



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Annual Report
2007/08

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STATEMENT OF COMPLIANCE

In accordance with s.61 of the *Financial Management Act 2006* and s.32 of the *Director of Public Prosecutions Act 1991*, I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2008.

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

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



ROBERT COCK QC
Director of Public Prosecutions
Chief Executive Officer
Accountable Officer

MISSION STATEMENT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR WESTERN AUSTRALIA

MISSION

Our mission is to provide the people of Western Australia with an independent and effective criminal prosecution service, which is both fair and just.

VISION

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

VALUES

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

Justice

Excellence

Respect

Accountability

Independence

Integrity

Leadership

GOALS

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

1. An effective criminal prosecutions service.
2. An effective confiscations service.
3. An appropriate level of physical and human resources.
4. Improved working conditions.
5. Improved corporate governance.
6. Improved communications across the Office.

PUBLICATIONS AND CONTACT DETAILS

The following publications are available from the ODPP:

GENERAL INFORMATION:

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

INFORMATION BROCHURES:

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

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OFFICE HOURS:

8:30am – 5:00pm weekdays.

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

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

GLOSSARY OF TERMS USED IN THIS REPORT

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

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

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

Brief Out is the process whereby the ODPP contracts external counsel (a lawyer) to attend a hearing on behalf of the ODPP. Most Brief Out Counsel come from private practice or the independent bar.

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

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

A **Fast Track** (otherwise known as an expedited committal) occurs when the accused pleads guilty at the earliest opportunity (in Magistrates Court) and is committed to the relevant higher court for sentence. By pleading guilty early in the prosecution process, the Court takes into consideration the reduced amount of time taken to finalise the case and provides a discount when considering sentencing.

A **Hung Jury** means a jury which cannot reach a unanimous verdict or, where permitted by law, a majority verdict.

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

A **Mistrial** is a trial which has been aborted by an order of a judge because of some legal or procedural irregularity and that may give rise to the trial being resolved at a later point in time.

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

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

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

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

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

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

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

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

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

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

SECTION 1: OVERVIEW OF AGENCY

A NOTE FROM THE DIRECTOR

This financial year was the first full year the Office operated from International House, and enjoyed the logistical advantages that come from being located in the “Court Precinct” in the City of Perth. Regionally, the ODPP responded to the substantial number of criminal charges which had been initiated in the Kimberley region in early 2008 by establishing the Kimberley Workgroup, comprising a number of dedicated prosecutors who successfully prosecuted serious sexual offences. The office continues to service all regional centres from Perth and has no permanent regional offices.

Over the year, the Office continued to forge stronger relationships with key stakeholders. The Stirling Gardens Magistrate Court Project began in early 2008 to support the Supreme Court’s initiative of intensively case-managing armed robbery and homicide matters. The Project has resulted in a marked increase in the number of guilty pleas due to active plea negotiation and early discussions with defence counsel, sometimes facilitated by mediation. The success of the Project is anticipated to continue with the appointment of permanent staff members to the Project. Also, the Office was active in establishing an internal District Court Procedures Committee, convened by Sam Vandongen. The Committee met with relevant stakeholders to prepare the office for the District Court Criminal Listings Project, due to begin September 2008.

This financial year was the full first year of the appointment of Consultant State Prosecutor Brent Meertens to Police Prosecuting in the Magistrates Court. This appointment has made a significant impact by bringing independent decision-making processes to the discontinuances of prosecutions. The role of the Consultant has been very successful, resulting in 100s of decisions to discontinue prosecutions, the end result producing great savings in time and resources of the Prosecuting Division, the Courts and the public.

The ODPP continued to develop closer collaboration and co-operation with the Police, undertaking to participate in aspects of the WA Police Project 'Anticus' to address issues that are integral to the integrity of the prosecution process. I amended the Prosecution Policy and Guidelines this year to provide for enhanced requirements for prosecutors to consult victims and Police in circumstances where charges are going to be discontinued, or where there is significant charge negotiation.

The Office was again engaged in the legislative reform process. The office instructed the draftsman on the Bill which was enacted as the *Criminal Law and Evidence Amendment Act 2008* which came into operation in April 2008 and introduced significant and long-awaited reforms. Also, the Office recommended the introduction of a new offence of unlawful assault causing death, part of the overall package of reform of the law of homicide contained in the *Criminal Law Amendment (Homicide) Act 2008* which was assented to on 27 June 2008 and began on 1 August 2008.

In the past year, the Office embarked on a workforce enhancement program, in recognition of the importance to the office of the human resources within and in realisation that the considerable talent and enthusiasm of existing staff offered the greatest potential for replenishing the experience lost a few years earlier. The program gives staff the opportunity to develop skills by participating in workshops aligned to providing a fair and just prosecution service to the people of Western Australia, and complements the work of the internal Training and Professional Development Committee.

The ODPP intranet was launched this year to provide staff with better access to legal, court and organisational resources. While the replacement of the case management system has been delayed, it is anticipated that a new system, and the accompanying benefits to workflow and case management, will be introduced soon.

Several members of staff and I have evidence before the Corruption and Crime Commission's investigation of the conduct by public officers in the investigation, prosecution and appeals of Andrew Mark Mallard. The report from that investigation had not been delivered at the time of writing.

Finally, I would like to extend my gratitude to all staff members for their hard work and dedication to the ODPP this past year. Without their joint efforts, the substantial improvements in the performance of the office which are revealed later in this report would not have been achieved.

ROBERT COCK QC

Director of Public Prosecutions

WHAT WE DO

The core work of the Office of the Director of Public Prosecutions (ODPP) is to conduct criminal prosecutions under Western Australia state law in the District and Supreme Courts.

Other responsibilities of the Office include:

- Conduct of a range of committal matters at the Magistrates Court, Central Law Courts, Perth, where the ODPP has jurisdiction over indictable offences; triable summarily and summary offences;
- Conduct of all matters at the Stirling Gardens Magistrates Court, Perth;
- Conduct of all appellate work flowing from those criminal prosecutions;
- Management of a range of proceeds of crime matters pursuant to the *Criminal Property Confiscation Act 2000* and the *Misuse of Drugs Act 1981*;
- Responsibility for the prosecution of offences in the Children's Court;
- Conduct of all matters in the Drug Court that are dealt with on indictment;
- Consideration and approval of requests for extradition of accused from interstate and overseas;
- Provision of legal advice on legislative change to Parliament and the Attorney General; and,
- Provision of advice on matters of legal consideration to Police and other investigative agencies.

CRIMINAL PROSECUTIONS

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

Magistrates Court – Perth

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

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

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

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

Magistrates Court – Stirling Gardens

The Stirling Gardens Magistrates Court was established in the Supreme Court building on 17 October 2007. This Court deals only with proceedings in respect of Supreme Court indictable matters.

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

The role of the ODPP in the Stirling Gardens Magistrates Court is to act as a prosecutor. The ODPP is not responsible for the disclosure under the *Criminal Procedure Act 2004*. Before the disclosure/committal hearing, this responsibility remains with the investigating officers. The establishment of the Stirling

Gardens Magistrates Court and its procedures expedites the committal and hearing of criminal cases in the Supreme Court, and also allows individual case management of a matter from start to finish.

Drug Court

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

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

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

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

District and Supreme Courts

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

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

Fast Tracks

While a case is still in the Magistrates Court, an accused may indicate his or her intent to plead guilty when the case is committed to a higher court. In this instance the case is called a Fast Track committal. Fast Tracks will appear at a Fast Track hearing where the Judge will usually sentence the accused after he or she formally pleas guilty in the higher court. In some cases the accused will be remanded to a future date for sentence while further information is collected.

Trials

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

Appeals

There are three types of appeals managed by the ODPP:

Single Judge Appeal

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

Court of Appeal

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

The High Court

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

Children's Court

The ODPP appears in the Children's Court in relation to young people, between the ages of 10 and 17 years inclusively, who have been charged with an offence. The Children's Court comprises two courts – one that is presided by a Magistrate, and the other that is presided by the President of the Children's Court where the most serious offences are heard. In June 2003, after an agreement between the Courts and the Attorney General, the ODPP was given the responsibility for all matters before the President of the Children's Court. In December 2006, after an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court.

CONFISCATIONS PRACTICE

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

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

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

The *Confiscation Act* also targets property that is:

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

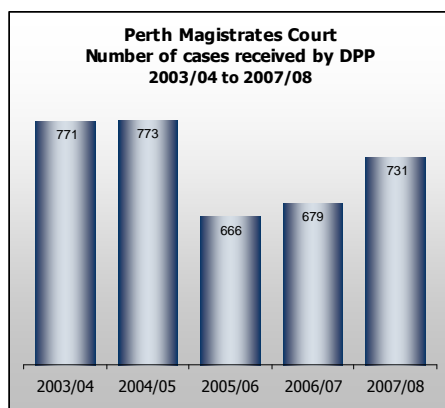
SECTION 2: REPORT ON OPERATIONS

1. CRIMINAL PROSECUTIONS

Magistrates Court

Perth

The number of cases prosecuted in the Perth Magistrates Court by the ODPP is directly impacted by the number of indictable offences charged by Police in the metropolitan area throughout the year. As illustrated in graph G1, the trend in the number of cases prosecuted by the ODPP shows a significant drop between 2004/05 and 2005/06, which may be attributable to the introduction of either-way offences, but has steadily increased since 2005/06.



G1: Number of cases received for Magistrates Court Perth 2003/04 to 2007/08

The number of cases prosecuted by the ODPP in the higher courts is also impacted by the resolution of a case at this stage. The ODPP's management of cases in the Magistrates Court is aimed at resolving matters earlier in the process, and reducing the total impact on court resources and improving outcomes for the victims and/or witnesses associated with the case.

While the total number of cases prosecuted by the ODPP in the Perth Magistrates Court has reduced since 2004/05, the number of cases finalised has increased, demonstrating that the ODPP's presence in the Magistrates Court is having a positive impact on earlier case resolution, as shown in table T1.

Magistrates Court	2003/04		2004/05		2005/06		2006/07		2007/08	
	#	%	#	%	#	%	#	%	#	%
Finalised In Magistrates Court	51	7%	46	6%	50	8%	74	11%	123	17%
Committed to higher court	598	78%	627	81%	503	76%	498	73%	480	66%
Carryover case (as at 30 June)	115	15%	73	9%	113	17%	107	16%	115	16%
No information	7	1%	27	3%	0	0%		0%	10	1%
TOTAL CASES HEARD	771		773		666		679		728	

T1: Resolution of cases in the Perth Magistrates Court 2003/04 to 2007/08

Stirling Gardens

In late 2007 the Supreme Court set up the Stirling Gardens Magistrates Court to help with case management on Supreme Court matters. On 16 January 2008, the ODPP began a pilot project to help the running of the court. The pilot team comprised two prosecutors and two support staff and concentrated on the early resolution of matters through active plea negotiation. Between January and June 2008 the pilot team successfully negotiated pleas of guilty to 71 per cent of all new matters listed in the Stirling Gardens Magistrates Court with an average time to finalisation from date of committal of nine weeks (in 2006/07, 45 per cent of all Supreme Court cases were pleas of guilty, with an average finalisation time of 16 weeks). As a result, considerably fewer matters will run to trial in the Supreme Court in 2008/09. Efficiencies demonstrated by this pilot have meant that ODPP has established this team on a permanent basis and is exploring an expansion into the District Court jurisdiction for 2008/09.

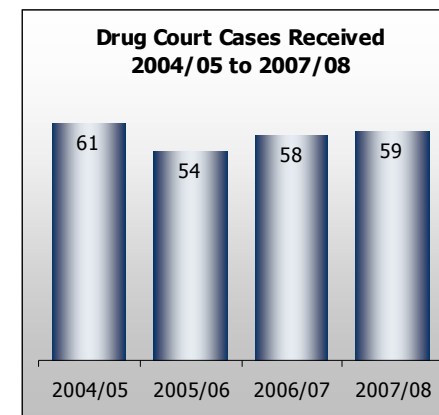
Stirling Gardens	2007/08			
	Plea of Guilty	Plea of Not Guilty	Charges Discontinued	TOTAL
Not finalised, but plea indicated – Committed	29	17	n/a	46
Finalised cases – Stirling Gardens	2	n/a	1	3
Finalised cases – Committed	14	-	-	14
Average time to finalisation – Committed	9 weeks	-	-	9 weeks
Sub-total	45	17	1	63
Percentage	71%	27%	2%	100%
Ongoing cases in Stirling Gardens				42
TOTAL STIRLING GARDENS CASES				105

T2: Pleas of guilty in the Stirling Gardens Magistrates Court

Drug Court

The number of Drug Court files managed by the ODPP is a subset of the number of fast track matters received by the Office in any given reporting period. For further information on the function of the Drug Court, please refer to the Drug Court section (page 14). Due to the restriction on the number of participant places available in the Drug Court Program, the number of cases managed by the Office each year remains relatively similar, as shown in graph G2.

In December 2007 the ODPP met with the Chief Justice of the Supreme Court to look at extending the Drug Court program to participants on matters to be sentenced by the Supreme Court, namely armed robbery matters. Some clear guidelines were established to identify the most appropriate matters to be referred from the Supreme Court. In January 2008 referrals from the new Stirling Gardens Court to the Drug Court began. While only four per cent of Stirling Gardens matters have been referred to the Drug Court this year, this is expected to expand in 2008/09.



G2: Number of Drug Court cases received from 2004/05 to 2007/08

District and Supreme Courts

Committals

The number of committals received from the Magistrates Courts across the State forms the basis of the ODPP's workload, which varies depending on the type and number of offences charged by the Police. This number is also impacted by a Magistrate's decision to commit the case to the higher courts or not (where an either-way option exists), or alternatively dismiss the case because of lack of evidence. The number of committals received by the ODPP has reduced over the past four years, partly due to the introduction of either-way offences, as illustrated in table T3 below.

