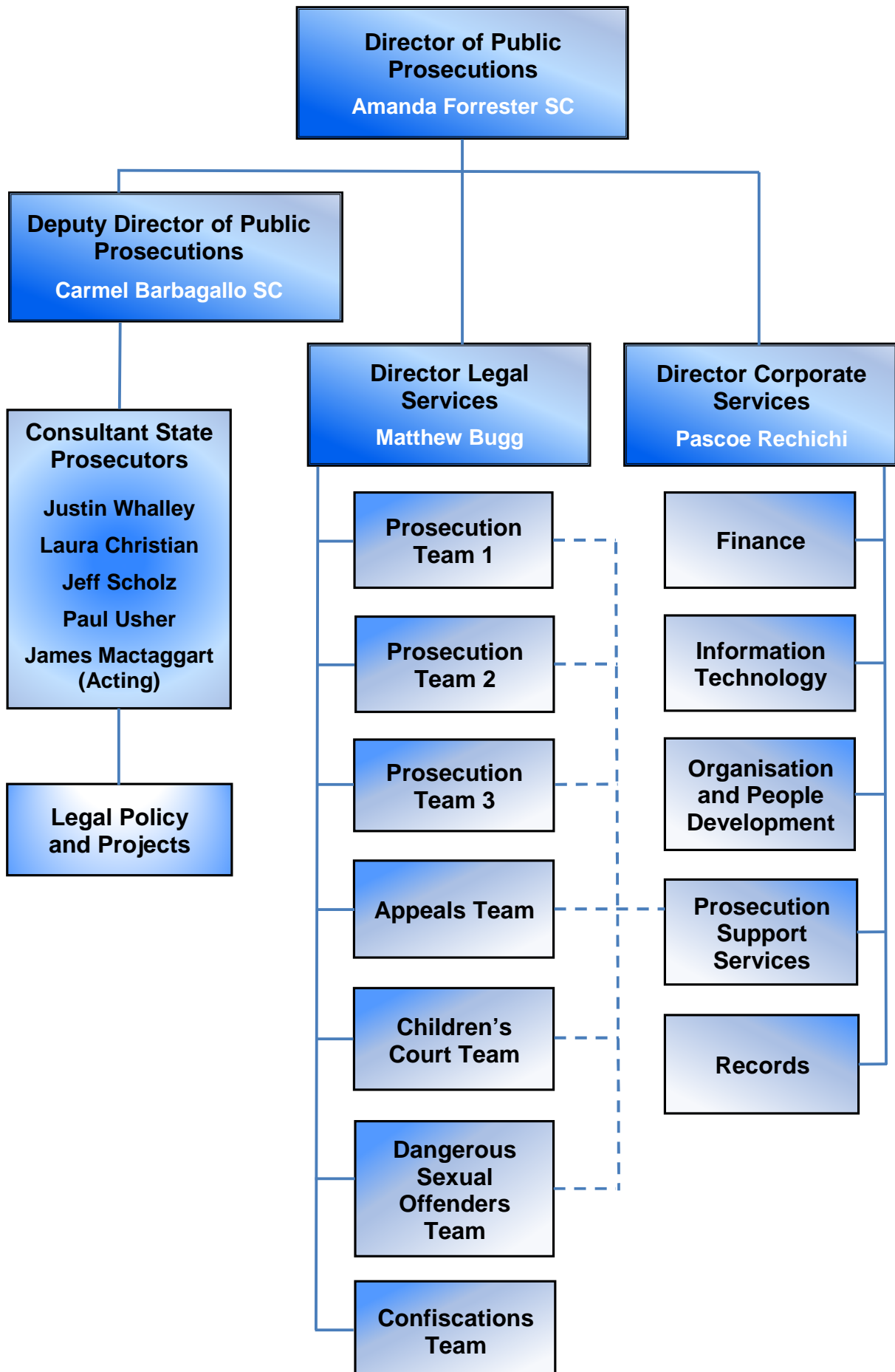
A legal policy and projects lawyer is responsible for co-ordinating legal policy development within the ODPP, monitoring legislative developments, and co-ordinating, reviewing and preparing legislative reform proposals and submissions on behalf of the DPP, including providing advice to the Attorney General and external bodies on the operation of the criminal law.

Corporate and Legal Support Services

This group is responsible for the delivery of a range of corporate and legal support services to the legal practice and ensure that the ODPP meets its corporate responsibilities as a public sector agency. Services include financial management; human resource management; records and information management; information technology; business improvement; as well as facilities and administration services.

All paralegals, legal assistants and law clerks in the various legal practice teams described above are part of this group. The group includes a prosecution support team which plays an important role in the receipt and allocation of new criminal cases to the prosecution teams and the co-ordination of all Court appearances by ODPP prosecutors.

ORGANISATION CHART



PERFORMANCE MANAGEMENT FRAMEWORK

The work of the ODPP is guided by the following performance management framework.

GOVERNMENT GOAL	
Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	
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 Supreme and District Courts where an indictment is filed within 90 days of the date of committal.
2. Establishing a case to answer. (Target 98%)	Percentage of trials that proceed where the outcome is determined by a jury or Judge alone because the State was able to demonstrate a case to answer.
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 \$15,000)	The raw average cost per matter, expressed as the total cost of service of criminal prosecutions divided by the number of new indictable prosecutions received.
Service 2 – Confiscation of Assets	
2. Ratio of cost to return. (Target 25%)	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.

SERVICE 1 CRIMINAL PROSECUTIONS

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

Magistrates Court

Criminal proceedings brought against an accused commence in the Magistrates Court. After an investigation, the WA Police may file a Prosecution Notice with the Court and bring the accused before the Court either by arrest or issuing a summons.

Generally, the WA Police are responsible for the conduct of any charge of an indictable offence while it remains in the Magistrates Court. The exceptions to this arrangement are in the Perth Magistrates Court and the SGMC where the ODPP becomes responsible for the preparation of prosecutions of indictable offences for committal to the Supreme or District Court. The ODPP's involvement at this pre-committal stage aims to expedite the committal and hearing of cases and has proven to be very effective in ensuring that matters which proceed to trial or sentence in the Supreme and District Courts are appropriately committed and properly prepared.

Committals for trial or sentence are the main form of notification to the ODPP of cases proceeding to the Supreme or District Courts for prosecution and are generated from all regional and metropolitan Magistrates Courts. Receipt of a committal from the Magistrates Court is one source of data used to calculate the ODPP's workload and other key statistics.

Supreme and District Courts

The Supreme and District Courts are the main jurisdictions in which the ODPP operates. Following investigations by the WA Police and the collation of evidence from the investigation, the ODPP can assess the merits of a prosecution and, if appropriate will file an indictment which formalises the charges against the accused in either the Supreme or District Court.

The progress of a Supreme or District Court prosecution generally follows one of two paths – the case will be resolved either by a plea of guilty or by trial. If an accused pleads guilty in the Magistrates Court, they are committed to the Supreme or District Court and sentenced by a Judge. 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. Most trials proceed before a Judge and a jury, although in certain circumstances a trial may be held before a Judge alone.

The trial process requires the ODPP to present the evidence against the accused fairly and allows the accused to defend the charges brought against them. Not all listed trial cases are resolved by a trial as a number of accused plead guilty before, or on the day of, the trial. Less often, after further consideration by the ODPP and sometimes further WA Police investigations, some cases may be discontinued or resolved by way of a plea of guilty to an alternative charge prior to the trial.

Children's Court

The Children's Court deals with charges against children aged less than 18 years at the date of the offence. The most serious charges are dealt with before the President of the Children's Court. All other charges are dealt with by the Court's Magistrates.

The ODPP has responsibility for all prosecutions before the President of the Children's Court and all criminal matters listed in the Perth Children's Court before Magistrates. The WA Police manage prosecutions in all other metropolitan and regional Children's Courts.

All accused initially appear before a Magistrate where a decision is made whether to send a particular accused before the President, essentially based on the seriousness of the charges.

A typical jury trial in the District Court, Perth...

Where the accused pleads not guilty to the charges stated in the indictment, the matter will need to go to trial.

The ODPP prosecutor, the accused and their counsel will appear at a trial listing hearing where pre-trial legal issues and the availability of prosecution and defence witnesses are discussed. The Court will then list the matter for trial.

In preparation for the trial the ODPP prosecutor will further review the case, ensuring that there continue to be reasonable prospects of conviction. The prosecutor will also endeavour to speak with the investigating WA Police officers, any victims of crime and the key prosecution witnesses.

Trials are generally presided over by a Judge, with a jury determining whether the accused is guilty or not guilty of the offences charged. The average length of a District Court trial is four days.

The role of the ODPP prosecutor at the trial is to fairly present all of the available admissible evidence to assist the jury to make a sound decision. It is not the role of the prosecutor to pursue a conviction at all costs.

If the accused is found guilty, the trial Judge, after hearing sentencing submissions by both parties and considering a range of information including any victim impact statement, will impose a sentence.

If found not guilty, the accused is discharged.

This process, from the ODPP's initial receipt of the case to the jury's verdict, generally takes around nine to 12 months.

Appeals

Three types of appeals are managed by the ODPP:

Court of Appeal

The Court of Appeal is the first avenue of appeal from decisions made in the District, Supreme or Children's Courts.

Leave to appeal can be sought either by the ODPP on behalf of the State of WA or by the offender. An appeal can be lodged against the sentence (these may be brought by the State or the offender) or the conviction (these may be brought by the offender). More rarely, an appeal against a Judge-directed acquittal may be initiated by the State. An appeal may also arise on a question of law referred to the Court of Appeal by the Supreme or District Court, or by the Attorney General, or, in certain circumstances, against an acquittal by jury.

The vast majority of appeals are brought by convicted offenders seeking to have their sentences reviewed and reduced.

High Court Appeal

The High Court of Australia is the final appeal Court 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. High Court appeals are heard in Canberra, with video links to Perth also used in some circumstances.

Single Judge Appeal

Single Judge appeals are appeals against the decision of a Magistrate made in the Magistrates Court. The ODPP becomes involved in such appeals at the request of the WA Police and where the offence is one which could have been dealt with on indictment.

Most single Judge appeals are commenced by an offender against their conviction or sentence. The ODPP may appeal against a sentence or the dismissal of charges, although such appeals are less common.

A typical appeal by an offender against the severity of their sentence...

An offender has the right to appeal against the severity of the sentence imposed on them by a judge of the Supreme or District Court.

The offender must lodge an application for leave to appeal with the Court of Appeal, which is a special Court constituted within the Supreme Court of WA. The application, which generally must be lodged within 21 days of the sentence, sets out the grounds of appeal.

If the Court of Appeal determines that the appeal has merit, leave will be granted, and the appeal can then proceed to a hearing. The offender at this time becomes known as the appellant.

The role of the ODPP, as the respondent on behalf of the State, is to assist the Court of Appeal by drafting and filing comprehensive legal submissions and appearing as counsel for the State at the hearing of the appeal.

After hearing legal arguments from counsel for the appellant and the respondent, the Court of Appeal (which usually comprises three Supreme Court Justices) will either allow the appeal or dismiss it.

If the appeal is allowed, the Court of Appeal may reduce the sentence originally imposed.

If the appeal is dismissed, the original sentence will stand.

The written judgments (decisions) of Court of Appeal are very important in establishing precedents for other Courts to follow. The judgments are publicly available on the Supreme Court's website.

The appeal process from the time of lodging the application for leave to appeal to the delivery of the Court's judgment may take around eight months.

Extraditions

The ODPP manages applications from the WA Police for legal proceedings to be initiated to secure an accused's extradition to Western Australia. These applications, managed under section 14 of the [Director of Public Prosecutions Act 1991](#), target people who leave the State before they have been charged with an offence, after a charge was laid but before the matter was finally dealt with by a Court, or where a convicted person has escaped legal custody.

Dangerous Sexual Offenders

The [Dangerous Sexual Offenders Act 2006](#) allows the ODPP to make applications to the Supreme Court for the continued detention, or supervision in the community, of serious sexual offenders who are at or near the end of their sentence and who are assessed as representing an ongoing and serious danger to the community.

It also provides for the periodic judicial review of continuing detention orders and management and punishment of offenders who breach their supervision orders.

SERVICE 2 CONFISCATION OF ASSETS

The [Criminal Property Confiscation Act 2000](#) enables the WA Police or the DPP to apply to freeze the assets of people in particular categories. The Act also provides for the confiscation of property acquired from criminal activity, property used for criminal activity, and the property of drug traffickers.

The Act targets property which is owned (including property controlled or given away) by:

- Someone whose wealth has not been lawfully acquired.
- Someone whose property was acquired directly or indirectly through criminal activity.
- Someone who made criminal use of property they did not own.
- A declared drug trafficker.

The 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

At the core of the ODPP's legal practice is the prosecution of criminal cases on indictment in the Supreme and District Courts. All Indictable cases commence in a Magistrates Court and proceed to the Supreme or District Courts through a process known as a committal. Some cases may ultimately be subject to an appeal in the Court of Appeal or High Court.

A criminal case may involve more than one accused. A case may also involve more than one charge, with many cases involving an accused facing multiple charges. Some criminal cases will involve a number of accused, each on multiple charges. Some cases may be resolved quite quickly through an early plea of guilty, while others may take years to finalise if there is a lengthy trial or an appeal. These factors add a degree of difficulty to both case management and the reporting of prosecution case workloads and outcomes. In 2013-14 the ODPP began importing some data directly from the Court's Integrated Court Management System ('ICMS') which also had some impact on statistical reporting.

Read in conjunction with the ODPP's audited Key Performance Indicators, reproduced towards the back of this Report, the following notes provide some insight into the activities undertaken by the ODPP in 2017-18 in prosecuting criminal cases on behalf of the State of Western Australia. The notes begin with the pre-committal stage in the Magistrates Court and move through to committal and, in most cases, disposition in the Supreme or District Court. The Court of Appeal may be involved in some matters.

MAGISTRATES COURTS

Perth Magistrates Court

The ODPP takes over the prosecution of criminal cases involving indictable offences at the point when the case reaches the disclosure committal hearing stage of proceedings in the Perth Magistrates Court. Prior to that, the matter is prosecuted by the WA Police.

The ODPP's involvement at this early stage in the prosecution process enables the careful and independent scrutiny of cases prior to committal and ensures that cases proceed on the correct charges in the appropriate Court jurisdiction. Due to geographical and resourcing issues, the ODPP does not take over prosecutions before Magistrates other than in the Perth and Stirling Gardens Magistrates Courts.

In January 2018, the Chief Magistrate implemented a new committal process at all Magistrates Courts in the Metropolitan area. A Police Committal Mention ('PCM') now takes place to ensure that a brief of evidence has been served on the accused or their legal representative and the ODPP, at which point a case will proceed to a committal hearing conducted by ODPP prosecutors at Perth Magistrates Court.

In 2017-18 the ODPP was responsible for 1,602 new criminal cases listed for committal before the Perth Magistrates Court, a decrease of 270 cases (or -14.4%) from the previous year. This reduction appears to be the direct result of the introduction of the PCM process, which delayed each matter coming to the ODPP from 1 January 2018 by a minimum of six weeks and led to the resolution of others without the need for ODPP involvement.

