



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

---

**2015/2016 Annual Report**



# Contents

<b>CONTACT DETAILS .....</b>	<b>3</b>
<b>PUBLICATIONS.....</b>	<b>3</b>
<b>FURTHER INFORMATION .....</b>	<b>3</b>
<b>GLOSSARY OF TERMS .....</b>	<b>4</b>
<b>STATEMENT OF COMPLIANCE .....</b>	<b>5</b>
<b>PART 1 OVERVIEW .....</b>	<b>6</b>
EXECUTIVE SUMMARY: FROM THE DIRECTOR .....	6
MISSION STATEMENT .....	9
OPERATIONAL STRUCTURE.....	10
ORGANISATION CHART .....	12
PERFORMANCE MANAGEMENT FRAMEWORK .....	13
SERVICES PROVIDED.....	14
SERVICE 1 CRIMINAL PROSECUTIONS .....	14
SERVICE 2 CONFISCATION OF ASSETS.....	17
<b>PART 2 AGENCY PERFORMANCE AND SIGNIFICANT ISSUES.....</b>	<b>18</b>
CRIMINAL PROSECUTIONS .....	18
MAGISTRATES COURTS .....	18
DISTRICT AND SUPREME COURTS .....	19
CHILDREN'S COURT .....	23
APPEALS .....	24
EXTRADITIONS .....	26
DANGEROUS SEXUAL OFFENDERS.....	27
CONFISCATION OF ASSETS .....	29
LEGISLATION AND LAW REFORM .....	32
INTER-AGENCY COMMITTEES AND WORKING GROUPS .....	37
BUSINESS IMPROVEMENT PROJECTS.....	39
INVESTING IN PEOPLE.....	40
<b>PART 3 DISCLOSURES AND LEGAL COMPLIANCE .....</b>	<b>42</b>
EMPLOYMENT STATISTICS .....	43
GOVERNANCE DISCLOSURES.....	44
PUBLIC INTEREST DISCLOSURES.....	44
OTHER LEGAL REQUIREMENTS .....	44
GOVERNMENT POLICY REQUIREMENTS .....	46
<b>PART 4 KEY PERFORMANCE INDICATORS AND FINANCIAL STATEMENTS .....</b>	<b>47</b>
AUDITOR GENERAL .....	47
KEY PERFORMANCE INDICATORS .....	51
FINANCIAL STATEMENTS.....	59
<b>INDEX OF TABLES .....</b>	<b>94</b>

## Contact Details

### Principal Office

Level 1, International House  
26 St George's Terrace  
Perth WA 6000

Telephone: (08) 9425 3999  
Free call for country callers: 1800 264 144  
Email: [dpp@dpp.wa.gov.au](mailto:dpp@dpp.wa.gov.au)

### Office hours

8:30 am to 5:00 pm week days.

An after-hours answering machine can take recorded messages if the office is not attended.

## Publications

The following publications are available from the ODPP:

### General information

- Annual Report to Parliament for each financial year since 1992/1993
- Statement of Prosecution Policy and Guidelines 2005
- Workforce & Diversity Plan 2012-2017
- Disability Access and Inclusion Plan 2014-2019

### Brochures

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

## Further Information

This report has been produced in line with the WA Public Sector Commission's *Annual Reporting Framework 2015/16* and meets the Framework's requirement that costs are kept to a minimum for graphics, photographs, artwork and printing.

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

For any further information on the operations of the ODPP please visit our website at [www.dpp.wa.gov.au](http://www.dpp.wa.gov.au) or contact us via any means outlined above.

## Glossary of Terms

<b>Accused</b>	The person alleged in a prosecution notice or indictment to have committed an offence.
<b>Brief out</b>	The process whereby the ODPP contracts external counsel to attend a hearing on behalf of the ODPP. Most brief out counsel are independent, self-employed barristers.
<b>Committal</b>	The process whereby a case is forwarded from the Magistrates Court to the District or Supreme Court.
<b>Extradition</b>	The process of retrieving an accused who has left the State to return to WA to answer charges.
<b>Hung Jury</b>	A jury which is unable to reach a verdict. The matter may be re-tried at another time before another jury.
<b>Indictment</b>	The written charge of an indictable offence presented in the District or Supreme Court so that the person is tried by that court.
<b>Mistrial</b>	A trial which is aborted by an order of a judge because of some legal or procedural irregularity. The matter may need to be re-tried at a later date.
<b>Prosecution Notice</b>	A formal document setting out the charge against the accused and used to start a prosecution case in the Magistrates Court. Usually the notice is issued by the Police.
<b>Sentence</b>	The penalty imposed by the court for an offence.
<b>Summons</b>	A document advising a witness of the time, date and location of a trial and requiring the witness to attend and give evidence.
<b>Trial</b>	A court hearing where factual and legal issues are examined before a Judge and jury (or in some cases, a Judge alone) to determine an accused person's guilt or innocence.

## Statement of Compliance

In accordance with section 61 of the [Financial Management Act 2006](#) and section 32 of the, [Director of Public Prosecutions Act 1991](#) I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2016.

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

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

A handwritten signature in blue ink, appearing to read 'J McGrath', with a stylized flourish at the end.

Joseph McGrath SC  
Director of Public Prosecutions  
Chief Executive Officer  
Accountable Authority  
29 September 2016

### Executive Summary: From the Director

This is my seventh annual report having been appointed Director in February 2010. I continue to head an Office that is staffed by excellent officers and prosecutors. At the heart of the ODPP are the people, both in the prosecution teams and the corporate services team, who work as one team to provide a professional and effective prosecution service for Western Australia. The ODPP team continues to perform at a high level whilst managing a significantly increasing prosecution level on behalf of the community.