Committals received	2003/04	2004/05	2005/06	2006/07	2007/08
TOTAL CASES	2718	2534	2241	2262	2347
Variation from Previous (Total)	-	-7%	-12%	1%	4%
Fast-Track Cases	866	699	521	612	653
Variation from Previous (Fast-Track)	-	-19%	-25%	17%	7%
Fast Tracks as % of total committals	32%	28%	23%	27%	28%

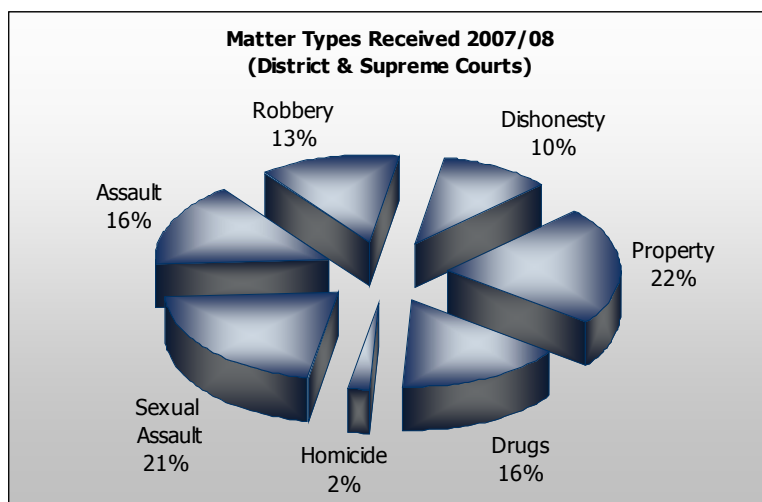
T3: Committals received from Magistrates Court 2003/04 to 2007/08

Although the number of committals has reduced over the past four years, the profile of case offence types has not changed significantly. The most noticeable change for 2007/08 is a slight decrease in assault, dishonesty, drugs and property offences compared to 2006/07 (each down one per cent), while a slight increase in robbery and sexual assault offences compared to 2006/07 (both up two per cent). Homicide offences have remained

at the same percentage as the previous year. A summary of the breakdown of matter types received since 2004/05 is outlined in table T4, the 2007/08 breakdown is illustrated in graph G3.

Matter Type	Includes:	2004/05	2005/06	2006/07	2007/08
Assault	Grievous Bodily Harm, Kidnapping, Dangerous Driving Causing GBH and Threats	16%	19%	17%	16%
Dishonesty	Fraud, Forgery, Stealing and Perjury	14%	13%	11%	10%
Drugs	All drug related offences	14%	17%	17%	16%
Homicide	Manslaughter, Attempted Murder and Dangerous Driving Causing Death	3%	2%	2%	2%
Property	Burglary, Receiving, Damage and Arson	25%	19%	23%	22%
Robbery	Robbery and Armed Robbery	9%	11%	11%	13%
Sexual Assault	All sex related offences	18%	19%	19%	21%

T4: Comparison of Committal Matter Types received between 2004/05 to 2007/08, expressed as a percentage of all committals received each financial year.



G3: Committal Matter Types received in 2007/08

Trials

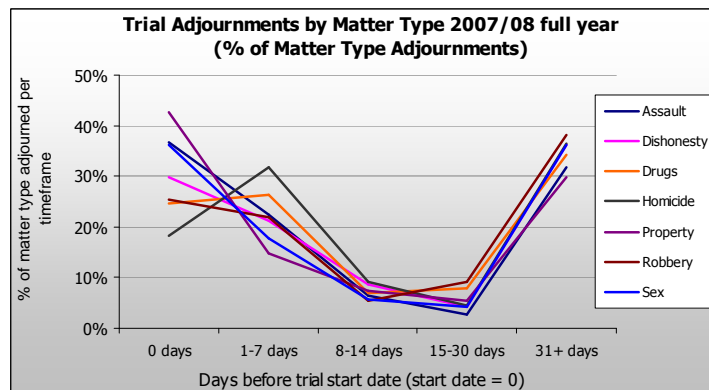
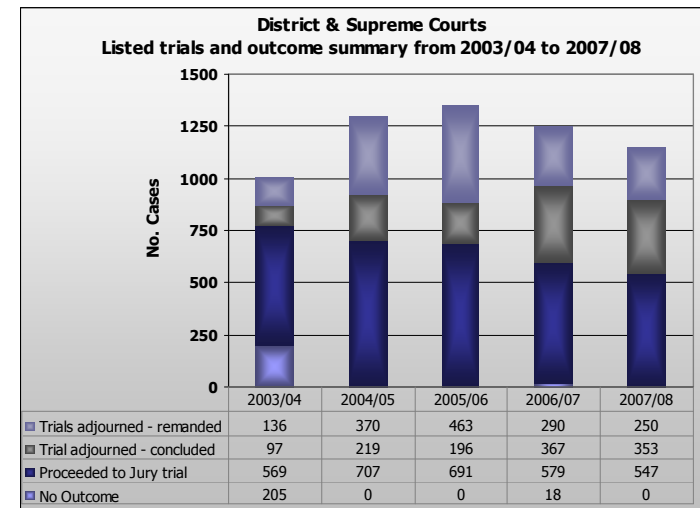
A trial occurs when an accused person maintains a plea of not guilty after committal of the case to a higher court. Not all cases beginning as trial cases will be concluded as a jury trial. Some accused people will change their plea to guilty during the prosecution, either before or after a trial date has been set, and some cases will be discontinued by the DPP after further Police investigations. Of all cases concluded in 2007/08, 61 per cent were finalised before a trial being listed (including fast track pleas of guilty), a further 18 per cent were finalised after a trial date had been set but before the actual trial, and 21 per cent of cases were finalised by jury trial or by Judge alone.

The listing of an individual trial will be subject to the availability of court resources, the readiness to proceed of state prosecutors and defence counsel as well as the availability of any witnesses required to give evidence at the trial, and each case may have multiple trial listings within a reporting period.

This financial year saw a reduction in the number of listed trials, down eight per cent compared to 2006/07. This reflects the reduced number of backlog of cases awaiting trial, and in the context of an almost identical number of new committals across both years shows a real increase in the number of cases resolved before trial. This outcome is a result of improvements in case management within the ODPP and effective court listing initiatives.

As shown in graph G4 a number of trial listings are adjourned each year. Some adjournments are a result of the case being concluded before the listing, and others occur because the State or Defence seeks a delay for various reasons. Trials that are adjourned and result in further listings (remands) increase the time and resources needed to finalise the case and all efforts are made to minimise these types of adjournments. In some instances where the trial of one case has adjourned, the court is able to list another case in its place, but this is only possible if there is sufficient time before the listing date to advise all witnesses and other parties of the revised trial listing details.

G4: Trials listed for hearing and overall result for District and Supreme Courts 2003/04 to 2007/08



Graph G5 shows the percentage of trials that did not proceed and the timeframe before the trial in which they were adjourned. It does not distinguish who is responsible for the adjournments. This graph also shows the adjournment timeliness based on the matter type of the case. All matter types appear to follow the same type of trend of adjournment timeliness with a large percentage of adjournments occurring more than a month before the trial listing, and also within the week leading up to the trial listing.

G5: Adjournment timeframes for trials in the District and Supreme Courts 2007/08

Cases that proceed to trial will, in most instances, result in a final outcome of either a conviction or an acquittal. However, a minority of cases at trial will result in a mistrial, hung jury, or in the case of a trial by Judge alone, a reserved decision. Cases not finalised at the first trial listing will be remanded for a further trial date. For cases that proceeded to trial, table T5 summarises the outcomes of the proceedings.

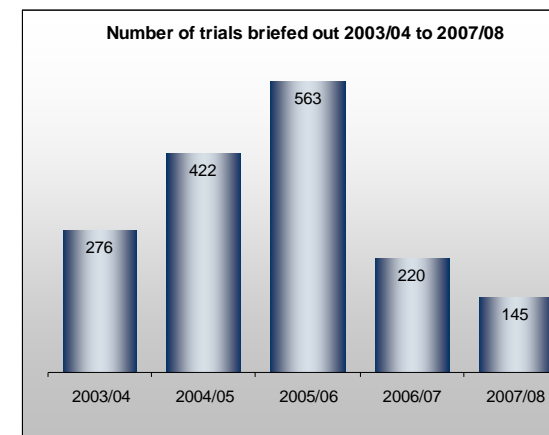
Proceeded Trials	2003/04		2004/05		2005/06		2006/07		2007/08	
Convictions	304	53%	386	55%	365	53%	275	48%	301	55%
Acquittals	209	37%	257	36%	278	40%	243	43%	190	35%
Hung Jury, Mistrial or Reserved Decision	56	10%	64	9%	48	7%	51	9%	55	9.8%
Permanent Stay of Proceedings	0	0%	0	0%	0	0%	0	0%	1	0.2%
TOTAL TRIALS	569		707		691		569		547	

T5: Outcomes of proceeded trials in the District and Supreme Courts from 2003/04 to 2007/08

Brief Out

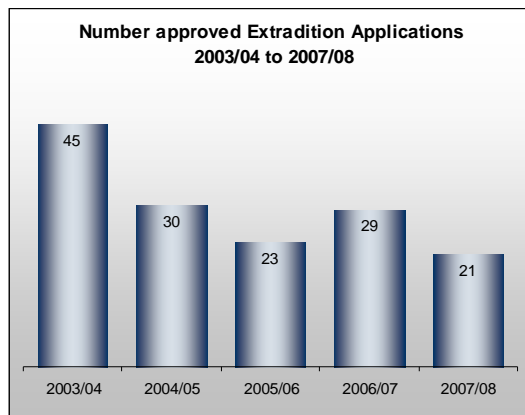
The ODPP briefs out some trials and some country court appearances to external counsel. This helps in managing the workload of the ODPP prosecutors and it also contributes to the professional development of criminal advocacy skills within the private sector. Graph G6 shows the trend of briefing practices in the ODPP over the past five years. It should be noted that while trials form the majority of the work briefed to external counsel, appearances at other hearings may also be required to be briefed out. In 2004/05, 42 per cent of trials were briefed, but after the approval of additional funds in October 2005 (see Costing and Workflow Project section) and the recruitment of additional prosecutor resources, this percentage has dropped to 13 per cent in 2007/08, with an ongoing target of 20 per cent. For further information on the financial impact of brief out please refer to the Financial Matters section of the annual report.

G6: Number of trials briefed from 2003/04 to 2007/08



Extraditions

Each year the ODPP receives a number of applications requesting that an accused be returned to Western Australia. These applications are known as extraditions. Extraditions are applied for when an accused person leaves Western Australia before they can be charged or tried for the alleged



offences and in some cases when an accused who has already been tried and convicted has escaped legal custody and left the state.

In 2007/08, 22 applications were considered by the Director. One of these related to an international extradition application. Of the 22 applications for extradition that were considered, 21 were successful. Graph G7 shows the number of approved applications for extradition for the past five years.

G7: Number of approved extradition applications from 2003/04 to 2007/08

Applications under the Dangerous Sexual Offenders Act 2006

The *Dangerous Sexual Offenders Act 2006* allows applications to be made to the Supreme Court about serious sexual offenders who are at, or near, the end of their sentence. Applications may be made to the Court for the continued detention or ongoing supervision of an offender who may continue to present a serious danger to the community.

At the start of the 2007/08 reporting period, one offender was already the subject of a continuing detention order, two were the subject of a supervision order, and there were nine applications filed by the ODPP for determination. All of those nine were determined in 2007/08. Four of the offenders were made subject to continuing detention orders, four to supervision orders, and one application was dismissed.

During 2007/08 the ODPP made a further four applications under the Act, of which one resulted in a supervision order and the others will be determined in the 2008/09 year.

The first appeal under the Act was decided in October 2007. The appeal was brought by the ODPP against a decision in 2006/07 to dismiss an application for orders under the Act. The appeal was successful and resulted in the matter being remitted to the primary judge who then made a continuing detention order. Two of the decisions made in 2007/08 were also the subject of appeal – the ODPP appealed the only dismissal of an application, and one of the offenders appealed the making of a supervision order. Both of these appeals were heard by the Court of Appeal in June 2008 but decisions were reserved.

The ODPP was also involved in breach proceedings relating to three supervision orders. In one case, a continuing detention order was made returning the offender to custody. In the other two the supervision orders were amended with stricter conditions.

Continuing detention orders must be reviewed annually by the Court. Only one continuing detention order came up for review in 2007/08; in that case the Court renewed the detention order. That continuing detention order, and the six continuing detention orders made in 2007/08, will be reviewed again in the next reporting period.

Children's Court

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

Cases heard before Magistrates

During the period 1 July 2007 to 30 June 2008 the team dealt with the following matters:

New Magistrates matters received:

A total of 8,095 new charges in the Court, an additional 2,217 charges were preferred as a result of bench warrants being issued. Further, an additional 4,729 charges were 'reactivated' or returned to the court following a breach of sentence.

Matters Finalised:

A total of 3,699 charges were sentenced following a plea of guilty;

A total of 1,055 charges were listed for trial and dealt with prior to 30 June 2008; and

A total of 531 individual offenders were dealt with by the team in this period.

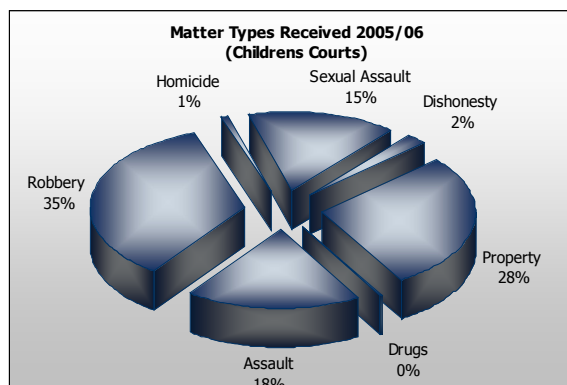
Cases heard before the President of the Children's Court

The more serious offences are heard before the President of the Children's Court. As with the District and Supreme Courts, the number and types of cases received by the ODPP for hearing in the President's Court varies from year to year, and depends on the types of offences charged by the Police. Table T6 shows the number of cases received in each reporting period since 2003/04.