In the same period, 483 cases were completed in Perth Magistrates Court, preventing the need for their committal to the District Court. These matters were completed in a variety of ways, such as by guilty pleas, discontinuance, the substitution of charges, or a combination of these outcomes. The 2017-18 result also shows the impact of the change to the metropolitan committal process from January 2018. One of the expected outcomes of this change is a greater number of cases being resolved by WA Police prosecutors prior to any involvement by the ODPP.

Table 01: Cases Received and Completed in Perth Magistrates Court 2013-14 to 2017-18

PERTH MAGISTRATES COURT	2013-14	2014-15	2015-16	2016-17	2017-18
New Cases Received for Prosecution	1,453	1,465	1,793	1,872	1,602
Cases Completed	234	384	461	513	483

Stirling Gardens Magistrates Court ('SGMC')

This specially convened Magistrates Court deals only with criminal charges which are intended for committal to the Supreme Court, specifically murder and manslaughter, armed robbery and wilful damage by fire (arson). Combined with targeted early disclosure by WA Police, the ODPP's intervention at the earliest stage of the proceedings ensures that these serious cases are carefully scrutinised before committal and, if possible, appropriately resolved without the need for a Supreme Court trial.

The ODPP received 320 new cases for hearing in the SGMC in 2017-18. During the same period, 59 matters were completed due to the resolution of all charges in that Court, or by remittal to another Magistrates Court. Of the 31 cases concluded in the SGMC in 2017-18, 20 (65%) were sentenced and 11 (35%) were discontinued.

Table 02: Cases Received and Concluded in SGMC 2013-14 to 2017-18

SGMC CASES	2013-14	2014-15	2015-16	2016-17	2017-18
New Cases Received for Prosecution in SGMC	296	317	366	403	320
Cases Concluded in SGMC*	11	16	34	42	31
Cases Remitted to Magistrates Court	12	15	18	30	28
Total Cases Concluded	23	31	52	72	59

**The number of cases concluded in SGMC are those that were never committed to the Supreme or District Court. An additional 44 cases were concluded in 2017-18 by having the most serious charges committed to and dealt with in the Supreme or District Court, and the lesser charges sentenced in the SGMC.*

SUPREME AND DISTRICT COURTS

Committals

One measure of the workload of the ODPP is the number of committals to the Supreme or District Court for trial or sentence. As outlined, by its work in the Perth and Stirling Gardens Magistrates Courts, the ODPP is also involved in many indictable cases at the pre-committal stage, so the number of committals does not provide an indicator of the whole of the workload of the ODPP.

The following table shows that the number of committals for sentence and trial has increased again in 2017-18 – up by nine committals (or +0.3%) to 2,826. The increase across the five reported years since 2013-14 is 812 additional committals, or a 40.3% increase.

Table 03: Committals by Location of Magistrates Court 2013-14 to 2017-18

COMMITTALS	2013-14	2014-15	2015-16	2016-17	2017-18
Perth Metropolitan Magistrates Courts*	1,225	1,458	1,709	1,762	1,821
SGMC	280	274	306	328	288
Regional Magistrates Court	509	632	685	727	717
Total Committals	2,014	2,364	2,700	2,817	2,826

**Includes all Magistrates and Children's Courts in the Perth metropolitan area, specifically those located in Perth, Armadale, Midland, Fremantle, Joondalup, Rockingham and Mandurah.*

Where a guilty plea is entered at, or prior to, the committal hearing in the Magistrates Court, the accused and the charge, or charges, that they face will be committed for sentence. If a not guilty plea is entered or indicated by the accused, the matter will be committed for trial. People jointly accused of serious crimes can be committed together or separately to the Supreme or District Courts.

Committals for trial, which are almost always significantly more resource intensive than committals for sentence, increased by 92 committals or 7.5 % in 2017-18.

Table 04: Committals by Type 2013-14 to 2017-18

COMMITTALS	2013-14	2014-15	2015-16	2016-17	2017-18
Committed for Sentence	1,155	1,340	1,508	1,596	1,513
Committed for Trial	859	1,024	1,192	1,221	1,313

The committal of charges to the Supreme or District Court is the trigger for the preparation and filing of the indictment by the ODPP. The ODPP's performance measure in relation to filing indictments is within 90 days of the date of committal.

Trials

While the greatest proportion of Supreme and District Court criminal cases are resolved with the accused pleading guilty and being sentenced, in many cases the accused will exercise their right to plead not guilty, thereby requiring the State to prove its case at trial.

Trials listed for hearing in the Supreme and District Courts consume a significant proportion of the ODPP's resources, as pre-trial preparation is intensive for State Prosecutors and support staff.

In 2017-18 a total of 1,050 trials were listed for hearing in the Supreme and District Courts. This represents an increase of 12 listed trials (or +1.2%) on the 2016-17 total and an overall increase of 284 listed trials (or +37.1%) over the past five years. This increase is almost wholly within the District Court, as the number of listed trials at the Supreme Court has been consistent for the past four years. The increase is having a significant resourcing impact on the ODPP.

Identifying precise reasons for such a significant increase in criminal trial listings is difficult in a complex criminal justice system where a myriad of factors might contribute to the number of accused electing to have their cases determined at trial. However, a key contributing factor is the increase in resources committed by WA Police to detect serious crime, improve 'clean-up' rates and arrest more offenders.

Trials Not Proceeding

Consistent with all criminal jurisdictions in Australia and overseas, a significant number of criminal trials listed for hearing in WA's Supreme and District Courts will not actually proceed to a trial. This is due to a number of reasons, most of which are beyond the control of the ODPP.

The cancellation of a listed trial will not adversely affect Court listings if the Court is given sufficient notice to permit it to reschedule other matters. The ODPP is acutely aware of this and always endeavours to give the Court as much notice as possible when it becomes aware that a trial cannot proceed.

A plea of guilty or a discontinuance, even one entered late, which removes the need for a trial works to the benefit of the criminal justice system, as the case is concluded without a costly trial, and in cases of a plea of guilty also spares the victim of crime and witnesses the ordeal and inconvenience of having to attend Court and give evidence. However, the prosecution will still have undertaken much of the pre-trial preparation by the time a late plea of guilty is entered.

Of the 1,050 listed criminal trials involving the ODPP in 2017-18, 538 (51.2%) did not proceed – an outcome in line with each of the past five years. Consistent with previous years, the primary reason for these trials not proceeding was the accused pleading guilty either before or on the commencement day of the trial. This was the case in 247 (or 45.9%) of all listed trials that did not proceed.

Trials Proceeding and Trial Outcomes

Consistent with an increase in the number of criminal trials listed in 2017-18, the number of cases proceeding to trial in the Supreme and District Courts increased – up by 29 trials to 512 (or +6.0%) on the previous year.

The increase reflects the continuing growth in both trials listed and trials proceeding each year over the past five years. Compared to 2013-14, for example, there were 284 additional listed trials (+37.1%) in 2017-18. Similarly, in 2017-18 there were an additional 113 trials proceeding compared to 2013-14.

An additional 113 trials proceeding per year, at an average duration of 4.2 days each, represents an additional 475 days in Court that prosecutors were required to cover in 2017-18.

Of the 512 trials which did proceed in 2017-18, the vast majority (462 trials) resulted in a definitive outcome – either a conviction or an acquittal. The remaining 50 trials did not deliver a definitive outcome due to either a mistrial or hung jury, which in most cases means that a further trial is required.

Of the 462 trials which delivered a definitive outcome, 70.1% resulted in an accused being convicted of one or more of the charges brought against them. This high conviction rate reflects the sound ODPP pre-trial assessment of the evidence and trial advocacy.

Table 05: Supreme and District Courts Trial Listings and Outcomes 2013-14 to 2017-18

TRIALS	2013-14	2014-15	2015-16	2016-17	2017-18
Trials Listed	766	867	950	1,038	1,050
Trials Proceeding	399	454	460	483	512
Trials Proceeding	52.0%	52.0%	48.0%	47.0%	48.8%
Convictions	258	316	262	291	324
Acquittals	117	104	148	147	138
Hung Jury, Mistrial or Other Outcome	24	34	50	45	50
Conviction Rate After Trial	68.8%	75.2%	63.9%	66.4%	70.1%

Trial Durations

Criminal trials prosecuted by the ODPP vary considerably in length, influenced by a range of factors including the nature, number and complexity of the charges brought against the accused, the number of co-accused, the nature of the evidence and the number of State and defence witnesses called to give evidence.

In 2017-18 the average duration of trials prosecuted by the ODPP which proceeded in the Supreme Court was 6.1 days, and in the District Court was 4.2 days. There were three trials which each took five weeks or more to complete, as well as nine trials of three or more weeks in duration. These lengthy trials are particularly demanding of ODPP resources.

Disposition of Cases and Overall Conviction Rate

During 2017-18, 3,238 criminal cases prosecuted by the ODPP were finalised in either the Supreme or District Court. This represented an increase of 340 (or +11.7%) on the previous year.

The broad outcomes of all cases concluded in 2017-18 are shown below. Excluding matters discontinued or remitted to the Magistrates Court, the overall conviction rate for ODPP-prosecuted cases in the Supreme and District Courts was 94.4%. This was slightly more than the 93.8% conviction rate recorded in the previous reporting year. As with the trial conviction rate, 2017-18 represented the second successive year in which an increased overall conviction rate was recorded.

Table 06: Supreme and District Courts Disposition of Cases 2013-14 to 2017-18

OUTCOMES	2013-14		2014-15		2015-16		2016-17		2017-18	
	No.	%	No.	%	No.	%	No.	%	No.	%
Convicted and Sentenced	1,538	78	1,583	72	1,652	66	1,920	66	2,361	73
Acquitted	106	5	94	4	133	5	126	4	139	4
Discontinued	234	12	279	13	410	16	461	16	403	13
Remitted to Magistrates Court	98	5	247	11	329	13	391	14	335	10
TOTAL	1,976	100	2,203	100	2,524	100	2,898	100	3,238	100
Conviction Rate: Convictions – v – Acquittals	93.5%		94.4%		92.6%		93.8%		94.4%	

CHILDREN'S COURT

Cases before Magistrates

During 2017-18 the ODPP Children's Court Team continued to appear in, and manage cases before, Magistrates at the Perth Children's Court, acting on briefs provided by the WA Police. These cases were either commenced in the Perth Children's Court or referred to that Court from other metropolitan or regional Children's Courts. The ODPP prosecuted all trials listed before Magistrates in the Perth Children's Court.

In 2017-18, 288 cases prosecuted by the ODPP were listed for trial before Magistrates, although ultimately only 70 cases (24.3%) proceeded to trial. Consistent with other jurisdictions, a major reason for listed trials not proceeding before the Magistrates at the Children's Court was the accused pleading guilty prior to, or on the day of, the trial. A further significant percentage was due to there being insufficient evidence to support the charge.

Table 07: Children's Court Magistrates Trial Listings and Outcomes 2014-15 to 2017-18

TRIALS	2013-14	2014-15	2015-16	2016-17	2017-18
Trials Listed	256	258	250	333	288
Trials Not Proceeding	168	188	195	273	218
Trials Proceeding	88	70	55	60	70
Trials Proceeding	34.4%	27.1%	22%	18%	24.3%
Convictions	83	50	39	51	54
Acquittals	5	20	16	9	16
Conviction Rate After Trial	94.3%	71.4%	70.9%	85%	77.1%

Cases before the President

The number and types of cases received by the ODPP for prosecution in the President's Court varies from year to year and depends on offences originally charged by the WA Police. During 2017-18 the ODPP prosecuted a wide variety of serious criminal offences committed by children, ranging from stealing, burglary and sexual assault through to murder.

The table on the next page shows that there was an increase in the number of new cases coming before the President in 2017-18 from the previous two years.

Table 08: Children's Court President New Cases 2013-14 to 2017-18

CASES RECEIVED	2013-14	2014-15	2015-16	2016-17	2017-18
Cases Before the President	131	119	92	133	140

Importantly, the ODPP's workload is entirely dictated by the number of charges being laid by WA Police and, therefore, it cannot control the number of new cases it receives.

When a child pleads not guilty to a serious offence, the case will proceed to a trial before the President, sitting without a jury. In 2017-18, 27 trials were listed before the President, with 12 proceeding to trial.

Table 09: Children's Court President Trial Listings and Outcomes 2013-14 to 2017-18

TRIALS	2013-14	2014-15	2015-16	2016-17	2017-18
Trials Listed	23	24	17	27	27
Trials Not Proceeding	16	18	14	21	15
Trials Proceeding	7	6	3	6	12
	30%	25%	18%	22%	44%
Convictions	3	3	2	6	9
Acquittals	4	3	1	0	3
Conviction Rate After Trial	43%	50%	67%	100%	75%

Focused attention on early resolution of matters meant that the number of trials actually proceeding has increased in both of the past two completed years, in both the President's Court and before the Magistrates.

APPEALS

Court of Appeal cases involving the ODPP arise from criminal cases prosecuted by the ODPP in the Supreme or District Courts or by WA Police Prosecutors in the Magistrates Court. The vast majority of appeals – around 95% – are lodged by offenders appealing against their sentence, with a smaller number of appeals against their conviction. Appeals initiated by DPP Offices in all Australian jurisdictions are less common, and that is also the case in WA.

Appeals are recorded in three categories; before a single Judge, or before the full Court of Appeal in Western Australia, or the High Court of Australia.

Due to the nature and content of the appeal process, the number of appeals commenced in any year will not correspond with the number of appeals which were finalised during that year.

Single Judge Appeals

During 2017-18, the ODPP received 34 new single Judge appeals lodged by appellants in the Supreme Court and lodged a further two appeals itself. These appeals arose from decisions made in the Magistrates Court on offences that included a charge which could have proceeded on indictment but was dealt with in the summary jurisdiction.

Table 10: Single Judge Appeals Commenced 2013-14 to 2017-18

APPEALS LODGED		2013-14	2014-15	2015-16	2016-17	2017-18
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	1	0	0	0	0
	Decision or Order	1	1	0	1	2
	Total	2	1	0	1	2
ACCUSED APPEALS	Conviction	10	7	9	8	10
	Sentence	23	12	18	25	20
	Decision or Order	3	5	5	4	4
	Total	36	24	32	37	34
TOTAL NEW APPEALS		38	25	32	38	36

During 2017-18, 31 single Judge appeals lodged by offenders were completed. Of these, 12 (39%) were allowed with 19 (61%) being either dismissed or discontinued.

There were no State single Judge appeals completed in 2017-18. Three matters were referred to the ODPP by WA Police but not recommended for appeal in this period.

Appeals to the Court of Appeal

During 2017-18, 216 new appeals involving the ODPP as either the appellant or the respondent were commenced in the Court of Appeal. This represented a slight increase of seven appeals on the previous year. The five-year trend is illustrated in the following table.

Table 11: Appeals to the Court of Appeal Commenced 2013-14 to 2017-18

APPEALS LODGED		2013-14	2014-15	2015-16	2016-17	2017-18
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	16	6	7	10	8
	Decision or Order	1	0	0	3	2
	Total	17	6	7	13	10
ACCUSED APPEALS	Conviction	43	65	58	61	63
	Sentence	118	103	137	125	136
	Decision or Order	11	7	8	10	7
	Total	172	175	203	196	206
TOTAL APPEALS LODGED		189	181	210	209	216

During 2017-18, 230 appeals to the Court of Appeal involving the ODPP as appellant or respondent on behalf of the State of Western Australia were concluded.

Of the 200 appeals commenced by offenders and resolved during 2017-18, ultimately only 26 (13%) were successful.