The ODPP has a wide and varied legal practice in Western Australia. The ODPP conducts cases in the Perth Magistrates Court, the Stirling Gardens Magistrates Court, the Children's Court, the District Court, the Supreme Court, the Court of Appeal and the High Court. Also, the ODPP provides legal advice to investigators in respect to the most serious offences in the State. In short, the ODPP undertakes a pivotal role in the criminal justice system and therefore for the good governance and the economic and political stability of the State of Western Australia.

The committals for trial or sentence are generated from 29 regional and metropolitan branches of the Magistrates Court. The ODPP received 2,985 new indictable prosecution cases in 2015/2016 involving 3,251 accused persons charged with over 14,500 offences. To put this figure in perspective I noted in last year's Annual Report that the ODPP received an unprecedented 16.9% increase in 2014/2015 alone. Therefore, in the last 24 months the number of indictable prosecutions managed by the ODPP has increased from 2,411 to 2,985.

Significantly, 950 trials were listed for hearing in the District and Supreme Courts in 2015/2016. This is the highest trial listing figure recorded over the past five years and represents a significant increase of 83 listed trials (or + 9.6%) on 2014/2015 figures. This increase follows an increase of 101 listed trials (+ 13.2%) in the previous reporting year. The result is that in a 24 month period there has been a cumulative 24% increase in the number of listed trials.

Consistent with increase in the number of criminal trials listed in 2015/2016, the number of cases actually proceeding to trial in the District and Supreme Courts also increased to 460.

In addition, the Children's Court maintained its heavy workload with 354 new cases being received. In 2015/2016, 244 cases were listed for trial in the Children's Court which means the ODPP must prepare diligently for the listed trial. Before the President there were 92 new serious cases alone. In addition, the ODPP is responsible for every summary charge heard in the Perth Children's Court.

The ODPP received 41 homicide cases in 2015/2016. The management of homicide cases are the most resource intensive, given the nature of the investigation and, in particular, the extensive use of forensic evidence. The senior prosecutors of the ODPP have managed this part of the prosecution practice with commitment. Whilst 41 homicide prosecutions are significant, they only represent 1.4% of all new matters received for committal to the District and Supreme Courts that must be conducted by the ODPP. This illustrates the extent of the ODPP practice in Western Australia.

In respect to matters where the ODPP was required to file an indictment, it was filed within 90 days in respect to 71.8% of all matters. The target is 85%. Significantly, for indictments required to be filed in the Perth sittings of the Supreme and District Courts the outcome was 79.6%, which is considerably closer to the KPI target. This reflects the fact that the ODPP is involved earlier at the committal stage in the metropolitan area. The most important factor in the variation between the target and the performance outcome is that the ODPP was required to file a further 112 indictments this year which increase came on top of a 15.4% increase in the previous year.

In the Supreme and District Courts the ODPP completed 2,524 criminal cases. Regarding all cases in the Supreme and District Courts, both at trial and sentencing, the overall conviction rate was 92.6%. The conviction rate after trial in the Supreme and District Courts remained high, with the ODPP securing convictions after trial in 63.9% of cases. This far exceeds the KPI target of at least 50% for convictions after trial. The conviction rate after trial has been above 60% since 2009/2010, when it was 58.1%. The improvement has been achieved in a five year period through the implementation of early and effective case management and by the ODPP exercising the prosecutorial discretion appropriately and thoroughly preparing matters for trial.

The ODPP established a case to answer in the Courts at trial in 99.8 % of matters. This figure demonstrates that ODPP prosecutors are well trained lawyers diligently preparing for trials and exercising the prosecutorial discretion appropriately.

Whilst the number of prosecutions substantially increased the average cost per prosecution was \$12,429 which is less than the KPI target of \$16,500 per prosecution. This outcome reflects that the ODPP is efficiently using its resources.

Court of Appeal work continues to be demanding of ODPP and court resources in Western Australia. The number of appeals now being managed needs to be understood in light of the historical increase. In 2009/2010 the number of appeals lodged was 154. During 2010/2011 there was a significant increase of 26.6% in the overall number of appeals managed by the ODPP (195 appeals). During 2015/2016 the ODPP received 217 new Court of Appeal cases. This represents an increase of 31 appeals (+16.7%) on the previous year. In addition, the ODPP received 39 single Judge appeals to the Supreme Court.

The success of the Appeals Team is reflected in the high standard of the appeal submissions and the fact that, in relation to the offender appeals concluded, only 12.7% of the appeals were allowed. Significantly, approximately one-third of offender appeals were abandoned before the hearing of the appeal.

The growth in the ODPP work under *Dangerous Sexual Offenders Act 2006* continues. The ODPP has a successful dedicated DSO Team which diligently manages the DSO practice. Each year, the courts order that further offenders are to be subject to the DSO legislation. Currently, there are 46 offenders who are subject to a DSO order. Significantly, the work of the ODPP does not end when an offender is detained, given that there are annual reviews in respect to 23 offenders that must be conducted before the Supreme Court. The annual reviews involve a great deal of preparation and diligence by the senior prosecutors.



I noted last year that the Confiscations branch of the ODPP in 2014/2015 paid \$10.14 million into the Confiscation Proceeds Account under the *Criminal Property Confiscation Act 2000*. That represented the fourth highest amount paid into the Confiscation Proceeds Account in 15 years. This year \$13.02 million was paid into the Confiscation Proceeds Account. This has represented the second highest amount paid into the account in the entire history of the legislation.