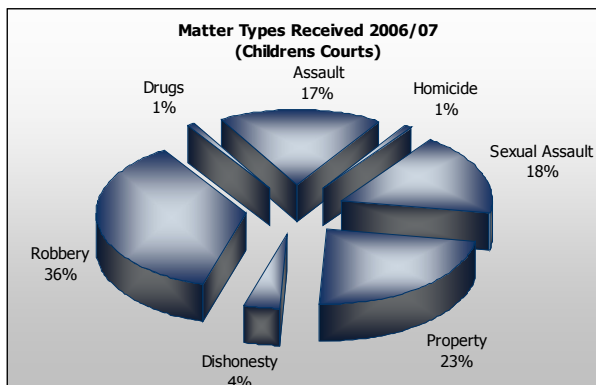
Children's Court – President's Court	2003/04	2004/05	2005/06	2006/07	2007/08
Plea of Guilty	175	147	210	216	244
Plea of Not Guilty	149	105	118	142	131
PRESIDENT'S COURT TOTAL CASES	324	252	328	358	375

T6: Children's Court cases received from 2003/04 to 2007/08

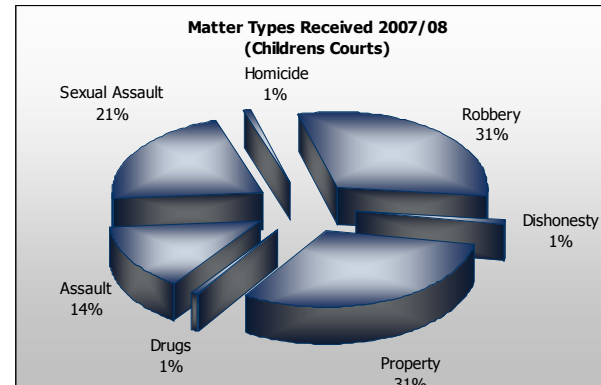
Graphs G8 to G10 show the breakdown of the matter types of the cases received by this Office for hearings before the President of the Children's Court during the 2005/06 to 2007/08 reporting periods. The 2005/06 and 2006/07 graphs are shown for comparative purposes.



G8: Children's Court matter types 2005/06



G9: Children's Court matter types 2006/07



G10: Children's Court matter types 2007/08

This year, because of the Indigenous Task Force in the Kimberley, the ODPP prosecuted a number of sexual assault matters resulting from the police investigations. These were mostly done in circuit sittings in both Kununurra and Broome. The balance of matters referred from the task force will be prosecuted in 2008/09.

Children's Court Trials – President's Court

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

Children's Court President Trials	2003/04	2004/05	2005/06	2006/07	2007/08
Conviction	12	18	12	11	5
Acquittal	8	13	11	9	4
TOTAL TRIALS PROCEEDED	20	31	23	20	9
Adjournments	24	23	21	33	48
Plea of Guilty	3	7	12	9	7
Bench Warrant	2	2	1	-	1
Discharged	2	1	-	-	1
Other	4	2	6	6	10
TOTAL TRIALS NOT PROCEEDED	35	35	40	48	67
Total President's Court Trials	55	66	63	68	76

T7: Children's Court trial outcomes from 2003/04 to 2007/08

Appeals

Due to the inability of the existing case management system to accommodate comprehensive data capture relating to appeals, the Office will delay the reporting of appeals outcomes until the new case management system is implemented. For further information on the new case management system please refer to IT Projects (pages 33 – 34).

Single Judge Appeals

Single Judge Appeals are one of three types of appeals managed by the ODPP. Appeals of this type arise from cases prosecuted exclusively in the Magistrates Court and as such are 'new' files to the ODPP. Table T8 is a breakdown of the number and types of Single Judge Appeals received over the past five years.

Single Judge Appeals		2003/04	2004/05	2005/06	2006/07	2007/08
State	Acquittal	-	-	2	-	-
	Sentence	2	4	2	2	-
	Other	-	1	-	1	4
Accused	Conviction	5	10	20	14	5
	Sentence	18	8	14	19	11
	Other	1	2	4	5	6
TOTAL APPEALS		26	25	39	41	26

T8: Single Judge Appeal cases from 2003/04 to 2007/08

Court of Appeal

Court of Appeal cases arise from matters the ODPP has previously prosecuted in the District or Supreme Courts. Table T9 shows the number of types of Court of Appeal cases the ODPP has received over the past five years.

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

T9: Court of Appeal cases from 2003/04 to 2007/08

High Court Appeals

High Court appeals arise from cases heard in the Court of Appeal where the appellant applies for leave to appeal a decision made by the Court of Appeal. Table T10 summarises the number of types of High Court cases the ODPP has received for the past five years.

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

T10: High Court cases from 2003/04 to 2007/08

2. CONFISCATIONS PRACTICE

For further information on the role of the Confiscations Practice – please refer to page 16, Confiscations Practice.

Proceeds of Crime

Freezing Notices and Freezing Orders are the means which prevents property from being disposed of while investigation or prosecutions are carried out and/or until the conclusion of confiscation. The Police have power under the *Criminal Property Confiscation Act 2000* to obtain Freezing Notices from Magistrates or Justices of the Peace, and the Director of Public Prosecutions has the power to obtain freezing orders from the superior courts. In the reporting period a total of 231 Freezing Notices and nine Freezing Orders were obtained. A comparative table showing the number of Freezing Notices and Orders obtained since 2000/01 appears in Table 11 (below). It should be noted that in certain circumstances multiple Freezing Notices may be issued for one person, which accounts for some variations between reporting periods.

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

T11: Freezing Notices and Freezing Orders obtained since the commencement of the Confiscations Act

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

Table T12 shows the number of objections arising from Freezing Orders and Freezing Notices, as well as the subsequent outcomes for all notices and orders since the *Confiscations Act* was enacted.

Freezing Notices and Orders – Outcomes	Total Issued	Total Finalised	Number Cancelled	Number leading to Confiscation	Number of Objections Received	Objections Dismissed	Objections Successful
Freezing Notice	915	527	151	302	1257	300	366
Freezing Order	41	23	0	18	82	29	22

T12: Outcomes and objections of Freezing Notices and Freezing Orders obtained since the commencement of the Confiscations Act

A total of 236¹ objections were finalised this reporting period, resulting in 101 objections being dismissed and 122 succeeding. Table T13 shows the breakdown of objections received and the outcomes of finalised objections for the past five years.

Objections	2003/04	2004/05	2005/06	2006/07	2007/08
<i>Objections received in the period</i>	143	159	259	141	252
Objections dismissed in the period	27	40	29	89	101
Objections successful in the period	30	47	46	98	122
Total objections finalised for the period²	60	88	78	192	236

T13: Number of objections to Freezing Orders and Freezing Notices received and finalised from 2003/04 to 2007/08

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

Upon declaration that a convicted person is a drug trafficker, all property relating to that person is confiscated to the State. While many individuals declared as drug traffickers have no assets, proceedings have begun against a number of declared drug traffickers during 2007/08. During 2007/08, 67 people were declared drug traffickers. It should be noted that formal confiscation may not necessarily occur within the same reporting year as a declaration that a person is a drug trafficker.

¹ 223 for Freezing Notices and 13 for Freezing Orders

² This may include objections finalised for Freezing Notices issued prior to this reporting year. The number of objections finalised is often greater than the combined total of objections dismissed and successful as some objections fall away due to other action.

The proceeds of confiscated assets are paid into the Confiscation Proceeds Account and the Attorney General has the power to make grants from the account for a range of purposes. In 2007/08 a total of \$7,946,257.14 was paid into the Confiscation Proceeds Account from the property of declared drug traffickers (see Table T14).

Drug Traffickers	2003/04	2004/05	2005/06	2006/07	2007/08
Declarations made	76	69	91	81	67
Amount paid into account	\$719,815	\$1,832,814	\$1,224,694	\$2,708,766	\$7,946,257
% variation to previous year	-	154%	-33%	121%	193%

T14: Drug Trafficker Declarations and money paid into Confiscations Proceeds Account from 2003/04 to 2007/08

Table T15 shows the number and types of applications made since the commencement of the *Confiscations Act*.

Applications for Confiscation	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	Total made	Total finalised	No. leading to confiscation
Unexplained wealth declaration	8	4	3	2	0	0	0	2	19	16	13
Criminal Benefits Declaration	2	2	2	4	0	1	0	0	11	8	7
Crime Used Property Substitution Declaration	0	1	2	1	0	0	2	2	8	5	3
TOTAL	10	7	7	7	0	1	2	4	38	29	23

T15: Number and types of applications made since the commencement of the Confiscation Act

Table T16 shows the number of proceedings finalised where a declaration of confiscation was made.

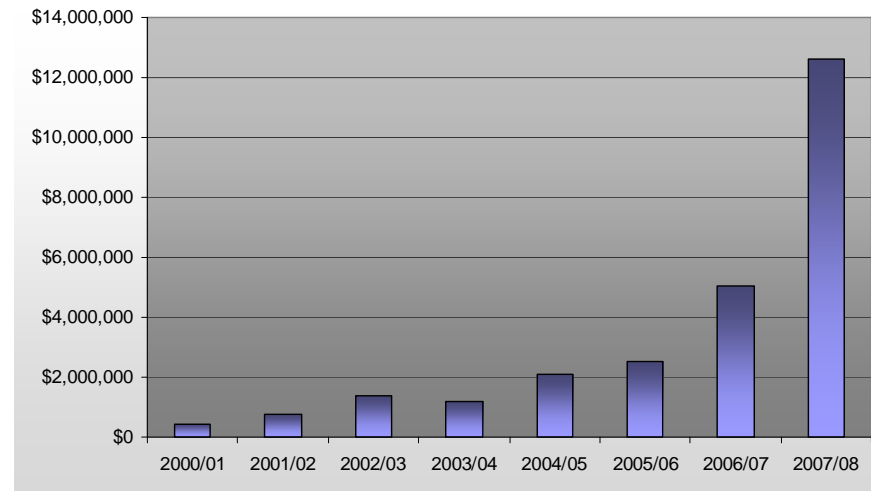
Finalised proceedings	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	Total Made
On grounds of declared drug trafficker	0	9	19	17	25	32	60	57	219
On grounds of Crime-Used or Crime-Derived	1	16	3	2	7	9	16	9	63
On grounds of Crime Used Property Substitution	0	0	1	0	1	0	0	1	3
On grounds of Unexplained Wealth	0	0	0	1	1	3	0	2	7
Criminal Benefits	0	0	0	0	1	0	1	0	2
Examination Order	0	0	0	0	0	0	1	0	1
Total Declarations	1	25	23	20	35	44	78	69	295

T16: Proceedings finalised where a declaration of confiscation made from 2000/01 to 2007/08

Table T17 and Graph G11 shows the total amount arising from all confiscations, paid into the Confiscation Proceeds Account, since January 2001.

Period	Amount
2000/01	\$417,074
2001/02	\$779,533
2002/03	\$1,388,500
2003/04	\$1,170,275
2004/05	\$2,091,774
2005/06	\$2,524,362
2006/07	\$5,070,596
2007/08	\$12,618,686

T17: Dollar amounts paid into Confiscations Proceeds Account from 2000/01 to 2007/08 (Ref Graph 11)



G11: Amount paid into Confiscations account from 2000/01 to 2007/08

Misuse of Drugs Act

During 2007/08, the ODPP managed a number of matters pursuant to the *Misuse of Drugs Act 1981* (Misuse of Drugs Act) which resulted in revenue of \$205,951 being paid into the State's Consolidated Fund. Table 18 shows the number of applications recorded, and revenue derived from applications under the *Misuse of Drugs Act* in recent years. There has been a decline in the number of applications and money forfeited pursuant to these Acts since 2000/01 as a result of applications now being made under the *Criminal Property Confiscation Act 2000*.

Misuse of Drugs Act	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
No. of Applications	49	39	41	70	46	62
Paid to Revenue	\$184,787	\$100,498	\$247,073	\$504,988	\$313,812	\$205,951
% variation	-46%	-46%	146%	104%	-38%	-34%

T18: Number of applications recorded and amount paid to revenue over the last 6 years

3. PROJECTS

Costing and Workflow Project

In January 2005, against a background of ongoing budget problems, declining number of prosecutors and increasing workload management issues, the ODPP, in consultation with the Department of Treasury and Finance (DTF), began the Costing and Workflow Project. The purpose of the project was to imbed an operationally efficient and sustainable prosecution service and a working environment that ensured a manageable workload for all staff.

To achieve this objective the project group developed an activity based costing model of the prosecution service, identified process and structural reforms that would lead to greater efficiencies, then applied them to the costing model to determine the optimum staffing and workload profile for the Office.

The final report produced by the Costing & Workflow Project Group provided the business case in support of the submission for increased funding that went to Government in October 2005. The submission was approved in its entirety, resulting in a significant increase in the recurrent expenditure budget of the Office.

To measure the progress of the operations of the Office, performance targets were set by DTF, with outcomes expected to improve across a range of areas because of the additional funding for resources. To monitor and report on progress against these targets, key performance reports were developed internally and have been provided to senior management on a monthly basis since February 2006.

In the past year the Office has continued to show improvements in performance across a number of areas. In January 2008 a review of the ODPP's Key Performance Indicators was completed.

Review of Key Performance Indicators

Along with the funding came the expectation of significant improvements in the performance of the Office across a range of areas. The requirement to monitor the progress against these performance areas led to major advances in the quality and sophistication of internal data analysis and management reporting. Another condition of the increased funding was the requirement for the Office to review its external Key Performance Indicators.

The Review was conducted by the Business Analyst, Sue McLeod, and included consultation with representatives from DTF and the Office of the Auditor General (OAG), who gave valuable advice on the appropriate process for the review. Based on this advice, consultation with stakeholders was considered fundamental to the success of the review. Key stakeholders consulted were victims (by consultation with victims' representative groups), accused persons (by consultation with defence counsel), the Courts, and the WA Police. Internally all senior managers were consulted along with a range of other staff.

The recommendations in the report were presented to DTF and the OAG in December 2007 and were incorporated in the Budget Papers for 2008/09. Measurement against the revised suite of reportable KPI's began on 1 July 2008, and will be reported against in the 2008/09 Annual Report.

IT Projects

Staffing

The IT Team's roles were reviewed as part of the recommendation in the *Strategic Information Management and Technology Plan* to align business needs with increasing information requirements. A System/Network Administrator and Business Systems Analyst roles were created. The increased technical responsibilities will allow the Office to manage future IT infrastructure and new technologies proposed in the IT Review. It is critical the IT area complies with the *State Records Act 2000* by adequate planning, developing and storing of crucial planning documentation and policies.

