



Office of the Director of Public Prosecutions  
for Western Australia

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at 25 November 2009

Western Australia

# Director of Public Prosecutions Act 1991

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# Annual Report 2018-19

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## Office hours

8:30 am to 5:00 pm week days. An after-hours answering machine can take recorded messages if the office is not attended.

# 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 2007-08\*](#)
- [\*Statement of Prosecution Policy and Guidelines 2018\*](#)
- [\*Aboriginal Employment Strategy 2014-17\*](#)
- [\*Disability Access and Inclusion Plan 2014-19\*](#)
- [\*Policy and Guidelines for Victims of Crime 2018\*](#)

## 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 guidelines](#) and meets the 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](http://www.dpp.wa.gov.au) or contact us via any means outlined above.

# Glossary of Terms

<b>Accused</b>	The person alleged in a prosecution notice or indictment to have committed an offence.
<b>Brief out</b>	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.
<b>Committal</b>	The process whereby a case is forwarded from the Magistrates Court to the Supreme or District Court.
<b>Extradition</b>	The process of retrieving an accused who has left the State to return to WA to answer charges.
<b>Hung Jury</b>	A jury which is unable to reach a verdict. The matter may be re-tried at another time before another jury.
<b>Indictment</b>	The written charge of an indictable offence presented in the Supreme or District Court so that the person is tried by that Court.
<b>Mistrial</b>	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.
<b>Prosecution Notice</b>	A formal document setting out the charge against the accused which commences a prosecution case in the Magistrates Court. Usually the notice is issued by the Western Australian Police Force ('WA Police').
<b>Sentence</b>	The penalty imposed by the Court for an offence.
<b>Summons</b>	A document advising a witness of the time, date and location of a trial and requiring the witness to attend and give evidence.
<b>Trial</b>	A Court hearing where factual and legal issues are examined before a Judge and jury (or in some cases, a Judge alone) to determine whether an accused is guilty or not guilty.

# 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 2019.

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

29 August 2019

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## Part 1: Overview

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# Executive Summary: From the Director



**Amanda Forrester SC**  
Director of Public Prosecutions

This is my third annual report as the Director of Public Prosecutions.

Those who have read previous ODPP annual reports will know that over the last five years, our workload has increased dramatically. One measure of that workload is the number of cases which the Magistrate's Court commits for trial or sentence in the District or Supreme Court. In 2018-19, there were 3,181 committals, an increase of over 25% from 2014-15. Committals for trial, which require substantially more resources to finalise than committals for sentence, numbered 1,378, an increase of 34% over the same period. Listed trials, each of which must be fully prepared by a State Prosecutor on the assumption it will proceed, increased

to 1,052, 21% more than in 2014-15.

Across the office, the Appeals, Children's Court, Confiscations and Dangerous Sexual Offender teams have also seen increases in matters in the last five years. In 2018-19, 273 appeals were commenced (of which 68 were Single Judge appeals), 189 new cases came before the President of the Children's Court and the value of criminal property confiscated increased to \$10.68m. The ODPP also had the conduct of 49 matters under the [\*Dangerous Sexual Offenders Act 2006\*](#), the greatest number since the commencement of that Act.

It is unlikely that the ODPP will see a decrease in its workload in the future, even if the number of new matters decreases. The increased use of technology in investigations has resulted in a very substantial increase in the volume of evidentiary material seized and disclosed in criminal prosecutions. The resources required to evaluate and collate such material are significant, and the time and effort required to analyse, prepare and present such evidence in a criminal trial continues to increase.



It is anticipated that WA Police will continue to employ new forms of technology in the coming years, which is expected to generate further substantial increases in the resources required to attend to it. However, there is a lack of robust data to enable the quantification of the resources being applied to prosecutions as a result of the higher volume and complexity of material gathered during an investigation. The ODPP is investigating ways to better capture data in this regard.

ODPP staff continue to operate under considerable pressure. While they are required to work to deadlines set by the courts in terms of provision of information, they rely almost entirely upon external parties, such as WA Police or other investigative agencies, forensic testing and reporting and provision of documents such as medical reports to supply that information. A great deal of work (and resources) can be involved in ensuring compliance by those external parties to enable the ODPP to meet court orders and disclosure obligations

In short, demand for our services shows no sign of abating. However, I am pleased to report that the ODPP's forecast position is now more positive than it was at the end of the 2017-18 financial year. This is as a result of the WA government providing clarity of funding in the 2019-20 budget for funding of the ODPP's operations over the forward estimates. Until this year, the ODPP was operating on a year to year basis, with future years' funding still set under the 2016-17 budget. The 2019-20 budget has enabled the ODPP to better plan its operations and, in particular, to hire more staff for the long-term improvement of the organisation.

The 2019-20 budget recognised a portion of the significant amount of overtime being worked by ODPP staff, by increasing the baseline of the model used to calculate the ODPP's funding. In past years, the management of the very large influx of additional matters has been achieved by staff absorbing additional work. I have previously pointed out the adverse impacts on ODPP staff of the unrealistic expectations on the ODPP resourcing in my Executive Summary to the ODPP's 2018-19 Annual Report. While the additional budget provision does not enable overtime to be completely reduced to reasonable levels, it is a step in that direction for the first time in a number of years.

One of the factors also contributing to excessive workload is that it is very difficult to replace experienced staff with similarly experienced staff. As a result, we have chosen to focus on recruiting more junior staff, in recognition of the fact that many of our highly talented senior staff commenced with the ODPP at a very junior level. At present, that requires more resources dedicated to supervision and training, but in due course it will provide a pool of extremely well-trained and knowledgeable

prosecutors ready to step into more challenging roles as opportunities arise.

As part of that recruitment strategy, we are pleased to be recommencing a modified graduate intake program in 2020, to enable us to identify talented individuals at the start of their careers, who will assist us to maintain the growth of the ODPP as a quality prosecution service for the next generation.

In recognition of the contribution that using technology can make to improving efficiency, the 2019-20 budget also made provision for the ODPP's strategic asset plan (SAP). This funding will provide the ability to make real improvements in the ODPP's operations, assist in the move to digitise files, improve storage of data, and enable us to leverage technology to adapt to future requirements.

Fundamentally, real improvements in the use of technology will require extensive collaboration between all of the participants in the criminal justice system. There is little meaningful change which can be achieved without all parties having a role in its implementation and being able to fully adapt to any new system which results. The ODPP looks forward to being an active participant in the planning across the sector.

Staff wellbeing remains a focus for the ODPP. We are continuing to examine ways to support our employees, to provide them with methods of preventing and coping with workload stress and vicarious trauma, and to help ensure their general wellbeing. This year, a great many of our staff participated in focus groups, surveys and individual interviews to help us assess how to better engage in a more proactive and coordinated approach. Thanks to their contributions, we have made strong progress towards ensuring the support we offer employees is properly adapted for the work we do and its unique nature. However, there is still much to be done.

In addition to maintaining and, where possible, improving the ODPP's high standards in providing a quality criminal prosecution service to the community of Western Australia, the primary challenges for the coming year include:

- the required relocation of the ODPP's offices, which will enable an upgrade of many of our outdated systems and technology;
- working smarter on early, appropriate resolution of cases, which will assist in reducing the workload of ODPP staff, with consequent benefits for victims, witnesses and people accused of criminal offending, as well as WA Police and courts;
- developing a technology solution with the courts and WA Police with the aim of reducing duplication of resources in disclosure and preparation of prosecutions;

- working to implement more efficient information sharing with various government agencies which rely upon reporting and information from the ODPP;
- formalisation of a strategy to ensure the well being of all ODPP staff.

The ODPP could not function as it does without the substantial efforts and professionalism of all of its staff. I wish to once again express my sincere gratitude to them for their dedication to the important work of the ODPP, the support and cooperation they provide to each other, and their continued support of me and the leadership group in our efforts to further improve the ODPP, both in its internal operations and in its provision of services to the community of Western Australia.



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 the following core values to achieve our vision:

- Justice.
- Excellence.
- Accountability.
- Respect.
- Independence.
- Integrity.
- Leadership.

## Goals

We recognise the following goals as 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\*](#). Amanda Forrester SC is the Director of Public Prosecutions (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 Carmel Barbagallo SC.

## Consultant State Prosecutors

The ODPP's four Consultant State Prosecutors are the most senior employed prosecutors in the office. In addition to conducting the most complex legal matters, the Consultant State Prosecutors provide high level legal support and advice across the ODPP and are authorised to approve substantive discontinuances of whole cases and the resolution of charges.

## 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, 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 (who is a Senior State Prosecutor), are responsible for all 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 is made up of approximately 50 staff members, including State Prosecutors, paralegals and legal assistants. The prosecutors within each team are divided into work groups, each of which is headed by a Work Group Co-ordinator (who is also a 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 (who is a Senior State Prosecutor), this team is responsible for all prosecutions which 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, 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 prosecutors, including a Senior State Prosecutor, and one paralegal manage all work required of the ODPP under the [\*Dangerous Sexual Offenders Act 2006\*](#).

### **Confiscations Team**

The Confiscations Team is headed by a Practice Manager (who is a 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**

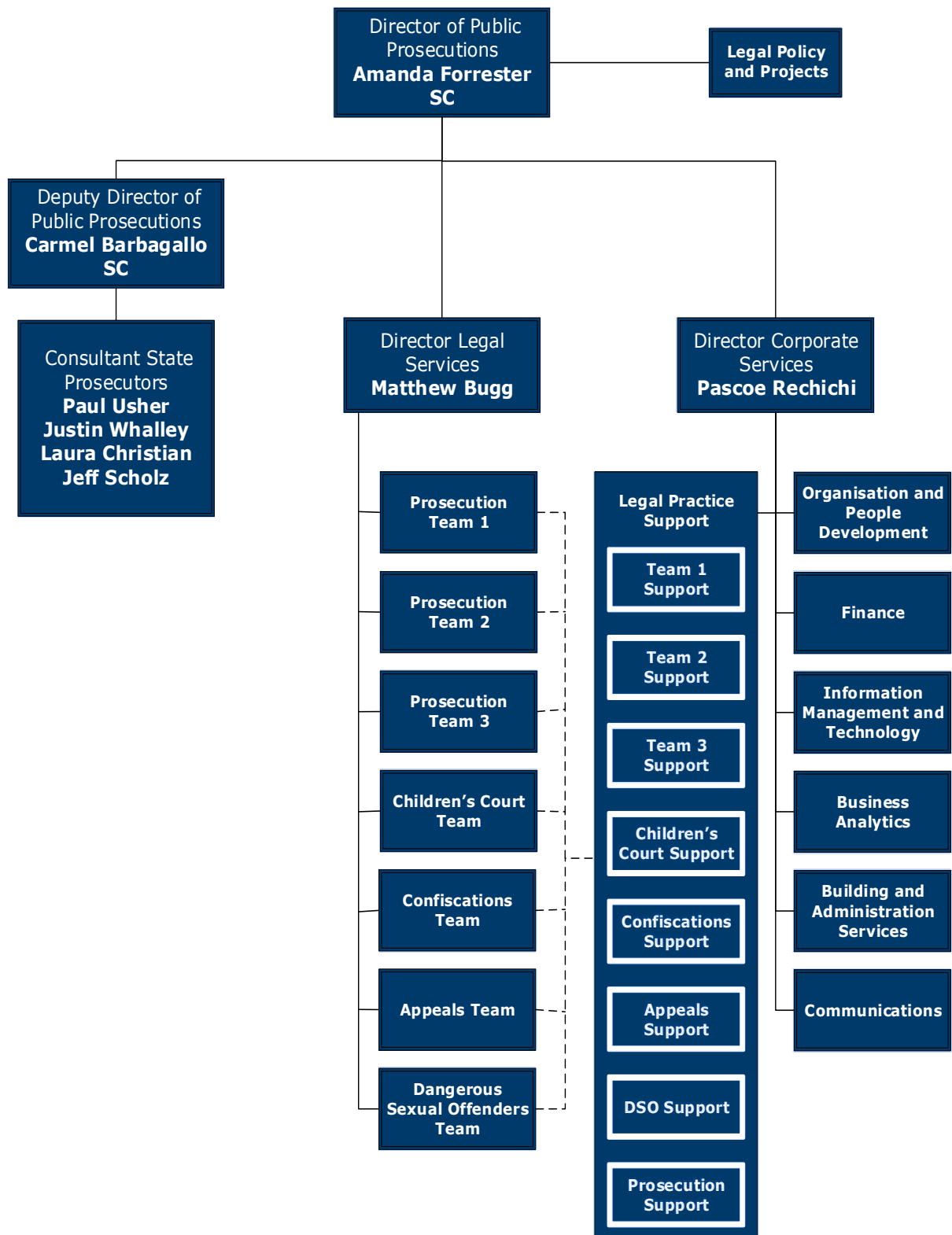
A legal policy and projects lawyer is responsible for co-ordinating legal policy development within the ODPP, monitoring legislative developments, and co-ordinating, reviewing and preparing legislative reform proposals and submissions on behalf of the DPP, and assisting in the provision of advice to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

## **Corporate Services**

The Corporate Services directorate delivers a range of corporate and legal support services to the ODPP's legal practice and ensures that the ODPP meets its corporate responsibilities as a public sector agency. Corporate Services includes all paralegals, legal assistants and law clerks in the legal practice teams and plays an important role in the receipt and allocation of new criminal cases and the co-ordination of all Court appearances by ODPP prosecutors.

Other services provided by the directorate include financial management, human resource management, information management and technology services, business improvement, communications advice and building and administration services.

# Organisation Design





# Performance Management Framework

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

<b>GOVERNMENT GOAL</b>	
Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	
<b>AGENCY LEVEL GOVERNMENT DESIRED OUTCOME</b>	
To provide the people of Western Australia with a fair and just criminal prosecution service.	
KEY EFFECTIVENESS INDICATORS	Measurement Parameters
<b>Service 1 – Criminal Prosecutions</b>	
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 which 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.
<b>Service 2 – Confiscation of Assets</b>	
4. Timely lodgement of applications for 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
<b>Service 1 – Criminal Prosecutions</b>	
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.
<b>Service 2 – Confiscation of Assets</b>	
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.



## Part 2: Agency Performance and Significant Issues

# Criminal Prosecutions

## Magistrates Court

The ODPP's most significant responsibility is the prosecution of serious criminal charges in WA Courts. The agency takes over the prosecution of indictable offences, as they move from the Magistrates Court, where all charges are first heard, to the District and Supreme Courts in a process called committal.

For indictable offences first heard in Perth Magistrates Court, the ODPP takes over the conduct of the case after WA Police has confirmed that the evidence has been disclosed to the accused and provided to the ODPP. Having reviewed the evidence, an ODPP prosecutor will then appear at the committal hearing at Perth Magistrates Court to confirm that the charges can be committed to the District Court.

The most serious indictable offences, such as murder and manslaughter, must first be listed in Stirling Gardens Magistrates Court. ODPP prosecutors will manage these cases from their commencement through to committal, most likely to the Supreme Court, and then to finalisation.

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 Magistrates Courts in regional Western Australia, WA Police prosecutors will manage cases during the committal process and the ODPP will take over the conduct of them at their first hearing in the District Court.

In 2018-19 the ODPP received a total of 3,018 new indictable prosecutions to

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

When 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.