Significantly, 53 (27%) of accused-initiated appeals were abandoned before the hearing of the appeal, a figure consistent with previous years.

In 2016-17, the ODPP began recording the number of matters referred for appeal which resulted in no appeal being recommended. In 2017-18, there were 22 such cases. This does not represent an increase in workload. It is the inclusion of an important aspect of the work of the ODPP Appeals Team which was previously unreported.

The table below illustrates appeal outcomes in the past five years.

Table 12: Court of Appeals Outcomes 2013-14 to 2017-18

APPEALS FINALISED		2013-14		2014-15		2015-16		2016-17		2017-2018	
		No.	%	No.	%	No.	%	No.	%	No.	%
STATE APPEALS	Allowed	17	90	8	80	6	86	6	32	4	14
	Dismissed	0	0	1	10	1	14	1	5	4	14
	Discontinued	2	10	1	10	0	0	1	5	0	0
	No Appeal Recommended	0	0	0	0	0	0	11	58	22	72
	Total	19	100	10	100	7	100	19	100	30	100
ACCUSED APPEALS	Allowed	32	18	16	9	20	12	32	16	26	13
	Dismissed	99	56	104	60	99	59	115	59	121	60
	Discontinued	47	26	55	31	50	29	49	25	53	27
	Total	178	100	175	100	169	100	196	100	200	100
TOTAL APPEALS FINALISED		197		185		176		215		230	

High Court Appeals

High Court appeals involving the ODPP arise from appeals initiated against decisions made in the WA Court of Appeal where one of the parties applies for leave to appeal. The State of Western Australia, through the ODPP, very rarely lodges an appeal to the High Court.

There were eight High Court appeals lodged by offenders in 2017-18.

Table 13: High Court Appeals Commenced 2013-14 to 2017-18

HIGH COURT APPEAL LODGED	2013-14	2014-15	2015-16	2016-17	2017-18
Accused Appeals	5	9	4	11	8

A total of five High Court Appeals were completed in 2017-18. All were filed by the offenders and resulted in three being dismissed and two being discontinued.

EXTRADITIONS

During 2017-18, 14 applications were received by the ODPP from the WA Police seeking to extradite people from a range of jurisdictions, including:

- six from New South Wales,
- three from Victoria,
- two from Queensland, and
- one each from New Zealand, South Australia and the Northern Territory.

The ODPP completed 5 applications for extradition in 2017-18.

Table 14: Extradition Applications 2013-14 to 2017-18

EXTRADITIONS	2013-14	2014-15	2015-16	2016-17	2017-18
Extradition Requests Received	23	43	32	24	14
Extraditions Completed	34	47	6	20	5

DANGEROUS SEXUAL OFFENDERS

The ODPP's workload in relation to Dangerous Sexual Offenders ('DSOs') continues to grow. It includes consideration of new referrals from the DSO Review Committee ('DSORC'), lodgement of new applications, appearances at the hearing of new applications and reviews of continuing detention orders, and the commencement and conduct of contravention proceedings.

At the start of 2017-18, 45 offenders were the subject of either a continuing detention or a supervision order made by the Supreme Court under the [Dangerous Sexual Offenders Act 2006](#) (WA) ('the Act').

One offender's supervision order expired during 2017-18, however, an application for a further supervision order was filed, which is yet to be determined. One offender, who had been referred for consideration of a further supervision order, died during 2017-18.

At the end of the reporting period, 47 offenders were the subject of either a continuing detention or supervision order under the Act. This figure can be contrasted with the three offenders who were subject to orders in 2006-07, which was the first full year of operation of the Act.

In total, six new applications were lodged in 2017-18.

Table 15: *Dangerous Sexual Offenders Act Applications 2006-07 to 2017-18*

DSO APPLICATIONS	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
New Applications Lodged	13	4	8	5	9	4	5	7	5	1	3	6
Applications Before the Court at Year End	9	3	5	2	2	4	3	4	3	1	1	5
Offenders Subject to Ongoing Orders	3	12	16	24	30	32	37	41	45	46	45	47

The number of offenders subject to orders is expected to increase, with only two offenders expected to complete their supervision orders in 2018-19. This will have a growing resource impact on the ODPP.

New Applications 2017-18

During 2017-18 the ODPP received 13 new referrals from the DSORC. Two new juvenile referrals were received from Youth Justice Services.

After careful consideration of the referrals, the ODPP made four new applications to the Supreme Court, in addition to two which had been referred in the previous reporting period.

Ten matters remained under review at the end of the reporting year.

The ODPP declined to proceed in relation to one referral as it was assessed that there were no reasonable prospects of the Supreme Court finding that the offender represented a serious danger to the community.

Ongoing Management of Earlier Applications and Orders

At the start of 2017-18, 25 offenders were the subject of supervision orders made by the Supreme Court. One of these supervision orders expired during the year. As mentioned earlier, one offender who was subject to a supervision order died during 2017-18.

Contravention proceedings, pursuant to section 23 of the Act, resulted in the cancellation of the supervision orders of four offenders and the amendment of the supervision order of another. A further offender was found to have contravened their supervision order; however, they were released by the Court with no amendment to their supervision order. In another instance, contravention proceedings were discontinued, and the offender's supervision order was amended by consent. Contravention proceedings are pending against three offenders at the end of the reporting period.

Five offenders were placed on supervision orders during the reporting period. One of those orders was made pursuant to section 17 of the Act following a Division 2 hearing. Four offenders were placed on a supervision order following a periodic review of their continuing detention order. The duration of the supervision orders ranged between seven and 10 years. One application for a further supervision order is in progress at the end of the reporting period.

At the start of 2017-18, 20 offenders were held in custody subject to continuing detention orders. One of those was also serving a sentence of imprisonment, with the consequence that the review cycle of their continuing detention order will be delayed until they have served their sentence. The detention orders of six offenders were reviewed and in two cases the Court expressly declined to rescind their detention orders. One review hearing was in progress at the end of the reporting period.

Two additional offenders were placed on continuing detention orders under section 17 of the Act following Division 2 hearings.

At the end of 2017-18 there were 25 offenders subject to a supervision order and 22 subject to a continuing detention order.

Appeal matters

No appeals arising under the Act were decided in 2017-18. Although one appeal was filed by an offender, it remains before the Court of Appeal.

Legislative Developments

The [Dangerous Sexual Offenders Legislation Amendment Act 2017](#) (WA) ('the amending Act') commenced operation on 29 March 2018. The amending Act amended the Act so as to:

- Permit the DPP to apply for either a continuing detention order or a further supervision order in relation to an offender who is subject to a supervision order which is due to expire within one year. It was previously only possible for the DPP to apply for a further supervision order for an offender in those circumstances.
- Require the offender to satisfy the Court, on the balance of probabilities, that they will substantially comply with the standard conditions of a supervision order, before the Court may make a supervision order. This requirement applies to:
 - an application for Division 2 orders;
 - contravention proceedings for a breach or likely breach of a supervision order;
 - an application to amend the conditions of a supervision order; and
 - to reviews of continuing detention orders.
- Remove the capacity of a Magistrate to issue a summons for an offender to appear in the Supreme Court in relation to an allegation of a contravention of a supervision order by the offender. A Magistrate may now only issue a warrant for these purposes.
- Require the Court to rescind the supervision order and impose a continuing detention order where an offender is found to have contravened, or is likely to contravene, a condition of their supervision order, unless the offender satisfies the Court that they will substantially comply with the standard conditions of a supervision order.
- Require the Court to be satisfied, on the balance of probabilities, that there are exceptional reasons to release an offender who has been detained whilst contravention proceedings are pending before the Court can release the offender. The offender must also satisfy the Court that they will substantially comply with the standard conditions of the supervision order, including any interim amendments to the order.
- Permit the Court to make an interim supervision order where there is a pending application for Division 2 orders, for amendment of a supervision order, or where contravention proceedings are pending. This includes the ability to extend the term of an existing supervision order which may otherwise expire before pending proceedings are determined, or to reinstate an expired order.

The amending Act also amends the [Bail Act 1982](#) (WA) so as to require a judicial officer to refuse to grant bail to an offender who has been charged under section 40A of the Act unless they are satisfied that there are exceptional reasons why the offender should not be kept in custody.

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. The Director of Public Prosecutions may apply for a Freezing Order from the Court.

The table below shows a reasonably consistent level of Notices and Orders obtained.

Table 16: Freezing Notices and Orders Obtained 2013-14 to 2017-18

NOTICES AND ORDERS OBTAINED	2013-14	2014-15	2015-16	2016-17	2017-18
Freezing Notices	158	186	186	170	183
Freezing Orders	11	9	14	9	3
TOTAL	169	195	200	179	186

Objections to Freezing Notices and Orders

Third parties who claim to have 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 party 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.

Most objections are made by mortgagees, spouses, or parties claiming a beneficial interest in the property. A single Freezing Notice or Order may give rise to a number of objections from a variety of parties.

During 2017-18, 139 objections were received. Due to the timing of matters coming before the Courts, objections lodged in one financial year may not be determined until a subsequent year.

The comparative figures over the past five years are shown in the following table.

Table 17: Objections to Freezing Notices and Orders 2013-14 to 2017-18

OBJECTIONS	2013-14	2014-15	2015-16	2016-17	2017-18
Objections Received	221	213	214	172	139
Objections Dismissed	94	92	91	47	80
Successful Objections	71	121	97	98	67
No Determination	23	20	31	14	32
TOTAL OBJECTIONS FINALISED	188	233	219	159	179

Declared Drug Traffickers

A significant proportion of confiscated property arises from the conviction of an accused 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 2017-18, 151 people were declared to be drug traffickers and, in the same period, \$5.07 million was paid into the Confiscation Proceeds Account ('the Account') from assets stripped from declared drug traffickers.

The table below summarises the number of drug trafficker declarations made, and the amounts paid to the Account in each of the past five years. The figures are influenced by a range of factors including offender arrest rates, the nature and value of property seized and the prevailing economic climate.

Given the time-lag in selling forfeited property there will not be a direct link between the number of declarations made in any reporting year and the amount of funds realised in that year.

Table 18: Drug Trafficker Declarations and Payments to the Account 2013-14 to 2017-18

DRUG TRAFFICKERS	2013-14	2014-15	2015-16	2016-17	2017-18
Declarations Made	99	107	94	136	151
AMOUNT PAID TO THE ACCOUNT	\$4.26m	\$5.76m	\$7.69m	\$6.47m	\$5.07m

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.

As the table below indicates, 49 Declarations of Confiscation were made either on crime-used or crime-derived grounds in 2017-18.

Table 19: Crime-Used or Crime-Derived and Payments to the Account 2013-14 to 2017-18

CRIME-USED or CRIME-DERIVED	2013-14	2014-15	2015-16	2016-17	2017-18
Declarations Made	50	48	46	61	49
AMOUNT PAID TO THE ACCOUNT	\$3.60m	\$3.89m	\$5.26m	\$5.38m	\$3.29m

Overview of Payments to the Account

Since the commencement of the Act in January 2001 over \$122 million has been stripped from people engaged in criminal activities and paid into the Account.

The table below shows the total amounts derived from all confiscation actions taken by the ODPP and paid into the Account in each of the past five years.

Table 20: Payments to the Account 2013-14 to 2017-18

YEAR	2013-14	2014-15	2015-16	2016-17	2017-18
PAYMENTS MADE TO ACCOUNT	\$8.19m	\$10.14m	\$13.02m	\$11.92m	\$8.48m

The Attorney General has the authority under the Act to make grants from the Account for specified purposes. Grants may include funding the development and delivery of programs to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs or to provide support services and assistance to victims of crime.

The Department of the Attorney General manages the Account, at the direction of the Attorney General, and assists with the community grants program by advertising and assessing applications from eligible organisations and community groups.

The Act also provides that funds in the Account can be directed to meet activities essential for the administration of the Act. The ODPP receives funding for this purpose each year.

Significant legislative developments in 2017-18 relating to criminal law in Western Australia included the following.

Restraining Orders Legislation

Aspects of the [Restraining Orders and Related Legislation \(Family Violence\) Act 2016](#) commenced 1 July 2017 (other provisions having commenced 8 February 2017). The new provisions:

- Introduced a new category of restraining orders – Family Violence Restraining Orders (‘FVROs’) (to operate in addition to Violence Restraining Orders (‘VROs’) and Misconduct Restraining Orders). The FVROs allow a Court to take into account broader considerations particular to family violence and confer on the Court the power to orders conditions specific to family violence. VROs will be reserved for situations in which people not related to one another seek a restraining order.
- Introduced a new Part 1B of the [Restraining Orders Act 1997](#) in which the definition of “family violence” is extended in a new section 5A to mean violence or threats of violence that coerce, control or cause fear. A non-exhaustive list of examples of behaviour that may constitute family violence includes repeated derogatory remarks, causing death or injury to an animal, unreasonable denying of financial autonomy or financial support, preventing connections with family, friends or culture. The new definition also includes cyberstalking and the distribution of intimate images without consent. The amendments do not create a new offence – rather highlight it as a type of behaviour which constitutes “family violence” for the purposes of applying for a FVRO.
- Amended section 63 of the [Restraining Orders Act 1997](#) to create a presumption that the grounds will be met for granting a FVRO when an accused pleads guilty or is convicted of [Criminal Code](#) offences under sections 301, 304(1), 313, 317, 317A, 323, 324, 333, 338A, 338B, 338C, 338E, or 444 (where section 444 is dealt with summarily). In these cases, the victim may request a FVRO in their victim impact statement.
- Expanded the range of offences giving rise to a mandatory lifetime FVRO with amendments to section 63A of the [Restraining Orders Act 1997](#). A mandatory lifetime VRO or FVRO will apply where an accused pleads guilty or is convicted of [Criminal Code](#) offences pursuant to sections 283, 297, 325, 326, 327, or 328, OR where the person committing the offence is in a family relationship with the victim and pleads guilty or is convicted of [Criminal Code](#) offences contrary to sections 292, 293, 294, 304(2), 320, 321, 321A, 329, 332, or 444 (where section 444 is dealt with on indictment).
- Amended the [Prisons Act 1981](#) and the [Sentencing Administration Act 2003](#) to give family violence victims notice of, and the capacity to make submissions and be heard, when an offender with whom they have been in a relationship may be released from prison.

Sentencing Legislation

Part 3 of the [Sentencing Legislation Amendment Act 2016](#) commenced 1 July 2017. Notable amendments include:

- Under the amending provisions conviction of certain offences automatically result in an

offender being deemed to be a “serious violent offender” under a new Schedule 4 to the [Sentencing Administration Act 2003](#). The deeming offences include murder, manslaughter, unlawful assault causing death, grievous bodily harm, robbery, arson, dangerous driving causing death or grievous bodily harm, and a number of sexual offences. In addition to the listed offences, a new section 97A of the [Sentencing Act 1995](#) enables the Court to declare any indictable offence carrying a penalty of imprisonment to be a “serious violent offence” if the offence involved serious violence or results in serious harm to or death of another person. A declaration may be made by the Court of its own initiative or upon the application of the prosecution.