Information Security

Information security is a priority and a project has been established to implement best practice for information security according to Australian Standards. The project covers governance of information physical system security and the devices coming onto the market. The Office is committed to implementing rigorous security infrastructure and policies. The completion of the project is expected early 2009.

New Intranet implemented

The Office deployed a new Intranet using Microsoft SharePoint technology in February 2008. The Intranet provides staff with easy access to policies, procedures, knowledge base, enterprise reports, and external links, and integrates external information such as from the Police and Courts.

Information access and reporting

The Office implemented new reporting products in February 2008 for staff to access important file information regarding file allocations, court hearings and matter management. Improved data access has enabled improved procedures for generating documents and searching case information, reducing turnaround times and reducing the need for the file to be continually moved around the Office.

TRIM 6.2 and Electronic documents

The Office has begun the first phase of rolling out the latest version of TRIM which now includes electronic document management. Scanning of incoming letters and other loose pages was implemented in March 2008.

Electronic Video edits and crime scene

The Office, in March 2008, began performing the majority of video edits of interviews and crime scenes for court hearings in-house. This was previously performed by the Police. The ODPP took it on because of demand and reduced turnaround times required by the Courts. Two video editing suite packages were purchased along with the hiring of specialist staff.

Storage and infrastructure

With the implementation of scanning equipment and the Police providing increasing amounts of information in electronic format, the Office is reviewing its IT infrastructure and storage requirements. A project is underway to look at the tracking and recording of electronic media.

Replacement PASSIM

A visit was made to the NSW ODPP in October 2007 to review its CASES system and how it was being applied. The review identified issues for the Office in implementing CASES and meeting requirements for critical areas such as Confiscations and integration with TRIM. A review of requirements and the market identified significant changes had occurred since the initial planning and it would be advantageous to tender for an “off the shelf” product. The Office will be tendering for a Case Management System in 2008/09. The proposed system will need to integrate with TRIM and other office systems.

Training

In May 2008 a project was initiated to look at Microsoft Office training within the Office. Part of the project is also investigating the purchase of a Learning Management System to facilitate in-house training for products such as TRIM, legal and non-legal training.

Looking towards the future: the Internet in 2008/09

The Office's internet site is planned for redevelopment in 2009 with the aim of compliance to the Western Australian Office of E-Government initiative “Development of Citizen-Centric Government: Electronic Service Delivery Strategy for Western Australia”.

Kimberley Workgroup

In August 2007 a workgroup within Team Two was established to provide a prosecution service dedicated to criminal proceedings in the Kimberley region of Western Australia. The Kimberley Workgroup was established in anticipation of an increase in criminal charges arising from well publicised police investigations into child sexual abuse in this region of the State. The advent of the Kimberley Workgroup has been an overwhelming success.

The creation of this workgroup in advance of the establishment of the Indigenous Justice Taskforce prepared the ODPP well to prosecute the marked increase in criminal proceedings in the Kimberley over the 2007/08 financial year.

In this period a total of 28 weeks of criminal sittings of the District and Supreme Courts were listed in Broome, Derby and Kununurra. By comparison, in the 2006/07 financial year 18 weeks of criminal sittings were listed. This significant increase in workload has been completed by the Kimberley Workgroup without the need for Team Two to call upon additional human resources.

Since the creation of this workgroup 126 matters have been committed for trial to superior courts in this region. By August 2008 the superior court proceedings for 76 of these matters had been completed. Of the total matters, 89 have proceeded under the auspices of the Indigenous Justice Taskforce, 58 of which have reached conclusion (at least the stage of judgment of acquittal or conviction). Court proceedings have commonly followed a course of directions hearings (to determine objections to the admissibility of confessional evidence), pre-recording of children or special witnesses, jury trials and in the case of judgments of conviction, sentencing hearings.

Beyond providing quality prosecution service for this increased number of court matters, the creation of the Kimberley Workgroup has resulted in improved business relationships with other parties participating in the criminal justice system for this region. Notably the development of these relationships has included;

- Provision of better trial listing information to courts;
- 'On the ground' attendance at remote communities and earlier, comprehensive witness proofing;
- Provision of quality legal advice and feedback about investigative matters and improved general working relationships with local police;
- Greater mutual assistance between the ODPP and child witness/victim support services; and,

- Greater cooperation with defence legal services, particularly the Aboriginal Legal Service.

In addition to these improved services, members of this workgroup have participated in cultural awareness training programmes, specifically tailored for the ODPP's needs. Together with their regular attendance at remote communities for proofing of witnesses and to meet community elders, this opportunity has developed knowledge and understanding of issues particularly relevant to the work that has been their focus.

Beyond especially acknowledging the extraordinary dedication of those involved in the Kimberly Workgroup, thanks is also extended to all other parties who have contributed to the success of this project. Within the ODPP they particularly include all other Team Two staff and the finance team. Externally they particularly include personnel from courts, police, victim support and child witness services, defence legal services, cultural awareness training presenters, members of the Indigenous Justice Taskforce and, most importantly, the people of communities in the Kimberley affected by these cases. All of these people have cooperatively worked with us in our pursuit of providing an improved quality of criminal justice to the communities of the Kimberley region, a pursuit we look forward to continuing.

Stirling Gardens Pilot Team

On 17 October 2007 the Magistrates Court Stirling Gardens was established in the Supreme Court building. The Magistrates Court Stirling Gardens only deals with proceedings in respect of Supreme Court indictable matters. On 16 January 2008, the ODPP commenced a pilot project to assist the running of the court. The pilot team comprised two prosecutors and initially one support staff (a second support staff later joined the pilot team) and concentrated on the early resolution of matters through active plea negotiation. Efficiencies demonstrated by this pilot have meant that the ODPP has established this team on a permanent basis and is exploring an expansion into the District Court jurisdiction for 2008/09. For further information on the performance in Stirling Gardens – please refer to page 18, Stirling Gardens.

4. CORPORATE SERVICES REPORT

After the significant funding increase received by the ODPP from 1 February 2006, the Office has seen a reinforced Corporate Services Division, the introduction of Paralegals in Trial Teams, and an expanded role for Practice Managers and Senior State Prosecutors.

To that end, the ODPP structure remains effectively based on the core business of the Office. However, it has been considerably strengthened through the significant increase in staff and a greater emphasis on performance management and leadership. The ODPP is comprised of five legal teams (three Trial Teams, a

Confiscations Team, and a combined Children's Court, Drug Court, Stirling Gardens Magistrates Court, and Sentencing Team), which report to the Director Legal Services; a Corporate Services Division and a policy section. Four Consultant State Prosecutors report directly to the Director Legal Services and one SC³ Consultant State Prosecutor reports directly to the DPP. The Director of Public Prosecutions, Director Legal Services, Director Corporate Services and the five Consultant State Prosecutors form the Corporate Executive of the ODPP.

Trial Teams

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

Confiscations Team

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

Children's Court, Drug Court, Stirling Gardens Magistrates Court, and Sentencing Team

This Team, headed by a Practice Manager, has responsibility for the management of early pleas of guilty in the District and Supreme Courts (including all Fast Tracks). The Team also appears for the State in the Drug Court and undertakes Children's Court prosecutions.

Consultant State Prosecutors

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

³ Senior Counsel, formerly known as Queens Counsel

The Corporate Services Division

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

5. POLICY SECTION

The Policy Section reports directly to the Director of Public Prosecutions and is responsible for legislative reform conducted by the Office. This team also provides advice upon request to the Attorney General, other Ministers and external bodies on the operation of the law.

Employment Statistics

As at 30 June 2008 the ODPP comprised of:

227 staff (head count) or 209.83 (full-time equivalent)

ODPP Western Australia – Organisation Chart 2008

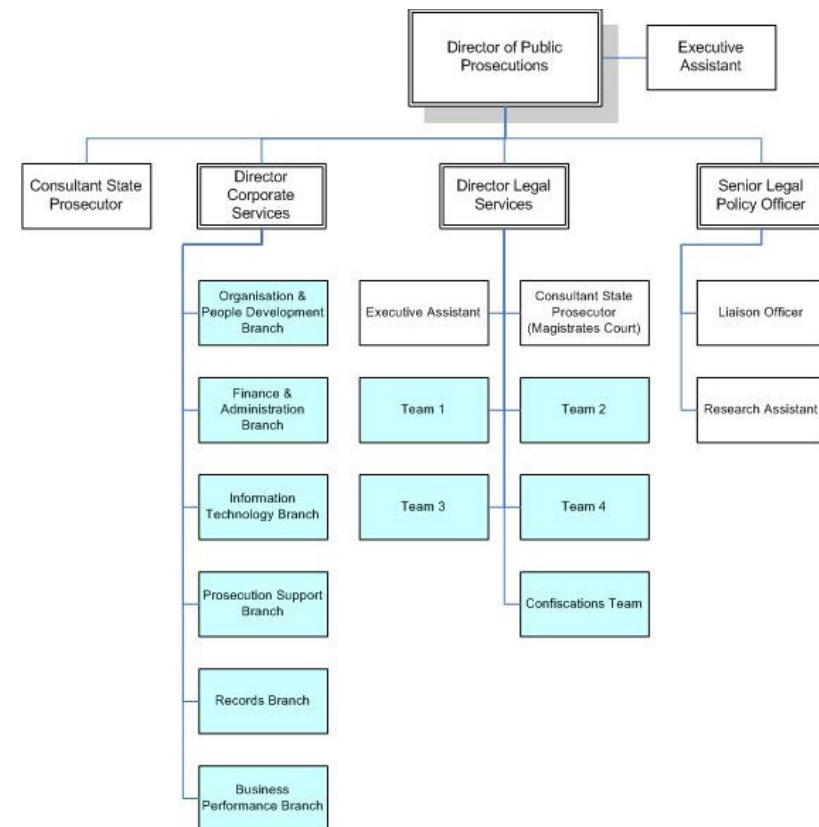


Table T19 provides a breakdown of the composition of the workforce based on **headcount** as at 30 June 2008;

All staff	Legal Practice			Corporate Support			TOTAL			%
<i>Position</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	
Lawyers	109	56	53	0	0	0	109	56	53	48%
Legal ⁴ /Corporate Support	74	18	56	44	19	25	118	37	81	52%
TOTAL	183	74	109	44	19	25	227	93	134	
Percentages (Of Total)	81%			19%			41%	59%		

KEY: T= Total M = Male F = Female

T19: Breakdown of staff composition as at 30 June 2008

Policy and Legislative Reform

Ongoing Liaison

Victims of Crime Reference Group

The ODPP continued to send a representative to the Victims of Crime Reference Group (VOCRG), established in October 2006 by the Attorney General to advise Government on the needs of victims and recommend improvements to the criminal justice system. The group initially met in February 2007 and is chaired by former Attorney General Cheryl Edwardes. During the reporting period the VOCRG was involved in the ongoing development of a 'one-stop-shop' website for victims of crime in Western Australia. Other issues included the establishment of a working group, on which the ODPP representative also sits, to consider amendments to the *Victims of Crime Act 1994* to further help victims.

Aboriginal Benchbook

ODPP legal staff continued to assist in the update and review of the Aboriginal Benchbook for Western Australian Courts, which was completed in June 2008.

Stirling Garden Magistrates Court Project

The Stirling Gardens Magistrate Court Project began in early 2008 to support the Supreme Court's initiative of case-managing armed robbery and homicide matters. The Project has resulted in a marked increase in the number of guilty pleas due to active plea negotiation and early considerations with defence counsel. The success of the Project is anticipated to continue with the appointment of permanent staff members to the Project.

⁴ Legal Support includes paralegals, secretaries and clerical staff.

District Court Procedures Committee

The Office established the District Court Procedures Committee, convened by Sam Vandongen. The Committee meets with relevant stakeholders to form responses to the District Court Criminal Listings Project, due to begin September 2008.

Community Development and Justice Standing Committee's Parliamentary Inquiry into the Prosecution of Assaults and Sexual Assaults

The Inquiry's terms of reference were to inquire into and report on the decisions made in the past five years by the ODPP not to proceed with prosecutions in relation to assaults or sexual offences. These were amended to include the adequacy of support services for victims. The ODPP actively assisted the Inquiry by providing relevant files and statistics to the Committee, as well as attending to give evidence and making a submission that recommended initiatives to address the negative impact of court processes on complainants. The Inquiry delayed its reporting until 10 April 2008, when it made 48 findings and 37 recommendations across a gamut of issues affecting sexual assault matters, including the establishment of witness assistance officers in the ODPP and that the ODPP and the Department of the Attorney General investigate the merits of and report on therapeutic jurisprudence.

ODPP Statement of Prosecution Policy and Guidelines

The Prosecution Policy and Guidelines were revised this year to provide for enhanced consultation and reporting requirements with the Police and victims in circumstances where prosecutors are considering discontinuances or are engaged in significant charge negotiation.

Legislative Reform

The Criminal Law and Evidence Amendment Act 2008

The Office was again actively engaged in the legislative reform process. The Office instructed the draftsman on the Bill which was enacted as the *Criminal Law and Evidence Amendment Act 2008* which came into operation in April 2008 and introduced significant and long-awaited reforms. Also, the Office recommended the introduction of a new offence of unlawful assault causing death, part of the overall package of reform of the law of homicide contained in the *Criminal Law Amendment (Homicide) Act 2008* which was assented to on 27 June 2008 and commenced on 1 August 2008. The Office has actively promoted reforms to modify the law applying an automatic one-third reduction in sentencing for serious crimes.

SECTION 3: REPORT ON GOVERNMENT POLICIES (“Better Planning: Better Futures”)

GOAL 1: BETTER SERVICES

Disability Access and Inclusion Plan Outcomes

Further to the development in 2007 of the *ODPP Disability Access and Inclusion Plan (DAIP) 2007-2012*, the Office has progressed implementing priority strategies. Achievements for 2007/08 include:

- Established a governance framework to implement, monitor and review the DAIP.
- Conducted six Disability Awareness Workshops of which 101 employees attended.
- Improved internal and external building access issues and signage.
- Reviewed and revised ODPP pamphlets to make them as accessible as possible, including rewriting them in clear and concise language and adding a statement on how to obtain them in alternative formats upon request.