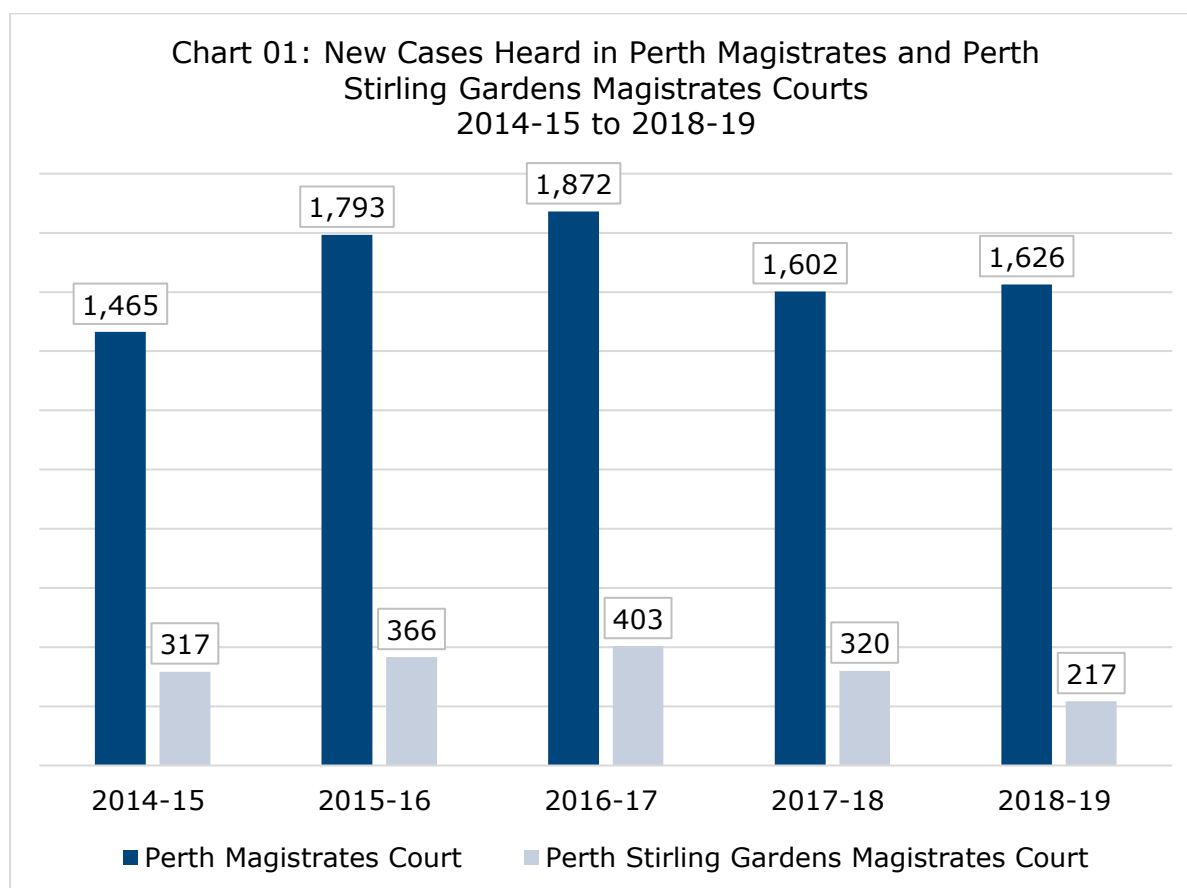
The role of the ODPP prosecutor at the trial is to fairly present all of the available admissible evidence to assist the jury to make a sound decision. It is not the role of the prosecutor to pursue a conviction at all costs.

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.

manage. Of these, 1,626 new cases were listed for committal before the Perth Magistrates Court and a further 217 before the Perth Stirling Gardens Magistrates Court. The *Court Jurisdiction Legislation Amendment Act 2018*, which commenced on 1 January 2019 reduced the number of serious indictable offences which can only heard in the Supreme Court. This change has resulted in a significant drop in the number of matters heard by that Court in the second half of this reporting period, as is reflected in the chart below.



In the same period, 482 cases were completed without the need for a committal. ODPD Prosecutors assessed the evidence in these matters and identified deficiencies or more appropriate charges. Some of these charges were discontinued and others remitted for trial or sentencing in the Magistrates Court.

## Supreme and District Courts

### Committals

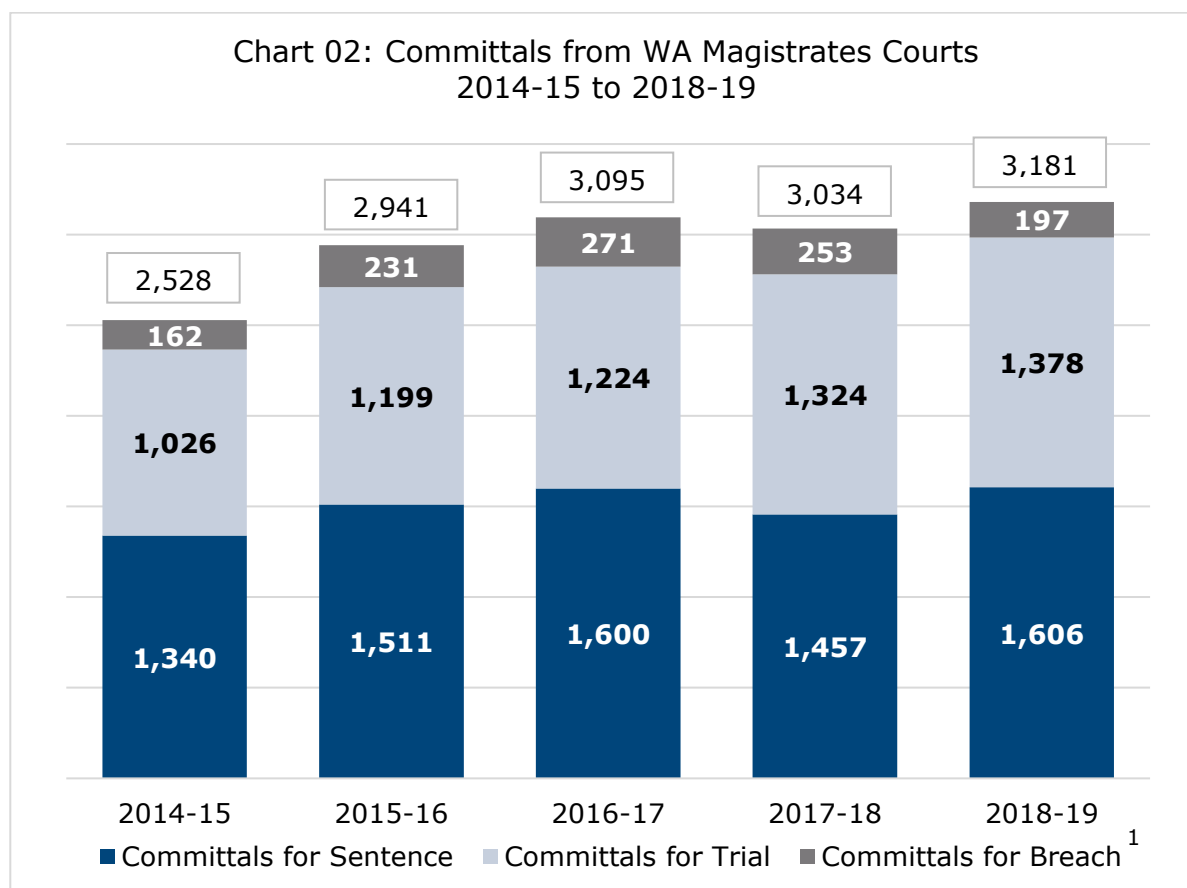
An important measure of the ODPD's workload is the number of committals to the Supreme or District Court for trial or sentence.

When an accused pleads guilty to indictable charges at, or prior to, the committal hearing in the Magistrates Court, the accused will be committed



for sentence to the Supreme or District Court, depending on the charges. If an accused pleads not guilty, the matter will be committed for trial.

In 2018-19 the total number of committals increased by 147 (+4.8%) from the previous year, to 3,181. Over the last five years, committals have increased by 653 (+25.8%). Committals for trial, which require the investment of significantly more time and resources to prepare and complete than committals for sentence, increased by 54 (+4.1%) in 2018-19 and 352 (+34.3%) over the five-year period shown.



## Trials

Most Supreme and District Court criminal cases are resolved with the accused pleading guilty and being sentenced. However, 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 a highly intensive task for State Prosecutors and support staff.

<sup>1</sup> People who breach the conditions of a sentence imposed by the Supreme or District Court, usually by non-compliance with a community order or breach of a suspended sentence by committing further criminal offences, must also be committed to be re-sentenced at these venues.

Any increase in trials listed accordingly has a significant resourcing impact on the ODPP. In 2018-19 a total of 1,052 trials were listed for hearing in the Supreme and District Courts. While this represents an increase of only 2 (+0.2%) on the 2017-18 total, it constitutes an overall increase of 185 (+21.3%) over the past five years.

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, key contributing factors are the increase in resources committed by WA Police to detect serious crime, improve 'clean-up' rates and arrest more offenders, and the appointment of additional Judges in superior Courts.

### **Trials Proceeding and Not Proceeding**

A plea of guilty or a discontinuance removes the need for a trial and spares the victim of crime and witnesses the ordeal and inconvenience of having to attend Court and give evidence. The cancellation of a listed trial will not adversely affect Court listings if the Court is given adequate notice to permit it to reschedule other matters. However, the prosecution will still have undertaken much of the pre-trial preparation if a plea of guilty is entered at a late stage.

Of the 1,052 listed criminal trials involving the ODPP in 2018-19, 545 (51.8%) did not proceed – an outcome in line with each of the past five years. Also consistent with previous years, the primary reason for a trial not proceeding was the accused pleading guilty, either before or on the day of the trial's commencement. This occurred in 292 (53.6%) of all listed trials which did not proceed.

The number of cases proceeding to trial in the Supreme and District Courts in 2018-19 decreased by 5 trials with 507 (-0.9%) on the previous year. However, compared with 2014-15, the number of trials proceeding increased by 53 (+11.7%).

### **Trial Outcomes**

The ODPP maintained its high conviction rate, reflecting appropriate pre-trial assessment of the evidence and sound trial advocacy.

Of the 507 trials proceeding in 2018-19, 460 resulted in a definitive outcome – either a conviction or an acquittal. Of these, 65.7% resulted in an accused being convicted of one or more of the charges brought against them.

A further 47 trials resulted in either a mistrial or hung jury, which in most cases means that a further trial is required before a fresh jury.



Table 01: Supreme and District Courts Trial Listings and Outcomes 2014-15 to 2018-19

TRIALS	2014-15	2015-16	2016-17	2017-18	2018-19
Trials Listed	867	950	1,038	1,050	1,052
Trials Proceeding	454	460	483	512	507
	52.0%	48.0%	47.0%	48.8%	48.2%
Convictions	316	262	291	324	302
Acquittals	104	148	147	138	158
Hung Jury or Mistrial	34	50	45	50	47
<b>CONVICTION RATE AFTER TRIAL</b>	<b>75.2%</b>	<b>63.9%</b>	<b>66.4%</b>	<b>70.1%</b>	<b>65.7%</b>

### Disposition of Cases and Overall Conviction Rate

Excluding matters discontinued or remitted to the Magistrates Court, the overall conviction rate for ODPP-prosecuted cases in the Supreme and District Courts was 93.5% in 2018-19.

The number of criminal cases finalised in either the Supreme or District Court decreased by 557 on the previous year to 2,771 (–17.2%). This may be partly attributable to the ODPP’s close off project, which, between March and June 2018, archived a very large number of cases in a short period of time, inflating the number of files closed in 2017-18. In addition, the *Magistrates Court Practice Direction 1 of 2017*, which came into effect on 1 January 2018, reduced the proportion of matters discontinued and remitted back to the Magistrates Courts, due to an increase in the resolution of matters.

Table 02: Supreme and District Courts Disposition of Cases 2014-15 to 2018-19

OUTCOMES	2014-15		2015-16		2016-17		2017-18		2018-19	
	No.	%	No.	%	No.	%	No.	%	No.	%
Convicted and Sentenced	1,583	71.9	1,652	65.5	1,920	66.2	2,361	72.9	2,195	79.2
Acquitted	94	4.3	133	5.3	126	4.3	139	4.3	152	5.5
Discontinued	279	12.7	410	16.2	461	15.9	403	12.5	266	9.6
Remitted to Magistrates Court	247	11.2	329	13.0	391	13.5	335	10.3	158	5.7
<b>TOTAL</b>	<b>2,203</b>	<i>100.0</i>	<b>2,524</b>	<i>100.0</i>	<b>2,898</b>	<i>100.0</i>	<b>3,238</b>	<i>100.0</i>	<b>2,771</b>	<i>100.0</i>
<b>Conviction Rate:</b>										
<b>Convictions</b>	<b>94.4%</b>		<b>92.6%</b>		<b>93.8%</b>		<b>94.4%</b>		<b>93.5%</b>	
<b>- v -</b>										
<b>Acquittals</b>										

# Children's Court

The ODPP has responsibility for prosecuting all cases before the Perth Children's Court, which hears criminal matters involving young people (aged 10 to 17 years) who are accused of committing offences.

## Cases before Magistrates

In 2018-19, 279 cases were listed for trial before Magistrates in the Perth Children's Court, although ultimately only 63 cases (22.6%) 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 03: Children's Court Magistrates Trial Listings and Outcomes 2014-15 to 2018-19

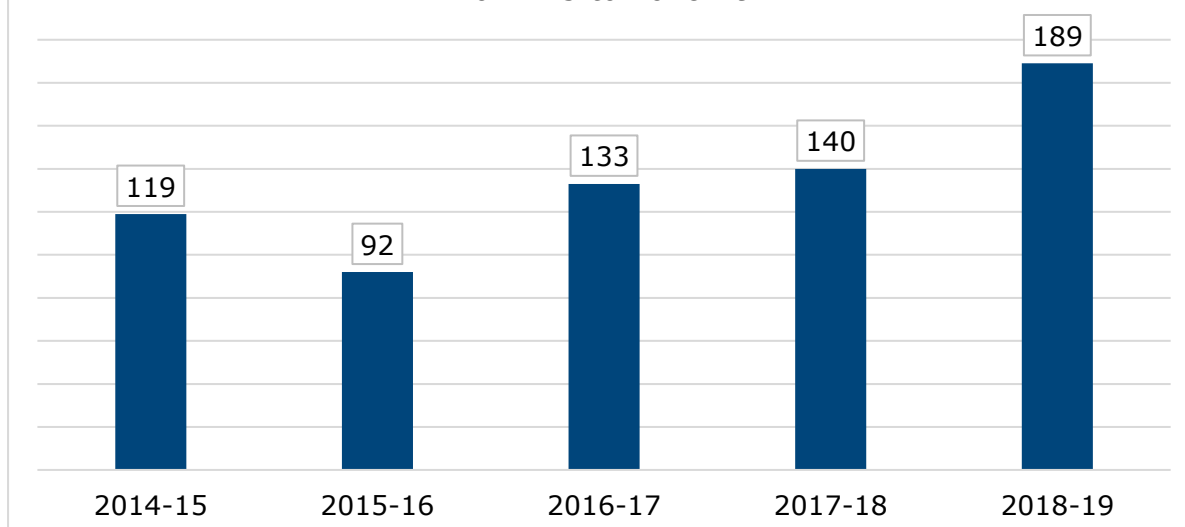
TRIALS	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Trials Listed</b>	<b>258</b>	<b>250</b>	<b>333</b>	<b>288</b>	<b>279</b>
Trials Not Proceeding	188	195	273	218	216
<b>Trials Proceeding</b>	70	55	60	70	63
	<b>27.1%</b>	<b>22.0%</b>	<b>18.0%</b>	<b>24.3%</b>	<b>22.6%</b>
Convictions	50	39	51	54	38
Acquittals	20	16	9	16	25
<b>CONVICTION RATE AFTER TRIAL</b>	<b>71.4%</b>	<b>70.9%</b>	<b>85.0%</b>	<b>77.1%</b>	<b>60.0%</b>

## 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 the offences originally charged by the WA Police. During 2018-19, the ODPP prosecuted a wide variety of serious criminal offences committed by children, ranging from stealing, burglary and sexual assault through to murder.