- Offenders who are deemed or declared to be “serious violent offenders” may then be subject to a two-year post-sentence supervision order beyond the completion of their sentence. The Prisoners Review Board has the discretion to consider whether a post-sentence supervision order should be imposed. The Department of Corrective Services is responsible for providing the Prisoners Review Board with a report at least three months prior to the offender’s term being completed to enable consideration of a post-sentence supervision order. Under new sections 74F and 74G of the [Sentencing Administration Act 2003](#) a post-sentence supervision order includes standard reporting obligations and may include additional requirements including a direction that an offender wear a GPS tracking device and conditions as to where an offender can reside in relation to a victim.
- Post-sentence supervision orders do not replace the existing legislative provisions that relate to DSOs. Sex offenders under sentence for a serious sexual offence continue to be considered for a continuing detention order or a supervision order under the [Dangerous Sexual Offenders Act 2006](#).
- As a result of the decision in [Gillespie v Western Australia \[2013\] WASCA 149](#) new sections 145A and 150AB have been inserted into the [Sentencing Act 1995](#). These amendments commenced on 8 December 2016. They clarify that when the Supreme or District Court, on a plea of guilty by the accused, is required to determine in proceedings under the [Sentencing Act 1995](#) whether the offence was committed in circumstances of aggravation, that determination is one of fact to be decided by a judge alone, and not by verdict of a jury.
- Additional amendments give equity to prisoners sentenced prior to 4 November 1996 serving life or indefinite sentences who may not presently access resocialisation programs, by giving these prisoners access to the same resocialisation opportunities as like offenders sentenced after 4 November 1996. This rectifies the decision in [Prisoners Review Board v Nathaniel Freeman \[2010\] WASCA 166](#) in which the Court found that the provisions relating to resocialisation programs under section 13 of the [Sentencing Administration Act 2003](#) did not apply to prisoners sentenced before 4 November 1996. These amendments commenced 8 December 2016.

The balance of the amendments contained in the [Sentencing Legislation Amendment Act 2016](#) (Part 4) are subject to further proclamation regarding commencement. For example, the amendment to section 86 of the [Sentencing Act 1995](#) to return the minimum sentence of imprisonment able to be imposed to three months (rather than six months) has not yet commenced and there is no indication of when it will commence.

Drugs Legislation

The [Misuse of Drugs Amendment \(Methylamphetamine Offences\) Act 2017](#) came into operation on 18 September 2017, introducing the following amendments:

- The Act amended the [Misuse of Drugs Act 1981](#) to increase the maximum penalty applicable where the amount of methylamphetamine possessed with intent to sell or

supply is 28 grams or more, from 25 years' imprisonment to life imprisonment. The operation of the amendment Act and the existing [Sentencing Act 1995](#) mean that unlimited fines (increased from the current \$100,000 maximum fine) can be imposed on methylamphetamine traffickers.

- Where the amount of methylamphetamine possessed with intent to sell or supply is 4 grams or more, but less than 28 grams, the penalty is 25 years' imprisonment or a fine of \$100,000, or both. Methylamphetamine amounts of less than 4 grams continue to be treated as a summary offence under section 9(1), with the penalty being a fine not exceeding \$5,000 or 4 years' imprisonment, or both (see section 34(2)(b)).
- The increased life imprisonment penalty operates with the existing drug trafficker declaration scheme, and trafficking offences involving 28 grams or more of methylamphetamine are still subject to the confiscation provisions of the [Criminal Property Confiscation Act 2000](#).
- The penalty for conspiring with another to commit a trafficable methylamphetamine offence (28 grams or more) increased to a maximum penalty of life imprisonment. Additionally, the maximum penalty for conspiring with another to commit an offence involving a non-trafficable amount (less than 28 grams) of methylamphetamine increased to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 25 years, or both.
- An offender who attempts to commit a drug offence involving methylamphetamine is liable to the same penalty applicable to the principal offence.
- A person who incites another person to commit, or who becomes an accessory after the fact to a methylamphetamine offence involving a trafficable amount, is liable to imprisonment for 14 years. The penalty for incites/accessory after the fact for a non-trafficable amount of methylamphetamine is a fine not exceeding \$50,000 and 12 years and 6 months' imprisonment.
- The [District Court of Western Australia Act 1969](#) was amended to extend the jurisdiction of the District Court to allow methylamphetamine offences to continue to be heard in the District Court, even if the maximum penalty is one of life imprisonment.

Domestic Violence Legislation

The [Domestic Violence Orders \(National Recognition\) Act 2017](#) (WA) commenced on 25 November 2017. The Act facilitates the recognition in Western Australia of:

- Interstate Domestic Violence Orders ('DVOs') made in another State or Territory which substantially correspond to an order under the [Restraining Orders Act 1997](#) Part 1B.
- Registered foreign orders made in an overseas jurisdiction which substantially corresponds to an order under the [Restraining Orders Act 1997](#) Part 1B.
- These orders are enforceable in Western Australia against the person bound by the order, in the same way that Western Australian restraining orders are enforceable. The orders may also be varied or cancelled in Western Australia.
- In general, a DVO will be automatically recognised in Western Australia. In addition, a Western Australian Court may, by order, declare a DVO made in any jurisdiction to be a recognised DVO in this jurisdiction. The legislation does not prevent a person from applying for, or an issuing authority from making, a restraining order in Western Australia, even if there is an interstate or registered foreign order that applies to the same person.
- Finally, a restraining order made in Western Australia under the [Restraining Orders Act 1997](#) (WA), is enforceable in all Australian States, the Northern Territory and the

Australian Capital Territory under the national recognition scheme for domestic violence orders. If the person restrained breaches the order outside Western Australia, he/she will be subject to the penalties that apply in the jurisdiction in which the breach occurred.

The effect of this legislation is that an interstate (restraining) order may be an order to which the [Restraining Orders Act 1997](#) (WA) applies, and thus breaches may constitute a circumstance of aggravation under section 221 of the [Criminal Code](#).

DSO Legislation

As noted earlier, the [Dangerous Sexual Offenders Legislation Amendment Act 2017](#) came into operation on 29 March 2018. The Act introduces three main amendments in relation to DSOs:

- A reversal of the onus of proof so that offenders bear the burden of satisfying the Court, on a balance of probabilities, that they will substantially comply with the standard conditions placed on them when they are under supervision in the community. The Court is required to be satisfied on the balance of probabilities that the offender will substantially comply with all of the section 18(1) standard conditions imposed under a community supervision order, and if not so satisfied the offender must receive a detention order.
- A presumption against bail for DSOs who are charged with breaching a supervision order. If an offender is charged under section 40A with breaching a supervision order, the offender will be detained in custody until the matter is determined, unless the Court decides that there are exceptional reasons why they should be granted bail.
- A new section to provide for an interim supervision order. New section 27A allows for the making of an interim supervision order in circumstances where an application under the [Dangerous Sexual Offenders Act 2006](#) is pending, the person to whom the pending proceedings relate is not in custody, and the Court is satisfied that to ensure adequate protection of the community it is desirable to make an interim supervision order.

The Act also makes other procedural amendments to the [Dangerous Sexual Offenders Act 2006](#), including providing that when an offender is suspected of an actual (or likely) contravention of a supervision order, they may be brought before the Court by warrant rather than a summons, ensuring that there is no delay in bringing the matter before the Court.

Sentence Administration Legislation (“No Body, No Parole Laws”)

The [Sentence Administration Amendment Act 2018](#) commenced on 13 April 2018. Under these new laws:

- Offenders convicted of homicide offences who refuse to co-operate with WA Police to disclose the location, or last known location, of their victim’s remains will not be eligible for parole.
- Homicide offences include murder, infanticide and manslaughter.
- The Prisoners Review Board will be required to consider an offender’s mental capacity to provide information or evidence.
- The Commissioner of Police must report on the mental capacity of the prisoner.
- An offender may make written representations to the Board regarding the contents of a Police Report.

ACTS AND BILLS THAT HAVE PASSED BUT NOT YET COMMENCED IN WESTERN AUSTRALIA IN THE 2017-18 FINANCIAL YEAR

Historical Homosexual Offences

The [Historical Homosexual Convictions Expungement Bill 2017](#) is awaiting Royal Assent. Once passed, it will commence on proclamation.

It establishes a scheme to enable certain convictions for historical homosexual offences to be expunged, and to make consequent amendments to the [Working with Children \(Criminal Record Checking\) Act 2004](#).

Applications for expungement will be made to the Director General of the Department of Justice.

The Director General has the ability to require information from the Courts, WA Police, and the ODPP to assist in identifying the person's official criminal records and the circumstances giving rise to the conviction.

People and agencies who receive a notice to produce information are required to comply. The conduct the subject of the expungement application must not be considered to be a current offence.

INTER-AGENCY COMMITTEES AND WORKING GROUPS

During 2017-18 the ODPP participated in a range of external committees principally established to promote improvements to the criminal justice system in Western Australia.

Table 21: External Committee Representation 2017-18

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
Strategic Criminal Justice Forum	Consider high level strategic issues and formulate initiatives to meet the strategic goals of the criminal justice system.	Amanda Forrester SC <i>DPP</i>
Justice Pipeline Model Steering Committee	Provide strategic direction on the development of the justice pipeline model and its implementation.	Amanda Forrester SC <i>DPP</i>
Justice Pipeline Model Project Working Group	Report on tasks designed to develop and deliver a justice pipeline model consistent with the strategic direction provided by the Justice Pipeline Model Steering Committee.	Matthew Bugg <i>Director Legal Service</i> Pascoe Rechichi <i>Director Corporate Services</i>
Witness Intermediary Steering Committee	Oversee and assist with the development of a witness intermediary service in Western Australia.	Amanda Forrester SC <i>DPP</i>
Justice Planning and Reform Committee	Provide strategic direction on the development of the sector-wide reform plan and its implementation.	Amanda Forrester SC <i>DPP</i>
Children's Court of WA Interagency Committee	Facilitate communication and issue resolution among Court stakeholders.	Sean Stocks <i>Practice Manager</i>
ALSWA Youth Engagement Program	Provide individualised case management, support, referrals and practical assistance to clients appearing before the Perth Children's Court.	Sean Stocks <i>Practice Manager</i>
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds.	Linda Keane <i>Practice Manager</i>
ODPP, VSS and CWS Liaison Committee	Improve services to witnesses and victims and crime and enhance inter-agency communication.	Julian Williams <i>Manager Legal Practice Support</i> Therese Austin <i>Practice Manager</i>
PathWest/WAPOL/ODPP Joint Consultative Committee	Facilitate communication and issue resolution between the agencies in areas of mutual interest.	Matthew Bugg <i>Director Legal Services</i> Justin Whalley <i>Consultant State Prosecutor</i>
Sexual Assault Services Advisory Group	Improve processes for victims of crime and enhance inter-agency communication in sexual assault matters.	Amanda Burrows SC* <i>Consultant State Prosecutor</i> Katrin Robinson <i>Senior State Prosecutor</i>

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
State Witness Protection Committee	Consider applications for witnesses to be admitted to State Witness Protection Plans.	James Mactaggart <i>Senior State Prosecutor</i>
Data Quality Working Group	Improve data quality and the exchange of information between justice agencies.	Julian Williams <i>Manager Legal Practice Support</i> Birgita <i>System Analyst Developer</i>
Law Council of Australia's Criminal Law Committee	Review all national and State Bills as well as State legislation. Advise on policy papers affecting criminal law and procedure in Australia.	David Davidson <i>Senior State Prosecutor</i>

**Until 14 March 2018, when replaced by Katrin Robinson.*

Law Society of WA

Many lawyers from the ODPP contributed positively to the Law Society of Western Australia during 2017-18 through membership on a range of committees.

Table 22: Law Society Committee Representation 2017-18

COMMITTEE	ODPP REPRESENTATIVE
Law Society Council	Adam Ebell*, <i>State Prosecutor</i>
Costs Committee	David Davidson, <i>Senior State Prosecutor</i>
Criminal Law Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i> Ryan Arndt, <i>State Prosecutor</i> Kate Gregory, <i>State Prosecutor</i>
In-house and Government Lawyers Committee	David Davidson, <i>Senior State Prosecutor</i>
Mental Health and Wellbeing Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i>

**Until 31 December 2017.*

Legal Practice Board

The ODPP's contribution to the work of the Legal Practice Board in 2017-18 was as follows.

Table 23: Legal Practice Board Representation 2017-18

COMMITTEE	ODPP REPRESENTATIVE
Legal Practice Board, Professional Affairs Committee	Amanda Forrester SC, <i>DPP</i>
Legal Practice Board, Professional Development Committee	Carmel Barbagallo SC, <i>Deputy DPP</i>
Legal Practice Board, Admissions and Registrations Committee	Robert Wilson*, <i>Senior State Prosecutor</i>

**Until April 2018.*

INVESTING IN PEOPLE

The ODPP continued to deliver on its commitment to provide a comprehensive professional development program to all staff.

Leadership development continued to be a high priority in 2017-18. One major achievement was the graduation, in December 2017, of the participants of the *Diploma of Leadership and Management Course*.

Other key focus areas for 2017-18 included:

- Development and delivery of four Indictment Training Modules. The objective of the program was to improve the standard of indictments at the ODPP and to ensure consistency across the ODPP. The program consisted of a series of modules that addressed different aspects of indictment drafting. The program was offered to Paralegals and 2LG Prosecutors, however, all staff were welcome and encouraged to attend. This program will continue to be delivered to all new ODPP staff.
- Sessions dealing with bullying and harassment in the workplace were delivered in 2017-18. They were facilitated by staff from the Equal Opportunity Commission with attendance by ODPP staff compulsory. These sessions demonstrate the ODPP's commitment to providing a supportive, flexible and fair work environment, free from all forms of discrimination, harassment and bullying. They provide an opportunity for staff to gain an understanding of their responsibilities in relation to bullying and harassment as well as providing staff with information on what to do when such behaviour occurs and for them to have the confidence that such behaviour will be dealt with appropriately. This program will be ongoing at the ODPP.
- As part of the ODPP wellness program, Sexual Assault Resource Centre ('SARC') was engaged to deliver five Vicarious Trauma workshops in 2017-18. The Vicarious Trauma workshops were offered to ODPP staff in response to the nature of many of the prosecutions files and the impact the subject matter may have on the mental health of the prosecutors and support staff. The workshops have a focus on assisting staff to recognise the risk factors, build vicarious tolerance and develop personal strategies/techniques for dampening the impact of the trauma stories. The workshops will continue in 2018-19.

The ODPP also offered a varied set of in-house Continuing Legal Education seminars delivered by experienced ODPP prosecutors supplemented with presentations by a range of external speakers and agencies including:

- Members of the Judiciary.
- ChemCentre WA.
- Corruption and Crime Commission WA.

The ODPP continued to fund places to approved external events such as:

- The International Association of Prosecutors ('IAP') Conference.
- The Association of Crown Prosecutors Conference ('ACCP').
- Seminars and workshops delivered by external organisations including the Law Society of WA, Criminal Lawyers Association, Piddington Society and Legal Aid Commission.

Other key development activities during the year included:

- Three in-house Advocacy Courses aimed at developing the skills and capabilities of State Prosecutors at all levels.
- Aboriginal Cultural Awareness and Disability Awareness Workshops.
- International Women's Day event.

Table 24 summarises the key training and development initiatives delivered in 2017-18.

Further, the ODPP's monthly 'In the Loop' Newsletter, launched in 2016-17, continued to keep staff on long term leave connected with the ODPP by providing them with information on ODPP changes, legislation updates, upcoming training events and other relevant news items.