There are always significant fluctuations in both the number of drug trafficker declarations made and the amounts paid in the Account in any given year. This is due to a range of factors including offender arrest rates, the nature and value of property seized and the prevailing economic climate. The ODPP has no control over these factors.

Since the commencement of the confiscation legislation, over \$101 million has been paid into the Confiscation Proceeds Account. This reflects the dedication and hard work of the ODPP Confiscations Team. Under the Act, the Attorney General can make grants from the Account for specified purposes. These may include funding the development and delivery of programs to prevent or reduce drug related activity and the abuse of prohibited drugs, and to provide support services and assistance to victims.

The ODPP continued to roll-out a 10 year Strategic Asset Plan approved by the Government. The Plan provides funding to enable the progressive and structured replacement of IT systems and other equipment critical to the delivery of the prosecution services. This will ensure that the ODPP continues to provide the best possible prosecution service to the community.

The ODPP continues to achieve a workplace of diversity. The ODPP has a *Workforce and Diversity Plan 2012-2017*, which includes strategies to promote gender equity in the ODPP. In the ODPP there are three Trial Teams that conduct the general prosecutions in the District and Supreme Court. Each of the three ODPP Trial Teams is headed by a Practice Manager/Senior State Prosecutor and a Consultant State Prosecutor. In 2015/2016, five of those pivotal six positions were occupied by women lawyers.

I extend my congratulations to Ms Raelene Johnston, Ms Anne Longden and Mr Adam Hills-Wright who were appointed Magistrates. All appointments were well deserved and recognise the high standing of Raelene, Anne and Adam in the legal profession. Whilst the appointments are a loss to the ODPP, it will be the case that the community will continue to be served by Raelene, Anne and Adam in their new roles as members of the judiciary.

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

## **Mission Statement**

### **Mission**

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

### **Vision**

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

### **Values**

We are committed to applying the following core values to achieve our vision:

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

### **Goals**

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

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

## Operational Structure

The position of Director of Public Prosecutions for the State of Western Australia was created in February 1992 following the enactment of the [Director of Public Prosecutions Act 1991](#). Mr Joe McGrath SC, holds this appointment and reports to the WA Attorney General, the Hon. Michael Mischin MLC.

The position of Deputy Director of Public Prosecutions is currently vacant.

### Consultant State Prosecutors

Reporting to the Director and Deputy Director of Public Prosecutions, these are the most senior prosecutors in the Office and are allocated the conduct of the most complex legal matters. The six Consultant State Prosecutors are authorised to approve substantive discontinuances of whole cases and the negotiation of charges. They provide support and advice to the legal practice teams as well as professional leadership across the ODPP.

By agreement with the Commissioner of Police, one Consultant State Prosecutor works on site with the Police Prosecutions Division, Perth providing direct and high-level advice on charges and managing some of the more complex matters in the Magistrates Court jurisdiction.

### Legal Practice Teams

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

Three indictable prosecution teams manage the bulk of the ODPP's indictable work, while smaller and more specialised legal practice teams manage other areas of the ODPP's legal work.

### Prosecution Teams

These three teams, each headed by a Practice Manager, are responsible for all indictable prosecutions in the Supreme and District Courts throughout the State and pre-committal work in the Perth and Stirling Gardens Magistrates Courts. Each team comprises approximately 40 staff members, including State Prosecutors, paralegals and legal assistants. The prosecutors within each team are divided into four work groups, each of which is headed by a Work Group Co-ordinator – a Senior State Prosecutor – who manages the matters assigned to the work group, signs indictments for State Prosecutors within the work group and ensures junior prosecutors are appropriately mentored and guided.

## **Children's Court Team**

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

## **Appeals Team**

Headed by a Consultant State Prosecutor and comprising prosecutors and support staff, the Appeals Team manages all aspects of the ODPP's appellate practice, including all appeals brought by the State or an accused in the Court of Appeal or High Court and single judge appeals from decisions in some classes of Magistrates Court cases.

## **Dangerous Sexual Offenders Team**

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

## **Confiscations Team**

A Confiscations 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 range of matters including confiscation proceedings pursuant to the [Criminal Property Confiscation Act 2000](#).