The following chart shows that there was an increase in the number of new cases coming before the President in 2018-19, a trend continued from the two preceding years.

Chart 03: Children's Court President New Cases  
2014-15 to 2018-19



When a child pleads not guilty to a serious offence, the case may proceed to a trial before the President, sitting without a jury. In 2018-19, 45 trials were listed before the President, with 17 proceeding to trial.

Table 04: Children's Court President Trial Listings and Outcomes 2014-15 to 2018-19

TRIALS	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Trials Listed</b>	<b>24</b>	<b>17</b>	<b>27</b>	<b>27</b>	<b>45</b>
Trials Not Proceeding	18	14	21	15	28
<b>Trials Proceeding</b>	6	3	6	12	17
	<b>25.0%</b>	<b>17.6%</b>	<b>22.2%</b>	<b>44.4%</b>	<b>37.8%</b>
Convictions	3	2	6	9	10
Acquittals	3	1	0	3	7
<b>CONVICTION RATE AFTER TRIAL</b>	<b>50.0%</b>	<b>66.7%</b>	<b>100.0%</b>	<b>75.0%</b>	<b>58.8%</b>

Focused attention on early resolution of matters meant that the number of trials actually proceeding has increased in each of the past three completed years in the President's Court.

## 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 filing appeals against their conviction. Appeals initiated by prosecution agencies 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, before the Court of Appeal in Western Australia, or before the High Court of Australia.

Due to the nature and complexity 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 2018-19, the ODPP received 68 new single Judge appeals lodged by appellants in the Supreme Court. This is an increase of 32 single Judge appeals (+88.8%) from the 36 received in 2017-18.

#### ***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 specialist 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.

Table 05: Single Judge Appeals Commenced 2014-15 to 2018-19

APPEALS LODGED		2014-15	2015-16	2016-17	2017-18	2018-19
STATE APPEALS	Acquittal	0	0	0	0	1
	Sentence	0	0	0	0	0
	Decision or Order	1	0	1	2	1
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>
ACCUSED APPEALS	Conviction	7	9	8	10	12
	Sentence	12	18	25	20	43
	Decision or Order	5	5	4	4	11
	<b>Total</b>	<b>24</b>	<b>32</b>	<b>37</b>	<b>34</b>	<b>66</b>
<b>TOTAL NEW APPEALS</b>		<b>25</b>	<b>32</b>	<b>38</b>	<b>36</b>	<b>68</b>

During 2018-19, 49 single Judge appeals lodged by offenders were completed. Of these, 25 (51.0%) were allowed with 24 (49.0%) being either dismissed or discontinued.

There were also four State single Judge appeals completed in 2018-19. One matter was referred to the ODPP by WA Police for consideration, but not recommended for appeal in this period.

## Appeals to the Court of Appeal

During 2018-19, 207 new appeals involving the ODPP as either the appellant or the respondent were commenced in the Court of Appeal. The five-year trend is illustrated in the following table.

Table 06: Appeals to the Court of Appeal Commenced 2014-15 to 2018-19

APPEALS LODGED		2014-15	2015-16	2016-17	2017-18	2018-19
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	6	7	10	8	7
	Decision or Order	0	0	3	2	1
	<b>Total</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>10</b>	<b>8</b>
ACCUSED APPEALS	Conviction	65	58	61	63	72
	Sentence	103	137	125	136	116
	Decision or Order	7	8	10	7	11
	<b>Total</b>	<b>175</b>	<b>203</b>	<b>196</b>	<b>206</b>	<b>199</b>
<b>TOTAL APPEALS LODGED</b>		<b>181</b>	<b>210</b>	<b>209</b>	<b>216</b>	<b>207</b>

During 2018-19, 204 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 186 appeals commenced by offenders and resolved during 2018-19, only 32 (17.2%) were successful.

Significantly, 56 (30.1%) of offender-initiated appeals were abandoned before the hearing of the appeal, a total and proportion consistent with previous years.



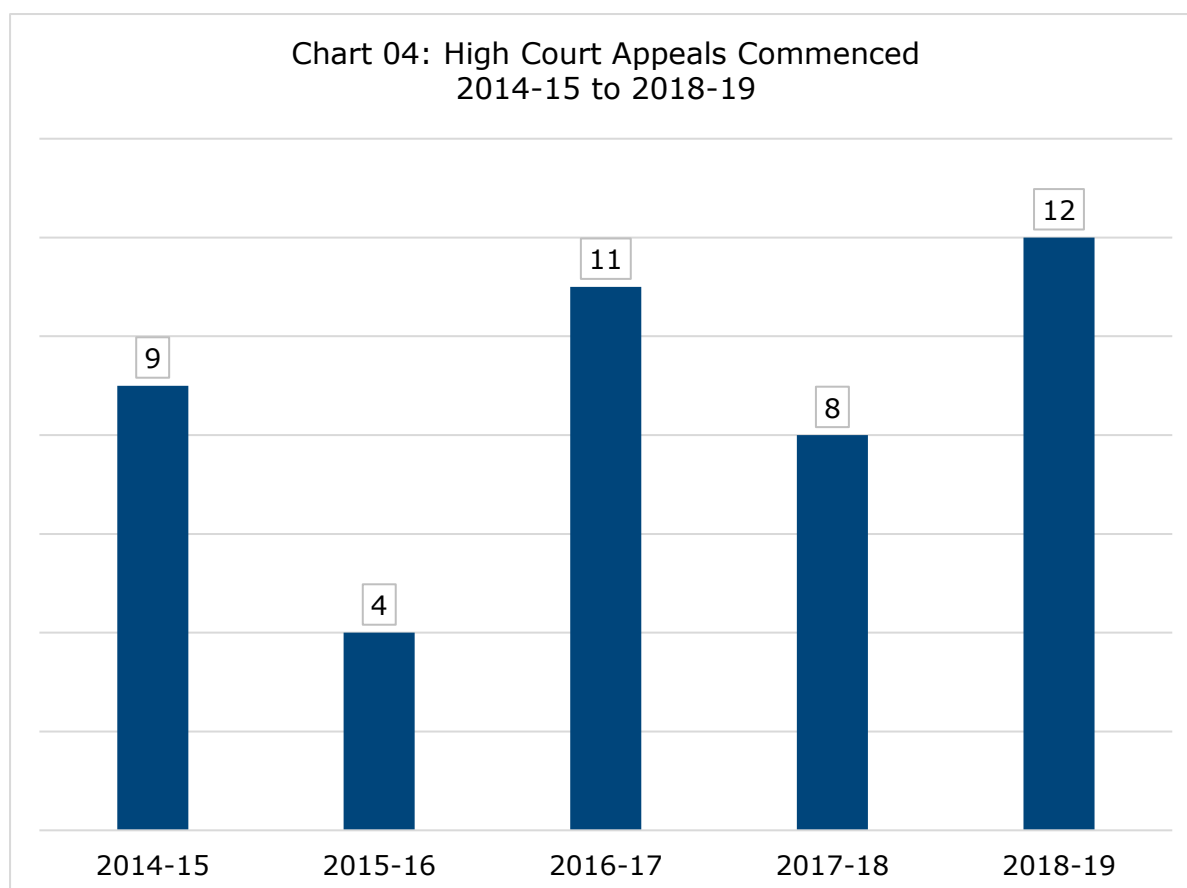
Table 07: Court of Appeal Outcomes 2014-15 to 2018-19

APPEALS FINALISED		2014-15		2015-16		2016-17		2017-18		2018-19	
		No.	%	No.	%	No.	%	No.	%	No.	%
STATE APPEALS	Allowed	8	80.0	6	85.7	6	31.6	4	13.3	9	50.0
	Dismissed	1	10.0	1	14.3	1	5.3	4	13.3	3	16.7
	Discontinued	1	10.0	0	0.0	1	5.3	0	0.0	3	16.7
	No Appeal Recommended	0	0.0	0	0.0	11	57.9	22	73.3	3	16.7
	<b>Total</b>	<b>10</b>	<b>100.0</b>	<b>7</b>	<b>100.0</b>	<b>19</b>	<b>100.0</b>	<b>30</b>	<b>100</b>	<b>18</b>	<b>100.0</b>
ACCUSED APPEALS	Allowed	16	9.1	20	11.8	32	16.3	26	13.0	32	17.2
	Dismissed	104	59.4	99	58.6	115	58.7	121	60.5	98	52.7
	Discontinued	55	31.4	50	29.6	49	25.0	53	26.5	56	30.1
	<b>Total</b>	<b>175</b>	<b>100.0</b>	<b>169</b>	<b>100.0</b>	<b>196</b>	<b>100.0</b>	<b>200</b>	<b>100.0</b>	<b>186</b>	<b>100.0</b>
<b>TOTAL APPEALS FINALISED</b>		<b>185</b>		<b>176</b>		<b>215</b>		<b>230</b>		<b>204</b>	

## 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 12 High Court appeals lodged by offenders in 2018-19.



A total of 22 High Court Appeals were completed in 2018-19. All were filed by the offenders and resulted in four being allowed, seventeen being dismissed and one discontinued. This high number was the result of several cases involving multiple appellants.

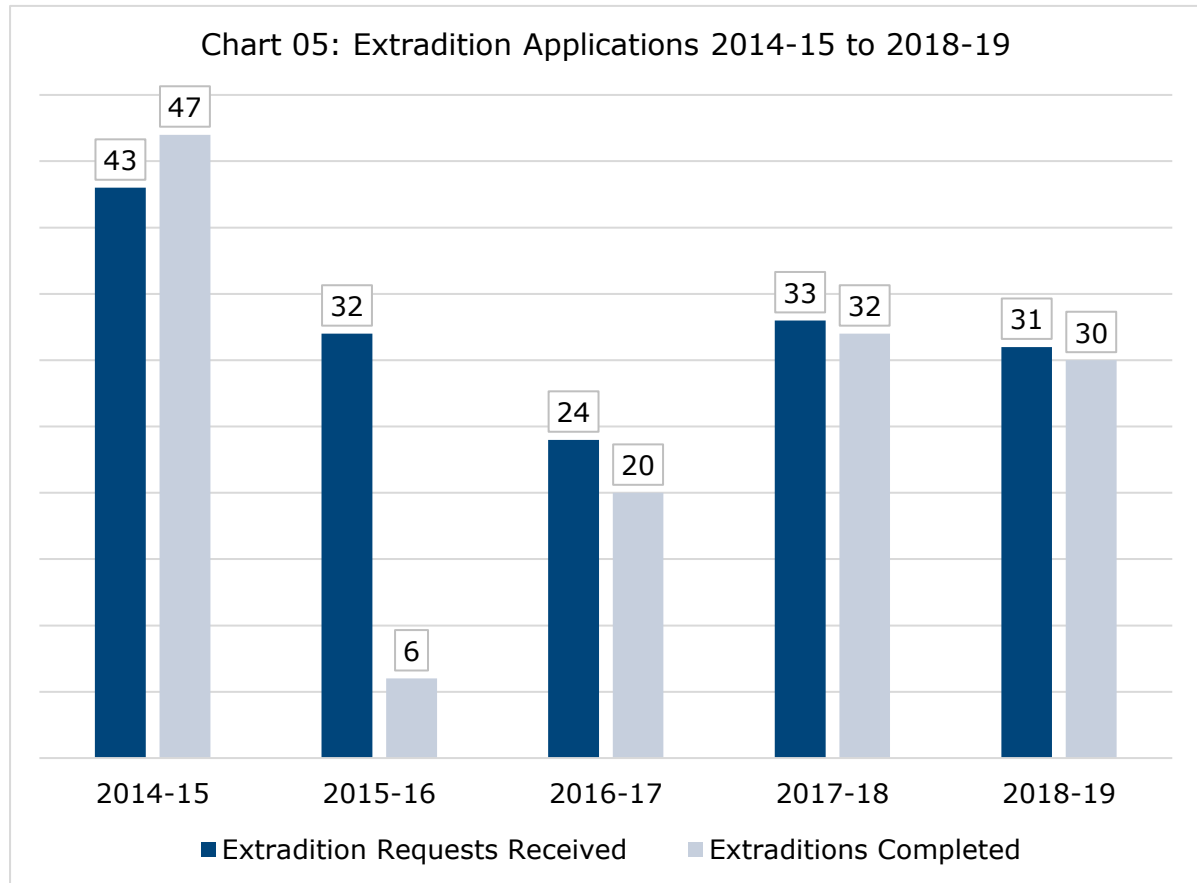
## Extraditions

During 2018-19, 31 applications were received by the ODPP from the WA Police seeking to extradite people from a range of jurisdictions, including:

- twelve from Queensland,
- seven from Victoria,
- five from New South Wales,

- five from other countries, and
- one each from Tasmania and the Northern Territory.

The ODPP closed 30 cases involving applications for extradition in 2018-19.



## 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, as well as the commencement and conduct of contravention proceedings.

At the start of 2018-19, 47 offenders were the subject of either a continuing detention or supervision order made by the Supreme Court under the [Dangerous Sexual Offenders Act 2006](#) (WA) ('the Act').

Two offenders' supervision orders expired during 2018-19, however, an application for a further supervision order was filed in relation to both offenders. One offender has been made subject to a further order, whilst the application in relation to the other was discontinued after the receipt of the expert witness reports. A third offender, whose supervision order

expired on 5 August 2019, was also the subject of an application for a further order. Three offenders died during 2018-19, two of whom had been on supervision orders, and one of whom was on a continuing detention order.

At the end of the reporting period, 49 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.

The number of offenders subject to orders is expected to increase, with only three offenders expected to complete their supervision orders in 2019-20. Two of these offenders have already been re-referred for consideration of an application for a further supervision order. This will have a growing resource impact on the ODPP.

In total, nine new applications were lodged in 2018-19.

## **New Applications 2018-19**

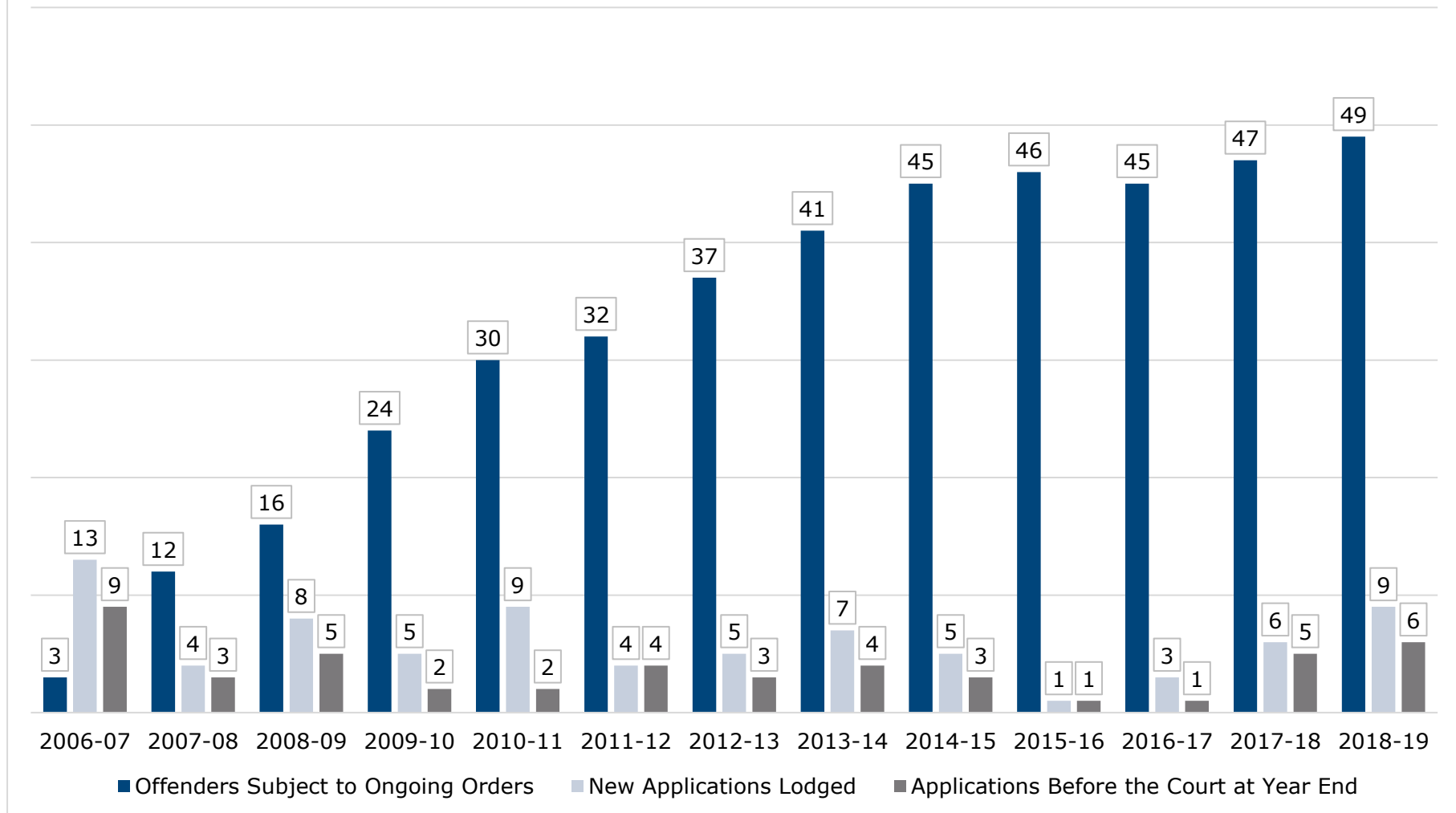
During 2018-19 the ODPP received 14 new referrals from the DSORC. One new juvenile referral was received from Youth Justice Services.