Table 24: Training and Development Initiatives Delivered in 2017-18

ACTIVITY	STAFF ATTENDANCE 2017-18
Continuing Professional Development Seminars – 20 internal seminars	478 (averaging 24 participants per seminar)
External seminars by – The Law Society of WA, The University of Notre Dame, Legal Aid WA, IPAA, Proteus, ORS, TLS	42
Advocacy Training	49
ODPP International Women's Day Event	59
Mental Health and Wellness – nine seminars and workshops	166 (averaging 19 participants per seminar/workshop)
Disability Awareness – two workshops	26 (averaging 13 participants per workshop)
Cross Cultural Awareness – two workshops	27 (averaging 13 participants per workshop)
Bullying and Harassment – five workshops	132 (averaging 22 participants per workshop)
Accountable and Ethical Decision Making – online	43 completed
Leadership and Management Development Program – four workshops	60 (averaging 15 participants per workshop)
Mid-Level Managers Development Program – two Diploma of Leadership and Management sessions	11
Future Leader Series – six internal workshops	58 (averaging 10 per workshop)
Corporate Information Sessions (Manual handling, Code of Conduct)	40
Information Technology (MS Windows/Excel, Aurion Self-Service, Justware, Travel Bookings, Job Applications/Interview skills)	201
Individual professional development (Azure, FBT, Mediation, OSH Training, Time Management)	9
Other Professional Development (Indictment Training)	12

PART 3 DISCLOSURES AND LEGAL COMPLIANCE

MINISTERIAL DIRECTIVES

No directives were made by the Attorney General during 2017-18.

OTHER FINANCIAL DISCLOSURES

Brief-out Expenditure

The workload demands on the ODPP are such that it needs to brief some Court work to private barristers. The number of cases briefed in any year is dependent on several factors, principally Court listings and the availability of in-house ODPP prosecutors.

The high briefing expenditure in 2017-18 reflects the record number of cases listed for trial in the Supreme and District Courts.

During 2017-18, the ODPP used the services of 37 private barristers.

Table 25: Brief-out Expenditure 2013-14 to 2017-18

BRIEF-OUT EXPENDITURE	2013-14	2014-15	2015-16	2016-17	2017-18
Court Appearances Briefed	162	240	231	269	317
Average Cost Per Brief	\$6,409	\$6,489	\$5,555	\$6,240	\$6,263
TOTAL COST	\$1,038,196	\$1,557,448	\$1,283,177	\$1,678,506	\$1,985,286
Total Court Days Invoiced	410	741	600	746	880
Average Cost per Court Day	\$2,532	\$2,102	\$2,139	\$2,250	\$2,256

Note: All costs in the table are inclusive of GST.

Ex Gratia Payments

No ex gratia payments were made during 2017-18.

Unauthorised Use of Credit Cards

During 2017-18, there were three incidences where employees inadvertently utilised the corporate credit card for personal use.

Table 26: Unauthorised Use of Credit Cards 2017-18

UNAUTHORISED USE OF CREDIT CARDS	2017-18 \$ (ACTUAL)
Aggregate amount of personal use expenditure settled within five working days	25.20

GOVERNANCE DISCLOSURES

No disclosures are required under *Treasurer's Instruction 903(14) Agency Annual Report, Governance Disclosures* in 2017-18.

PUBLIC INTEREST DISCLOSURES

The ODPP did not receive any matters under the [Public Interest Disclosure Act 2003](#) in 2017-18.

The ODPP *Public Interest Disclosure Internal Procedures* and supporting information and documentation are available to all staff members through the ODPP Intranet.

OTHER LEGAL REQUIREMENTS

Advertising

The [Electoral Act 1907](#) requires all 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 2017-18.

Disability Access and Inclusion Plan ('DAIP')

The DAIP is available to members of the public through the ODPP's web site and to all staff members through the ODPP Intranet. Achievements in 2017-18 included:

- The installation of Audio Loop in the ODPP public Reception area.
- Personalised return to work plans for staff returning after extended leave for mental health reasons.
- Reasonable adjustments to the recruitment process for people identified as having a disability (if requested).

Public Sector Standards and Ethical Codes

The ODPP had three compliance issues during the financial year with regard to the [Western Australian Public Sector Code of Ethics](#) and the *DPP Code of Conduct*. The issues, finalised during 2017-18, related to the areas of 'Professional Behaviour' and 'Conflicts of Interest'.

The [ODPP Code of Conduct](#) was revised and updated in 2018 to ensure it remains current with general public sector governance arrangements and changes in ODPP organisational policies. The revised *Code of Conduct* was communicated to all ODPP staff in May 2018. The *Code of Conduct* is maintained on the ODPP's internal Intranet and is readily available to all staff.

The ODPP did not receive any claims for breaches of the [Public Sector Standards in Human Resource Management](#) in 2017-18.

Information Management Framework

The effective management of documents and case materials is fundamental to the ODPP achieving its vision of providing the highest quality prosecution service to the people of Western Australia. The ODPP is, therefore, committed to achieving best practice in information management and adopts recordkeeping practices consistent with the [State Records Act 2000](#).

The ODPP's *Recordkeeping Plan* was approved by the State Records Commission in October 2017 and the ODPP's *Retention and Disposal Schedule* was approved in March 2017.

The ODPP continues to provide recordkeeping awareness training to all staff members through the ODPP's Induction Program and other information available on the ODPP's Intranet. The Induction Program includes recordkeeping awareness and training specifically tailored to the role of each new staff member joining the ODPP. Improvements in information management handling practices have resulted in a greater awareness of records management responsibilities across the ODPP.

The ODPP continues to explore ways to improve its practices to capture, manage and secure documents electronically through its case management system (JustWare) and its electronic document records management system (Content Manager CM9).

The effective and efficient management of the growing number of case materials in electronic format continues to be a significant challenge for all agencies in the criminal justice system. The ODPP continues to work with the WA Police and other justice agencies on initiatives in this critical area.

During 2017-18, the ODPP introduced the *Information Security Classification Framework* and undertook an Information Risk Assessment. This Information Risk Assessment will inform data systems and information handling practices changes planned for 2018-19.

Freedom of Information

The ODPP is an 'Exempt Agency' under Schedule 2 of the [Freedom of Information Act 1992](#).

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 of the policy framework and is cognisant of meeting the diverse needs of the people of Western Australia when developing or reviewing policies and procedures.

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.

The incidence of workplace injury at the ODPP is very low, however, in the event that an injury occurs the ODPP is committed to ensuring that the matter is managed compassionately, quickly and effectively so that the injured staff member 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*, the *Injury Management Policy* and the *Injury Management Procedures*. The ODPP complies with the [Code of Practice: Occupational Safety and Health in Western Australia 2007](#) and all relevant legislation.

The ODPP's management structure is based on several management, policy and operational committees through which staff members can raise any occupational safety and health issues of concern. The relevant committees address these issues and take into account the view of staff as the need arises.

The ODPP also carries out regular internal reviews to ensure compliance with all requisite safety and health regulations. Any incidents are thoroughly investigated by the ODPP Safety and Health Officer.

Notably, the ODPP has proven to be a relatively safe working environment. Due to the very low number and disparate nature of incidents over recent years, no discernible patterns have been identified to warrant any significant changes to work practices.

The ODPP's performance in 2017-18 is summarised at table 27 on the following page.

Table 27: Occupational Safety, Health and Injury Statistics 2017-18

INDICATOR	TARGET	ACTUAL
Number of fatalities	Zero	Zero
Lost time injury/diseases ('LTI/D') incidence rate.	Zero or 10 % reduction on the previous 3 years	0.85 (2 lost time injuries)
Lost time injury severity rate.	Zero or 10 % improvement on the previous 3 years	50%
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	(i) 50% (ii) 0%
Percentage of managers formally trained in occupational safety, health and injury management responsibilities.	Greater than or equal to 80%	80%

PART 4 KEY PERFORMANCE INDICATORS AND FINANCIAL STATEMENTS



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Report on the Financial Statements

Opinion

I have audited the financial statements of the Office of the Director of Public Prosecutions which comprise the Statement of Financial Position as at 30 June 2018, 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.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Office of the Director of Public Prosecutions for the year ended 30 June 2018 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Office in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibility of the Director 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, the *Financial Management Act 2006* 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.

In preparing the financial statements, the Director is responsible for assessing the agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Office.

Auditor's Responsibility for the Audit of the Financial Statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director.
- Conclude on the appropriateness of the Director's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the agency's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Director regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Office of the Director of Public Prosecutions. The controls exercised by the Office 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, 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 2018.

The Director's Responsibilities

The Director is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's Responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

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

Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the Key Performance Indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2018. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, 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 2018.

The 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 internal control as the Director determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Director is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's Responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

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

My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory 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 2018 included on the Office's website. The Office's management is 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.

SANDRA LABUSCHAGNE
ACTING DEPUTY AUDITOR GENERAL
Delegate of the Auditor General for Western Australia
Perth, Western Australia
14 September 2018

KEY PERFORMANCE INDICATORS



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Certification of Key Performance Indicators

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Office of the Director of Public Prosecutions performance and fairly represent the performance of the Office of the Director of Public Prosecutions for the financial year ending 30 June 2018.



Amanda Forrester SC
Accountable Authority

12 September 2018



Pascoe Rechichi FCPA
Chief Finance Officer

12 September 2018



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 manages committal proceedings in the Perth Magistrates Court and the Stirling Gardens Magistrates Court, and appears in the Court of Appeal on appeals against conviction and/or sentence from the superior courts and, in some cases, from the Magistrates Court. In addition, the ODPP initiates confiscations actions pursuant to the [Criminal Property Confiscation Act 2000](#) and the [Misuse of Drugs Act 1981](#), and conducts proceedings under the [Dangerous Sexual Offenders Act 2006](#).

Assessing the work of a prosecuting service is complex and difficult. The ODPP's in all jurisdictions have a critical role in their respective criminal justice systems and as such they do not operate in isolation. The performance of any ODPP is influenced by a range of external factors, including the activities of other criminal justice agencies; principally the Courts and Police.

The Director of Public Prosecutions has developed meaningful performance indicators that reflect the key activities over which the ODPP has some degree of control.

Relationship to Government Goals

Government Goal	ODPP Desired Outcome	ODPP Services
Strong Communities. Safe communities and supported families.	That people of Western Australia are provided with a fair and just criminal prosecution service.	1. Criminal Prosecutions 2. Confiscation of Assets

Service 1

Criminal Prosecutions

Criminal offences prosecuted by the ODPP are mostly 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 commencing a prosecution in the superior court and advises the court, and the accused, of the charges to be prosecuted. Without the indictment a matter cannot proceed through the District or Supreme Court.

The prosecuting work is carried out by State Prosecutors who have the task of:

- Analysing briefs of evidence which have been prepared by the WA Police;
- Assessing the accuracy of the charges and the sufficiency of the evidence, including issues of admissibility, credibility and reliability
- Determining whether there are reasonable prospects of conviction, and that it is in the public interest to proceed, and if so the precise charges upon which an accused should be prosecuted;
- After presentation of the indictment in the superior court, representing the State in court on every appearance by an accused, whether it is a proceeding relating to bail, a plea of guilty, a trial, sentencing hearing, or appeal.

State Prosecutors have a number of legal and professional obligations imposed on them by law, and which must be adhered to at all times. They are also required to have regard to, and comply with, guidelines issued under by the Director of Public Prosecutions under s 24 of the [Director of Public Prosecutions Act 1991](#). The *DPP Statement of Prosecution Policy and Guidelines* sets out the matters to be taken into account, and those which must not be taken into account, in commencing and continuing a prosecution of an accused. They set out the manner in which State Prosecutors exercise their discretion and promote transparency and accountability for victims of alleged offences, witnesses, accused, the court and the broader community.

While the ODPP is accountable to the Attorney General as a public sector agency, the paramount duty of State Prosecutors in every case is to the court and the administration of criminal justice.

Service 2

Confiscation of Assets

To confiscate and liquidate property acquired as a result of criminal activity, property used for criminal activity and the property of a declared drug trafficker. Much of this work is conducted in close co-operation with the WA Police under the [Criminal Property Confiscation Act 2000](#).

Key Effectiveness Indicators

Service 1 – Criminal Prosecutions

1. Early Advice to Court on Charges: Indictment filed within three months of committal

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 an indictment has been lodged in that court. The timely filing of the indictment by the ODPP at the Court is a key factor in achieving a fair and just outcome.

Performance Outcome 2017-18

In 2017-18, there were 2,820 committals to the Supreme or District Court. Following case reviews, 263 of these matters were either remitted to the Magistrates Court to be dealt with summarily, or wholly discontinued, so that no charges remained against the accused. For the remaining 2,557 committed to the Supreme or District Court, the indictment was due during this reporting period.

In 1,747 (or 68.3%) of cases, the indictment was filed with the court within three months of the date of committal.

KPI Target 2017-18	KPI Result 2017-18
85.0%	68.3%

Performance trends are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Indictment Filed Within three months of committal	80.8%	74.4%	71.8%	69.0%	68.3%
Indictments Due	1,819	2,151	2,273	2,560	2,557
Average days to file Indictment	88	77	78	80	83

Explanation between the target and actual performance

The most important factor in the variation between the target and the performance outcome in 2017-18 was the volume of indictments due. While, there are three fewer indictments due in 2017-18 than were due in 2016-17, there was a significant increase in workload

In the last five months of the reporting period, 746 of the 1004 indictments due for the same period were filed on time, representing a KPI return of 74.3%.

The average number of days taken to file an indictment in 2017-18 was 83 days, inside the 90-day limit, but three days more on average than in 2016-17.

Given the cumulative increase in the number of indictments due over the past five years, the 2017-18 outcome, while not meeting the target, was a significant achievement.

2. Establishing a case to answer

Relationship to Desired Outcome

It is fundamental to the provision of a fair and just prosecution service that the State 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 case to answer, is an event which warrants review both internally and externally.

Performance Outcome 2017-18

There were no Judge directed acquittals in the reporting year out of a total of 512 trials that proceeded, resulting in all accused having a case to answer.

KPI Target 2017-18	KPI Result 2017-18
98.0%	100.0%

Performance trends are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Establishing Case to Answer	100.0%	100.0%	99.8%	99.4%	100.0%

Explanation between the target and actual performance

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

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. It is not the role of the ODPP to secure a conviction at any cost. Monitoring and measuring the percentage of convictions after trial assists the ODPP with assessing the appropriateness of the decision to prosecute.

Performance Outcome 2017-18

In 2017-18, 512 trials proceeded before a jury or a Judge alone in the District and Supreme Court. Of these, 23 (or 4.5%) resulted in a hung jury and 27 (or 5.2%) resulted in a mis-trial.

462 trials delivered either a conviction or acquittal. Of these matters, 324 (or 70.1%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2017-18	KPI Result 2017-18
50.0%	70.1%

Performance trends over time are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Convictions After Trial	68.8%	75.2%	63.9%	66.4%	70.1%

Explanation between the target and actual performance

The target was exceeded in 2017-18, reflecting the thorough and consistent approach of the ODPP to ensuring the proper assessment of matters prior to trial and to effectively preparing and prosecuting trials.

Service 2 – Confiscation of Assets

Application for a Declaration of Confiscations filed within four months of the Drug Trafficker Declaration

Relationship to Desired Outcome

The 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. A number of confiscation cases relate to drug traffickers and such cases cannot progress to a conclusion until an application for a Declaration of Confiscation is filed with a court by the ODPP.