## **Legal Policy and Projects**

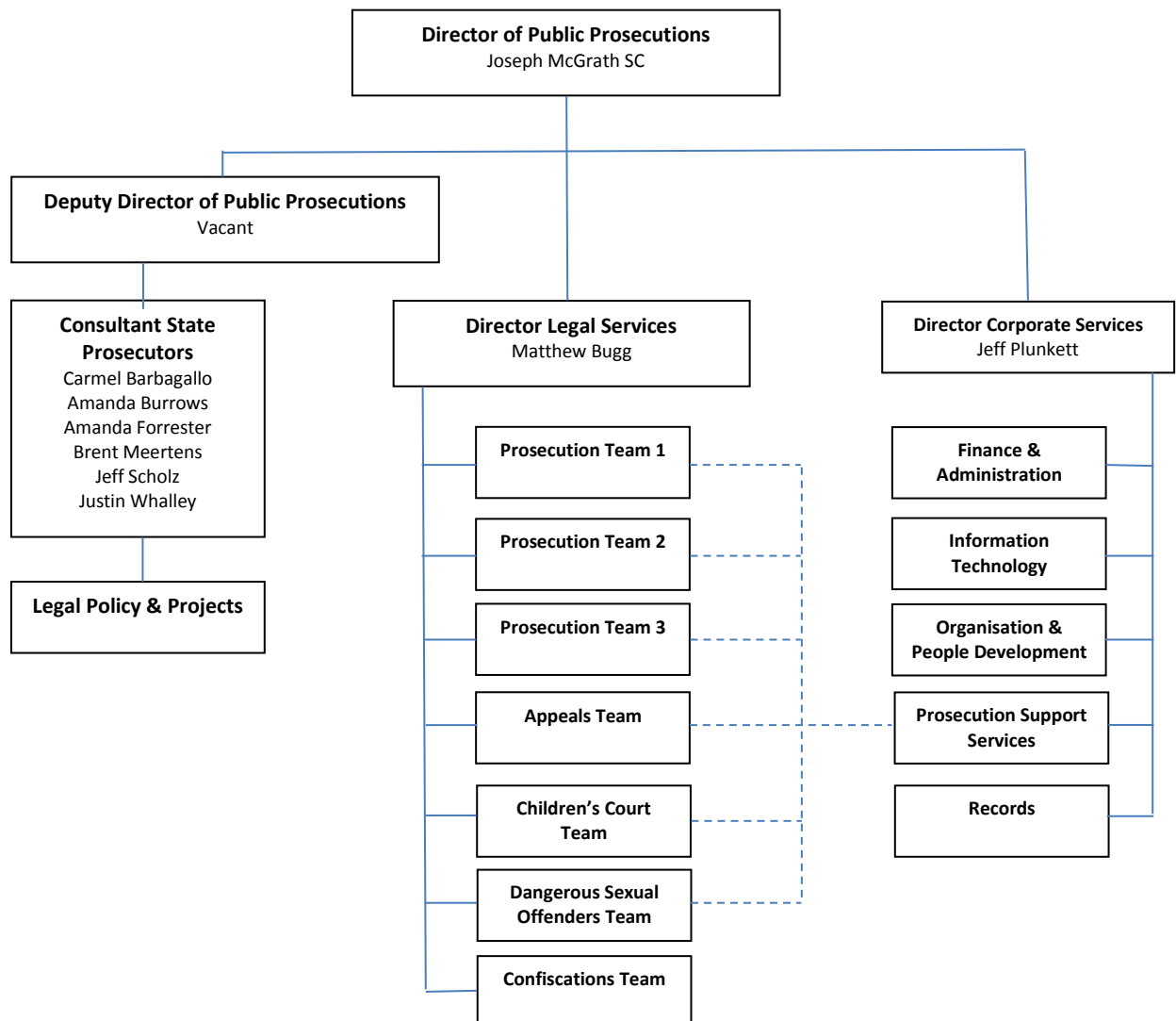
A legal policy and projects lawyer is responsible for co-ordinating legal policy development within the Office, monitoring legislative developments, and co-ordinating, reviewing or preparing legislative reform proposals or submissions on behalf of the Director, including providing advice to the Attorney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

## **Corporate and Legal Support Services**

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

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

# Organisation Chart



## Performance Management Framework

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

<b>GOVERNMENT GOAL</b>	
<b>Better Services:</b> To enhance the quality of life and wellbeing of all people throughout Western Australia through the provision of high quality, accessible services.	
<b>AGENCY LEVEL GOVERNMENT DESIRED OUTCOME</b>	
To provide the people of Western Australia with a fair and just criminal prosecution service.	
<b>KEY EFFECTIVENESS INDICATORS</b>	<b>Measurement Parameters</b>
<b>Service 1 – Criminal Prosecutions</b>	
1. Early advice to Court on charges. (Target 85%)	Percentage of new cases committed to the District and Supreme Courts where an indictment is filed within 90 days of the date of committal.
2. Establishing a case to answer. (Target 98%)	Percentage of trials that proceed where the outcome is determined by a jury or judge alone because the State was able to demonstrate a case to answer.
3. Convictions after trial. (Target 50%)	Percentage of trial outcomes resulting in a conviction against the accused for one or more of the charges indicted.
<b>Service 2 – Confiscation of Assets</b>	
4. Timely lodgement of Declarations of Confiscation in relation to drug trafficker matters. (Target 60%)	Percentage of applications for a Declaration of Confiscation filed within four months of the drug trafficker declaration.
<b>KEY EFFICIENCY INDICATORS</b>	<b>Measurement Parameters</b>
<b>Service 1 – Criminal Prosecutions</b>	
1. Cost per prosecution.	The raw average cost per matter, expressed as the total cost of service of criminal prosecutions divided by the number of new committals received.
<b>Service 2 – Confiscation of Assets</b>	
2. Ratio of cost to return. (Target 25%)	The total cost of service of confiscation of assets divided by the payments made to the Confiscation Proceeds Account for the same year, expressed as a percentage.

### Service 1 Criminal Prosecutions

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

#### Magistrates Court

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

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

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

## District and Supreme Courts

The District and Supreme Courts are the main jurisdictions in which the ODPP operates. After investigations by the police and the collation of evidence from the investigation, the ODPP is able to assess the merits of a prosecution and usually files an indictment which formalises the charges against the accused in either the District or Supreme Court.

The progress of a case for a District or Supreme Court prosecution generally follows one of two paths – the case will be resolved either by a plea of guilty or by trial. If an accused pleads guilty in the Magistrates Court he or she can be committed to the District or Supreme Court and be sentenced by a judge. Where an accused pleads not guilty to the charge, the case is remanded to further hearings where any legal, evidentiary or bail issues are determined until the case is ready to proceed to trial. Most trials proceed before a judge and a jury, although in special circumstances a trial may be held before a judge alone.