After careful consideration of the matters, the ODPP made one new application to the Supreme Court, in addition to seven which had been referred in the previous reporting period. A further application was made on the ODPP's own motion after becoming aware of the potential release of an offender, bringing the total number of new applications in 2018-19 to nine.

At the end of this reporting period, a total of six applications are before the Court and sixteen matters remained under review.

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.

Chart 06: *Dangerous Sexual Offenders Act* Applications 2006-07 to 2018-19



## Ongoing Management of Earlier Applications and Orders

At the start of 2018-19, 25 offenders were the subject of supervision orders made by the Supreme Court. Two of these supervision orders expired during the year. As mentioned earlier, two offenders who were subject to supervision orders died during 2018-19.

Contravention proceedings, pursuant to section 23 of the Act, resulted in the cancellation of the supervision orders of three offenders and the amendment of the supervision orders of another two offenders. Contravention proceedings are pending against two offenders at the end of the reporting period.

Six offenders were placed on supervision orders during the reporting period. Three of those orders were made pursuant to section 17 of the Act following a Division 2 hearing. Two offenders were placed on a supervision order following a periodic review of their continuing detention order. One offender was placed on a supervision order following his application for an exceptional review under the Act. The duration of the supervision orders ranged between 4 and 10 years.

One application for a further supervision order was successful, and a further order of 4 years was made. Another application for a further supervision order was discontinued following receipt of the reports of the expert witnesses, as there were no reasonable prospects of proving that the offender continued to be a serious danger to the community. A third application for a further supervision order, made in relation to an offender whose previous supervision order expired in the 2017-18 period, is waiting for a reserved judgment to be delivered. This offender remains on an interim supervision order. A fourth application for a further supervision order was filed in relation to an offender whose order expires on 5 August 2019.

At the start of 2018-19, 22 offenders were held in custody subject to continuing detention orders. Three of those offenders were 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. One offender subject to a continuing detention order died during 2018-19. The detention orders of eleven offenders were reviewed and in eight cases the Court expressly declined to rescind their detention orders. Two review hearings were in progress (i.e. adjourned) at the end of the reporting period.

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

At the end of 2018-19 there were 25 offenders subject to a supervision order and 24 subject to a continuing detention order.

## Appeal Matters

One appeal under the Act was decided in 2018-19, which had been filed in the previous reporting period.

The appeal related to a Division 2 hearing conducted in 2017 at which evidence as to the Respondent's risk of sexual reoffending was received from one qualified expert as defined under the Act, being a psychiatrist, and one person who was not a qualified expert as defined under the Act, being a psychologist. By the time the appeal was heard, regulations prescribing a qualification so that a psychologist could be a qualified expert had come into effect. The psychologist from whom evidence was received would have been a qualified expert had the regulations been in force at the time of the Division 2 hearing.

The Court of Appeal dismissed the appeal on the basis that the court at first instance had the power to make an order under the Act notwithstanding that it did not receive evidence from two qualified experts.

## Legislative Developments

The [Dangerous Sexual Offenders Regulations 2018](#) (WA) ('the Regulations') commenced operation on 3 October 2018. The sole effect of the Regulations was to prescribe a qualification for a psychologist to be a 'qualified psychologist', and hence a 'qualified expert', within the meaning of those terms under the Act. The prescribed qualification was a master's degree or higher in psychology.

The Regulations were further amended by the [Dangerous Sexual Offenders Amendment Regulations 2019](#) (WA) ('the amendment Regulations'), which commenced operation on 16 February 2019.

The amendment Regulations prescribed that specified offences against a law of the Commonwealth, of another State or of a Territory corresponded to specified offences in this State, for the purposes of the definition of 'serious sexual offence' under the Act.

# Confiscation of Assets

## Freezing Notices and Freezing Orders

Freezing Notices and Freezing Orders are used to prevent property from being disposed of while a criminal investigation or prosecution is being carried out, or until the conclusion of confiscation proceedings. The WA



Police may apply under the [Criminal Property Confiscation Act 2000](#) ('the Act') for a Freezing Notice from a Magistrate or Justice of the Peace. The DPP may apply for a Freezing Order from the Court.

The table below shows a reasonably consistent level of Notices and Orders obtained in the past five years.

Table 08: Freezing Notices and Orders Obtained 2014-15 to 2018-19

NOTICES AND ORDERS OBTAINED	2014-15	2015-16	2016-17	2017-18	2018-19
Freezing Notices	186	186	170	183	198
Freezing Orders	9	14	7	5	7
<b>TOTAL</b>	<b>195</b>	<b>200</b>	<b>177</b>	<b>188</b>	<b>205</b>

## 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, and 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 2018-19, 132 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 09: Objections to Freezing Notices and Orders 2014-15 to 2018-19

OBJECTIONS	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Objections Received</b>	213	217	170	147	135
Objections Dismissed	92	93	47	84	89
Successful Objections	117	97	98	71	96
No Determination	22	33	12	34	13
<b>TOTAL OBJECTIONS FINALISED</b>	<b>231</b>	<b>223</b>	<b>157</b>	<b>189</b>	<b>198</b>

## 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 owned by that person is forfeited to the State. In 2018-19, 150 people were declared to be drug traffickers and, in the same period, \$4.43 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 10: Drug Trafficker Declarations and Payments to the Account 2014-15 to 2018-19

<b>DRUG TRAFFICKERS</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Declarations Made	108	95	136	171	163
<b>AMOUNT PAID TO THE ACCOUNT</b>	\$5.76m	\$7.69m	\$6.47m	\$5.07m	\$4.43m

## Crime-used and Crime-derived Property

Where property is frozen on crime-used or crime-derived grounds and any objections are resolved, DPP 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 has for the first year contributed to the greater quantum of payments to the Account. This shift is attributed to a number of large cash seizures and some increased resources within the Proceeds of Crime Squad of the WA Police.

As the table below indicates, 46 Declarations of Confiscation were made either on crime-used or crime-derived grounds in 2018-19.

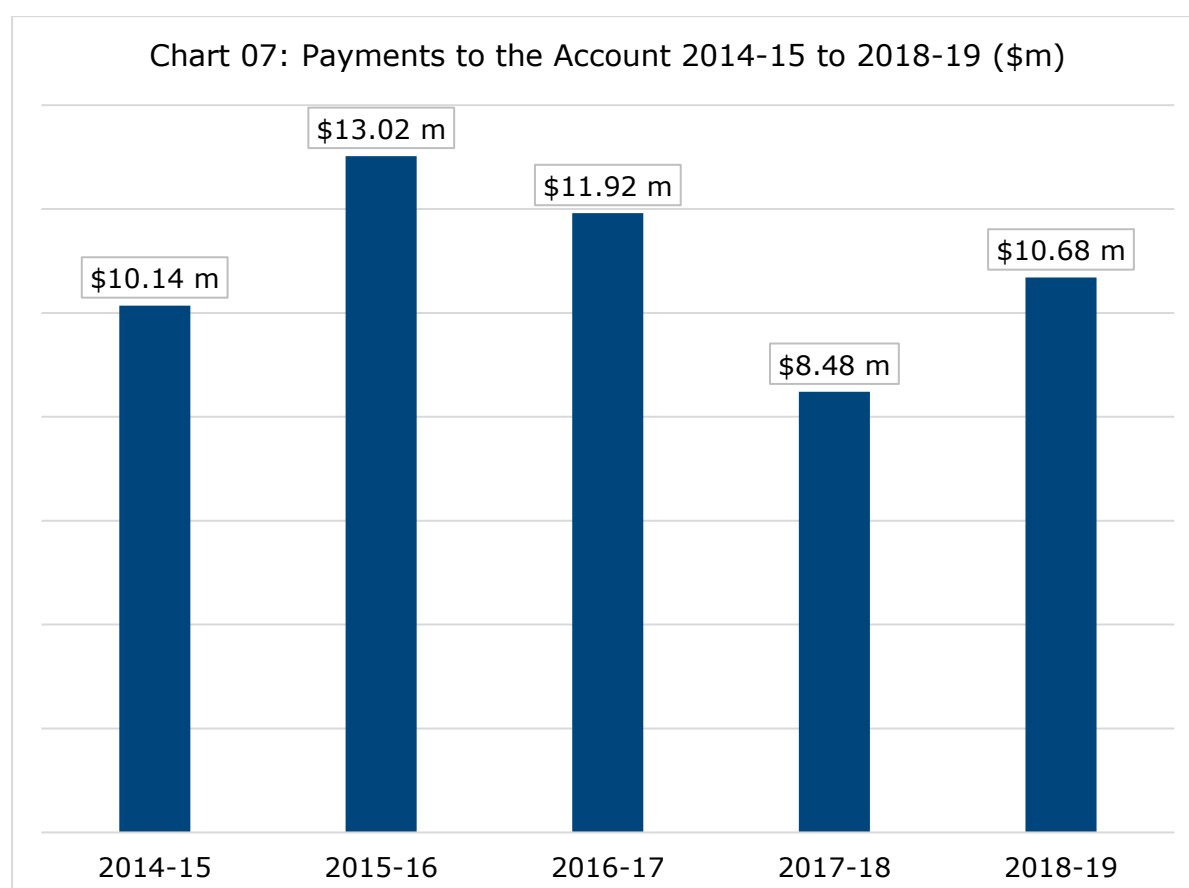
Table 11: Crime-Used or Crime-Derived and Payments to the Account 2014-15 to 2018-19

<b>CRIME-USED or CRIME-DERIVED</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Declarations Made	46	45	62	49	46
<b>AMOUNT PAID TO THE ACCOUNT</b>	\$3.89m	\$5.26m	\$5.38m	\$3.29m	\$6.25m

## Overview of Payments to the Account

Since the commencement of the Act in January 2001 over \$132m million has been stripped from people engaged in criminal activities and paid into the Account.

The following chart shows the total amount derived from all confiscation actions taken by the ODPP and paid into the Account in each of the past five years.



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.

## Corporate Initiatives

### Application of the Cost Demand Model

In 2018-19, the application of a Cost Demand Model to the ODPP resulted in a modest increase in recurrent funding over 2018-19 to 2022-23, reflecting forecasted growth in demand for core prosecution services; as well as an increase in staff resources to improve the sustainability of the workload of the ODPP. The result of the increase represents an increment of 1.6% per annum over the forward estimates.

The application of the demand driven funding model provides resilience to significant fluctuations in external pressures which could affect the quality of service provision of justice outcomes. The ODPP has 105 State Prosecutors who each have an average case load of approximately 30 criminal files continuously allocated to them. This case load allocation demands that the State Prosecutor undertakes necessary file and trial management which includes research, advisory, preparation and court attendance work (including trials) in order to progress prosecutions through the court system. Cases can take up to 3 years to reach finality. The ODPP will use the additional funding to address challenges relating to State Prosecutors and some other staff working significantly longer hours and on weekends in order to manage their workload.

The ODPP's funding structure is aligned with the Justice Pipeline Model agencies as it assists to improve the efficiency of criminal proceedings and increases access to justice agencies.

### Strategic Asset Plan and Digitisation Strategy

During the 2019-20 Budget Process, the ODPP secured additional capital funding over 2019-20 to 2022-23 as part of a broader Digitisation Strategy to improve the efficiency of the ODPP's operations through automating manual processes. The additional investment will provide for a transition to

consumption-based infrastructure services, review and upgrade to legal practice and document management software, and the identification and implementation of an electronic evidence management system. The additional spending is partly funded through the ODPP's cash balances.

In 2018-19, the ODPP began relocating its data centre, migrated Finance and Human Resources systems to cloud-based services, rolled out Office 365 email services and began upgrading the Intranet and Knowledge Base to SharePoint Online. ODPP systems are now accessible to staff via mobile devices anywhere, whether in the office, in Court or on circuit.

## **Review of workplace stress and vicarious trauma**

The ODPP recognises that exposure to very high workload, stressful work situations and to objectional material can have a negative impact on staff mental health and wellbeing. Many of the prosecutions conducted by the ODPP involve highly distressing subject matter, often with extremely traumatised victims. The subject matter, as well as the need to support victims through the criminal justice system can be challenging and can cause vicarious trauma.

The ODPP is continuing to identify ways to support its employees, to provide them with methods of preventing and coping with work-related stress and vicarious trauma, to better ensure their well-being. In 2018-19, the ODPP began a review of its current mental health and well being strategies, with a view to developing a system tailored to the unique demands of the ODPP. A large proportion of staff have participated in focus groups, surveys and individual interviews and, as a result, the ODPP has made progress towards ensuring the most appropriate support is offered to employees.

## **Transcription of Evidentiary Material by WA Police**

Effective from 1 July 2019, the responsibility for the provision of transcripts of recorded confessional and evidentiary material has been transferred from the ODPP to WA Police. Transcripts of electronic records of interview which contain confessional material are now being produced at a much earlier stage of proceedings and will be available to assist with plea negotiations (whether by WA Police or the ODPP) and increasing the number of committals for sentence. These new arrangements are operating effectively, and work is now focused on optimising the efficiency of the processes between the WA Police and the ODPP for both requesting and receiving transcripts.

# Legislation and Law Reform

Important legislative reforms since 1 July 2018 affecting the work undertaken by the ODPP Western Australia include the following:

- The [Civil Liability Legislation Amendment \(Child Sexual Abuse Actions\) Act 2018](#) commenced on 1 July 2018. It amended the *Civil Liability Act 2002* and the *Limitations Act 2005* to remove the limitation periods in respect of civil actions for child sexual abuse.
- The [Terrorism \(Extraordinary Powers\) Amendment Act 2018](#) commenced on 14 July 2018. It amended the *Terrorism (Extraordinary Powers) Act 2005* to:
  - allow the Commissioner of Police (or Deputy Commissioner) to make a declaration as to a terrorist incident. The declaration needs to be on the basis that there are reasonable grounds to suspect an incident police are responding to is, or is likely to be, a terrorist act.
  - provide that where a declaration is made, use of force, including lethal force, is reasonably necessary to defend anyone threatened by a terrorist incident, or to prevent or secure the release of hostages; and
  - provide police officers with sufficient legal protection to allow them to respond to terrorist incidents.
- The [Misuse of Drugs \(Amounts of Prohibited Drugs\) Order 2018](#) came into effect on 30 August 2018 to amend Schedules III, V and VII of the *Misuse of Drugs Act 1981*, to add substances including:
  - Steroids
  - certain named synthetic cannabinomimetics
  - GHB - Gamma Hydroxy Burate (4-Hydroxybutanoic Acid) or GHB
  - W 18 - (E)-4-chloro-n-(1-(4-nitrophenethyl)piperidin-2-ylidene)benzenesulfonamide (W-18)
  - Acetyl-alpha-methylfentanyl (AAM)
  - Diphenidine.