Performance Outcome

In 2017-18, 20 declarations for confiscations were filed. Of these, 1 (or 5.0%) was filed within four months of the drug trafficker declaration.

KPI Target 2017-18	KPI Result 2017-18
60.0%	5.0%

Performance trends are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Number of Declarations Filed	53	64	38	39	20
Number of Declarations filed within four months	24	25	12	11	1
Percentage Applications filed within four months	45.3%	39.1%	31.6%	28.2%	5.0%

Explanation for any variation between the target and actual performance

The ability of the ODPP to meet this performance target is affected by a number of factors including the:

- progress of the WA Police investigation conducted to establish the ownership of the property,
- tracking of associated criminal charges against the accused,
- provision of proof that a drug trafficker declaration has been made,
- negotiations with third parties as to claimed interests.

A delay in any of these processes will result in a delay in the filing of the application for a Declaration of Confiscations with the Court.

While these factors are always present in confiscations matters, during 2017-18 the single most significant factor that contributed to the outcome below expectations was the delay in receiving the required documents/evidence needed to prepare the Application for a Declaration of Confiscation:

1. In 8 cases the WA Police report needed to draft the application was not received until after the KPI timeframe had expired.
2. In 2 further cases the WA Police report was received 60 and 51 days into the four month timeframe.
3. In 1 case there was no freezing notice issued prior to the person being declared a drug trafficker which means that the WA Police investigation only commenced during the KPI timeframe.
4. In 6 further cases WA Police needed to gather further evidence after the drug trafficker declaration was made before the application could be finalised.

Key Efficiency Indicators

Service 1

1. Cost per Prosecution

Relationship to Desired Outcome

Criminal prosecutions vary in the 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 resources intensive. Further, as a Consolidated Fund agency with no capacity to levy fees or charges for its services, the ODPP does not capture resources and costs applied to each prosecution outcome. 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 indictable cases by the ODPP's total cost of services for criminal prosecutions.

Performance Outcome 2017-18

The ODPP's total cost of service for criminal prosecutions in 2017-18 was \$40.7 million.

A total of 2,872 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2017-18 was \$14,171.

KPI Target 2017-18	KPI Result 2017-18
\$15,000	\$14,171

Performance trends over time are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Cost Per Prosecution	\$15,168	\$13,417	\$12,429	\$12,035	\$14,171
Indictable Prosecutions	2,411	2,818	2,985	3,155	2,872

Explanation between the target and actual performance

The number of new indictable prosecutions received in 2017-18 has fallen since 2016-17. In January 2018, the Chief Magistrate introduced a new stage in the committal process at the request of the ODPP. It requires the WA Police to confirm service of a brief of evidence upon the ODPP and the accused, before the matter can be adjourned to a committal hearing in any metropolitan Court. The introduction of this additional step in the committal process caused a drop in the number of matters for committal received at the ODPP in the early part of 2018.

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

Performance Outcome 2017-18

In 2017-18, the ODPP Confiscations team managed a variety of matters which delivered payments of \$8.482 million to the Confiscation Proceeds Account, which is administered by the Department of Justice.

The total cost of service for the confiscations function in the reporting year was \$3.091 million. The ratio of cost to return was 36.4%.

KPI Target 2017-18	KPI Result 2017-18
25.0%	36.4%

Performance trends over time are illustrated in the following table:

Performance Trends	2013-14	2014-15	2015-16	2016-17	2017-18
Delivered Payments to Confiscations Proceeds Account	\$8.19m	\$10.14m	\$13.06m	\$11.92m	\$8.482m
Total Cost of Services for Confiscations Function	\$3.25m	\$3.48m	\$3.04m	\$2.80m	\$3.091m
Cost as a Percentage of Return	39.70%	34.30%	23.30%	23.50%	36.40%

Explanation between the target and actual performance

There was an increase in the costs ratio from 2016-17. While the costs to run confiscation action is fixed, there was a 22% decrease in revenues (reflected as total payments made to the Confiscation Proceeds Account) from \$11.92 million in 2016-17 to \$8.482 million in the current year. The revenues received will always be subject to fluctuation due to many factors, including the:

1. Property identified and frozen by police;
2. Interests of third parties in the frozen property; and
3. Time taken to finalise the associated criminal charges.

FINANCIAL STATEMENTS

Financial Statements




DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Certification of Financial Statements for the year ended 30 June 2018

The accompanying financial statements for 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 reporting period ended 30 June 2018 and the financial position as at 30 June 2018.

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.


Amanda Forrester SC
Accountable Authority

12 September 2018



Pascoe Rechichi FCPA
Chief Finance Officer

12 September 2018



Office of the Director of Public Prosecutions

Statement of Comprehensive Income
For the year ended 30 June 2018

	Notes	2018 (\$000)	2017 (\$000)
COST OF SERVICES			
Expenses			
Employee benefits expense	3.1	32,127	30,060
Supplies and services	3.2	4,386	4,092
Depreciation and amortisation expense	5.1, 5.2	642	619
Accommodation expenses	3.2	3,629	3,371
Other expenses	3.2	3,014	2,629
Total cost of services		43,798	40,771
Income			
<i>Revenue</i>			
Other revenue	4.2	153	78
Total Revenue		153	78
Total income other than income from State Government		153	78
NET COST OF SERVICES		43,646	40,693
Income from State Government			
Service Appropriation	4.1	38,384	35,057
Contribution from Confiscation Proceeds Account	4.1	6,783	4,850
Services received free of charge	4.1	1,059	943
Total income from State Government		46,226	40,850
SURPLUS/(DEFICIT) FOR THE PERIOD		2,581	156
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		2,581	156

See also the 'Schedule of Income and Expenses by Service'.

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



Office of the Director of Public Prosecutions

Statement of Financial Position
As at 30 June 2018

	Note	2018 (\$000)	2017 (\$000)
ASSETS			
Current Assets			
Cash and cash equivalents	7.1	5,607	2,792
Receivables	6.1	166	130
Amounts receivable for services	6.2	1,100	100
Total Current Assets		6,874	3,022
Non-Current Assets			
Restricted cash and cash equivalents	7.1	220	105
Amounts receivable for services	6.2	4,301	5,282
Property, plant and equipment	5.1	1,421	1,569
Intangible assets	5.2	29	30
Total Non-Current Assets		5,971	6,986
TOTAL ASSETS		12,845	10,008
LIABILITIES			
Current Liabilities			
Payables	6.3	962	726
Employee related provisions	3.1	6,377	6,387
Total Current Liabilities		7,339	7,113
Non-Current Liabilities			
Employee related provisions	3.1	1,597	1,566
Total Non-Current Liabilities		1,597	1,566
TOTAL LIABILITIES		8,936	8,679
NET ASSETS		3,909	1,329
EQUITY			
Contributed Equity	9.6	7,138	7,138
Accumulated surplus/(deficit)		(3,229)	(5,809)
TOTAL EQUITY		3,909	1,329

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

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



Office of the Director of Public Prosecutions

Statement of Changes in Equity
For the year ended 30 June 2018

	Note	Contributed Equity (\$000)	Reserves (\$000)	Accumulated surplus/ (deficit) (\$000)	Total Equity (\$000)
Balance at 1 July 2016	9.6	7,138	-	(5,966)	1,172
Surplus/(deficit)		-	-	156	156
Total comprehensive income for the period		-	-	156	156
Balance at 30 June 2017		7,138	-	(5,809)	1,328
Balance at 1 July 2017		7,138	-	(5,809)	1,328
Surplus/(deficit)		-	-	2,581	2,581
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	2,581	2,581
Balance at 30 June 2018	9.6	7,138	-	(3,229)	3,909

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

Office of the Director of Public Prosecutions

Statement of Cash Flows

For the year ended 30 June 2018

	Note	2018 (\$000)	2017 (\$000)
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		37,765	34,246
Contributions from Confiscation Proceeds Account		6,783	4,850
Holding account drawdowns		600	100
Net cash provided by State Government		45,148	39,196
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(32,102)	(30,285)
Supplies and services		(9,747)	(8,773)
GST payments on purchases		(985)	(847)
GST payments to taxation authority		-	-
Receipts			
Receipts from services		142	74
GST receipts on sales		6	5
GST receipts from taxation authority		962	842
Other receipts		-	-
Net cash provided by/(used in) operating activities	7.1	(41,724)	(38,984)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current assets		(493)	(57)
Net cash provided by/(used in) investing activities		(493)	(57)
Net increase/(decrease) in cash and cash equivalents		2,931	155
Cash and cash equivalents at the beginning of the period		2,897	2,742
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	7.1	5,827	2,897

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

Office of the Director of Public Prosecutions

Summary of Consolidated Account Appropriations and Income Estimates
For the year ended 30 June 2018

	2018 Estimate (\$'000)	2018 Actual (\$'000)	Variance (\$'000)	2018 Actual (\$'000)	2017 Actual (\$'000)	Variance (\$'000)
Delivery Services						
Item 49 Net amount appropriated to deliver services	33,554	34,669	1,115	34,669	31,342	3,327
Amount Authorised by Other Statutes - <i>Salaries and Allowances Act 1975</i>	3,715	3,715	-	3,715	3,715	-
Total appropriations provided to deliver services	37,269	38,384	1,115	38,384	35,057	3,327
Capital						
Capital appropriations	-	-	-	-	-	-
Administered Transactions						
Administered Grants and Transfer Payments	-	-	-	-	-	-
Total Administered Transactions	-	-	-	-	-	-
GRAND TOTAL	37,269	38,384	1,115	38,384	35,057	3,327
Details of Expenses by Services						
Criminal Prosecutions	39,714	40,705	991	40,705	37,971	2,734
Confiscation of Assets	3,200	3,091	(109)	3,091	2,800	292
Total Cost of Services	42,914	43,796	882	43,796	40,771	3,025
Less total income	(50)	(153)	(103)	(153)	(78)	(75)
Net Cost of Services	42,864	43,644	780	43,644	40,693	2,951
Adjustments	(5,595)	(5,260)	335	(5,260)	(5,636)	376
Total appropriations provided to deliver services	37,269	38,384	1,115	38,384	35,057	3,327
Capital Expenditure						
Purchase of non-current physical assets	600	57	(543)	57	353	(296)
Adjustments for other funding sources	(600)	(57)	543	(57)	(353)	296
Capital appropriations	-	-	-	-	-	-
Details of Income Estimates						
Income disclosed as Administered Income	-	-	-	-	-	-

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

Note 9.10 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2018 and between the actual results for 2018 and 2017.

Office of the Director of Public Prosecutions

Notes to the Financial Statements

1. Basis of preparation

The Agency is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The agency is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Accountable Authority of the agency on 12 September 2018.

Statement of compliance

These general purpose financial statements are prepared in accordance with:

- 1) The *Financial Management Act 2006 (FMA)*
- 2) The Treasurer's Instructions (**the Instructions or TI**)
- 3) Australian Accounting Standards (**AAS**) including applicable interpretations
- 4) Where appropriate, those **AAS** paragraphs applicable for not-for-profit entities have been applied.

The *FMA* and *the Instructions* take precedence over AAS. Several AAS are modified by the Instructions to vary application, disclosure format and wording. 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.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest thousand dollars (\$000).

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Contributed equity

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

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

2. Agency Services

How the Agency operates

This section includes information regarding the nature of funding the agency receives and how this funding is utilised to achieve the agency's objectives. This note also provides the distinction between controlled funding and administered funding:

	Note
Agency objectives	2.1
Schedule of Income and Expenses by Service	2.2
Schedule of Assets and Liability by Service	2.3

2.1 Agency objectives

Mission

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

The Agency is predominantly funded by Parliamentary appropriations. It also receives some funding from the Confiscations Proceeds Account administered by the Attorney General. The financial statements encompass all funds through which the Agency controls resources to carry on its functions.

Services

The Agency 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.

Due to change in legislation, the Agency no longer administers monies from forfeiture orders for cash and other property under the *Misuse of Drugs Act 1981*. Since July 2015, that type of property is managed by the Commissioner of Police as required by the *Criminal and Found Property Disposal Act 2006*.

Office of the Director of Public Prosecutions

2.2 Schedule of Income and Expense by Service
For the year ended 30 June 2018

	Service 1 Criminal Prosecutions		Service 2 Confiscation of Assets		Total	
	2018 (\$000)	2017 (\$000)	2018 (\$000)	2017 (\$000)	2018 (\$000)	2017 (\$000)
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	30,100	28,213	2,027	1,847	32,127	30,060
Supplies and services	3,892	3,699	494	393	4,386	4,092
Depreciation and amortisation expense	591	572	49	47	640	619
Accommodation expenses	3,361	3,117	268	254	3,629	3,371
Other expenses	2,761	2,370	253	259	3,014	2,629
Total cost of services	40,705	37,971	3,091	2,800	43,796	40,771
Income						
Other revenue	153	78	-	-	153	78
Total income other than income from State Government	153	78	-	-	153	78
NET COST OF SERVICES	40,553	37,894	3,091	2,800	43,644	40,693
Income from State Government						
Service appropriation	38,384	35,057	-	-	38,384	35,057
Contribution from Confiscation Proceeds Account	3,583	1,650	3,200	3,200	6,783	4,850
Services received free of charge	913	821	147	122	1,059	943
Total income from State Government	42,880	37,528	3,347	3,322	46,226	40,850
SURPLUS/(DEFICIT) FOR THE PERIOD	2,327	(366)	255	521	2,582	156

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

Office of the Director of Public Prosecutions

2.3 Schedule of Assets and Liabilities by Service
As at 30 June 2018

	Service 1		Service 2		Total	
	Criminal Prosecutions		Confiscation of Assets			
	2018	2017	2018	2017	2018	2017
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)
<u>Assets</u>						
Current assets	6,349	2,791	525	231	6,874	3,023
Non-current assets	5,515	6,452	456	534	5,971	6,985
Total assets	11,863	9,243	981	765	12,845	10,008
<u>Liabilities</u>						
Current liabilities	6,779	6,570	561	543	7,339	7,113
Non-current liabilities	1,475	1,446	122	120	1,597	1,566
Total liabilities	8,253	8,016	683	663	8,936	8,679
NET ASSETS	3,610	1,227	299	102	3,909	1,329

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

3. Use of funding

Expenses incurred in the delivery of services

This section provides additional information about how the agency's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the agency in achieving its objectives and the relevant notes are:

	Notes	2018 (\$000)	2017 (\$000)
Employee benefits expenses	3.1(a)	32,127	30,060
Employee related provisions	3.1(b)	7,974	7,953
Other expenditure	3.2	11,029	10,092

3.1(a) Employee benefits expenses

	2018 (\$000)	2017 (\$000)
Wages and salaries	29,357	27,466
Superannuation – defined contribution plans ^(a)	2,771	2,594
Total employee benefits expenses	32,127	30,060

(a) Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employees Superannuation Board Schemes (GESBs) and other eligible funds.

Wages and salaries: Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, and leave entitlements.

Termination benefits: Payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the agency is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Superannuation: The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds. The employer contribution paid to the Government Employees Superannuation Board (GESB) in respect of the GSS is paid back into the Consolidated Account by the GESB.

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

The agency does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. 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 agency to the GESB.