The trial process requires the ODPP to present the evidence against the accused fairly and allows the accused to defend the charges brought against them. Not all listed trial cases are resolved through a trial as a number of accused will plead guilty before, or on the day of, the trial. More rarely, after further consideration by the ODPP and sometimes further police investigations, some cases may be discontinued by the ODPP.

## Children's Court

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

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

All accused initially appear before a Magistrate where a decision is made whether or not to send a particular accused before the President, essentially based on the seriousness of the charges.

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

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

The ODPP prosecutor, the accused and their counsel will appear at a trial listing hearing where pre-trial legal issues and the availability of prosecution and defence witnesses are discussed. The Court will then list the matter for trial, usually within 3 months.

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

Trials are generally presided over by a judge, with the jury determining whether the accused is guilty or not guilty of the offences charged. The average length of a District Court trial is 3 or 4 days.

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

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

If found not guilty, the accused is discharged.

The process from the ODPP's initial receipt of the case to the jury's verdict generally takes around 6 to 9 months.



## Appeals

Three types of appeals are managed by the ODPP:

### Court of Appeal

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

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

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

### High Court Appeal

The High Court of Australia is the final court of appeal to which only a very few criminal cases proceed. A decision of the Court of Appeal can only be appealed when the High Court grants an application for special leave to appeal. High Court appeals are heard in Canberra, with video links to Perth also used in some circumstances.

### Single Judge Appeal

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

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

### ***A typical appeal by an Accused against the severity of their sentence...***

An accused person has the right to appeal against the severity of the sentence imposed by a judge of the Supreme or District Court.

The accused, usually through their lawyer, must lodge an application for Leave to Appeal with the Court of Appeal, which is a special court constituted within the Supreme Court of WA. The application, which generally must be lodged within 21 days of the sentence, sets out the grounds of appeal.

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

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

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

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

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

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

The appeal process from the time of lodging the application for Leave to Appeal to the delivery of the Court's judgment may take around 8 months.

## Extraditions

The ODPP manages applications from the WA Police for legal proceedings to be initiated to secure an accused's extradition to Western Australia. These applications, managed under s14 of the [Director of Public Prosecutions Act 1991](#), target people who leave the State before they have been charged with an offence, after a charge was laid but before the matter was finally dealt with by a court, or where a convicted person has escaped legal custody.

## Dangerous Sexual Offenders

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

## Service 2      Confiscation of Assets

The [Criminal Property Confiscation Act 2000](#) enables the WA Police or the Director of Public Prosecutions to apply to freeze the assets of people outlined in the categories below. The Act also provides for the confiscation of property acquired from criminal activity, property used for criminal activity, and the property of a drug trafficker.

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

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

The Act also targets property that is:

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

## Part 2 Agency Performance and Significant Issues

### Criminal Prosecutions

At the heart of the ODPP's legal practice is the prosecution of criminal cases on indictment in the Supreme and District Courts. These cases commence in the Magistrates Court and may ultimately be subject to an appeal in Court of Appeal or High Court.

A criminal case may involve more than one accused person. A case may also involve more than one charge, with many cases involving an accused person facing a number of charges. Some criminal cases will involve a number of accused, each on multiple charges. Some cases may be resolved quite quickly through an early plea of guilty, while others may take some years to resolve if there is a lengthy trial or an appeal. This is the nature of prosecutions work, with these factors adding a degree of difficulty to both case management and the reporting of prosecution case workloads and outcomes. In 2013/2014 the ODPP began importing some data direct for the Court's Integrated Court Management System (ICMS) and this has also had some effect on statistical reporting.

Read in conjunction with the Office's audited Key Performance Indicators reproduced towards the back of this Report, the following notes provide some insight into the activities undertaken by the ODPP in 2015/2016 in prosecuting criminal cases on behalf of the State. The notes begin with the pre-committal stage in the Magistrates Court and move through to committal and in the majority of cases, disposition in the Supreme or District Court. For some matters, the Court of Appeal may come into play.

### Magistrates Courts

#### Perth Magistrates Court

The ODPP takes over the prosecution of criminal cases which contain all or some indictable offences at the point when the case reaches the disclosure committal hearing stage of proceedings in the Perth Magistrates Court. Prior to that, the case is managed by the WA Police.

The ODPP's involvement at this early stage in the prosecution process enables the careful and independent scrutiny of cases prior to committal and ensures that cases proceed on the correct charges and in the appropriate court jurisdiction. However, due to geographical and resourcing issues, the ODPP is not able to become involved at this early stage in cases commenced in regional Magistrates Courts.

In 2015/2016 the ODPP took over responsibility for 1430 new criminal cases listed before the Perth Magistrates Court, an increase of 155 (or + 12.2%) from the previous year. The following table illustrates that the number of cases managed by the ODPP in this Court over the past five years has, until this significant increase in 2015/2016, was relatively stable.

Table 01: Perth Magistrates Court Matters Received 2011/2012 to 2015/2016

PERTH MAGISTRATES COURT	2011/12	2012/13	2013/14	2014/15	2015/16
New Cases Prosecuted	1294	1256	1298	1275	1430

## Stirling Gardens Magistrates Court

This specially convened Magistrates Court deals only with criminal charges which would ordinarily be considered for committal to the Supreme Court. The ODPP's intervention at this early stage ensures that these serious cases are carefully scrutinised before committal. The ODPP received 277 new cases for hearing in the Stirling Gardens Magistrates Court in 2015/2016.