In addition, prescribed amounts of the following substances were amended in Schedule VII:

- certain named synthetic cannabinomimetics
  - Heroin
  - Fentanyl.
- The [Historical Homosexual Convictions Expungement Act 2018](#) commenced on 15 October 2018. It established 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 can 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. To date the ODPP has not received any requests for expungement of convictions for historical homosexual offences.

- The [Court Jurisdiction Legislation Amendment Act 2018](#) commenced on 1 January 2019. The Act enables the District Court to deal with a number of offences which were previously only able to be dealt with by the Supreme Court, such as:
  - Arson (criminal damage by fire)
  - Armed Robbery
  - Aggravated Assault with intent to steal while armed

The Act also enables the charge of threat to kill to be dealt with summarily, and enables offences under the following sections to be dealt with summarily if the value of the property damaged/stolen/defrauded is under \$50,000:

- s. 401
  - s. 409
  - s. 426
  - s. 527
- The [Dangerous Sexual Offenders Amendment Regulations 2019](#) commenced on 16 February 2019. These new regulations prescribe corresponding offences in other Australian jurisdictions which constitute a "serious sexual offence" for the purposes of section 3(1) of the *Dangerous Sexual Offenders Act 2006*.
  - The [Criminal Law Amendment \(Intimate Images\) Act 2019](#) came into operation on 15 April 2019. The Act creates a new "either way" offence in the Western Australia *Criminal Code* (section 221BD(2)) relating to the exchange of intimate images without the consent of the person depicted in the image. The Act empowers the Court to make an order requiring the removal or destruction of the intimate image. Threat offences in the *Code* have also been amended to make it an offence to threaten to distribute an intimate image. Consequential amendments have been made to the *Restraining Orders Act 1997* so that a person



may be restrained from distributing or threatening to distribute an intimate image in a restraining order.

- The [\*Misuse of Drugs Regulations 1982\*](#) have been amended to remove "gamma hydroxybutanoic acid" (GHB) from the list of substances in Schedule 3 Division 1 - Category 1 Items as from 29 May 2019. GHB is still an illicit drug under the *Misuse of Drugs Act 1981* and *Medicine and Poisons Act 2014* (and MEDPA Regulations). The removal of GHB from the regulations means that it can no longer be charged as a precursor drug.

## Inter-Agency Committees and Working Groups

During 2018-19 the ODPP participated in a range of external committees principally established to promote improvements to the criminal justice system in Western Australia.

Table 12: External Committee Representation 2018-19

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 Services</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>

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
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>
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds.	Unoccupied at publication. To be filled October 2019.
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>
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.	Katrin Robinson <i>Senior State Prosecutor</i>
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>

## Law Society of WA

Many lawyers from the ODPP contributed positively to the Law Society of Western Australia during 2018-19 through membership on a range of committees.

Table 13: Law Society Committee Representation 2018-19

COMMITTEE	ODPP REPRESENTATIVE
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>

## Legal Practice Board

The ODPP's contribution to the work of the Legal Practice Board in 2018-19 was as follows.

Table 14: Legal Practice Board Representation 2018-19

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>

## Investing in People

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

The mental wellbeing of staff was a particular focus in 2018-19, recognising that exposure to high workload, stressful work situations and to objectional material can have a negative effect on the mental health and wellbeing of staff, as seen from experiences across many sectors including paramedics and the emergency services.

- The Sexual Assault Resource Centre ('SARC') continued to deliver Vicarious Trauma workshops in 2018-19. 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 trauma stories.

- Speakers with lived experience gave presentations to staff as part of R U OK Day and Mental Health week.
- The ODPP's Employee Assistance provision was put out to competitive tender and Access Wellbeing Services took over as a free and independent source of support and counselling for staff and their families for issues whether work-related or not.

The development of management and supervisory potential was encouraged through a series of Bullshift workshops which invited staff from across the office to take a fresh look at office communication. These workshops had been previously delivered as part of the formal leadership program and opening them to aspiring and emerging leaders and managers allowed for greater impact across the ODPP.

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

- Members of the Judiciary (START Mental Health Courts, Children's Court);
- WA Police (Forensics and output from mobile technology downloads, body-worn camera footage and implications);
- Psychologists/other mental health professionals (seminars on Autism Spectrum Disorder and Foetal Alcohol Spectrum Disorder)

At some CLEs, legal staff from other government departments were welcomed to attend to extend their knowledge. ODPP staff were invited to events held by other government departments, thus maximising public sector legal learning opportunities.

A majority of in-house CLEs are video-recorded, enabling staff to view the recordings as a group in scheduled replays, or at their convenience either inside or out of the office, aided by the newly rolled-out Office 365 OneDrive functionality.

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').
- The Australian Human Resources Institute Conference.
- 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:

- Advocacy Courses. During 2018-19 two advocacy courses were designed and facilitated in-house. The efforts undertaken by two

small groups of State Prosecutors succeeded in developing the skills and capabilities of almost 100 State Prosecutors at all levels.

- Cross-cultural Awareness and Disability Awareness workshops. Both these workshops are facilitated by people with lived experience of the relevant subject-matter and aim to give staff an enlightening insight into each area.
- International Women's Day event. 60 members of staff listened to an impassioned address by Dr Betsy Buchanan at a gathering raising awareness of the struggles of women the world over and honouring their achievements.
- Support for the recruitment process from both sides. Training was delivered for staff new to recruitment panels, to ensure that Public Sector Standards continued to be upheld and applied. Two highly useful workshops on applying for jobs and preparing for interviews were delivered to a group of staff interested in future roles both within the ODPP and outside within the wider public and private sectors.

Further, the ODPP's monthly 'In the Loop' Newsletter 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. Feedback has been that staff value this contact.

The ODPP has completed the consultation and design of its Management Development Program (MDP) for 2019-20. The MDP will involve a range of seminars, workshops and self-directed learning opportunities for staff assisting them to gain knowledge and understanding about managing people, finances, processes and risks within a public sector context.

The ODPP continues to support the employment of public sector trainees. A traineeship recruitment process was open to all, including people with disabilities and people from indigenous backgrounds. During the course of their one-year contract at the ODPP the successful trainee will rotate around the core business, working in support teams such as Information and Technology, Human Resources, Workforce Development and Finance, as well as spending time in a trial team, giving them an idea of potential jobs within the ODPP. They will also be working towards a Cert III in Government, so they have a tangible outcome from their time with the ODPP.

Planning has also been undertaken to recruit newly admitted lawyers as Restricted Practitioners. September 2019 will see the ODPP commence the recruitment process, for newly admitted lawyers into the ODPP as Level 1 Legal Officers. This will give new lawyers the opportunity to start their career in criminal law and to develop skills as a prosecutor.

Table 15: Training and Development Initiatives delivered in 2018-19

ACTIVITY	STAFF ATTENDANCE 2018-19
Continuing Professional Development Seminars – 13 internal seminars	367 (averaging 28 participants per seminar)
External seminars by – AACP, Piddington Society, ANZFSS, The Law Society of WA, Legal Wise, Legal Aid WA, Anglo-Australasian Lawyers Society, Women's Council WA, Blackstone, AIWA, Proteus, Criminal Law Association, AIWA, AHRI	69
Advocacy Training	545 (averaging 21 participants per session/seminar)
ODPP International Women's Day Event	58
Recognition of Service Award	25
Mental Health and Wellness – thirteen seminars and workshops	236 (averaging 18 participants per seminar/workshop)
Disability Awareness – three workshops	40 (averaging 13 participants per workshop)
Cross Cultural Awareness – three workshops	42 (averaging 14 participants per workshop)
Bullying and Harassment – seven workshops	147 (averaging 21 participants per workshop)
Accountable and Ethical Decision Making – online	45 completed
Leadership and Management Development Program (Bullshift 1 workshop, New manager/supervisor induction)	14
Corporate Information Sessions (Victim review procedures and new guidelines)	101
Information Technology (MS Windows, Surface Pro tips & tricks, Email & Workflow Mastery, Recruitment Panel Training, Conversion to permanency info session, Applying for Jobs, Filling temp	269

ACTIVITY	STAFF ATTENDANCE 2018-19
vacancies info session, CTM Travel Training, Ergonomics workshop, Westlaw AU, Lexis Advance, Train the Trainer)	
Individual professional development (Mediator training, Emotional Intelligent Leader, Veritas Vibe, Optimising performance, IFAP, PRINCE2, CIO Summit)	9
Other Professional Development (Indictment Training: Module 1&2, Indictment training: Preparation and Signing, 4xWD training, First aid for floor wardens)	84 (average attendance 6)





## Part 3: Disclosures and Legal Compliance

# Ministerial Directives

No directives were made by the Attorney General during 2018-19.

## 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 or solicitors. 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 2018-19 reflects the high number of cases listed for trial in the Supreme and District Courts and the listing practices of the courts to ensure maximum efficiency of court use.

During 2018-19, the ODPP used the services of 32 private barristers.

Table 16: Brief-out Expenditure 2014-15 to 2018-19

BRIEF-OUT EXPENDITURE	2014-15	2015-16	2016-17	2017-18	2018-19
Court Appearances Booked	240	231	269	317	293
Average Cost Per Booking	\$6,489	\$5,555	\$6,240	\$6,263	\$6,118
<b>TOTAL COST</b>	<b>\$1,557,448</b>	<b>\$1,283,177</b>	<b>\$1,678,506</b>	<b>\$1,985,286</b>	<b>\$1,786,398</b>
Total Court Days Invoiced	741	600	746	880	797
Average Cost per Court Day	\$2,102	\$2,139	\$2,250	\$2,256	\$2,241

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

### Ex Gratia Payments

No ex gratia payments were made during 2018-19.

## Unauthorised Use of Credit Cards

During 2018-19, there were three incidents where employees inadvertently utilised the corporate credit card for personal use.

Table 17: Unauthorised Use of Credit Cards 2018-19

UNAUTHORISED USE OF CREDIT CARDS	2018-19 \$ (ACTUAL)
Aggregate amount of personal use expenditure settled within five working days	45.00

## Governance Disclosures

No disclosures are required under *Treasurer's Instruction 903(14) Agency Annual Report, Governance Disclosures* in 2018-19.

## Public Interest Disclosures

The ODPP did not receive any disclosures under the [Public Interest Disclosure Act 2003](#) in 2018-19.

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

### Decision making and consultation audit results

#### Compliance with Policies for Decision Making and Consultation

In 2017 the Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse included the following recommendations –

- 41 – Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.
- 42 – Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision making and consultation with victims and police.
- 43 – Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports

In 2018 the ODPP published an updated [\*Statement of Prosecution Policy and Guidelines\*](#) and a new [\*Policy and Guidelines for Victims of Crime\*](#) (the Guidelines). The Guidelines commenced on 1 September 2018 and include policies for consultation with victims and police, provision of information after decisions are made, and a process pursuant to which a victim can seek a review of a decision made by the ODPP.

Under the Guidelines, a decision is reviewable at the request of a victim if the effect of the decision is to significantly alter the prosecution case in relation to that victim.

The first auditable and reportable period in relation to victim reviews and compliance with policies for consultation with victims and police and information as to the Victim Review process arose in the 2018-19 financial year.

An internal audit was undertaken of 110 randomly selected ODPP cases which had a final outcome recorded between 1 September 2018 (when Victim Reviews commenced) and 1 May 2019.

- 51 (46%) cases involved negotiated pleas of guilty and discontinuances of some charges;
- 59 (54%) cases involved discontinuances of some charges;
- 33 (30%) cases involved discontinuances of all charges;

The documents on the files recorded that:

- In 78 (70%) cases, the investigating officer was consulted prior to a decision being made;
- In 49 (45%) cases, victims were consulted prior to a decision being made;
- In 14 (13%) cases, victims were not contactable prior to a decision being made;
- 13 (12%) cases victims were informed of a right of review at the time of being informed about the decision being made

The low number of cases in which victims were consulted, or informed of a right of review at the time of being informed about a decision being made in a prosecution, is attributable to a number of factors, which include–

- The Victim Reviews are a new process with which prosecutors are still familiarising themselves;
- On being consulted about a decision, or being informed of a decision having been made, the victim indicated that they were happy with the decision, in which case the prosecutor did not advise them of a right of review;
- 23 (21%) cases audited involved discontinuance of a stealing or robbery charge while proceeding with other substantive similar charges, in which case prosecutors did not appear to consider the

decision to be one which significantly altered the prosecution case and thus was not reviewable;

- The person responsible for the conduct of the matter relied upon the investigating officer or some other person to consult with/inform the victim. This is particularly common when the matter is resolved at a very early stage and the ODPP staff member has not had the opportunity to build a rapport with the victim;
- Potential issues with record keeping of records of consultations.

## **Victim Reviews**

Victims requested a review of a substantive decision made in 17 prosecution cases in the period 1.9.2018 – 30.06.2019.

Of these, 0 cases were included in the randomly selected audit data set of cases.

A separate audit of the 17 cases indicated –

### *Type of Review Request*

- 3 (18%) Initial Reviews
- 6 (35%) Internal Independent Reviews
- 8 (47%) Did not specify the type of review

### *How the Review was Requested*

- 3 (18%) Website
- 3 (18%) Verbally
- 2 (12%) Email
- 9 (52%) In writing using the ODPP form (sent by mail or email)

### *Review Processes Followed*

- 15 (88%) followed review processes and procedure

## **Next Steps**

The outcome of this audit indicates that there is some significant improvement to be achieved in the consultation of victims, and informing them of their rights after a decision is made. The ODPP acknowledges that greater effort is required to ensure that ODPP staff comply with the Guidelines, as well as ensuring that compliance with the Guidelines is recorded more completely in the future.

The ODPP will be taking steps to ensure that authorised officers are satisfied that consultation with victims and investigators has occurred before making a decision.

A simpler way to keep records of the consultation will also be developed to ensure that the records can be located easily and contain all of the necessary information.



## 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 2018-19.

## 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 2018-19 included:

- Accessibility was an important criterion for the selection of future accommodation for the ODPP, taking into account the requirements of all staff and visitors, including those whose needs may differ from others.
- Online ability testing was sourced and successfully deployed as part of a pool recruitment process which was fair to all and afforded applicants with disabilities the same opportunities to progress as other applicants.
- Changes were made to the recruitment process for a senior legal officer vacancy to ensure an applicant with disability, who had been selected for interview, had the same access to information as other candidates.

## Public Sector Standards and Ethical Codes

The ODPP had one compliance issue during the financial year with regard to the [Western Australian Public Sector Code of Ethics](#) and the *DPP Code of Conduct*. The issue, finalised during 2018-19, related to the area of 'Professional Behaviour'.

The ODPP received three claims for breaches of the [Employment Standard](#) in 2018-19. Two claims were resolved and withdrawn within the ODPP. The remaining claim was dismissed by the Public Sector Commission, following an investigation.

## 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 and its electronic document records management system.

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 2018-2019, the ODPP undertook a review of its security of its information following an upgrade to its electronic document records management system and also implemented Role Based Access Controls. In addition, the ODPP's information Security Classification Schema and Risk Assessment was updated in 2019 to align with recent updates to the Commonwealth Government's Protective Security Policy Framework.