The GESB and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

3.1(b) Employee related provisions

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

	2018 (\$000)	2017 (\$000)
Current		
<u>Employee benefits provisions</u>		
Annual leave ^(a)	2,242	2,064
Long service leave ^(b)	4,055	4,300
Deferred salary scheme ^(c)	69	12
	<u>6,366</u>	<u>6,376</u>
<u>Other provisions</u>		
Employment on-costs ^(d)	12	12
Total current employee related provisions	<u>6,377</u>	<u>6,387</u>
Non-current		
<u>Employee benefits provisions</u>		
Long service leave ^(b)	1,594	1,563
<u>Other provisions</u>		
Employment on-costs ^(d)	3	3
Total non-current employee related provisions	<u>1,597</u>	<u>1,566</u>
Total employee related provisions	<u>7,974</u>	<u>7,953</u>

(a) **Annual leave liabilities:** 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:

	2018 (\$000)	2017 (\$000)
Within 12 months of the end of the reporting period	1,748	1,574
More than 12 months after the end of the reporting period	494	494
	<u>2,242</u>	<u>2,068</u>

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

(b) **Long service leave liabilities:** Unconditional long service leave provisions are classified as current liabilities as the agency 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 agency has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2018 (\$000)	2017 (\$000)
Within 12 months of the end of the reporting period	1,677	1,642
More than 12 months after the end of the reporting period	3,972	4,232
	<u>5,649</u>	<u>5,873</u>

The provision for long service leave are calculated at present value as the agency does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and 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.

(c) **Deferred salary scheme liabilities:** Classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Actual settlement of the liabilities is expected to occur as follows:

	2018 (\$000)	2017 (\$000)
Within 12 months of the end of the reporting period	-	-
More than 12 months after the end of the reporting period	69	12
	69	12

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

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, Note 3.3 (apart from the unwinding of the discount (finance cost))' and are not included as part of the agency's 'employee benefits expense'. The related liability is included in 'Employment on costs provision'.

	2018 (\$000)	2017 (\$000)
Employment on-costs provision		
Carrying amount at start of period	15	15
Additional/(reversals of) provisions recognised	-	-
Payments/other sacrifices of economic benefits	-	(1)
Unwinding of discount	-	-
Carrying amount at end of the period	15	15

Key sources of estimation uncertainty – long service leave

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.

Several estimates and assumptions are used in calculating the agency's long service leave provision. These 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.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

3.2 Other expenditure

	2018 (\$000)	2017 (\$000)
Supplies and services		
Communications	136	140
Consultants and contractors	3,036	2,898
Consumables	705	534
Travel	235	332
Other	274	188
Total supplies and services expenses	4,386	4,092

Accommodation expenses

Lease rentals	3,542	3,340
Repairs and maintenance	87	31
Total accommodation expenses	3,629	3,371

Other

Witness expenses	604	557
Vehicle lease and maintenance	249	245
Litigation costs	215	224
External brief out expense	1,834	1,524
Other expenses ^(a)	111	79
Total other expenses	3,014	2,629
Total other expenditure	11,029	10,092

(a) Includes workers' compensation insurance and audit fees.

Supplies and services:

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Accommodation expenses:

Operating lease payments are recognised on a straight line basis over the lease term, except where another systematic basis is more representative of the time pattern of the benefits derived from the use of the leased asset. [AASB 117.33]

Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

Other:

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

Building and infrastructure maintenance and equipment repairs and maintenance: Repairs and maintenance costs are recognised as expenses as incurred, except where they relate to the replacement of a significant component of an asset. In that case, the costs are capitalised and depreciated.

Doubtful debt expense is recognised as the movement in the provision for doubtful debt. Please refer to note 6.1.1 Movement of the allowance for impairment of receivables.

Employee on-cost includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liabilities is included at Note 3.1(b) Employee related provisions. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Write-down of non-current assets classified as held for sale to the lower of carrying amount and fair value less selling costs.

4. Our funding sources

How we obtain our funding

This section provides additional information about how the agency obtained its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding.

	Notes	2018 (\$000)	2017 (\$000)
Income from State Government	4.1	46,226	40,850
Other Revenue	4.2	153	78

4.1 Income from State Government

	2018 (\$000)	2017 (\$000)
Appropriation received during the period:		
Service appropriations ^(a)	38,384	35,057
Contributions from Confiscation Proceeds Account ^(b)	6,783	4,850
	45,167	39,907
Services received free of charge from other State government agencies during the period ^(c)		
Department of Justice - Corporate and Solicitor services	983	879
Finance - Building and Management Works	12	10
Landgate - Valuation services	64	54
Total services received	1,059	943
Total income from State Government	46,226	40,850

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

Service appropriations fund the net cost of services delivered (as set out in note 2.2). Appropriation revenue comprises the following:

- Cash component; and
- A receivable (asset).

The receivable (holding account – note 6.2) comprises the following:

- The budgeted depreciation expense for the year; and
- Any agreed increase in leave liabilities during the year.

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

(c) **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 as if purchased and not donated. Contribution of assets or services in the nature of contributions by owners, are recognised direct to entity.

4.2 Other Revenue

	2018 (\$000)	2017 (\$000)
Contributions to motor vehicle scheme	59	51
Workers' compensation	64	20
Recoup	30	7
	153	78

5. Key assets

Assets the Agency utilises for economic benefit or service potential

This section includes information regarding the key assets the agency utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

	Notes	2018 (\$000)	2017 (\$000)
Infrastructure, property, plant and equipment	5.1	1,421	1,569
Intangibles	5.2	29	30
Total key assets		1,450	1,599

5.1 Infrastructure, property, plant and equipment

Property, Plant and Equipment Asset Reconciliation

	Leasehold Improvements \$	Computer Hardware \$	Office Equipment \$	Total \$
Year Ended 30 June 2017				
1 July 2016				
Gross carrying amount	1,491	344	273	2,108
Transferred to Assets	-	-	-	-
Accumulated depreciation	(401)	(145)	(51)	(597)
Accumulated impairment losses	-	-	-	-
Carrying amount at start of period				
Additions	-	57	-	57
Disposals	-	-	-	-
Carrying amount at 30 June 2017	1,090	257	222	1,569

Property, Plant and Equipment Asset Reconciliation

	Leasehold Improvements \$	Computer Hardware \$	Office Equipment \$	Total \$
Year Ended 30 June 2018				
1 July 2017				
Gross carrying amount	1,090	257	222	1,569
Transferred to Assets	-	-	-	-
Accumulated depreciation	(401)	(130)	(89)	(619)
Accumulated impairment losses	-	(1)	-	(1)
Carrying amount at start of period				
Additions	-	324	149	472
Disposals	-	-	-	-
Carrying amount at 30 June 2018	689	450	282	1,421

Initial recognition

Items of property, plant and equipment and infrastructure, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment and infrastructure 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).

Assets transferred as part of a machinery of government change are transferred at their fair value.

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

The initial cost for a non-financial physical asset under a finance lease is measured at amounts equal to the fair value of the leased asset or, if lower, the present value of the minimum lease payments, each determined at the inception of the lease.

5.1.1 Depreciation and impairment

	2018 (\$000)	2017 (\$000)
Depreciation		
Leasehold improvements	401	401
Computer hardware	130	145
Office equipment	90	51
Total depreciation for the period	620	597

As at 30 June 2018 there were no indications of impairment to property, plant and equipment or infrastructure.

All surplus assets at 30 June 2018 have either been classified as assets held for sale or have been written-off.

Please refer to note 5.2 for guidance in relation to the impairment assessment that has been performed for intangible assets.

Finite useful lives

All infrastructure, property, plant and equipment 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. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Asset	Useful life: years
Leasehold improvements	7 to 13 years
Computer equipment	3 to 4 years
Office equipment	3 to 5 years
Software ^(a)	3 to 5 years
Licenses	3 to 5 years

(a) Software that is integral to the operation of related hardware.

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the agency is a not-for-profit agency, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

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 declining replacement costs.

5.2 Intangible assets

Year ended 30 June 2017

	Licences (\$000)	Computer Software (\$000)	Total (\$000)
1 July 2016			
Gross carrying amount	163	799	962
Accumulated amortisation	(161)	(748)	(909)
Accumulated impairment losses			-
Carrying amount at start of period	1	51	52
Additions	-	-	-
Computer software transferred to Licences	51	(51)	-
Amortisation expense	(22)	-	(22)
Carrying amount at 30 June 2017	30	-	30

Year ended 30 June 2018

	Licences (\$000)	Computer Software (\$000)	Total (\$000)
1 July 2017			
Gross carrying amount	214	646	860
Accumulated amortisation	(184)	(646)	(830)
Accumulated impairment losses			-
Carrying amount at start of period	30	-	30
Additions	-	21	21
Classified as held for sale			-
Amortisation expense	(20)	(2)	(21)
Carrying amount at 30 June 2018	10	19	29

Initial recognition

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more that comply with the recognition criteria as per AASB 138.57 (as noted below), are capitalised.

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 for nominal cost, the cost is their fair value at the date of acquisition.

Subsequent measurement

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

5.2.1 Amortisation and impairment

Charge for the period

	2018 (\$000)	2017 (\$000)
Licences	20	22
Computer software	2	-
Total amortisation for the period	21	22

As at 30 June 2018 there were no indications of impairment to intangible assets.

The Agency 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.

Amortisation of finite life intangible assets is calculated on a straight line basis at rates that allocate the asset's value over its estimated useful life. All intangible assets controlled by the agency have a finite useful life and zero residual value. Estimated useful lives are reviewed annually.

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

Licences	3 to 5 years
Software ^(a)	3 to 5 years

(a) Software that is not integral to the operation of any related hardware.

Impairment of intangible assets

Intangible assets with finite useful lives are tested for impairment annually or when an indication of impairment is identified.

The Annual Impairment Assessment identified that six assets were impaired. These assets had a written down value of \$0 so there is no impairment loss to be recognised.

The policy in connection with testing for impairment is outlined in note 5.1.1.

6. Other assets and liabilities

This section sets out those assets and liabilities that arose from the agency's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes	2018 (\$000)	2017 (\$000)
Receivables	6.1	166	130
Amounts receivable for services	6.2	5,401	5,382
Payables	6.3	962	726

6.1 Receivables

	2018 \$	2017 \$
<u>Current</u>		
Receivables	44	25
GST Receivable	123	105
Total current	166	130
 Total receivables	 166	 130

6.1.1 Movement of the allowance for impairment of receivables

	2018 \$	2017 \$
Reconciliation of changes in the allowance for impairment of receivables:		
Balance at start of period	-	4
Doubtful debts expense	-	-
Amounts written off during the period	-	(3)
Miscellaneous Other	-	(2)
Balance at end of period	-	-

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 agency will not be able to collect the debts.

6.2 Amounts receivable for services (Holding Account)

	2018 (\$000)	2017 (\$000)
Current	1,100	100
Non-Current	4,301	5,282
	5,401	5,382

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

The agency 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.

6.3 Payables

	2018 (\$000)	2017 (\$000)
Current		
Trade payables	202	127
Accrued expenses	512	365
Accrued salaries	114	102
Other current liabilities	133	132
Total current	962	726

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

Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The agency considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (See Note 7.1.1 'Restricted cash and cash equivalents') consists of amounts paid annually, from agency appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

7. Financing

This section sets out the material balances and disclosures associated with the financing and cashflows of the agency.

	Notes
Cash and cash equivalents	7.1
Reconciliation of cash	7.1.1
Reconciliation of operating activities	7.1.2
Commitments	7.2
Non-cancellable operating lease commitments	7.2.1
Capital commitments	7.2.2
Other expenditure commitments	7.2.3

7.1 Cash and cash equivalents

7.1.1 Reconciliation of cash

	Notes	2018 (\$000)	2017 (\$000)
Cash advances		2	2
Cash and cash equivalents		5,605	2,790
Restricted cash and cash equivalents			
- Accrued salaries suspense account ^(a)		220	105
Balance at end of period		5,827	2,897

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

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.

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

	Notes	2018 (\$000)	2017 (\$000)
Net cost of services		(43,646)	(40,693)
Non-cash items			
Depreciation and amortisation expense	5.1	642	618
Services received free of charge	4.1	1,059	943
(Increase)/decrease in assets			
Current receivables ^(a)		(19)	(6)
Other current assets		-	277
Increase/(decrease) in liabilities			
Current payables ^(a)		236	181
Current provisions		(10)	52
Non-current provisions		31	(364)
		-	-
Net GST (receipts)/payments ^(b)		-	-
Change in GST in receivables/payables ^(c)		(17)	6
Net cash provided by/(used in) operating activities		(41,724)	(38,984)

- (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.*

The mandatory application of AASB 2016-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107 imposed disclosure impacts only. The Agency is not exposed to changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes.

7.2 Commitments

7.2.1 Non-cancellable operating lease commitments

	2018 (\$000)	2017 (\$000)
Commitments for minimum lease payments are payable as follows:		
Within 1 year	2,613	2,325
Later than 1 year and not later than 5 years	2,750	4,661
Later than 5 years	3	-
	5,366	6,986

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 five years each.

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

**Judgements made by management in applying accounting policies –
operating lease commitments**

The Agency has entered into a commercial lease and has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

8. Risks and Contingencies

This note sets out the key risk management policies and measurement techniques of the agency.

	Note
Financial risk management	8.1
Contingent assets and liabilities	8.2

8.1 Financial risk management

Financial Instruments held by the Agency 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.

(a) Summary of risks and risk management

Credit risk

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

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 8.1(c) 'Financial instrument disclosures' and Note 1.6 'Receivables'.

Credit risk associated with the Agency's financial assets is minimal because the main receivable is amounts receivable for services (holding account). For receivables other than government, the Agency trades only with recognised, creditworthy third parties. The Agency 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 a ongoing basis with the result that the Agency's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

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

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

The Agency 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 affect the Agency's income or value of its holdings of financial instruments. The Agency does not trade in foreign currency and is not materially exposed to other price risks.

The Agency is not exposed to interest rate risk because all other cash and cash equivalents and restricted cash are non-interest bearing, and the Agency has no borrowings.