Of the 369 cases prosecuted by the ODPP which were concluded in the Stirling Gardens Magistrates Court in 2015/2016, 86 were either dealt with directly by that Court or were referred to the Perth Magistrates Court for determination. The ODPP's early involvement ensured that these matters were appropriately resolved in the Magistrates Court jurisdiction without the additional cost to the State and the accused in having the matters committed to the Supreme Court.

In 2015/2016 253 matters were committed to the Supreme Court for either trial or sentence and a further 30 matters were committed to the District Court for trial or sentence.

The following table provides a summary of the outcome of ODPP matters prosecuted in the Stirling Garden's Magistrates Court over the past five years and shows a significant growth in the number of matters coming before the Court.

Table 02: Stirling Gardens Magistrates Court Outcomes 2011/2012 to 2015/2016

STIRLING GARDENS CASES	2011/12	2012/13	2013/14	2014/15	2015/16
Cases concluded in SGMC	16	17	30	17	53
Cases remanded to Magistrates Court	5	9	20	13	33
<b>Concluded cases</b>	<b>21</b>	<b>26</b>	<b>50</b>	<b>30</b>	<b>86</b>
Cases Committed to District Court	17	31	31	59	30
Cases Committed to Supreme Court	165	189	182	178	253
<b>Cases Committed</b>	<b>182</b>	<b>220</b>	<b>213</b>	<b>237</b>	<b>283</b>
<b>TOTAL CASES</b>	<b>203</b>	<b>246</b>	<b>263</b>	<b>267</b>	<b>369</b>

## District and Supreme Courts

### Committals

One measure of the workload of the ODPP is the number of new indictable cases received for committal to the District or Supreme Court for trial or sentence. As outlined in the previous pages, by its work in the Perth and Stirling Gardens Magistrates Courts the ODPP is involved in many of these cases at the pre-committal stage.

The following table shows that the number of new indictable cases received by the ODPP increased again in 2015/2016 – up by 167 cases (or +5.9%) to 2,985. This follows a 16.9% increase in new indictable cases in the previous reporting year.

The data in this table has been updated from previous year's annual reports by including a type of case that has been previously omitted, specifically indictable cases received in the period but committed to the Supreme Court. These cases are included in the calculation to obtain the cost per prosecution key efficiency indicator found later in this report. The table below has been amended to show the previous years' figures consistent with the method of calculation used to calculate the key performance indicator.

Table 03: New Indictable Cases received 2011/2012 to 2015/2016

New Indictable Cases	2011/12	2012/13	2013/14	2014/15	2015/16
Indictable Cases Received	2202	2474	2411	2818	2985

New indictable cases may come from prosecutions commenced by WA Police in either metropolitan or regional Magistrates Courts. The broad source areas in 2015/2016 were:

Metropolitan Courts:	2,362 (79%)
Regional Courts:	623 (21%)

A committal may involve more than one accused and more than one offence against each accused.

## Trial Listings

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

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

The following table shows that 950 trials were listed for hearing in the District and Supreme Courts in 2015/2016. This is the highest trial listing figure recorded over the past five years and represents a significant increase of 83 listed trials (or +9.6%) on 2014/2015 figures. This increase follows an increase of 101 listed trials (+13.2%) in the previous reporting year, resulting in a cumulative 24% increase over the two year period. This is clearly having a significant resourcing impact on the ODPP.

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

## Trials Not Proceeding

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

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

A plea of guilty or discontinuance, albeit entered late, which removes the need for a trial works to the benefit of the criminal justice system as the case is concluded without a costly trial, and in cases of a plea of guilty, also spares the victim of crime and witnesses the ordeal and inconvenience of having to attend court and give evidence.

In 2015/2016, 490 (51.6%) of the 950 listed criminal trials involving the ODPP did not proceed – an outcome similar to each of the past five years. Consistent with previous years, the primary reason for these trials not proceeding was the accused pleading guilty either before or on the commencement day of the trial. This accounted for 225 (or 45.9%) of all listed trials not proceeding.

## **Trials Proceeding and Trial Outcomes**

Although the number of criminal trials listed in 2015/2016 increased significantly, the number of cases actually proceeding to trial in the District and Supreme Courts only increased marginally – up by 6 trials to 460 (or +1.3%) on the previous year. This follows a much more significant 13.8% increase in the previous year, pushing the two-year increase to 15.3%.

Given the significant cost to the ODPP, the courts, the criminal justice system – and ultimately the community – for each criminal trial proceeding in the Supreme or District Court, these marked increases in 2014/2015 and 2015/2016 are of concern. The situation will continue to be carefully monitored to determine if it represents a sustained upward trend.

Of the 460 trials which did proceed in 2015/2016, the vast majority (409 trials) resulted in a definitive outcome – either a conviction or an acquittal. The remaining 51 trials did not deliver a definitive outcome due to either a mistrial or hung jury, which in most cases means that a further trial is required.

Of the 409 trials which delivered a definitive outcome, 63.9% resulted in an accused being convicted of one or more of the charges brought against them. This high conviction rate reflects very sound ODPP pre-trial assessment and trial advocacy.

Table 04: District and Supreme Courts Trial Listings and Outcomes 2011/2012 to 2015/2016

<b>TRIALS</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
Trials Listed	864	814	766	867	950
Trials Proceeding	429	407	399	454	460
Percentage of Trials Proceeding	49%	50%	52%	52%	48%
Convictions	270	241	258	316	262
Acquittals	119	132	117	104	147
Hung Jury, Mistrial or Other Outcome	40	34	24	34	51
Conviction Rate After Trial	69.4%	64.6%	68.8%	75.2%	63.9%

## Trial Durations

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

In 2015/2016 the average duration of trials prosecuted by the ODPP that proceeded in the Supreme and District Courts was 4.3 days. The longest trial took 20 court sitting days and there were seven trials of three or more weeks in duration. These lengthy trials are particularly demanding of ODPP resources.