Looking forward, the ODPP commenced to move from paper-based administration files to electronic files, commencing with changes planned to the filling of advertised vacancies using AV virtual files. A proposal for a review of case management services was developed. The review will consider the systems needed to support criminal practice management processes in the longer term.

## **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 01 of 2015](#) 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 which 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 is also concerned to proactively address the emerging risks of psychological injury to staff through exposure to objectional material and high levels of workload and stress. A mental health strategy will be developed to provide guidance to management and staff in preventing adverse mental health outcomes.

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.

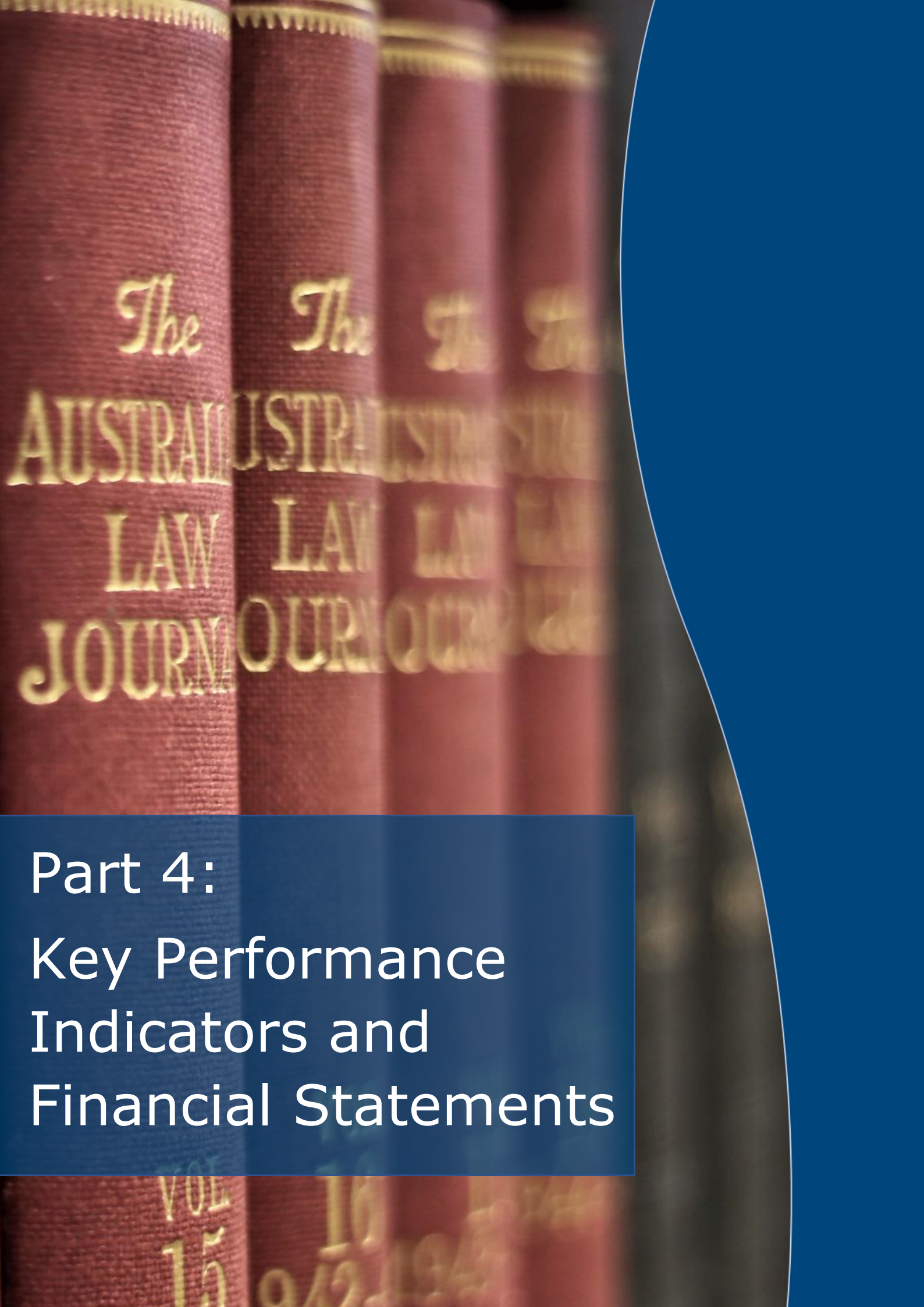


The ODPP also carries out regular internal reviews to ensure compliance with all requisite safety and health regulations. Any incidents are thoroughly investigated by the ODPP Safety and Health Officer.

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.

Table 18: Occupational Safety, Health and Injury Statistics 2018-19

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	Zero
Lost time injury severity rate.	Zero or 10 % improvement on the previous 3 years	Zero
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) 0% (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's Report



## 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 2019, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, 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 2019 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 2019.

### ***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 2019. 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 2019.

### ***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 2019 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  
DEPUTY AUDITOR GENERAL  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
20 August 2019

# 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 performance of the Office of the Director of Public Prosecutions and fairly represent the performance of the Office of the Director of Public Prosecutions for the financial year ending 30 June 2019.

A handwritten signature in blue ink, appearing to read 'Amanda Forrester'.

**Amanda Forrester SC**

Accountable Authority

12 August 2019

A handwritten signature in blue ink, appearing to read 'Leighton Beeck'.

**Leighton Beeck**

Chief Finance Officer

12 August 2019



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 manages committal proceedings in the Perth Magistrates Court and also appears in any matters which proceed to appeal. In addition, the ODPP initiates confiscations actions pursuant to the [Criminal Property Confiscation Act 2000](#) and the [Misuse of Drugs Act 1981](#).

Assessing the work of a prosecuting service is complex and difficult. The Offices of Directors of Public Prosecutions 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 Force.

A challenge for the ODPP is to develop meaningful performance indicators which 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 almost 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 which advises the court, and the accused, of the charges laid. Without the indictment, the case cannot proceed through the District or Supreme Court.

The work of prosecuting is primarily conducted by State Prosecutors, who have the task of:

- Analyzing briefs of evidence which have been prepared by the WA Police;
- Assessing the appropriateness of the charges on the basis of the available evidence;

- Determining whether the prosecution ought to proceed, and if so;
- The precise charges to be prosecuted.

Senior paralegal staff also play a significant role in preparing files and drafting indictments in less complex matters under the supervision of Senior State Prosecutors.

Once the indictment is presented to the relevant court, State Prosecutors represent the State in court on every appearance by an accused, whether it is a proceeding for bail, plea, trial, sentence, or appeal.

Representing the State in criminal proceedings places obligations on State Prosecutors to adhere to legal principles and published guidelines issued under Section 24 of the [Director of Public Prosecutions Act 1991](#). To prosecute fairly is to prosecute according to law and in accordance with the DPP's published Statement of Prosecution Policy and Guidelines which consolidates the relevant legal principles. These principles are fundamental to the criminal justice system, are of universal application and govern matters on which the State is accountable to victims of crime, witnesses, accused persons, the court and the broader public interest.

While the ODPP is accountable 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. Therefore, 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 2018-19*

In 2018-19, there were 2,957 committals to the Supreme or District Court. Following case reviews, 217 of these matters were either remitted to the Magistrates Court to be dealt with summarily, or wholly discontinued, such that no charges remained against the accused. The remaining 2,740 matters were committed to the District and Supreme Court and the indictment was due during this reporting period. 1,940 (or 70.8%) were filed with the court within three months of the date of committal.

KPI Target 2018-19	KPI Result 2018-19
85.0%	70.8%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Indictment Filed Within three months of committal	74.4%	71.8%	69.0%	68.3%	70.8%
Indictments Due	2,151	2,273	2,560	2,557	2,740
<b>Average days to file Indictment</b>	77	78	80	83	77

#### *Explanation between the target and actual performance*

The number of indictments due increased again in 2018-19, to 2,740. This amounts to 183 more than the previous year (2,557), or a 7.2% increase.

The 2,740 indictments filed in this period were filed an average of 77 days from committal, well inside the 90-day limit, and in six fewer days on average than in 2017-18.

Given the cumulative increase in the number of indictments due over the past five years, the 2018-19 outcome of improved timeliness 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 scrutiny both internally and externally.

#### *Performance Outcome 2018-19*

There were no Judge directed acquittals in the reporting year out of a total of 504 trials which proceeded, resulting in all accused having a case to answer.

KPI Target 2018-19	KPI Result 2018-19
98.0%	100.0%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Establishing Case to Answer	100.0%	99.8%	99.4%	100.0%	100.0%

#### *Explanation between the target and actual performance*

The target has been exceeded. The ODPP's case assessment process is extremely robust and has repeatedly proved to be capable of identifying unsuitable cases at an early stage, resulting in appropriate action.

### **3). Convictions after Trial**

#### *Relationship to Desired Outcome*

In cases in which an accused pleads not guilty, a trial is required. 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 to assess the fairness of its decisions to prosecute.

#### *Performance Outcome 2018-19*

In 2018-19 507 trials proceeded before a jury or a judge alone in the District and Supreme Court. Of these, 12 (or 2.4%) resulted in a hung jury and 35 (or 6.9%) resulted in a mistrial.

The remaining 460 trials delivered either a conviction or acquittal. Of these 460 trials, 302 (or 65.7%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2018-19	KPI Result 2018-19
50.0%	65.7%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Convictions After Trial	75.2%	63.9%	66.4%	70.1%	65.7%

#### *Explanation between the target and actual performance*

The target was exceeded in 2018-19, reflecting the thorough and consistent approach of the ODPP in properly assessing and preparing matters prior for trial and in 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 2018-19, 32 declarations for confiscations were filed. Of these, 2 (or 6.3%) were filed within four months of the drug trafficker declaration.

KPI Target 2018-19	KPI Result 2018-19
60.0%	6.3%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Number of Declarations Filed	64	38	39	20	32
<b>Number of Declarations filed within four months</b>	<b>25</b>	<b>12</b>	<b>11</b>	<b>1</b>	<b>2</b>
Percentage Applications filed within four months	39.1%	31.6%	28.2%	5.0%	6.3%

*Explanation for any variation between the target and actual performance*

The Confiscations team is managing a high number of drug trafficking declarations which involve confiscated land. The preparation of applications for confiscation in these matters is a particularly complex process and has been especially so in respect of the matters received in 2018-19. The progress of police investigations to establish ownership of the property; the tracking of associated criminal charges and assets; and the resolution of issues with third parties who may claim interest in seized property, are all factors which contribute to delays in the preparation and filing of declarations for confiscation.

## Key Efficiency Indicators

### Service 1 – Criminal Prosecutions

#### 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 demanding of resources. 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 2018-19*

The ODPP's total cost of service for criminal prosecutions in 2018-19 was \$43.389 million. A total of 3,018 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2018-19 was \$14,377.

KPI Target 2018-19	KPI Result 2018-19
\$15,000	\$14,377

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Cost Per Prosecution	\$13,417	\$12,429	\$12,035	\$14,178	\$14,377
<b>Indictable Prosecutions</b>	<b>2,818</b>	<b>2,985</b>	<b>3,155</b>	<b>2,872</b>	<b>3,018</b>

### *Explanation between the target and actual performance*

The number of new indictable prosecutions received in 2018-19 has increased from 2017-18 by 146 cases, or 5.1%.

## **Service 2 – Confiscation of Assets**

### **Ratio of Cost to Return**

#### *Relationship to Desired Outcome*

Confiscation proceedings vary greatly as to the type of application, the nature and value of the property involved and the complexity and length of time required to resolve them. Some proceedings can be dealt with relatively quickly, such as where there is no objection to the application for confiscation. Some proceedings are, by virtue of the underlying factual matrix or by virtue of the type of application, complex in nature. Proceedings may take considerable time to be resolved, especially where the criminal charges must be completed first, including trial and appeal, which can take a number of years and can therefore be very demanding of resources.

### *Performance Outcome 2018-19*

In 2018-19, the ODPP Confiscations team managed a variety of matters which delivered payments of \$10.681 million to the Confiscation Proceeds Account (administered by the Department of Justice). The total cost of service for the confiscations function in the reporting year was \$3.435 million. The ratio of cost to return was therefore 32.16%.

KPI Target 2018-19	KPI Result 2018-19
25.0%	32.16%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2014-15	2015-16	2016-17	2017-18	2018-19
Delivered Payments to Confiscations Proceeds Account	\$10.14m	\$13.06m	\$11.92m	\$8.482m	\$10.681m
<b>Total Cost of Services for Confiscations Function</b>	<b>\$3.48m</b>	<b>\$3.04m</b>	<b>\$2.80m</b>	<b>\$3.091m</b>	<b>\$3.435m</b>
Cost as a Percentage of Return	34.30%	23.30%	23.50%	36.40%	32.16%

#### *Explanation between the target and actual performance*

The target was not met in 2018-19 but there was a decrease in the costs ratio from 2017-18. This was due to a 26% increase in revenues (reflected as total payments made to the Confiscation Proceeds Account) from \$8.482 million in 2017-18 to \$10.681 million in the current year. The revenues received will always be subject to fluctuation.



# Financial Statements



DIRECTOR OF PUBLIC PROSECUTIONS  
for WESTERN AUSTRALIA

## Certification of Financial Statements

### For the reporting period ended 30 June 2019

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 2019 and the financial position as at 30 June 2019.

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 August 2019



Leighton Beeck  
Chief Finance Officer  
12 August 2019

## Office of the Director of Public Prosecutions

### Statement of Comprehensive Income

For the year ended 30 June 2019

	Note	2019 (\$'000)	2018 (\$'000)
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	2.1	34,052	32,127
Supplies and services	2.2	4,915	4,386
Depreciation and amortisation expense	4.1,4.2	726	642
Accommodation expenses	2.2	4,017	3,629
Other expenses	2.2	3,113	3,014
<b>Total cost of services</b>		<b>46,823</b>	<b>43,798</b>
<b>Income</b>			
<i>Revenue</i>			
Other revenue	3.2	155	153
<b>Total Revenue</b>		<b>155</b>	<b>153</b>
<b>Total income other than income from State Government</b>		<b>155</b>	<b>153</b>
<b>NET COST OF SERVICES</b>		<b>46,668</b>	<b>43,645</b>
<b>Income from State Government</b>			
Service Appropriation	3.1	40,345	38,384
Contribution from Confiscation Proceeds Account	3.1	5,804	6,783
Services received free of charge	3.1	970	1,059
<b>Total income from State Government</b>		<b>47,119</b>	<b>46,226</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>451</b>	<b>2,581</b>
<b>OTHER COMPREHENSIVE INCOME</b>		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>451</b>	<b>2,581</b>

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 2019

	Note	2019 (\$'000)	2018 (\$'000)
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	6.1	6,494	5,608
Restricted cash and cash equivalents	7.1	-	-
Receivables	5.1	772	166
Amounts receivable for services	5.2	1,000	1,100
Other current assets	5.3	145	-
<b>Total Current Assets</b>		<b>8,411</b>	<b>6,874</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	6.1	382	220
Amounts receivable for services	5.2	4,053	4,301
Property, plant and equipment	4.1	1,103	1,421
Intangible assets	4.2	61	29
<b>Total Non-Current Assets</b>		<b>5,599</b>	<b>5,971</b>
<b>TOTAL ASSETS</b>		<b>14,010</b>	<b>12,845</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	5.4	1,484	962
Employee related provisions	2.1	6,007	6,377
Other Provisions	5.5	61	-
<b>Total Current Liabilities</b>		<b>7,552</b>	<b>7,339</b>
<b>Non-Current Liabilities</b>			
Employee related provisions	2.1	2,099	1,597
<b>Total Non-Current Liabilities</b>		<b>2,099</b>	<b>1,597</b>
<b>TOTAL LIABILITIES</b>		<b>9,651</b>	<b>8,936</b>
<b>NET ASSETS</b>		<b>4,359</b>	<b>3,909</b>
<b>EQUITY</b>			
Contributed Equity	8.6	7,138	7,138
Accumulated surplus/(deficit)		(2,778)	(3,229)
<b>TOTAL EQUITY</b>		<b>4,360</b>	<b>3,909</b>