(b) Categories of financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2018	2017
	(\$000)	(\$000)
<u>Financial Assets</u>		
Cash and cash equivalents	5,607	2,792
Restricted cash and cash equivalents	220	105
Loans and receivables ^(a)	5,445	5,407
Total financial assets	11,272	8,304
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	962	726
Total financial liability	962	726

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

8.1 Financial risk management
(a) Aged analysis of financial assets

	Carrying Amount (\$'000)	Not past due and not impaired (\$'000)	Past due but not impaired					Impaired financial assets (\$'000)
			Up to 1 month (\$'000)	1-3 months (\$'000)	3 months to 1 year (\$'000)	1-5 years (\$'000)	More than 5 Years (\$'000)	
2018								
Cash and cash equivalents	5,607 ^(a)	5,607	-	-	-	-	-	-
Restricted cash and cash equivalent	220	220	-	-	-	-	-	-
Receivables ^(a)	44	26	-	-	7	-	11	-
Amounts receivable for services	5,401	5,401	-	-	-	-	-	-
	11,272	11,254	-	-	7	-	11	-
2017								
Cash and cash equivalents	2,792	2,792	-	-	-	-	-	-
Restricted cash and cash equivalent	105	105	-	-	-	-	-	-
Receivables ^(a)	25	6	-	-	3	16	-	-
Amounts receivable for services	5,382	5,382	-	-	-	-	-	-
	8,303	8,283	-	-	3	16	-	-

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

8.1 Financial risk management

(b) Liquidity risk and interest rate exposure

The following table details the Agency'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

	Weighted average effective interest rate %	Interest rate exposure					Maturity Dates				
		Carrying Amount (\$'000)	Fixed interest rate (\$'000)	Variable interest rate (\$'000)	Non-interest bearing (\$'000)	Nominal Amount (\$'000)	Up to 1 months (\$'000)	1-3 months (\$'000)	3 months to 1 year (\$'000)	1-5 years (\$'000)	More than 5 years (\$'000)
2018											
Financial Assets											
Cash and cash equivalents		5,607	-	-	5,607	5,607	5,607	-	-	-	-
Restricted cash and cash equivalent		220	-	-	220	220	-	-	-	-	220
Receivables ^(a)		44	-	-	44	44	44	-	-	-	-
Amounts receivable for services		5,401	-	-	5,401	5,401	-	-	1,100	2,400	1,901
		11,272	-	-	11,272	11,272	5,651	-	1,100	2,400	2,121
Financial Liabilities											
Payables		962	-	-	962	962	962	-	-	-	-
		962	-	-	962	962	962	-	-	-	-

Interest rate exposure

	Weighted average effective interest rate %	Interest rate exposure					Maturity Dates				
		Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Nominal Amount \$	Up to 1 months \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2017											
Financial Assets											
Cash and cash equivalents		2,792	-	-	2,792	2,792	2,792	-	-	-	-
Restricted cash and cash equivalent		105	-	-	105	105	-	-	-	-	-
Receivables ^(a)		25	-	-	25	25	25	-	-	-	-
Amounts receivable for services		5,382	-	-	5,382	5,382	-	-	600	2,190	1,881
		8,303	-	-	8,303	8,303	2,817	-	600	2,190	1,881
Financial Liabilities											
Payables		726	-	-	726	726	726	-	-	-	-
		726	-	-	726	726	726	-	-	-	-

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

8.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at nominal value.

The Agency had no contingent assets and liabilities at 30 June 2018.

9. Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	9.1
Future impact of Australian standards issued not yet operative	9.2
Key management personnel	9.3
Related party transactions	9.4
Remuneration of auditors	9.5
Equity	9.6
Supplementary financial information	9.7
Explanatory statement	9.8

9.1 Events occurring after the end of the reporting period

There were no events occurring after the end of the reporting period that have an impact on the financial statements.

9.2 Future impact of Australian Accounting Standards not yet operative

Title	Operative for reporting periods beginning on/after
AASB 9 Financial Instruments	1 Jan 2018
AASB 15 Revenue from Contracts with Customers	1 Jan 2019
AASB 16 Leases	1 Jan 2019
AASB 1058 Income of Not-for-Profit Entities	1 Jan 2019
AASB 1059 Service Concession Arrangements: Grantors	1 Jan 2019
AASB 2010-7: Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 & Int 2, 5, 10, 12, 19 & 127]	1 Jan 2018
AASB 2014-1: Amendments to Australian Accounting Standards	1 Jan 2018
AASB 2014-5: Amendments to Australian Accounting Standards arising from AASB 15	1 Jan 2018
AASB 2014-7: Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)	1 Jan 2018
AASB 2015-8; Amendments to Australian Accounting Standards – Effective Date of AASB 15	1 Jan 2018
AASB 2016-3: Amendments to Australian Accounting Standards – Clarifications to AASB 15	1 Jan 2018
AASB 2016-7; Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not for Profit Entities	1 Jan 2018
AASB 2016-8: Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not for Profit Entities	1 Jan 2019

9.3 Key management personnel

The Agency has determined that key management personnel include Ministers and senior officers of the of the Agency. However, the Agency is not obligated to compensate Ministers and therefore disclosures relation to Ministers' compensation may be found in the *Annual Report on State Finances*.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the agency for the reporting period are presented within the following bands:

Compensation Band (\$)	2018	2017
120,001 - 130,000	2	-
140,001 - 150,000	1	-
170,001 - 180,000	-	1
200,001 - 210,000	1	-
320,001 - 330,000	1	-
330,001 - 340,000	1	-
360,001 - 370,000	1	-
370,001 - 380,000	1	1
380,001 - 390,000	-	2
390,001 - 400,000	-	2
400,001 - 410,000	1	1
440,001 - 450,000	1	-
470,001 - 480,000	-	1
550,001 - 560,000	-	1
570,001 - 580,000	1	-
	2018	2017
	(\$000)	(\$000)
Short-term employee benefits	3,085	2,961
Post-employment benefits	292	275
Other long-term benefits	49	17
Termination benefits	-	-
Total compensation of senior officers	3,426	3,252

Total compensation includes the superannuation expense incurred by the agency in respect of senior officers.

9.4 Related party transactions

The Agency is a wholly owned and controlled entity of the State of Western Australia. In conducting its activities, the Agency is required to pay various taxes and levies based on the standard terms and conditions that apply to all tax and levy payers to the State and entities related to State.

Related parties of the Agency include:

- all Ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and public sector entities, including related bodies included in the whole of government consolidated financial statements;
- associates and joint ventures, that are included in the whole of government consolidated financial statements; and
- the GESB.

Significant transactions with government related entities

Significant transactions include:

- Income from State Government (Note 4.1);
- Equity contributions (Note 9.11);
- Superannuation payments to GESB (Note 6); and
- Lease rentals payments to the Department of Finance (Note 10).

Material transactions with related parties

The Agency had no material related party transaction with Ministers or senior Agencyrs or their close family members or their controlled (or jointly controlled) entities for disclosure.

9.5 Remuneration of auditors

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

	2018 (\$000)	2017 (\$000)
Auditing the accounts, financial statements and key performance indicators	43	43

9.6 Equity

	2018 (\$000)	2017 (\$000)
Contributed Equity		
Balance at start of period	7,138	7,138
Contributions by owners		
Capital appropriation	-	-
Total contributions by owners	-	-
Distribution to owners		
Balance at end of period	7,138	7,138

9.7 Supplementary financial information

(a) Write-offs

	2018 (\$000)	2017 (\$000)
During the reporting period, \$0 was written off.	-	6
	-	6

(b) Gifts of public property

During the financial year, no act of grace payment was made.

9.8 Explanatory statement (Controlled Operations)

All variances between estimates (original budget) and actual results for 2018, and between the actual results for 2018 and 2017 are shown below. Narratives are provided for selected major variances, which are generally greater than:

5% and \$815,000 for the Statements of Comprehensive Income and Cash Flows; and

5% and \$185,000 for the Statements of Financial Position.

9.8.1 Statement of Comprehensive Income Variances

	Variance	Estimate	Actual	Actual	Variance between	
	Note	2018	2018	2017	estimate	actual results
		(\$000)	(\$000)	(\$000)	and	2018
					Actual	and 2017
					(\$000)	(\$000)
Statement of Comprehensive Income						
Expenses						
Employee benefits expense	1.1	32,471	32,127	30,060	(344)	2,067
Supplies and services	2.2	3,424	4,386	4,092	962	294
Depreciation and amortisation expense		720	642	619	(78)	23
Accommodation expenses	2.3	3,244	3,629	3,371	385	258
Other expenses		3,055	3,014	2,629	(41)	385
Total cost of services		42,914	43,798	40,771	884	3,027
Income						
Revenue						
Other revenue		50	153	78	103	75
Total Revenue		50	153	78	103	75
Total Income other than income from State Government		50	153	78	103	75
NET COST OF SERVICES		42,864	43,646	40,693	782	2,952
Income from State Government						
Service Appropriation	1.2	37,269	38,384	35,057	1,115	3,327
Contribution from Confiscation Proceeds Account	1.3, 2.4	5,300	6,783	4,850	1,483	1,933
Services received free of charge		525	1,059	943	534	117
Total income from State Government		43,094	46,226	40,850	3,132	5,377
SURPLUS/(DEFICIT) FOR THE PERIOD	1.4	230	2,581	156	2,351	2,424
OTHER COMPREHENSIVE INCOME		-	-	-	-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD	1.4	230	2,581	156	2,351	2,424
9.8.2 Statement of Financial Position						
ASSETS						
Current Assets						
Cash and cash equivalents	1.4, 2.6	3,221	5,607	2,792	2,386	2,816
Restricted cash and cash equivalents		0	0	0	-	-
Receivables		132	166	130	34	36
Amounts receivable for services	1.5	1,100	1,100	100	-	1,000
Other current assets	2.9	277	0	0	(277)	-
Total Current Assets		4,730	6,874	3,022	2,144	3,852
Non-Current Assets						
Restricted cash and cash equivalents		66	220	105	154	115
Amounts receivable for services	1.5	4,402	4,301	5,282	(101)	(981)
Property, plant and equipment	2.10	53	1,421	1,569	1,368	(148)
Intangible assets		12	29	30	17	(1)
Total Non-Current Assets		4,533	5,971	6,986	1,438	(1,015)
TOTAL ASSETS		9,263	12,845	10,008	3,582	2,837
LIABILITIES						
Current Liabilities						
Payables	1.6, 2.7	460	962	726	502	236
Provisions		6,418	6,377	6,387	(41)	(10)
Total Current Liabilities		6,878	7,339	7,113	461	226
Non-Current Liabilities						
Provisions	2.8	1,930	1,597	1,566	(333)	31
Total Non-Current Liabilities		1,930	1,597	1,566	(333)	31
TOTAL LIABILITIES		8,808	8,936	8,679	128	257
NET ASSETS		455	3,909	1,329	3,454	2,580
EQUITY						
Contributed Equity		7,372	7,138	7,138	-	0
Accumulated surplus/(deficit)		(5,852)	(3,229)	(5,809)	2,423	2,580
TOTAL EQUITY		1,720	3,909	1,329	2,423	2,580

9.8 Explanatory statement (Controlled Operations) continued

	Variance	Original			Variance between	
	Note	Estimate	Actual	Actual	estimate	actual results
		2018	2018	2017	and	for 2018
		(\$000)	(\$000)	(\$000)	Actual	and 2017
					(\$000)	(\$000)
Statement of Cash Flows						
CASH FLOWS FROM STATE GOVERNMENT						
Service appropriations	1.2	36,549	37,765	34,246	1,216	3,519
Contributions from Confiscation Proceeds Account	1.3, 2.4	5,300	6,783	4,850	1,483	1,933
Holding account drawdowns	2.5	600	600	100	-	500
Net cash provided by State Government		42,449	45,148	39,196	2,699	5,952
Utilised as follows:						
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee benefits	1.1, 2.1	(32,471)	(32,102)	(30,285)	369	(1,817)
Supplies and services		(8,910)	(9,746)	(8,773)	(836)	(973)
GST payments on purchases		(834)	(985)	(847)	(151)	(138)
Receipts						
Receipts from services		50	142	74	92	68
GST receipts on sales			6	5	6	1
GST receipts from taxation authority		634	962	843	328	119
Net cash provided by/(used in) operating activities		(41,531)	(41,723)	(38,983)	(192)	(2,740)
CASH FLOWS FROM INVESTING ACTIVITIES						
Payments						
Purchase of non-current physical assets	2.5	(600)	(493)	(57)	107	(436)
Net cash provided by/(used in) investing activities		(600)	(493)	(57)	107	(436)
Net increase/(decrease) in cash and cash equivalents		318	2,932	156	2,614	2,776
Cash and cash equivalents at the beginning of the period		2,969	2,898	2,742	(71)	156
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD		3,287	5,830	2,898	2,543	2,932

Major Variance Narratives (Controlled Operations)

Variances between actual results for 2018 and 2017

- 1.1 Increase in workload demands for Macro Taskforce and prosecution teams were responsible for the increase employee benefits expenses.
- 1.2 Additional funding for Macro Taskforce and prosecution teams to meet workload demands.
- 1.3 Bonus monies mentioned in 2.4 below boosted income.
- 1.4 Funding increases mentioned in 1.2 and 1.3 above contributed to the surpluses.
- 1.5 Increase in asset purchases for 2018-19 as per Budget
- 1.6 Increase in accounts accrued at year end.

Variances between estimate and actual for 2018

- 2.1 Underspend due to timing difference between additional funding for prosecution teams and time taken to recruit.
- 2.2 Information technology hardware additions and maintenance cost increased due to upgrade of strategic ICT digitisation program by \$161k. Legal Brief out costs increased due to demand of services and case loads by \$310k. Interstate Witness costs and Expert Witness costs increased by \$69k. Insurance costs increased by \$82k due to workers compensation adjustment to prior years. Other increases were Public Trustee cost in relation to Confiscation matters, and other minor cost increases in goods and services provided.
- 2.3 The net increase in 2018 is after variable outgoings rebate in the previous year and 4% annual rent increase under the accommodation lease agreement.
- 2.4 Distributions from the Confiscations Fund for the period totalling \$1.4m for exceeded target collections contributed.
- 2.5 Postponement of Information Technology project in 2017 to forward years.
- 2.6 Confiscations Bonus monies received increased the cash balance by \$1.4m and increased funding for Macro Team not yet fully expended.
- 2.7 Increase in accounts accrued at year end.
- 2.8 Long Service Leave payouts upon Termination decreased provision for 2018.
- 2.9 There was an expected prepayment amount in 2018 that in reality did not occur.
- 2.10 There was a \$500k capital carry over from 2016-17 into 2018-19, resulting in an estimated asset reduction in 2017-18 of this amount. There was an intention to move to Cloud based technology, however it is now expected to begin 2018-19.

INDEX OF TABLES

Table	Description	Pg
01	Perth Magistrates Court Cases Received and Completed 2013-14 to 2017-18	18
02	Stirling Gardens Magistrates Court ('SGMC') Cases Received and Concluded 2013-14 to 2017-18	18
03	Committals by Location of Magistrates Court 2013-14 to 2017-18	19
04	Committals by Type 2013-14 to 2017-18	19
05	Supreme and District Courts Trial Listings and Outcomes 2013-14 to 2017-18	21
06	Supreme and District Courts Disposition of Cases 2013-14 to 2017-18	22
07	Children's Court Magistrates Trial Listings and Outcomes 2013-15 to 2017-18	23
08	Children's Court President New Cases 2013-14 to 2017-18	24
09	Children's Court President Trial Listings and Outcomes 2013-14 to 2017-18	24
10	Single Judge Appeals Commenced 2013-14 to 2017-18	25
11	Appeals to the Court of Appeal Commenced 2013-14 to 2017-18	26
12	Court of Appeals Outcomes 2013-14 to 2017-18	27
13	High Court Appeals Commenced 2013-14 to 2017-18	27
14	Extradition Applications 2013-14 to 2017-18	28
15	<i>Dangerous Sexual Offenders Act</i> Applications 2006-07 to 2017-18	29
16	Freezing Notices and Orders Obtained 2013-14 to 2017-18	32
17	Objections to Freezing Notices and Orders 2013-14 to 2017-18	32
18	Drug Trafficker Declarations and Payments to Confiscation Proceeds Account 2013-14 to 2017-18	33
19	Crime-Used or Crime-Derived and Payments to Confiscation Proceeds Account 2013-14 to 2017-18	33
20	Payments to Confiscation Proceeds Account 2013-14 to 2017-18	34
21	External Committee Representation 2017-18	40-41
22	Law Society Committee Representation 2017-18	41
23	Legal Practice Board Representation 2017-18	41
24	Training and Development Initiatives Delivered in 2017-18	43
25	Brief-out Expenditure 2013-14 to 2017-18	44
26	Unauthorised Use of Credit Cards 2017-18	45
27	Occupational Health and Safety Statistics 2017-18	48