## Disposition of Cases and Overall Conviction Rate

During 2015/2016, 2,524 criminal cases prosecuted by the ODPP were finalised in either the District or Supreme Court. This represented an increase of 321 (or +14.6%) on the previous year and was broadly consistent with the number of new cases received, although due to timing and other reasons mentioned earlier in this report, the number of closed cases will not correspond with the number of new cases received by the ODPP during any reporting year.

The broad outcomes of all cases concluded in 2015/2016 are shown below. Excluding matters discontinued or remitted to the Magistrates Court, the overall conviction rate for ODPP prosecuted cases concluded in the Supreme and District Courts where there was a conviction or an acquittal was 92.6%, slightly less than the 94.4% conviction rate recorded in the previous reporting year.

Table 05: District and Supreme Courts Disposition of Cases 2013/2014 to 2015/2016

DISPOSITION OF CASES	2013/14		2014/15		2015/16	
	No.	%	No.	%	No.	%
Convicted and Sentenced	1538	77.8%	1583	71.9%	1652	65.5%
Acquitted	106	5.4%	94	4.3%	133	5.3%
Discontinued	234	11.8%	279	12.7%	410	16.2%
Remitted to Magistrates Court	98	5.0%	247	11.2%	329	13.0%
<b>TOTAL</b>	<b>1976</b>	<b>100.0%</b>	<b>2203</b>	<b>100.0%</b>	<b>2524</b>	<b>100%</b>
Conviction Rate: Convictions -v- Acquittals		93.5%		94.4%		92.6%



## Children's Court

### Cases Before Magistrates

During 2015/2016 the ODPP Children's Court team continued to appear in and manage cases before Magistrates at the Perth Children's Court, acting on briefs provided by the WA Police. These cases were either commenced in the Perth Children's Court or were referred to that Court from other metropolitan or regional Children's Courts. The ODPP also prosecuted all trials listed before Magistrates in the Perth Children's Court.

In 2015/2016, 244 cases prosecuted by the ODPP were listed for trial before Magistrates, although ultimately only 41 cases (16.8%) proceeded to trial. Consistent with other jurisdictions, the major reason for listed trials not proceeding before the Magistrates at the Children's Court was the accused pleading guilty prior to, or on the day of, the trial – this accounted for 34% of trials not proceeding.

Table 06: Children's Court Magistrates Trial Listings and Outcomes 2014/2015 and 2015/2016

TRIALS	2014/15	2015/2016
Trials Listed	255	244
Trials Not Proceeding	182	203
Trials Proceeding	73	41
Percentage of Trials Proceeding	28.3%	16.8%
Convictions	46	23
Acquittals	27	18
Conviction Rate After Trial	63.0%	56.1%

### Cases Before The President

The number and types of cases received by the ODPP for prosecution in the President's Court varies from year to year and depends on offences originally charged by the WA Police. During 2015/2016 the ODPP prosecuted a wide variety of serious criminal offences committed by children, ranging from stealing, burglary and sexual assault through to murder.

The table below shows that there has been a gradual decrease in the number of new cases coming before the President in the past five years. The ODPP is entirely reliant on charges being laid by WA Police and, therefore, cannot control the number of new cases it receives.

Table 07: Children's Court President New Cases 2011/2012 to 2015/2016

CASES RECEIVED	2011/12	2012/13	2013/14	2014/15	2015/16
Cases Before The President	192	164	131	119	92



When a child pleads not guilty to a serious offence the case will proceed to a trial before the President, sitting without a jury. In 2015/2016, only 17 trials were listed before the President, with only three proceeding to trial - the lowest figures recorded in the past five years.

Table 08: Children's Court President Trial Listings and Outcomes 2011/2012 to 2015/2016

TRIALS	2011/12	2012/13	2013/14	2014/15	2015/16
Trials Listed	64	42	23	33	17
Trials Not Proceeding	31	22	16	21	14
Trials Proceeding	33	20	7	12	3
Percentage of Trials Proceeding	51%	48%	30%	36%	18%
Convictions	24	16	3	7	2
Acquittals	9	4	4	5	1
Conviction Rate After Trial	72.7%	80.0%	42.9%	58.3%	66.7%

## Appeals

### Court of Appeal

Court of Appeal cases involving the ODPP arise from criminal cases prosecuted by the Office in the District or Supreme Courts. The vast majority of appeals – around 90% – are lodged by offenders, usually appealing against their sentence, with a smaller number of appeals against their conviction. Appeals initiated by ODPP Offices in all jurisdictions are less common, and that is the case in WA.

During 2015/2016, 217 new Court of Appeal cases involving the ODPP as either the appellant or the respondent were commenced. This represented an increase of 31 appeals (or +16.7%) on the previous year. The five year trend is illustrated in the following table.

Table 09: Court of Appeal Cases Commenced 2011/2012 to 2015/2016

APPEALS LODGED		2011/12	2012/13	2013/14	2014/15	2015/16
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	14	15	15	6	7
	Other	1	3	3	0	0
	<b>Total</b>	<b>18</b>	<b>18</b>	<b>18</b>	<b>6</b>	<b>7</b>
ACCUSED APPEALS	Conviction	78	76	48	67	61
	Sentence	140	131	123	105	138
	Other	12	13	14	8	11
	<b>Total</b>	<b>230</b>	<b>220</b>	<b>180</b>	<b>180</b>	<b>210</b>
<b>TOTAL APPEALS LODGED</b>		<b>245</b>	<b>238</b>	<b>203</b>	<b>186</b>	<b>217</b>

Due to the nature of appeal processes and court listings, the number of appeals commenced in any year will not correspond with the number of appeals which are finalised during that year.