Substantive Equality

As per the Premier's Circular 2005/07 all Departments represented on the Strategic Management Council are required to report on their commitment to the Policy framework for Substantive Equality. The ODPP is not represented on the Strategic Management Council and therefore not required to report on this initiative.

Occupational Safety and Health

The ODPP is committed to providing and maintaining a safe workplace that is free of work-related injuries and diseases, and that in the event an injury occurs, it is managed quickly and properly so that the injured worker can remain at work or return to work at the earliest opportunity.

A consultant has been engaged to develop, in consultation with key stakeholders, the *ODPP Occupational Safety and Health Policy and Management System*, including a formal mechanism for consultation with employees on OSH matters, and the *ODPP Injury Management Policy and System*.

The ODPP's performance against the 2007/08 annual targets are stated in Table T20:

Indicator	Target 2007/08	Actual
Number of fatalities	Zero (0)	0
Lost time injury/diseases (LTI/D) incidence rate	Zero (0) or 10% reduction on previous year	0
Lost time injury severity rate	Zero (0) or 10% improvement on previous year	0

T20: ODPP's performance against the 2007/08 annual targets

In 2007-08, the Office achieved the following in the identified priority areas for implementing a safe workplace in the ODPP:

Employee Assistance Program

- The ODPP recognises that in the course of providing a prosecution service its employees are exposed to graphic and stress provoking experiences which over time can take its toll on employees' health and wellbeing. To provide support to its employees, the ODPP conducted two *Recognising & Managing Stressful Experiences Workshops* that were designed with feedback from senior members of the Office and the expertise of the ODPP's Employee Assistance Provider, PRIMEPSYCH. The 29 employees who participated in the workshop were provided with meaningful and practical learning experiences and the opportunity:
 - to gain a greater understanding of the short and long-term impact of being exposed to stressful experiences; and,
 - to develop practical skills, methods, techniques and strategies to manage these stressful experiences effectively.
- Information on the ODPP's EAP provider was published on the Intranet and made readily available in staffrooms and common areas.

Ergonomics and Manual Handling

- Engaged an ergonomist to conduct an Ergonomic and Manual Handling Workshop and conduct approximately 50 individual worksite assessments, including the provision of advice and assistance to set up the employee's workstation to meet optimal ergonomic standards. An Action Plan was developed to address across the Office issues;
- Developed and published procedures on the Intranet for employees to directly engage, as required, an ergonomist to assess their worksite and for the purchasing of recommended equipment; and,
- Published on the Intranet guidance material for employees to self-assess and correctly set-up their workstation.

Eyesight Screening and Testing

- Revised and published on the Intranet the procedures for *Eyesight Screening and Testing* and the reimbursement of costs.

Bullying in the Workplace

- Published on the Intranet guidance material on what is bullying, what to do if you think you are being bullied, and how to respond to bullying complaints.

GOAL 2: JOBS AND ECONOMIC DEVELOPMENT

Financial Matters

Salaries

Table T21 shows the breakdown and classification of staff members and salaries within the ODPP.

ODPP STAFF PER LEVEL 2007/08 (HEAD COUNT)					
<i>Classification</i>	<i>Occupational</i>	<i>Salary</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
<i>Level</i>	<i>Group</i>	<i>(\$ per annum)</i>			
Trainee	Administrative	\$12,311	3	2	5
Level 1	Clerical / Administrative	\$16,694 - \$40,609	8	2	10
Level 2	Administrative	\$42,017 - \$46,686	24	11	35
Level 3	Paralegal / Administrative	\$48,409 - \$52,560	31	12	43
Level 4	Administrative	\$54,510 - \$57,609	10	2	12
Level 5	Coordinator	\$60,638 - \$67,017	1	2	3
Level 1LG (2/4)	Legal	\$61,596- \$68,951	5	3	8
Level 2LG (4/5)	Legal	\$66,702 – 80,275	15	7	22
Level 6	Managerial	\$70,564 - \$78,138	2	4	6
Level 7	Managerial	\$82,227 - \$88,131	1	1	2
Level 3LG (6/7)	Legal	\$88,805 - \$95,181	14	7	21
Level 8	Managerial	\$93,131 - \$101,155	1	0	1
Level 4LG (7/8)	Legal	\$100,581 - \$119,285	7	5	12
Level 9 (SES)	Managerial	\$106,702 - \$114,723	0	1	1
Level 5LG (Class 1)	Legal	\$130,883	3	17	20
Level 6LG (Class 3)	Legal	\$144,842 - \$162,847	9	9	18
Level 7LG (Class 4)	Legal	\$171,346	0	2	2
Salaries & Allowances Tribunal	Executive / Legal	\$221,384 - \$327,235	0	6	6
TOTAL	-	-	134	93	227

Note: that this table is based on headcount, and includes a number of part-time staff.

T21: Breakdown of staff per level (by head count) as at 30 June 2008

Brief Out Expenditure

The following table shows the pattern of expenditure for external briefing of matters. The ODP's brief out varies significantly due to various factors including, but not limited to, court workload, staff absence and trials listed for extended periods. With recruitment of a significant number of new prosecutors since February 2006, the internal resourcing situation has improved, and the number of court appearances briefed out has reduced from 17 per cent in the 2006/07 period to 13 per cent in the 2007/08 period, with a consequential reduction in expenditure as shown in table T22 below. For further information refer to the section in the Report on Operations entitled Brief Out on page 22.

Brief Out	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Number of trial matters briefed	458	161	276	422	563	220	145
Expenditure	\$869,635	\$386,389	\$604,929	\$841,446	\$1,267,059	\$746,691	\$439,977
% variation to previous year	+28%	-56%	+57%	+39%	+51%	-41%	-41%

T22: Brief Out Expenditure from 2001/02 to 2007/08

GOAL 3: LIFESTYLE AND THE ENVIRONMENT

Waste Paper Recycling

The ODP is committed to reducing the amount of waste paper produced by the day-to-day running of the Office. The Office continues to engage the services of Security Shredding Services to remove and recycle confidential and non-confidential documentation. Collection occurs on a regular basis, generally every two-to-three weeks, for the recycling stations located across all nine floors of the Office.

Energy Smart Initiative

The ODP implemented energy saving initiatives to help reduce energy consumption as part of the fit-out of its new premises in April 2007. These initiatives include:

- The installation of motion sensor lighting in individual offices, automatically turning off lights after 20 minutes of inaction;
- The use of temperature control systems in meeting rooms, so that any rooms not used on a regular basis do not consume energy from the main air conditioning systems; and,
- The purchase of more energy efficient appliances for use in kitchens.

Energy consumption figures for the 2007/08 reporting period are not available at this time.

GOAL 4: REGIONAL DEVELOPMENT

The Regions

Outcome 1: Government decision-making is based on a thorough understanding of regional issues

In 2008 the ODPP held a two-day Aboriginal Cross-Cultural Awareness to Consciousness Workshop and, as a direct result of this and other consultation, has developed and implemented a three-year Reconciliation Action Plan which outlines 51 separate actions.

The ODPP has been an active participant in the Indigenous Justice Taskforce, which in 2007/08 has addressed issues of child sexual abuse in the Kimberley region. This, together with the ongoing Kalgoorlie pilot program, has enabled ODPP staff to consult with members of the Kimberley and Kalgoorlie Aboriginal communities about procedures used by the ODPP to prepare matters for trial. New procedures put in place as a result of this consultation are now standard operating procedure for the ODPP in Kalgoorlie, the Kimberley and other major regional centres.

Outcome 2: Planning in partnership for a sustainable future

The ODPP is committed to the improvement of the service provided to regional centres. The opening of new channels of communication and greater use of existing regional links and networks will be crucial in achieving this outcome.

In 2007 the ODPP was represented at the Network Resource Group. This forum was established to allow criminal justice agencies to discuss the issues faced by Aboriginal people taking part in court proceedings.

Specific service delivery improvements are explained in Outcome 3.

Outcome 3: Effective Government service delivery to regions

The ODPP recognises that it needs to continue to make improvements in this area. The ODPP's 51 point Reconciliation Action Plan has and will continue to direct and bring focus to our efforts to achieve this important outcome.

The ODPP does not have regional offices and conducts all case preparation from Perth. However, increased resources have allowed the ODPP to send more prosecutors out to cover circuit courts in 2007/08, whereas in previous years these services may have been contracted out.

In 2007/08 the ODPP has dedicated a team of prosecutors and paralegal staff to the Indigenous Justice Taskforce. This team has established strong lines of communication within the region and prosecutors have made regular visits to remote communities to speak with witnesses and victims before conducting the cases in person. The regional knowledge and expertise gained by this ODPP team is invaluable and is already being passed on to colleagues.

GOAL 5: GOVERNANCE AND PUBLIC SECTOR IMPROVEMENT

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

Record keeping Systems Review

Our Recordkeeping Plan is presently being reviewed and an amended Plan is due to be submitted by 31 December 2009.

Record keeping Training Program

In 2007/08, an on-line Recordkeeping Awareness Training programme was evaluated and is scheduled for implementation in September 2008 to all staff.

Effectiveness of Record Keeping Training

A review of the effectiveness of the ODPP's Records Keeping Training will be undertaken within 12 months of the introduction of the online training programme.

Induction Program

An Induction Program to address employee and contractor roles and responsibilities in regard to their compliance with our Recordkeeping Plan is to be developed in 2008/09. The Induction program includes Recordkeeping Awareness and recordkeeping training specifically tailored to the role of the new employee within the ODPP.

Advertising

Section 175ZE of the *Electoral Act 1907* requires public sector agencies to publish details of all expenditure incurred in 2007/08 on advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies. Other than expenditure associated with advertising staff positions, the ODPP did not incur any expenditure in the above areas in this reporting period.

Sustainability

In accordance with Premier's Circular 2004/14, Non-SES agencies are not required to report on this initiative. The ODPP is not an SES agency⁵ and not required to report on this initiative.

Compliance with Public Sector Standards and Ethical Codes

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

There were three claims of breach of the Recruitment, Selection and Appointment Standard, of which one claimant withdrew the claim within 15 working days after lodging it and the other two claimants withdrew their claims after the Conciliation meeting.

Significant action taken to monitor and ensure compliance included:

- Developed a comprehensive list of human resource management delegations consisting of the powers and duties, conferred or imposed on the Director of Public Prosecutions, in accordance with relevant legislation, awards, agreements, treasurer's instructions, administrative instructions, approved procedures, government policy, circulars and directives and Office policy and procedures for human resource issues. Each delegation was examined to determine the appropriate minimum level of delegated authority within the Office in accordance with the following principles:
 - The level of sensitivity in relation to the employee and or Government/Office policy;
 - The appropriate level of management responsibility;
 - Impact at the "whole of Office" level; and,
 - Provision of a consistent approach across the Office.
- Conducted two Selection Panel Training workshops which 21 employees attended.
- Conducted two Conflict of Interest workshops which 35 employees attended.
- Published on the Intranet:
 - Guidance material for managers/panel members on recruitment, selection and appointment; and,
 - Guidance material for all employees on ethical conduct.

⁵ SES Agencies are listed in column 2 of Schedule 2 of the *Public Sector Management Act 1994*

Public Interest Disclosures

In 2007/08, the Office did not receive any matters raised under the PID Act nor were any carried over from the previous financial year. The *ODPP Public Interest Disclosure Internal Procedures* and supporting information and documentation were published on the Intranet.

Corruption Prevention

The ODPP has undertaken, or is undertaking, a number of measures to reduce the potential for corruption and misconduct within the agency. These measures are:

- Conducting Conflict of Interest workshops presented by the Corruption and Crime Commission;
- Posting Corruption Prevention Newsletters on the ODPP Intranet and providing a link to the CCC;
- Publishing guidance material on ethical conduct on the Intranet for all employees to access;
- Reiterating with ODPP staff the *Strategic Information Management and Technology Plan 2006-2008*, which sets out strategies to improve the administration and security of confidential or sensitive information within the agency; and,
- Reviewing ODPP Risk Management Plan and Risk Management procedures (incorporating corruption prevention) throughout the agency, from which further corruption prevention strategies will be implemented.

In addition to the 33 staff who attended Conflict of Interest workshops in the 2006/07 reporting year, an additional 35 employees attended two workshops conducted by the Corruption and Crime Commission in November 2007.

It is intended that, subsequent to the revised ODPP Code of Conduct in 2008, all staff will attend an *Accountable and Ethical Decision Making in the WA Public Sector* workshop. A training provider has been engaged to deliver these workshops in 2008/09.

SECTION 4: KEY PERFORMANCE INDICATORS AND FINANCIAL STATEMENTS

INTRODUCTION TO KEY PERFORMANCE INDICATORS INFORMATION

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

ODPP MISSION

The mission of the ODPP is to *provide the people of Western Australia with an independent and effective criminal prosecution service, which is both fair and just.*

ODPP OUTPUTS

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

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

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

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

Representing the State in criminal proceedings places obligations on prosecutors to adhere to legal principles and published guidelines issued under Section 24 of the *Director of Public Prosecutions Act 1991*. To prosecute fairly is to prosecute according to law and in accordance with the ODPP's published Statement of Prosecution Policy and Guidelines⁶ which amplifies the relevant legal principles. Those principles are fundamental to our criminal justice system, are of universal application and govern matters on which the State is accountable to the accused person and the court.

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

The following four key performance indicators were developed to reflect the performance of the ODPP in meeting its outcome of providing the state with a fair and independent criminal prosecution service. As reported on in the 'Review of Key Performance Indicators' section (pages 32 – 33), these performance indicators have been revised, effective 1 July 2008, and as such the revised key performance indicators will be reported on in next year's Annual Report.

Output 2 – Confiscations of Assets was introduced in the 2002/03 financial year. The role of the ODPP under this output is to confiscate property acquired as a result of criminal activity, property used for criminal activity and the property of a declared drug trafficker. Much of this work is conducted in close co-operation with the WA Police Service and is largely subject to the *Criminal Property Confiscation Act 2000*. Again, performance indicators relating to Confiscations of Assets have been revised, effective 1 July 2008, and as such the revised key performance indicators will be reported on in next year's Annual Report.