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 2019

	Note	Contributed Equity (\$000)	Reserves (\$000)	Accumulated surplus/ (deficit) (\$000)	Total Equity (\$000)
<b>Balance at 1 July 2017</b>		<b>7,138</b>	-	<b>(5,810)</b>	<b>1,328</b>
Surplus/(deficit)		-	-	2,581	2,581
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	2,581	2,581
<b>Balance at 30 June 2018</b>	8.6	<b>7,138</b>	-	<b>(3,229)</b>	<b>3,909</b>
<b>Balance at 1 July 2018</b>	8.6	7,138	-	(3,229)	3,909
Surplus/(deficit)		-	-	451	451
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	451	451
<b>Balance at 30 June 2019</b>		<b>7,138</b>	-	<b>(2,778)</b>	<b>4,360</b>

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 2019

	Note	2019 (\$'000)	2018 (\$'000)
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		39,693	37,765
Contributions from Confiscation Proceeds Account		5,300	6,783
Holding account drawdowns		1,000	600
<b>Net cash provided by State Government</b>		<b>45,993</b>	<b>45,148</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(33,712)	(32,102)
Supplies and services		(10,948)	(9,747)
GST payments on purchases		(1,050)	(985)
<b>Receipts</b>			
Receipts from services		155	142
GST receipts on sales		13	6
GST receipts from taxation authority		1,037	962
<b>Net cash provided by/(used in) operating activities</b>		<b>(44,505)</b>	<b>(41,724)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(440)	(493)
<b>Net cash provided by/(used in) investing activities</b>		<b>(440)</b>	<b>(493)</b>
Net increase/(decrease) in cash and cash equivalents		1,048	2,931
Cash and cash equivalents at the beginning of the period		5,828	2,897
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	6.1	<b>6,876</b>	<b>5,828</b>

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 2019

	2019 Estimate (\$000)	2019 Actual (\$000)	Variance (\$000)	2018 Estimate (\$000)	2018 Actual (\$000)	Variance (\$000)
<u>Delivery Services</u>						
Item 49 Net amount appropriated to deliver services	36,046	36,605	559	33,554	34,669	1,115
Amount Authorised by Other Statutes						
- <i>Salaries and Allowances Act 1975</i>	3,740	3,740	-	3,715	3,715	-
<b>Total appropriations provided to deliver services</b>	<b>39,786</b>	<b>40,345</b>	<b>559</b>	<b>37,269</b>	<b>38,384</b>	<b>1,115</b>
<u>Capital</u>						
Capital appropriations	-	-	-	-	-	-
<u>Administered Transactions</u>						
Administered Grants and Transfer Payments	-	-	-	-	-	-
<b>Total Administered Transactions</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL</b>	<b>39,786</b>	<b>40,345</b>	<b>559</b>	<b>37,269</b>	<b>38,384</b>	<b>1,115</b>
<u>Details of Expenses by Services</u>						
Criminal Prosecutions	42,644	43,389	745	39,714	40,705	991
Confiscation of Assets	3,250	3,435	185	3,200	3,091	(109)
Total Cost of Services	45,894	46,823	930	42,914	43,796	882
Less total income	(50)	(155)	(105)	(50)	(153)	(103)
Net Cost of Services	45,844	46,669	825	42,864	43,644	780
Adjustments	(6,058)	(6,324)	(266)	(5,595)	(5,260)	335
<b>Total appropriations provided to deliver services</b>	<b>39,786</b>	<b>40,345</b>	<b>559</b>	<b>37,269</b>	<b>38,384</b>	<b>1,115</b>
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	1,100	440	(660)	600	57	(543)
Adjustments for other funding sources	(1,100)	(440)	660	(600)	(57)	543
<b>Capital appropriations</b>	<b>-</b>	<b>(0)</b>	<b>(0)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<u>Details of Income Estimates</u>						
Income disclosed as Administered Income	-	-	-	-	-	-

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

Note 8.8 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2019 and between the actual results for 2019 and 2018.

# 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 9 August 2019.

### *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 (**TIs**)
- 3) Australian Accounting Standards (**AASs**) – Reduced Disclosure Requirements
- 4) Where appropriate, those **AAS** paragraphs applicable for not for profit entities have been applied.

The *Financial Management Act 2006* and the Treasurer's Instructions take precedence over AASs. Several AASs are modified by TIs 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). 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	2019 (\$000)	2018 (\$000)
Employee benefits expenses	2.1(a)	34,052	32,127
Employee related provisions	2.1(b)	8,106	7,974
Other expenditure	2.2	12,045	11,029

### 2.1(a) Employee benefits expenses

	2019 (\$000)	2018 (\$000)
Wages and salaries	30,957	29,034
Termination benefits	158	322
Superannuation – defined contribution plans <sup>(a)</sup>	2,937	2,771
<b>Total employee benefits expenses</b>	<b>34,052</b>	<b>32,127</b>

(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.

## **2.1(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.

	<b>2019</b> (\$000)	<b>2018</b> (\$000)
<b>Current</b>		
<u>Employee benefits provisions</u>		
Annual leave <sup>(a)</sup>	2,533	2,242
Long service leave <sup>(b)</sup>	3,386	4,054
Deferred salary scheme <sup>(c)</sup>	77	69
	<b>5,996</b>	<b>6,365</b>
<u>Other provisions</u>		
Employment on-costs <sup>(d)</sup>	11	12
<b>Total current employee related provisions</b>	<b>6,007</b>	<b>6,377</b>
<b>Non-current</b>		
<u>Employee benefits provisions</u>		
Long service leave <sup>(b)</sup>	2,095	1,594
<u>Other provisions</u>		
Employment on-costs <sup>(d)</sup>	4	3

**Total non-current employee related provisions****2,099 1,597****Total employee related provisions****8,106 7,974**

(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.

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.

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.

(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 2.2 (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'.

	<b>2019</b>	<b>2018</b>
	<b>(\$000)</b>	<b>(\$000)</b>
<b>Employment on-costs provision</b>		
Carrying amount at start of period	15	15
Additional/(reversals of) provisions recognised	-	-
Payments/other sacrifices of economic benefits	-	-
<b>Carrying amount at end of the period</b>	<b>15</b>	<b>15</b>

**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.

## 2.2 Other expenditure

	2019 (\$000)	2018 (\$000)
<b>Supplies and services</b>		
Communications	163	136
Consultants and contractors	3,172	3,036
Consumables	847	705
Travel	324	235
Other	409	274
<b>Total supplies and services expenses</b>	<b>4,915</b>	<b>4,386</b>
<b>Accommodation expenses</b>		
Lease rentals	3,794	3,542
Repairs and maintenance	223	87
<b>Total accommodation expenses</b>	<b>4,017</b>	<b>3,629</b>
<b>Other</b>		
Witness expenses	695	604
Vehicle lease and maintenance	258	249
Litigation costs	282	215
External brief out expense	1,666	1,834
Other expenses <sup>(a)</sup>	212	111
<b>Total other expenses</b>	<b>3,113</b>	<b>3,014</b>
<b>Total other expenditure</b>	<b>12,045</b>	<b>11,029</b>

(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.

### 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.

Doubtful debts expense was recognised as the movement in the allowance for doubtful debts. From 2018, expected credit losses expense is recognised as the movement in the allowance for expected credit losses. The allowance for expected credit losses of trade receivables is measured at the lifetime expected credit losses at each reporting date. The Agency has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment.

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 2.1(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.

### 3). 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.

	<b>Notes</b>	<b>2019</b> ((\$000))	<b>2018</b> ((\$000))
Income from State Government	3.1	47,119	46,226
Other Revenue	3.2	155	153

#### 3.1 Income from State Government

	<b>2019</b> ((\$000))	<b>2018</b> ((\$000))
Appropriation received during the period:		
Service appropriations <sup>(a)</sup>	40,345	38,384
Contributions from Confiscation Proceeds Account <sup>(b)</sup>	5,804	6,783
	<b>46,149</b>	<b>45,167</b>
Services received free of charge from other State government agencies during the period <sup>(c)</sup>		
Department of Justice - Corporate and Solicitor services	928	983
Finance - Building and Management Works	12	12
Landgate - Valuation services	30	64
<b>Total services received</b>	<b>970</b>	<b>1,059</b>
<b>Total income from State Government</b>	<b>47,119</b>	<b>46,226</b>

(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 . Appropriation revenue comprises the following:

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

The receivable (holding account – note 5.2) 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.

### 3.2 Other Revenue

	2019 (\$000)	2018 (\$000)
Contributions to motor vehicle scheme	59	59
Workers' compensation	71	64
Recoup	25	30
	<b>155</b>	<b>153</b>

### 4). 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	2019 (\$000)	2018 (\$000)
Infrastructure, property, plant and equipment	4.1	1,103	1,421
Intangibles	4.2	61	29
<b>Total key assets</b>		<b>1,164</b>	<b>1,450</b>

## 4.1 Infrastructure, property, plant and equipment

Year ended 30 June 2019	Leasehold improvements (\$000)	Computer hardware (\$000)	Office equipment (\$000)	Total (\$000)
<b>1 July 2018</b>				
Gross carrying amount	1,090	581	371	2,042
Accumulated depreciation	(401)	(130)	(89)	(620)
Accumulated impairment loss	-	(1)	-	(1)
<b>Carrying amount at start of period</b>	<b>689</b>	<b>450</b>	<b>282</b>	<b>1,421</b>
Additions	-	327	45	372
Transfers(a)	-	-	-	-
Other disposals	-	-	-	-
Revaluation increments/(decrements)	-	-	-	-
Impairment losses(b)	-	-	-	-
Impairment losses reversed(b)	-	-	-	-
Depreciation	(401)	(174)	(115)	(690)
<b>Carrying amount at 30 June 2019</b>	<b>288</b>	<b>603</b>	<b>212</b>	<b>1,103</b>
Gross carrying amount	5,212	1,165	535	6,912
Accumulated depreciation	(4,924)	(561)	(323)	(5,808)
Accumulated impairment loss	-	(1)	-	(1)

### 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.

Significant assumptions and judgements: The most significant assumptions and judgements in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated economic life. Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

### 4.1.1 Depreciation and impairment



	<b>2019</b>	<b>2018</b>
	(\$000)	(\$000)
<u>Depreciation</u>		
Leasehold improvements	401	401
Computer hardware	175	130
Office equipment	115	90
<b>Total depreciation for the period</b>	<b>691</b>	<b>620</b>

As at 30 June 2019 there were no indications of impairment to property, plant and equipment or infrastructure.

All surplus assets at 30 June 2019 have either been classified as assets held for sale or have been written-off.

Please refer to note 4.2 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:

<b>Asset</b>	<b>Useful life: years</b>
Leasehold improvements	7 to 13 years
Computer equipment	3 to 4 years
Office equipment	3 to 5 years
Software <sup>(a)</sup>	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.

Works of art, which are considered to have an indefinite life, are not depreciated. Depreciation is not recognised in respect of these assets because their service potential has not, in any material sense, been consumed during the reporting period

#### *Impairment*

As at 30 June 2019 there was no indication of impairment to Leasehold improvements, computer hardware and equipment.

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.

## 4.2 Intangible assets

<b>Licences and Computer Software Asset Reconciliation</b>	<b>Licences</b>	<b>Computer Software</b>	<b>Total</b>
<b>Year ended 30 June 2019</b>	<b>(\$000)</b>	<b>(\$000)</b>	<b>(\$000)</b>
<b>1 July 2018</b>			
Gross carrying amount	214	666	880
Accumulated amortisation	(204)	(647)	(851)
Accumulated impairment losses			
<b>Carrying amount at start of period</b>	<b>10</b>	<b>19</b>	<b>29</b>
Additions	67		67
Classified as held for sale			
Impairment losses			
Impairment losses reversed			
Amortisation expense	(29)	(6)	(35)
<b>30 June 2019</b>			
Gross carrying amount	281	667	948
Accumulated amortisation	(232)	(655)	(887)
<b>Carrying amount at end of period</b>	<b>48</b>	<b>13</b>	<b>(61)</b>

### *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.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- (a) the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- (b) an intention to complete the intangible asset, and use or sell it;
- (c) the ability to use or sell the intangible asset;
- (d) the intangible asset will generate probable future economic benefit;
- (e) the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- (f) the ability to measure reliably the expenditure attributable to the intangible asset during its development.

Costs incurred in the research phase of a project are immediately expensed.

### *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.

## **4.2.1 Amortisation and impairment**

### **Charge for the period**

	<b>2019</b>	<b>2018</b>
	<b>(\$000)</b>	<b>(\$000)</b>
Licences	35	20
Computer software	-	2
<b>Total amortisation for the period</b>	<b>35</b>	<b>21</b>

As at 30 June 2019 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 <sup>(a)</sup>	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.

As at 30 June 2019 there were no indications of impairment to intangible assets.

The policy in connection with testing for impairment is outlined in note 4.1.1.

### **5). 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:

	<b>Notes</b>	<b>2019</b> (\$000)	<b>2018</b> (\$000)
Receivables	5.1	772	166
Amounts receivable for services	5.2	5,053	5,401
Other current assets	5.3	145	-
Payables	5.4	1,484	962
Other provisions	5.5	61	-

#### **5.1 Receivables**

	<b>2019</b> \$	<b>2018</b> \$
<u>Current</u>		
Receivables	638	44
GST Receivable	134	123
<b>Total current</b>	<b>772</b>	<b>166</b>
 <b>Total receivables</b>	 <b>772</b>	 <b>166</b>

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are considered not impaired (i.e. there is no expected credit loss due to the nature of the account).

## 5.2 Amounts receivable for services (Holding Account)

	2019 (\$000)	2018 (\$000)
Current	1,000	1,100
Non-Current	4,053	4,301
	<b>5,053</b>	<b>5,401</b>

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.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the Holding Account).

## 5.3 Other assets

	2019 (\$000)	2018 (\$000)
<u>Current</u>		
Prepayments	145	-
<b>Total current</b>	<b>145</b>	<b>-</b>

## 5.4 Payables

	2019 (\$000)	2018 (\$000)
<b><u>Current</u></b>		
Trade payables	251	202
Accrued expenses	944	512
Accrued salaries	123	114
Other current liabilities	166	134
<b>Total current</b>	<b>1,484</b>	<b>962</b>

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 6.1 '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.

## 5.5 Other provisions

		<b>2019</b>	<b>2018</b>
		(\$000)	(\$000)
<b>Current</b>			
Remediation costs	5.5.1	61	-
<b>Total current</b>		<b>61</b>	<b>-</b>

### 5.5.1 Provision for remediation

Under current lease agreement the Agency has a legal or constructive obligation to restore the tenanted area of International House, 26 St George's Terrace, Perth WA 6000.

A provision for remediation is recognised when:

- there is a present obligation as a result of transitioning and storage activities undertaken;
- it is probable that an outflow of economic benefits will be required to settle the obligation; and
- the amount of the provision can be measured reliably.

The estimated future obligations include the costs of removing facilities and restoring the affected areas.

The provision for future remediation costs is the best estimate of the present value of the expenditure required to settle the remediation obligation at the reporting date (based on current legal and other requirements and technology). Future remediation costs are reviewed annually and any changes in the estimate are reflected in the present value of the remediation provision at each reporting date.