⁶ Available on the ODPP website: www.dpp.wa.gov.au



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

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

The financial statements comprise the Balance Sheet as at 30 June 2008, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

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

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

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer "<http://www.audit.wa.gov.au/pubs/Audit-Practice-Statement.pdf>".

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

Office of the Director of Public Prosecutions
Financial Statements and Key Performance Indicators for the year ended 30 June 2008

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Office of the Director of Public Prosecutions at 30 June 2008 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Office provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Office are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the year ended 30 June 2008.



COLIN MURPHY
AUDITOR GENERAL
19 September 2008



KEY PERFORMANCE INDICATORS

STATEMENT OF CERTIFICATION

I hereby certify that the Performance Indicators are based on proper records and fairly represent the performance of the Office of the Director of Public Prosecutions for the year ending 30 June 2008.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

Robert Cock QC
DIRECTOR OF PUBLIC PROSECUTIONS
ACCOUNTABLE OFFICER

DATE: 16 September 2008

Service 1 – Criminal Prosecutions

Indicator No. 1 Establishing a Case to Answer

The State will satisfy the Court in more than 98 per cent of trials that there is a case to answer.

Explanatory Note

This indicator rests upon a fundamental legal proposition that the State must establish a prima facie case against an accused person. The question of whether a prima facie case exists is a matter of law and involves a consideration of the evidence to determine whether the trier of fact (usually the jury) could conclude beyond reasonable doubt that all of the elements of the offence have been established.

Unless the available and admissible evidence establishes a prima facie case against an alleged offender, the prosecution must fail as a matter of law. The judge will terminate the proceedings because there is no case to answer.

Where, in the opinion of the ODPP, the available material does not support a prima facie case, the prosecution should not proceed under any circumstances. It is necessary therefore for the ODPP to make sure that the charges proceeded with to trial meet the required legal standard through an accurate, objective and professional assessment of the case.

This indicator measures the effectiveness with which that case assessment has been performed and the fairness of the decision to prosecute.

Performance Outcome 2007/08

In 2007/08 the Court listed 1150 trials, 547 of which proceeded. Of the 547 proceeded trials, the ODPP demonstrated a case to answer in 543 trials (99.3 per cent).

Trends Over Time

Performance in this indicator has consistently achieved the target set.

Year	Case to answer
2007/2008	99.3% ¹
2006/2007	98.8%
2005/2006	98.0%
2004/2005	96.7%

¹ The estimate from the 2007/08 Budget Statements was 98%

Service 1 – Criminal Prosecutions

Indicator No. 2 Convictions After Trial

The ODPP should secure a conviction for an offence in not less than 50 per cent of criminal trials on indictable matters.

Explanatory Note

Convictions after trial result from decisions of juries, or, for Judge Alone Trials (a small number of cases) decisions of the Judge. It is not the role of the ODPP to secure convictions at any cost; rather to fairly and effectively present the evidence to the jury or Court. Nonetheless, it would be surprising and perhaps a cause for community concern if the conviction rate after trial consistently fell below 50 per cent.

Note that this indicator measures the result after an accused person has put the State to proof in a criminal trial, and as such does not include the large number of cases where the accused has pleaded guilty before trial.

This indicator provides some measure of the effectiveness of the ODPP to prosecute indictable matters and in part may be seen as confirming the propriety of the decision to prosecute.

Performance Outcome 2007/08

Of the 547 trials which proceeded in the District or Supreme Court in 2007/08, 301 trials resulted in a conviction against one or more accused, for one or more charges brought against them (55.0 per cent).

Trends Over Time

Year	Convictions after trial
2007/2008	55.0%
2006/2007	48.2%
2005/2006	53.0%
2004/2005	54.6%

Service 1 – Criminal Prosecutions

Indicator No. 3 Early Advice to Court on Charges

At least five working days before the first appearance of a case in the District or Supreme Court, the ODPP will file an indictment or a notice of discontinuance in the relevant Court Registry.

Explanatory Note

An **indictment** is the fundamental document providing the accused person with knowledge of the charges to be answered and giving the court the jurisdiction to deal with the charges.

A **notice of discontinuance** is a document giving formal advice to the court that charges against an accused person will not be proceeded with.

The indictment permits the court to proceed and a notice of discontinuance terminates proceedings.

This indicator is a measure of efficiency in that it sets a timeframe within which the ODPP will advise the court in each case of its decision to proceed with or discontinue charges.

The indicator also goes to an issue of fairness in that the indictment documentation permits the court to regulate its listings and permits the accused person time to take advice and make an early decision on a plea.

The preparation of an indictment by the ODPP is subject to a number of factors that may cause delays in the filing of the indictment, adversely affecting the timeliness outcome measured by this performance indicator. These factors include consideration of negotiated pleas, the need for further police investigations, awaiting the results of drug or forensic analysis, and others.

Performance Outcome 2007/08

In 54.8 per cent of prosecutions, the indictment or the notice of discontinuance was filed with the court at least five working days before the first appearance of the case. Including cases filed less than five working days before the first appearance, the ODPP filed an indictment or notice of discontinuance before the first appearance of the case in 71.3 per cent of matters.

Trends Over Time

Year	Early Advice
2007/2008	54.8%
2006/2007	53.0%
2005/2006	40.6%
2004/2005	45.0%

Service 1 – Criminal Prosecutions

Indicator No 4. Cost per Prosecution

In conducting criminal prosecutions the ODPP will use its resources to achieve an optimal cost per prosecution.

Explanatory Note

As a Consolidated Fund agency with no capacity to levy fees or charges for its services the ODPP has no need to maintain a comprehensive matter costing system.

Criminal prosecutions vary greatly as to type of offence, complexity and length. Some matters may be concluded within a short time upon an early plea of guilty. Others requiring a trial and perhaps an appeal may not be concluded for a number of years and can be very demanding of resources.

Given these factors, it is difficult to provide an accurate and meaningful cost per prosecution. The figure below has been determined by dividing the number of committals into the ODPP's "Total Cost of Services".

Performance Outcome 2007/08

With the above qualifications, the average cost per criminal prosecution in 2007/08 was about \$11,254.

Trends Over Time

The outcome for 2007/08 is consistent with previous years as illustrated by the following table.

Year	Cost Per Matter
2007/2008	\$11,254 ²
2006/2007	\$10,931
2005/2006	\$8,531
2004/2005	\$6,543

² The estimate from the 2007/08 Budget Statements was \$11,525

Service 2 – Confiscation of Assets

Indicator No 1. Successful Applications for Freezing Orders

The ODPP will satisfy the Court in more than 95 per cent of applications for a Freezing Order that an order should be made by the Court.

Explanatory Note

A Freezing Order is obtainable by the ODPP under the Criminal Property Confiscation Act and is designed to stop property being disposed of or otherwise dealt with until the Court determines the confiscation proceedings.

The ODPP determines through objective and professional assessment whether there is sufficient evidence to justify making an application for a Freezing Order. Where, in the opinion of the ODPP, the available material does not support a Freezing Order, the ODPP will not make such an application.

This indicator measures the effectiveness of the assessment as to the decision to seek a Freezing Order.

Performance Outcome 2007/08

There were nine applications made for freezing orders in the 2007/08 period, all of which were successful.

Trends Over Time

Since the beginning of the Criminal Property Confiscation Act, the Court has been satisfied that a Freezing Order should be made in relation to every application by the ODPP.

The outcome for 2007/08 is consistent with previous reporting years as illustrated in the following table.

Year	Successful Applications for Freezing Orders
2007/2008	100% ³
2006/2007	100%
2005/2006	100%
2004/2005	N/A (Nil applications)

³ The estimate from the 2007/08 Budget Statements was 95%

Service 2 – Confiscation of Assets

Indicator No 2. Cost per Matter

In conducting confiscation matters the ODPP will use its resources to achieve an optimal cost per matter.

Explanatory Note

Confiscation proceedings vary greatly as to the type of application, complexity and length of time required to resolve them. Some proceedings can be dealt with relatively quickly, such as where there is no objection to the application for confiscation. Some proceedings are, by virtue of the underlying factual matrix or by virtue of the type of application, for example, applications for unexplained wealth declarations, complex in nature. Some proceedings that do not appear to be complicated may result in a number of objections which raise complex legal and factual issues and which may require comprehensive financial analysis and investigation. Proceedings may also take considerable time where the criminal charges must be finalised first, including the trial and appeals processes, which can take a number of years and, accordingly, can be very demanding of resources.

Given these factors, it is difficult to provide an entirely meaningful average cost per matter reflective of the practice of the section as a whole. The figure below has been determined by dividing the total number of objections on hand as at June 30 into the total cost of running the ODPP Confiscation team.

Performance Outcome 2007/08

With the above qualification, the average cost per matter in 2007/08 was \$3,951.

Trends Over Time

In July 2007, the Attorney General approved additional funding from the Confiscations Proceeds Account to enable the confiscations team to reduce the continuing backlog of casework relating to confiscations.

Year	Cost per Matter
2007/2008	\$3,951 ⁴
2006/2007	\$2,599
2005/2006	\$2,538
2004/2005	\$2,494

⁴ The estimate from the 2007/08 Budget Statements was \$2,270



**CERTIFICATION OF FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2008**

The accompanying financial statements of the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2008.

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

Peter Byrne

Chief Finance Officer

Date: 17/9/08

Robert Cock QC

Accountable Authority

Date: 17 September 2008

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Income Statement

for the year ended 30 June 2008

	Note	2008 \$	2007 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	20,439,139	18,094,063
Supplies and services	7	4,195,823	3,546,107
Depreciation expense	8	638,858	220,779
Accommodation expenses	9	1,814,021	2,707,194
Loss on disposal of non-current assets	11	22,080	207,811
Other expenses	10	1,617,512	1,632,370
Total cost of services		<u>28,727,433</u>	<u>26,408,324</u>
Income			
Revenue			
Other revenue	12	144,021	159,432
Total income other than income from State Government		<u>144,021</u>	<u>159,432</u>
NET COST OF SERVICES		<u>28,583,412</u>	<u>26,248,892</u>
INCOME FROM STATE GOVERNMENT			
Service Appropriation	13	25,817,000	22,566,000
Contribution from Confiscation Proceeds Account		2,303,822	1,618,811
Liabilities assumed by the Treasurer		-	177,184
Resources received free of charge		1,533,049	928,213
Total income from State Government		<u>29,653,871</u>	<u>25,290,208</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		1,070,459	(958,684)

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Balance Sheet

as at 30 June 2008

	Note	2008 \$	2007 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23(a)	4,848,536	2,313,379
Receivables	15	147,263	287,347
Amounts receivable for services	16	1,673,000	1,470,000
Other current assets	17	13,985	5,507
Total Current Assets		<u>6,682,784</u>	<u>4,076,233</u>
Non-Current Assets			
Restricted cash and cash equivalents	14	200,000	119,000
Amounts receivable for services	16	-	-
Property, plant and equipment	18	5,321,533	5,215,951
Total Non-Current Assets		<u>5,521,533</u>	<u>5,334,951</u>
TOTAL ASSETS		<u>12,204,317</u>	<u>9,411,184</u>
LIABILITIES			
Current Liabilities			
Payables	20	1,257,084	672,027
Provisions	21	2,365,753	2,232,220
Total Current Liabilities		<u>3,622,837</u>	<u>2,904,247</u>
Non-Current Liabilities			
Provisions	21	1,714,965	1,368,882
Total Non-Current Liabilities		<u>1,714,965</u>	<u>1,368,882</u>
TOTAL LIABILITIES		<u>5,337,802</u>	<u>4,273,129</u>
Net Assets		6,866,515	5,138,055
EQUITY			
Contributed equity	22	6,972,760	6,314,760
Accumulated surplus / (deficiency)		(106,245)	(1,176,705)
Total Equity		<u>6,866,515</u>	<u>5,138,055</u>
TOTAL LIABILITIES AND EQUITY		<u>12,204,317</u>	<u>9,411,184</u>

The Balance Sheet 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 2008

	Note	2008 \$	2007 \$
Balance of equity at start of period		(958,684)	615,979
CONTRIBUTED EQUITY			
Balance at start of period	22	6,314,760	834,000
Capital contribution	22	658,000	3,405,000
Distribution to owners		-	2,075,760
Balance at end of period		<u>6,972,760</u>	<u>6,314,760</u>
ACCUMULATED SURPLUS			
Balance at start of period	22	(1,176,704)	(218,021)
Surplus/(deficit) for the period		<u>1,070,459</u>	<u>(958,684)</u>
Balance at end of period		<u>(106,245)</u>	<u>(1,176,705)</u>
Balance of equity at end of period		<u>6,866,515</u>	<u>5,138,055</u>
Total income and expense for the period (a)		1,070,459	(958,684)

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

(a) The aggregate net amount attributable to each category of equity is surplus of \$1,070,459 (2007: deficit \$958,684).

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Cash Flow Statement

for the year ended 30 June 2008

	Note	2008 \$	2007 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		25,466,000	22,281,000
Contribution from Confiscation Proceeds Account		2,303,822	1,618,811
Capital contributions		658,000	3,405,000
Holding account drawdowns		148,000	200,000
Net cash provided by State Government		<u>28,575,822</u>	<u>27,504,811</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits expense		(17,756,649)	(17,500,143)
Supplies and services		(7,720,601)	(6,604,618)
GST payments on purchases		(470,567)	(939,616)
Receipts			
Receipts from services		87,837	154,028
GST receipts on sales		7,492	32,357
GST receipts from taxation authority		659,344	715,918
Net cash provided by/(used in) operating activities	23(b)	<u>(25,193,144)</u>	<u>(24,142,074)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		-	-
Purchase of non-current physical assets		(766,520)	(2,729,225)
Net cash provided by/(used in) investing activities		<u>(766,520)</u>	<u>(2,729,225)</u>
Net increase/(decrease) in cash and cash equivalents		2,616,158	633,512
Cash and cash equivalents at the beginning of period		<u>2,432,379</u>	<u>1,798,867</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	23(a)	<u>5,048,537</u>	<u>2,432,379</u>

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

1 Office of the Director of Public Prosecutions mission and funding

The mission of the Office of the Director of Public Prosecutions (the "DPP" for the purpose of these notes) is to provide the people of Western Australia with an independent and effective criminal prosecution service which is both fair and just.

The DPP is funded by Parliamentary appropriations. It does not provide services on a fee-for-service basis. The financial statements encompass all funds through which the DPP controls resources to carry on its functions.

2 Australian equivalents to International Financial Reporting Standards

The DPP's financial statements for the year ended 30 June 2008 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the DPP has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The DPP cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the DPP for the annual reporting period ended 30 June 2008.

3 Summary of significant accounting policies

(a) General statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board (AASB) as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording.

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

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

(b) Basis of preparation

The financial statements have been prepared in accordance with Accounting Standard AAS29 'Financial Reporting by Government Departments' on the accrual basis of accounting using the historical cost convention.

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

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

(c) Reporting entity

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

(d) Contributed equity

UIG Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers in the nature of equity contributions 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 contributions (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.

Transfer of net assets to/from other agencies are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 23 'Equity'.

(e) Income

Revenue recognition

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

Sale of goods

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

Rendering of services

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

Interest

Revenue is recognised as the interest accrues.

Service Appropriations

Service Appropriations are recognised as revenue in the period in which the DPP gains control of the appropriated funds. The DPP gains control of appropriated funds at the time those funds are deposited into the DPP's bank account or credited to the holding account held at the Department of Treasury and Finance (DTF).

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the DPP. In accordance with the determination specified in the 2007-2008 Budget Statements, the DPP retained \$138,093 in 2008 (\$159,432 in 2007) from the Executive vehicle scheme and miscellaneous revenue.

Grants, donations, gifts and other non-reciprocal contributions

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

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

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the balance sheet date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

Gains

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

(f) Property, plant and equipment

Capitalisation/Expensing of assets

Items of property, plant and equipment costing \$1,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost. For items of property, plant and equipment acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the DPP uses the cost model for the measurement of property, plant and equipment. Items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Derecognition

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

Depreciation

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

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

Office equipment	10 years
Computer hardware	5 years
Computer software	5 years
Leasehold improvements	10 years

(g) Impairment of assets

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

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

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

(h) Leases

The DPP holds operating leases for buildings and motor vehicles. The lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Lease payments are expensed on a straight line basis over the lease term as this is representative of the pattern of benefits derived from the leases.

(i) Financial instruments

In addition to cash, the DPP has two categories of financial instruments:

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

These have been disaggregated into the following classes:

Financial Assets

Cash and cash equivalents

Receivables.

Financial Liabilities

Payables

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

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

(j) Cash and cash equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash, and which are subject to insignificant risk of changes in value.

(k) Accrued salaries

The accrued salaries suspense account (refer note 14) consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 20) represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. It also includes an estimate of backpay arising from the PSGA Salary award increment. Accrued salaries are settled within a fortnight of the financial year end. The DPP considers the carrying amount of accrued salaries to be equivalent to

(l) Amounts receivable for services (holding account)

The DPP receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement. See also note 13 'Income from State Government' and note 16 'Amounts receivable for services'.

(m) Receivables

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

(n) Payables

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

(o) Provisions

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

Provisions - employee benefits

Annual leave and long service leave

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

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price Waterhouse Coopers in 2008 has determined that the liability measured using the short hand method is not materially different from the liability measured using the present value of expected future payments.

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

Superannuation

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes.

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

The DPP has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by the Treasurer. All other GSS Scheme obligations are funded by concurrent contributions made by the DPP to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS Scheme obligations.

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

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

Provisions - other

Employment on-costs

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

(p) Superannuation expense

The following elements are included in calculating the superannuation expense in the Income Statement:

Defined benefit plans - Change in the unfunded employer's liability (i. e. current service cost and actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the GSS Scheme; and

Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the WSS and the GESBS Schemes.

Defined benefit plans - in order to reflect the true cost of services, the movements (i. e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer, a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement.

Defined contribution plans - in order to reflect the DPP's true cost of services, the DPP is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Account.

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

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided by the DPP in the current year.

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

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

(r) Comparative figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

(s) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with receivables or payables in the balance sheet.

The GST component of a receipt or payment is recognised on a gross basis in the statement of cash flows.

(t) Operating leases - incentives

In accordance with UIG 115 Operating Leases - Incentives the DPP recognises the incentives for a new or renewed operating lease as an integral part of the net consideration agreed for the use of the leased asset.

4 Services of the DPP

Information about the DPP's services is set out in the Schedule of Expenses and Revenues by Service. Information about DPP's administered expenses, revenue, assets and liabilities is set out in notes 31 and 32.

The two key services of the DPP are:

Service 1: Criminal Prosecutions

The DPP conducts prosecutions against people accused of serious breaches of the State's criminal laws. These prosecutions are principally conducted on indictments in the Supreme and District Courts sitting at Perth and also in major country locations. Prosecutions are conducted on behalf of the State, independently of external influences and in accordance with law and the DPP's published statements of prosecution policy and guidelines.

Service 2: Confiscation of Assets

The DPP will act effectively to institute and conduct proceedings in a just and fair manner to confiscate property acquired as a result of criminal activity, property used for criminal activity and property of a declared drug trafficker.

5 Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The DPP has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2007 that impacted on the DPP:

- (i) AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments and while there is no financial impact, the changes have resulted in increased disclosures, both quantitative and qualitative, of the DPP's exposure to risks, including enhanced disclosure regarding components of the DPP's financial position and performance, and changes to the way of presenting certain items in the notes to the financial statements.
- (ii) AASB 2007-4 Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments (AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038)'.

The amendments arise as a result of the AASB decision to make available all options that currently exist under IFRSs and that certain additional Australian disclosures should be eliminated. The Treasurer's instructions have been amended to maintain the existing practice when the Standard was first applied and as a consequence there is no financial impact.

- (iii) AASB Interpretation 12 Service Concession Arrangements. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the DPP if and when public-to-private service concession arrangements are entered into in the future. At balance sheet date, the DPP has not entered into any public-to-private service concession arrangements resulting in no impact as a consequence of the Interpretation being applied.

Future impact of Australian Accounting Standards not yet operative

The DPP cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the DPP has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the DPP but are not yet effective. Where applicable, the DPP plans to apply these Standards and Interpretations from their application date:

Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities 1 July 2008

The existing requirements in AAS27, AAS 29 and AAS 31 have been transferred to the above new and existing topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards make some modifications to disclosures, otherwise there will be no financial impact.

	2008	2007
	\$	\$
6 Employee benefits expenses		
Wages and salaries (a)	16,572,680	13,974,081
Annual and long service leave (b)	2,209,290	2,531,862
Superannuation - defined contribution plan (c)	1,657,169	1,410,936
Superannuation - defined benefit plans (c)(d)(e)	-	177,184
	<u>20,439,139</u>	<u>18,094,063</u>

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

(b) Includes a superannuation contribution component

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

(d) An equivalent notional income is also recognised (see Note 13 'Income from State Government').

(e) Advice from GESB indicates that this liability has decreased from the previous reporting period and therefore no adjustment is required for 2007/08.

	2008 \$	2007 \$
7 Supplies and services		
Consumables	495,393	612,533
Consultants and contractors (a)	3,061,904	2,304,581
Communication expenses	155,746	181,002
Electricity and water	68,957	87,024
Staff travel and accomodation	377,695	314,099
Insurance	36,128	46,868
	<u>4,195,823</u>	<u>3,546,107</u>

(a) Includes Services received free of charge totalling \$1,533,049 (2007 - \$928,213). See Note 13.

8 Depreciation expense

Leasehold improvements	457,141	46,092
Equipment	181,717	174,687
	<u>638,858</u>	<u>220,779</u>

9 Accommodation expense

Building rental operating lease expense	<u>1,814,021</u>	<u>2,707,194</u>
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10 Other expenses

Witness expenses	843,644	846,930
Equipment and vehicles operating lease expense	254,283	247,603
Building and equipment repairs and maintenance	22,848	68,551
Other expenses (a)	496,737	469,286
	<u>1,617,512</u>	<u>1,632,370</u>

(a) Includes facilities, equipment and plant hire; bank fees; motor vehicle running costs; freight charges; and staff training.

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

<u>Cost on disposal of non-current assets</u>		
Office equipment	(22,080)	(20,754)
Leasehold Improvements	-	(187,057)
<u>Proceeds from disposal of non-current assets</u>		
Office equipment	-	-
Leasehold improvements	-	-
Net gain/(loss)	<u>(22,080)</u>	<u>(207,811)</u>

12 Other revenues

Contributions to motor vehicle scheme	28,735	35,406
Other revenue	115,286	124,026
	<u>144,021</u>	<u>159,432</u>

	2008 \$	2007 \$
13 Income from State Government		
Appropriation revenue received during the year:		
Service appropriations (i)	25,817,000	22,566,000
Contribution from Confiscation Proceeds Account (ii)	2,303,822	1,618,811
	<u>28,120,822</u>	<u>24,184,811</u>
The following liabilities have been assumed by the Treasurer during the financial year: (iii)		
- Superannuation	-	177,184
	<u>-</u>	<u>177,184</u>
Resources received free of charge (iv)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	1,485,549	913,962
- State Solicitor's Office	16,754	-
Department of Housing and Works		
- property management services (notional management fee based on lease payments)	3,246	11,263
Valuer General's Office		
- valuation services	27,500	2,988
	<u>1,533,049</u>	<u>928,213</u>
Total income from State Government	<u>29,653,871</u>	<u>25,290,208</u>

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

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

(iii) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State scheme.

(iv) Where assets or services have been received free of charge or for nominal cost, the DPP recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable. The exception occurs where the contribution of assets or services are in the nature of contributions by owners, in which case the DPP makes the adjustment direct to equity.

14 Restricted cash and cash equivalents

Non-Current		
Accrued salaries suspense account (i)	200,000	119,000
	<u>200,000</u>	<u>119,000</u>

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

	2008 \$	2007 \$
15 Receivables		
Current receivables	74,006	17,549
GST receivable	73,530	269,798
Allowance for impairment of receivables	(273)	-
	<u>147,263</u>	<u>287,347</u>
Reconciliation of changes in the allowance for impairment of receivables:		
Balance at start of year	-	-
Doubtful debts expense recognised in the income statement	273	-
Amounts written off during the year	-	-
Amount recovered during the year	-	-
Balance at end of year	<u>273</u>	<u>-</u>
Ageing of receivables past due but not impaired based on the information provided to senior management, at the balance sheet date:		
Not more than 3 months	11,390	4,595
More than 3 months but less than 6 months	2,647	2,835
More than 6 months but less than 1 year	3,897	4,139
More than 1 year	4,513	3,450
	<u>22,447</u>	<u>15,019</u>
Receivables individually determined as impaired at the balance sheet date:	273	-
Carrying amount, before deducting any impairment loss	273	-
Impairment loss	(273)	-
	<u>-</u>	<u>-</u>

The DPP does not have any significant exposure to any individual customer or counterparty.

16 Amounts receivable for services

Current	1,673,000	1,470,000
Non-Current	-	-
	<u>1,673,000</u>	<u>1,470,000</u>

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

17 Other assets

Prepayments	<u>13,985</u>	<u>5,507</u>
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	2008 \$	2007 \$
18 Property, plant and equipment		
Leasehold improvements		
At cost	5,035,768	-
Accumulated amortisation	(457,141)	-
	<u>4,578,627</u>	<u>-</u>
Office Equipment and Computers		
At cost	1,498,886	1,646,498
Accumulated depreciation	(779,575)	(955,698)
	<u>719,311</u>	<u>690,800</u>
Work in progress		
At cost	23,595	4,525,151
Property, plant and equipment total	<u>5,321,533</u>	<u>5,215,951</u>

Reconciliations of the carrying amounts of property and equipment at the beginning and end of the current financial year are set out below.

Leasehold improvements		
Carrying amount at start of year	-	233,149
Additions	5,035,768	-
Disposals	-	(187,057)
Depreciation	(457,141)	(46,092)
Carrying amount at end of year	<u>4,578,627</u>	<u>-</u>
Office Equipment and Computers		
Carrying amount at start of year	690,800	606,407
Additions	232,308	279,834
Disposals	(22,080)	(20,754)
Depreciation	(181,717)	(174,687)
Carrying amount at end of year	<u>719,311</u>	<u>690,800</u>
Work in progress		
Carrying amount at start of year	4,525,151	-
Transferred to Leasehold Improvements	<u>4,501,556</u>	<u>4,525,151</u>
Carrying amount at end of year	<u>23,595</u>	<u>4,525,151</u>
Property, plant and equipment total	<u>5,321,533</u>	<u>5,215,951</u>

19 Impairment of assets

There were no indications of impairment to property, plant and equipment at 30 June 2008.

The DPP held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use.

All surplus assets at 30 June 2008 have either been classified as assets held for sale or written-off.

20 Payables

Current		
Trade payables	820,813	605,309
Accrued salaries and wages (i)	436,271	66,718
Total	<u>1,257,084</u>	<u>672,027</u>

(i) The last pay day of the 2007/08 financial year was on 26 June 2008. A salary accrual of two working days was required to be taken up. (2006/07, one working day of pay accrued.)

	2008 \$	2007 \$
21 Provisions		
<u>Current</u>		
<u>Employee benefits provision</u>		
Annual leave (a)	1,106,975	878,337
Long service leave (b)	1,062,069	1,096,051
Superannuation on-cost	173,174	196,233
	<u>2,342,218</u>	<u>2,170,621</u>
<u>Other provisions</u>		
Employment on-cost		
Carrying amount at start of year	61,599	51,433
Additional provisions recognised	-	10,166
Payments/other sacrifices of economic benefits	(38,064)	-
Carrying amount at end of year	<u>23,535</u>	<u>61,599</u>
	<u>2,365,753</u>	<u>2,232,220</u>
<u>Non-current</u>		
<u>Employee benefits provision</u>		
Long service leave (b)	1,586,482	1,201,751
Superannuation on-cost	109,862	128,001
	<u>1,696,344</u>	<u>1,329,752</u>
<u>Other Provisions</u>		
Other employee costs		
Carrying amount at start of year	39,130	28,386
Additional provisions recognised	-	10,744
Payments/other sacrifices of economic benefits	(20,509)	-
Carrying amount at end of year	<u>18,621</u>	<u>39,130</u>
	<u>1,714,965</u>	<u>1,368,882</u>

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(c) 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. The associated expense is included in note 10 'Other expenses'.