## 6). Financing

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

	<b>Notes</b>
Cash and cash equivalents	6.1
Commitments	6.2
Non-cancellable operating lease commitments	6.2.1
Capital commitments	6.2.2
Other expenditure commitments	6.2.3

## 6.1 Cash and cash equivalents

	Notes	2019 (\$000)	2018 (\$000)
Cash advances		2	2
Cash and cash equivalents		6,492	5,606
Restricted cash and cash equivalents			
- Accrued salaries suspense account <sup>(a)</sup>		382	220
<b>Balance at end of period</b>		<b>6,876</b>	<b>5,828</b>

## 6.2 Commitments

### 6.2.1 Non-cancellable operating lease commitments

	2019 (\$000)	2018 (\$000)
Commitments for minimum lease payments are payable as follows:		
Within 1 year	2,750	2,613
Later than 1 year and not later than 5 years	271	2,750
Later than 5 years	13	3
	<b>3,034</b>	<b>5,366</b>

The property lease is a non-cancellable lease with a term of thirteen years and four months, with rent payable monthly in advance. Rent provisions within the lease agreement require that the minimum lease payments shall be increased by 4% per annum.

An option exists to renew the lease at the end of the thirteen year and four months' term for two additional terms of five years each.

The motor vehicle lease is a non-cancellable lease with a 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.

### 6.2.2 Capital commitments

Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

	2019 \$000	2018 \$000
Within 1 year	-	55
Later than 1 year and not later than 5 years	-	75
Later than 5 years	-	-
	<b>-</b>	<b>130</b>

The totals presented for capital commitments are GST inclusive.



### 6.2.3 Other expenditure commitments

Other expenditure commitments contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:

Within 1 year

2019 \$000	2018 \$000
69	-
-	-
<b>69</b>	<b>-</b>

The totals presented for other expenditure commitments are GST inclusive.

### *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.

## 7). Financial instruments and Contingencies

	Note
Financial Instruments	7.1
Contingent assets and liabilities	7.2

### 7.1 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:

	2019 (\$000)	2018 (\$000)
<u>Financial Assets</u>		
Cash and cash equivalents	6,494	5,608
Restricted cash and cash equivalents	382	220
Loans and receivables <sup>(a)</sup>	5,691	5,445
<b>Total financial assets</b>	<b>12,567</b>	<b>11,273</b>

### Financial Liabilities

Financial liabilities measured at amortised cost	1,484	962
<b>Total financial liability</b>	<b>1,484</b>	<b>962</b>

(a) The amount of Loans and receivables/Financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

### 7.2 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 2019.

## 8). 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	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Remuneration of auditors	8.5
Equity	8.6
Supplementary financial information	8.7
Explanatory statement	8.8

### 8.1 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.

### 8.2 Initial application of Australian Accounting Standards

#### *AASB 9 Financial instruments*

AASB 9 *Financial instruments* replaces AASB 139 *Financial instruments: Recognition and Measurement* for annual reporting periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Agency applied AASB 9 prospectively, with an initial application date of 1 January 2018. The adoption of AASB 9 has resulted in changes in accounting policies but no adjustments to the amounts recognised in the financial statements. In accordance with AASB 9.7.2.15, the Agency has not restated the comparative information which continues to be reported under AASB 139.

The effect of adopting AASB 9 as at 1 July 2018 was assessed as not material. This was due to nature of the Agency's revenue being restricted mainly to the recoup of salaries or confiscations revenue from other government departments. There is also no material expected credit losses relative to the type of debt stated.

The nature of these adjustments are described below:

#### *(a) Classification and measurement*

Under AASB 9, financial assets are subsequently measured at amortised cost, fair value through other comprehensive income (fair value through OCI) or fair value through profit or loss (fair value through P/L). The classification is based on two criteria: the Agency's business model for managing the assets; and whether the assets' contractual cash flows represent 'solely payments of principal and interest' on the principal amount outstanding.

The assessment of the Agency's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on

financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have a significant impact to the Agency. The following are the changes in the classification of the Agency's financial assets:

- *Trade receivables and Amounts Receivable for Services* classified as Loans and receivables as at 30 June 2018 are held to collect contractual cash flows and give rise to cash flows representing solely payments of principal and interest. These are classified and measured as Financial assets at amortised cost beginning 1 July 2018.
- The Agency did not designate any financial assets as at fair value through P/L.

In summary, upon the adoption of AASB 9, the Agency had the following reclassifications as at 1 July 2018:

	<b>AASB 9 category</b>		
	<b>Amortised cost \$000</b>	<b>Fair value through OCI \$000</b>	<b>Fair value through P/L \$000</b>
<b>AASB 139 category</b>			
Loans and receivables	-	-	-
Trade receivables*	44	-	-
Amounts Receivable for Services	5,401	-	-
	<b>5,445</b>	<b>-</b>	<b>-</b>

The change in carrying amount is a result of additional impairment allowance. See the discussion on impairment below.

### 8.3 Key management personnel

The Agency has determined that key management personnel include Ministers and senior officers of the Agency. However, the Agency is not obligated to compensate Ministers and therefore disclosures in 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(\$)	2019	2018
120,001 - 130,000	-	2
140,001 - 150,000	-	1
200,001 - 210,000	-	1
230,001 - 240,000	1	-
250,001 - 260,000	1	-
320,001 - 330,000	-	1
330,001 - 340,000	-	1
350,001 - 360,000	1	-
360,001 - 370,000	-	1
370,001 - 380,000	1	1
380,001 - 390,000	1	-
400,001 - 410,000	-	1
410,001 - 420,000	1	-
420,001 - 430,000	1	-
440,001 - 450,000	1	1
560,001 - 570,000	1	-
570,001 - 580,000	-	1
	<b>2019</b>	<b>2018</b>
	(\$000)	(\$000)
<b>Total compensation of senior officers</b>	3,449	3,426

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

### 8.4 Related party transactions

The Agency is a wholly owned and controlled entity of the State of Western Australia.

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 statutory authorities, including related bodies, that are included in the whole
- of government consolidated financial statements (i.e. wholly-owned public sector entities);

- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

#### *Material transactions with related parties*

Outside of normal citizen type transactions with the Agency, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

### **8.5 Remuneration of auditors**

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

	<b>2019</b> (\$000)	<b>2018</b> (\$000)
Auditing the accounts, financial statements and key performance indicators	<b>44</b>	<b>43</b>

### **8.6 Equity**

	<b>2019</b> (\$000)	<b>2018</b> (\$000)
<b><u>Contributed Equity</u></b>		
Balance at start of period	7,138	7,138
Contributions by owners	-	-
Capital appropriation	-	-
<b>Total contributions by owners</b>	-	-
Distribution to owners	-	-
<b>Balance at end of period</b>	<b>7,138</b>	<b>7,138</b>

### **8.7 Supplementary financial information**

#### *(a) Write-offs*

During the financial year, no write offs occurred.

#### *(b) Losses through theft, defaults and other causes*

During the financial year, no losses occurred due to theft, defaults and other causes.

#### *(c) Gifts of public property*

During the financial year, no gifts of public property occurred.

## 8.8 Explanatory statement (Controlled Operations)

All variances between estimates (original budget) and actual results for 2019, and between the actual results for 2019 and 2018 are shown below. Narratives are provided for selected major variances, which are generally greater than:

5% and \$875,968 for the Statements of Comprehensive Income and Cash Flows: and

5% and \$212,720 for the Statements of Financial Position.

### 8.8.1 Statement of Comprehensive Income Variances

	Variance Note	Estimate 2019 (\$000)	Actual 2019 (\$000)	Actual 2018 (\$000)	Variance between estimate and Actual (\$000)	actual results 2019 and 2018 (\$000)
<b>Statement of Comprehensive Income</b>						
Expenses						
Employee benefits expense	1.1	34,342	34,052	32,127	(290)	1,925
Supplies and services	2.1	3,887	4,915	4,386	1,028	529
Depreciation and amortisation expense		644	726	642	82	84
Accommodation expenses		3,440	4,017	3,629	577	388
Other expenses		3,581	3,113	3,014	(468)	99
Total cost of services		<b>45,894</b>	<b>46,823</b>	<b>43,798</b>	<b>929</b>	<b>3,026</b>
Income						
Revenue						
Other revenue		50	155	153	105	2
Total Revenue		<b>50</b>	<b>155</b>	<b>153</b>	<b>105</b>	<b>2</b>
Total income other than income from State Government		<b>50</b>	<b>155</b>	<b>153</b>	<b>105</b>	<b>2</b>
NET COST OF SERVICES		<b>45,844</b>	<b>46,668</b>	<b>43,645</b>	<b>825</b>	<b>3,024</b>
Income from State Government						
Service Appropriation	1.2	39,786	40,345	38,384	559	1,961
Contribution from Confiscation Proceeds Account	1.3	5,300	5,804	6,783	504	(979)
Services received free of charge		1,000	970	1,059	(30)	(89)
Total income from State Government		<b>46,086</b>	<b>47,119</b>	<b>46,226</b>	<b>1,033</b>	<b>893</b>
SURPLUS/(DEFICIT) FOR THE PERIOD		<b>242</b>	<b>451</b>	<b>2,581</b>	<b>209</b>	<b>(2,131)</b>
OTHER COMPREHENSIVE INCOME						
		-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>242</b>	<b>451</b>	<b>2,581</b>	<b>209</b>	<b>(2,131)</b>

## 8.8.2 Statement of Financial Position

### ASSETS

#### Current Assets

Cash and cash equivalents	1.4, 2.2	3,249	6,494	5,608	3,245	886
Receivables	1.5, 2.3	130	772	166	642	606
Amounts receivable for services	2.4	600	1,000	1,100	400	(100)
Other current assets		-	145	-	145	145
<b>Total Current Assets</b>		<b>3,979</b>	<b>8,411</b>	<b>6,874</b>	<b>4,432</b>	<b>1,536</b>

#### Non-Current Assets

Restricted cash and cash equivalents	2.5	105	382	220	277	162
Amounts receivable for services	2.4	4,530	4,053	4,301	(477)	(248)
Property, plant and equipment	1.6, 2.6	2,015	1,103	1,421	(912)	(318)
Intangible assets		7	61	29	54	32
<b>Total Non-Current Assets</b>		<b>6,657</b>	<b>5,599</b>	<b>5,971</b>	<b>(1,058)</b>	<b>(372)</b>

### TOTAL ASSETS

<b>10,636</b>	<b>14,010</b>	<b>12,845</b>	<b>3,374</b>	<b>1,164</b>
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### LIABILITIES

#### Current Liabilities

Payables	1.7, 2.7	452	1,484	962	1,032	522
Provisions	1.8, 2.8	6,661	6,007	6,377	(654)	(370)
Other Provisions		-	61	-	61	61
<b>Total Current Liabilities</b>		<b>7,113</b>	<b>7,552</b>	<b>7,339</b>	<b>378</b>	<b>152</b>

#### Non-Current Liabilities

Provisions	1.8, 2.8	1,564	2,099	1,597	535	502
<b>Total Non-Current Liabilities</b>		<b>1,564</b>	<b>2,099</b>	<b>1,597</b>	<b>535</b>	<b>502</b>

### TOTAL LIABILITIES

<b>8,677</b>	<b>9,651</b>	<b>8,936</b>	<b>913</b>	<b>654</b>
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### NET ASSETS

<b>1,959</b>	<b>4,359</b>	<b>3,909</b>	<b>2,461</b>	<b>510</b>
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### EQUITY

Contributed Equity		7,294	7,138	7,138	(156)	-
Accumulated surplus/(deficit)		(5,335)	(2,778)	(3,229)	2,557	451
<b>TOTAL EQUITY</b>		<b>1,959</b>	<b>4,360</b>	<b>3,909</b>	<b>2,401</b>	<b>451</b>

## 8.8 Explanatory statement (Controlled Operations) cont.

	Variance Note	Original Estimate 2019 (\$000)	Actual 2019 (\$000)	Actual 2018 (\$000)	Variance between estimate and Actual (\$000)	actual results for 2019 and 2018 (\$000)
<b>Statement of Cash Flows</b>						
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
Service appropriations	1.2	39,058	39,693	37,765	635	1,928
Contributions from Confiscation Proceeds Account	1.3	5,300	5,300	6,783	-	(1,483)
Holding account drawdowns		1,100	1,000	600	(100)	400
<b>Net cash provided by State Government</b>		<b>45,458</b>	<b>45,993</b>	<b>45,148</b>	<b>535</b>	<b>845</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits	1.1	(34,342)	(33,712)	(32,102)	631	(1,609)
Supplies and services	1.9, 2.1	(9,840)	(10,948)	(9,747)	(1,108)	(1,202)
GST payments on purchases		(934)	(1,050)	(985)	(116)	(65)
<b>Receipts</b>						
Receipts from services		50	155	142	105	13
GST receipts on sales			13	6	13	7
GST receipts from taxation authority		934	1,037	962	103	75
<b>Net cash provided by/(used in) operating activities</b>		<b>(44,132)</b>	<b>(44,505)</b>	<b>(41,724)</b>	<b>(372)</b>	<b>(2,780)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
<b>Payments</b>						
Purchase of non-current physical assets		(1,100)	(440)	(493)	660	53
<b>Net cash provided by/(used in) investing activities</b>		<b>(1,100)</b>	<b>(440)</b>	<b>(493)</b>	<b>660</b>	<b>53</b>
Net increase/(decrease) in cash and cash equivalents		226	1,048	2,931	822	(1,882)
Cash and cash equivalents at the beginning of the period		3,128	5,828	2,897	2,700	2,931
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>		<b>3,354</b>	<b>6,876</b>	<b>5,828</b>	<b>3,522</b>	<b>1,048</b>



## Major Variance Narratives (Controlled Operations)

### *Variances between actual results for 2019 and 2018*

- 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 the Macro Taskforce and Cost Demand Model funding for prosecution teams to meet workload demands.
- 1.3 Distributions from the Confiscations Fund for the 2018 period totalling \$1.4m for exceeded target collections contributed.
- 1.4 Funding increases mentioned in 1.2 and 1.3 above contributed to the surpluses and cash reserves.
- 1.5 Increase in Accrued Revenue mainly due to the \$0.504m for additional Confiscations Fund revenue.
- 1.6 Decrease in asset purchases for 2018-19 as per Asset Investment Plan within the State Budget Papers.
- 1.7 Increase in accounts accrued at year end including \$158k for an offered severance package.
- 1.8 Provision movements for Annual Leave and Long Service Leave in relation to actuarial assessment. Annual Leave decrease due to leave liability reduction strategy and long service leave increasing due to increase in FTE and transfers ins.
- 1.9 Supplies and Services cash movement due to a 4% annual rent increase and accommodation assessment (\$388k), the review of workplace risk (\$140k), Public Trustee costs (\$104k) for confiscation matters, Consumable expenses (\$142k) and other minor increases in goods and services.

### *Variances between estimate and actual for 2019*

- 2.1 Increase due to increase in legal brief out costs due to the demand for services and caseloads (\$234k), transcription services (\$188k), the review of workplace risk (\$140k), Public Trustee costs (\$116k) for confiscations matters and other minor increases in goods and services.
- 2.2 Increase due to difference in cash at beginning of period (\$2.7m), increase in 2019-20 budget cash disbursement of service appropriations (\$635k) and asset investment plan allocation (\$660k). The increases are offset by increases in expenses (\$593k).
- 2.3 Distributions from the Confiscations Fund for the period totalling \$0.504m for exceeded target collections contributed.
- 2.4 Change in Treasury cash disbursement allocation for the asset investment plan between current and non-current (\$400k).

2.5 27th Pay increase due to change in accounting treatment to include cumulative increment and increase in employee expenses.

2.6 Decrease from budget due to the capital carryover request of \$682k from 2018-19 to 2019-20 and movement for Corporate Support Systems transitioning to cloud based technology (\$100k) transfer from capital to supplies and services.

2.7 Increase in accounts accrued at year end including \$158k for an offered severance package.

2.8 Movement in leave trends between current and non current due to leave liability strategy to reduce unconditional leave (current) offsetting an overall increase in pro rata long service leave (non-current).

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