22 Equity

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

<u>Contributed equity</u>		
Balance at the start of the year	6,314,760	834,000
Capital contribution (a)	658,000	3,405,000
Transfer of asset from another agency	-	2,075,760
Total contributions by owners	<u>6,972,760</u>	<u>6,314,760</u>

(a) Capital contributions (appropriations) have been designated as contributions by owners in Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and are credited directly to equity.

<u>Accumulated surplus /deficit</u>		
Balance at the start of the year	(1,176,704)	(218,021)
Result for the period	1,070,459	(958,684)
Balance at the end of the year	<u>(106,245)</u>	<u>(1,176,705)</u>

23 Notes to the Cash Flow statement

(a) Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

	2008 \$	2007 \$
Cash advances	500	500
Cash and cash equivalents	4,848,036	2,312,879
Restricted cash and cash equivalents (Refer Note 14)	200,000	119,000
	<u>5,048,536</u>	<u>2,432,379</u>

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

Net cost of services	(28,583,412)	(26,248,892)
Non-cash items:		
Depreciation expense	638,858	220,779
Superannuation expense	-	177,184
Resources received free of charge	1,533,049	928,213
Net (gain)/loss on sale of property and equipment	22,080	207,811
<u>(Increase)/decrease in assets:</u>		
Current receivables	(56,183)	(5,404)
Other current assets	(8,477)	3,854
<u>Increase/(decrease) in liabilities:</u>		
Current payables	215,504	348,986
Current provisions	133,533	382,701
Other current liabilities	369,553	(341,828)
Non-current provisions	346,083	375,863
Change in GST in receivables/payables	196,268	(191,341)
Net cash provided by/(used in) operating activities	<u>(25,193,144)</u>	<u>(24,142,074)</u>

24 Commitments for expenditure

Lease commitments

Commitments in relation to leases contracted for at the Balance Sheet date but not recognised in the financial statements are payable as follows:

Within 1 year	2,393,141	2,308,242
Later than 1 year and not later than 5 years	10,045,123	9,676,744
Later than 5 years	21,707,468	24,350,136
	<u>34,145,732</u>	<u>36,335,122</u>

Representing:

Non-cancellable operating lease	34,145,732	36,335,122
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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.

25 Explanatory statement

Significant variations as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below.

Significant variations are considered to be those greater than 10% or \$50,000.

(i) Significant variances between estimate and actual for 2008 - Total appropriation to deliver services:

Total appropriation provided to deliver services for the year	2008	2008	Variance
	Estimate	Actual	
	\$	\$	
	24,885,000	25,817,000	932,000

In May 2008, all staff in positions in the 'specified calling' category were granted a significant salary increase which was dated from 1 July 2007. Funding was increased to cover this cost.

Significant variances between estimate and actual for 2008 - Details of expenses by service:	2008	2008	Variance
	Estimate	Actual	
	\$	\$	
Confiscation of assets	1,498,000	2,315,258	817,258

In July 2007, the Attorney General approved additional funding from the Confiscations Proceeds Account to enable the confiscations team to reduce the continuing backlog of casework relating to confiscations. The wage and salary increases under Public Sector General Agreements, which backdate to 26 February 2008, have also been accrued in the actual figures for 2008.

(ii) Significant variances between actuals for 2008 and 2007 - Total appropriation to deliver services:

Total appropriations provided to deliver services for the year	2008	2007	Variance
	\$	\$	
	25,817,000	22,566,000	3,251,000

Increased funding for outgoing financial years was approved in 2005 to enable DPP to restructure and align its expenditure to the government approved resource model. Additional funding was also provided under the Salaries and Allowances Act 1975 to cover two remuneration increases granted by the Tribunal. Funding was also increased to cover the cost of 'specified callings' category staff salary increases.

Total income	2,447,843	1,778,243	669,600
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In July 2007, the Attorney General approved additional funding from the Confiscations Proceeds Account to enable the confiscations team to reduce the continuing backlog of casework relating to confiscations.

Criminal Prosecutions	26,412,175	24,729,855	1,682,320
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The increase reflects rising remuneration rates for employees as well as a higher notional cost for services provided free of charge by the Department of the Attorney General.

	2008	2007	Variance
	\$	\$	\$
Confiscation of Assets	2,315,258	1,678,469	636,789

Additional funding was made available in 2007-08 to enable a reduction in case backlog to be achieved.

Significant variances between estimate and actuals for 2008 - Capital contribution:

No significant variances.

Significant variances between actuals for 2008 and 2007 - Capital contribution:

Capital contribution	658,000	3,405,000	(2,747,000)
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A capital contribution was provided in 2006-07 to facilitate the DPP relocating to International House. This work was largely completed in 2006-07. The capital contribution for 2007-08 enabled the DPP to upgrade its case management and record keeping systems.

27 Financial instruments

(a) Financial risk management objectives and policies

Financial instruments held by the DPP are cash and cash equivalents, restricted cash and receivables and payables. All of the DPP's cash is held in the public bank account (non-interest bearing). The DPP has limited exposure to financial risks. The DPP's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the DPP's receivables defaulting on their contractual obligations resulting in financial loss to the DPP. The DPP measures credit risk on a fair value basis and monitors risk on a regular basis.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 27(c).

Credit risk associated with the DPP's financial assets is minimal because the main receivable is the amount receivable for services (holding account). For receivables other than government, the DPP trades only with recognised, creditworthy third parties. The DPP has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the DPP's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Provision for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 15 "Receivables".

Liquidity risk

The DPP is exposed to liquidity risk through its trading in the normal course of business. Liquidity risk arises when the DPP is unable to meet its financial obligations as they fall due.

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

Market risk

The DPP does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the interest rate sensitivity analysis table at Note 27(c), the DPP is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing and have no borrowings.

(b) Categories of financial instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows:

	2008	2007
	\$	\$
Financial assets		
Cash and cash equivalent	4,848,536	2,313,379
Restricted cash and cash equivalents	200,000	119,000
Loans and receivables(a)	1,747,006	1,487,549
Financial Liabilities		
Financial liabilities measured at amortised cost	1,257,084	672,027

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

(c) **Financial instrument disclosures**

Credit risk, liquidity risk and interest rate risk exposures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The DPP's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown in the following table. The table is based on information provided to senior management of the DPP.

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

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

		Contractual Maturity Dates					Total
	Weighted average interest rate	Variable interest rate	1 year or less	2 to 5 years	Over 5 years	Non interest bearing	
2008	%	\$	\$	\$	\$	\$	\$
Financial assets							
Cash and cash equivalent						4,848,536	4,848,536
Restricted cash and cash equivalents						200,000	200,000
Receivables						74,006	74,006
Amounts receivable for services						1,673,000	1,673,000
Total financial assets		-	-	-	-	6,795,542	6,795,542
Financial liabilities							
Payables						1,257,084	1,257,084
Total financial liabilities		-	-	-	-	1,257,084	1,257,084

		Fixed interest rate maturities					Total
	Weighted average interest rate	Floating interest rate	1 year or less	2 to 5 years	Over 5 years	Non interest bearing	
2007	%	\$	\$	\$	\$	\$	\$
Financial assets							
Cash and cash equivalent						2,313,379	2,313,379
Restricted cash and cash equivalents						119,000	119,000
Receivables(a)						17,549	17,549
Amounts receivable for services						1,470,000	1,470,000
Total financial assets		-	-	-	-	3,919,928	3,919,928
Financial liabilities							
Payables						672,027	672,027
Total financial liabilities		-	-	-	-	672,027	672,027

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

Interest rate sensitivity analysis

The DPP is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing.

Net fair values

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

28 Remuneration of senior officers

Remuneration

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

\$	2008	2007
50,000 - 60,000	0	1
130,001 - 140,000	1	0
160,001 - 170,000	0	1
180,001 - 190,000	0	1
240,000 - 250,000	1	0
250,000 - 260,000	1	0
270,001 - 280,000	1	1
280,000 - 290,000	0	1
290,001 - 300,000	0	1
320,000 - 330,000	1	0
330,000 - 340,000	1	0
340,000 - 350,000	1	0
360,000 - 370,000	0	1
380,000 - 390,000	1	0
430,001 - 440,000	0	1
The total remuneration of senior officers is:	<u>\$2,300,154</u>	<u>\$2,070,616</u>

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

No senior officers are members of the Pension Scheme.

29 Remuneration of Auditor

Remuneration to the Auditor General for the financial year is as follows:

Auditing the accounts, financial statements and performance indicators	<u>\$23,700</u>	<u>\$21,000</u>
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30 Supplementary financial information

Write offs

During the financial year no amounts were written off under the authority of the Minister (2007: \$187,057).

There were no Pecuniary (Administered) penalty orders written off during the financial year (2007, nil).

Losses through theft, defaults and other causes

There were no losses of public moneys and other public property through theft or default during the financial year (2007, nil).

Gifts of public property

There were no gifts of public property by the DPP during the financial year (2007, nil).

Capital commitments.

Capital commitments at 30 June 2008 were \$0 (at 30 June 2007, \$0).

Events occurring after the balance sheet date

The capitalisation threshold increased from \$1,000 to \$5,000 from 1 July 2008.

Contingent liabilities and contingent assets

There were no contingent liabilities at the end of the financial year (2007, nil).

Related bodies

The DPP had no related bodies during the financial year (2007, nil).

Affiliated bodies

The DPP had no affiliated bodies during the financial year (2007, nil).

31 Administered expenses and revenues	2008	2007
	\$	\$
Expenses		
Transfer payments to Consolidated Fund	205,581	313,812
Total administered expenses	205,581	313,812
Income		
Misuse of Drugs Act	204,406	281,942
Petty Session forfeitures	1,175	31,870
Total administered revenues	205,581	313,812

There are no administered assets or liabilities

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Schedule of Income and Expenses by Service

for the year ended 30 June 2008

	Criminal Prosecutions		Confiscation of Assets		TOTAL	
	2008	2007	2008	2007	2008	2007
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses from ordinary activities						
Employee Benefits Expenses	18,577,279	16,922,016	1,861,860	1,172,047	20,439,139	18,094,063
Supplies and services	3,939,533	3,268,568	256,290	277,539	4,195,823	3,546,107
Depreciation expense	589,807	206,669	49,051	14,110	638,858	220,779
Accommodation expenses	1,708,854	2,582,574	105,167	124,620	1,814,021	2,707,194
Loss on disposal of non-current assets	22,063	194,739	17	13,072	22,080	207,811
Other expenses	1,574,639	1,555,289	42,873	77,081	1,617,512	1,632,370
Total cost of services	26,412,175	24,729,855	2,315,258	1,678,469	28,727,433	26,408,324
Income						
<i>Revenue</i>						
Other revenue	144,021	159,432	-	-	144,021	159,432
Total income other than income from State Government	144,021	159,432	-	-	144,021	159,432
NET COST OF SERVICES	26,268,154	24,570,423	2,315,258	1,678,469	28,583,412	26,248,892
INCOME FROM STATE GOVERNMENT						
Service appropriation	25,817,000	22,566,000	-	-	25,817,000	22,566,000
Contribution from Confiscation Proceeds Account	-	-	2,303,822	1,618,811	2,303,822	1,618,811
Liabilities assumed by the Treasurer	-	177,184	-	-	-	177,184
Resources received free of charge	1,533,049	871,103	-	57,110	1,533,049	928,213
Total income from State Government	27,350,049	23,614,287	2,303,822	1,675,921	29,653,871	25,290,208
Surplus/(deficit) for the period	1,081,895	(956,136)	(11,436)	(2,548)	1,070,459	(958,684)

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Summary of Consolidated Fund Appropriations and Income Estimates
for the year ended 30 June 2008

	2008 Estimate \$	2008 Actual \$	Variance \$	2008 Actual \$	2007 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 68 Net amount appropriated to deliver services	22,882,000	23,700,000	(818,000)	23,700,000	20,752,000	2,948,000
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	2,003,000	2,117,000	(114,000)	2,117,000	1,814,000	303,000
Total appropriations provided to deliver services	24,885,000	25,817,000	(932,000)	25,817,000	22,566,000	3,251,000
CAPITAL						
- Transfer of asset from another agency	-	-	-	-	2,075,760	(2,075,760)
Item 141 Capital Contribution	658,000	658,000	-	658,000	3,405,000	(2,747,000)
ADMINISTERED TRANSACTIONS						
Administered Grants and Transfer Payments	100,000	205,581	(105,581)	205,581	313,812	(108,231)
GRAND TOTAL	25,643,000	26,680,581	(1,037,581)	26,680,581	26,284,812	395,769
Details of Expenses by Service						
Criminal Prosecutions	26,190,000	26,412,175	(222,175)	26,412,175	24,729,855	1,682,320
Confiscation of Assets	1,498,000	2,315,258	(817,258)	2,315,258	1,678,469	636,789
Total Cost of Services	27,688,000	28,727,433	(1,039,433)	28,727,433	26,408,324	2,319,109
Less total income	(1,717,000)	(2,447,843)	730,843	(2,447,843)	(1,778,243)	(669,600)
Net Cost of Services	25,971,000	26,279,590	(308,590)	26,279,590	24,630,081	1,649,509
Adjustment (a)	(1,086,000)	(462,590)	(623,410)	(462,590)	(2,064,081)	1,601,491
Total appropriations provided to deliver services	24,885,000	25,817,000	(932,000)	25,817,000	22,566,000	3,251,000
Capital Expenditure						
Purchase of non-current physical assets	806,000	766,520	39,480	766,520	2,729,225	(1,962,705)
Adjustments for other funding sources	(148,000)	(108,520)	(39,480)	(108,520)	675,775	(784,295)
Capital Contribution (appropriation)	658,000	658,000	-	658,000	3,405,000	(2,747,000)
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income	100,000	205,581	(105,581)	205,581	313,812	(108,231)

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

The Summary of Consolidated Fund Appropriations and Revenue Estimates is to be prepared on an accruals basis.

The Summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.