During 2015/2016, 164 Court of Appeal cases involving the ODPP were concluded, with only 12.7% of appeals commenced by offenders ultimately being successful. Significantly, approximately 30% of accused initiated appeals were abandoned before the hearing of the appeal.

The following table illustrates appeal outcomes in the past three years.

Table 10: Court of Appeals Outcomes 2013/2014 to 2015/2016

APPEALS FINALISED		2013/14		2014/15		2015/16	
		No	%	No	%	No	%
STATE APPEALS	Allowed	15	88.2%	7	70.0%	6	85.7%
	Dismissed	0	0%	2	20.0%	1	14.3%
	Discontinued	2	11.8%	1	10.0%	0	0.0%
	<b>Total</b>	<b>17</b>	<b>100%</b>	<b>10</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>
ACCUSED APPEALS	Allowed	27	16.8%	17	10.3%	20	12.7%
	Dismissed	96	59.6%	98	59.4%	92	58.6%
	Discontinued	38	23.6%	50	30.3%	45	28.7%
	<b>Total</b>	<b>161</b>	<b>100%</b>	<b>165</b>	<b>100.0%</b>	<b>157</b>	<b>100.0%</b>
<b>TOTAL APPEALS FINALISED</b>		<b>178</b>		<b>175</b>		<b>164</b>	

## High Court Appeals

High Court appeals involving the ODPP arise from appeals initiated against decisions made in the WA Court of Appeal where one of the parties applies for leave to appeal. The State, through the ODPP, only very rarely lodges an appeal to the High Court and indeed no State appeals have been lodged in the past five years.

The table below shows that four High Court appeals were lodged by offenders in 2015/2016.

Table 11: High Court Appeals Commenced 2011/2012 to 2015/2016

HIGH COURT APPEAL LODGED	2011/12	2012/13	2013/14	2014/15	2015/16
<b>Accused Appeals</b>	10	16	5	9	4

## Single Judge Appeals

During 2015/2016, the ODPP received 39 new single judge appeals lodged by appellants in the Supreme Court. These appeals arose from decisions made in the Magistrates Court on offences that included an offence that could have proceeded on indictment but was dealt with in the summary jurisdiction.

Table 12: Single Judge Appeals Commenced 2011/2012 to 2015/2016

APPEALS LODGED		2011/12	2012/13	2013/14	2014/15	2015/16
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	0	0	1	0	0
	Other	0	2	1	0	0
	<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>
ACCUSED APPEALS	Conviction	23	17	13	7	10
	Sentence	26	17	24	12	21
	Other	8	3	2	5	8
	<b>Total</b>	<b>57</b>	<b>37</b>	<b>39</b>	<b>24</b>	<b>39</b>
<b>TOTAL NEW APPEALS</b>		<b>57</b>	<b>39</b>	<b>41</b>	<b>24</b>	<b>39</b>

As with Court of Appeal matters, the number of single judge appeals commenced in any year will not correspond with the number of appeals which were finalised during that year.

During 2015/2016, 18 single judge appeals lodged by accused were finalised. Of these, five (28%) were allowed with the majority (72%) being either dismissed or discontinued.

## Extraditions

During 2015/2016, 35 applications were received by the ODPP from the WA Police seeking to extradite people from a range of jurisdictions, including 11 from overseas, eight from New South Wales, six from Victoria and five each from South Australia and Queensland.

The ODPP finalised 22 applications for extradition in 2015/2016, including some received in previous reporting years, with 20 applications being approved, one withdrawn and one declined.

Table 13: Extradition Applications 2011/2012 to 2015/2016

EXTRADITIONS	2011/12	2012/13	2013/14	2014/15	2015/16
Extradition Requests Received	23	22	23	23	35
Extraditions Approved	18	14	24	13	20

## Dangerous Sexual Offenders

The ODPP's work in relation to dangerous sexual offenders continues to grow.

At the start of 2015/2016, 45 offenders were the subject of either a continuing detention or supervision order made by the Supreme Court under the *Dangerous Sexual Offenders Act 2006*. By year end that number had risen by one to 46. This is in contrast to the three offenders who were subject to orders in 2006/2007, which was the first full year of operation of the Act.

Table 14: Dangerous Sexual Offenders Act Applications 2006/2007 to 2015/2016

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

This cumulative growth will continue as more sexual offenders approach the end of their sentences and become eligible for release. This will have a growing resource impact on the ODPP.

### New Applications 2015/2016

During 2015/2016 the ODPP received six new referrals from the Department of Corrective Services' Dangerous Sexual Offenders Review Committee.

After careful consideration the ODPP made one new application to the Supreme Court, with three matters remaining under review at the end of the reporting year. The ODPP declined to proceed in relation to two referrals as it was assessed that there were no reasonable prospects of the Supreme Court finding that the offender represented a serious danger to the community.

### Ongoing Management of Earlier Applications and Orders

At the start of 2015/2016, 22 offenders were the subject of supervision orders made by the Supreme Court. Four of these supervision orders expired during the course of the year, while two offenders' supervision orders were cancelled pursuant to s23(1)(b) of the Act following contravention proceedings.

During the year, seven offenders were placed on supervision orders. Two of those orders were made pursuant to s17(1)(b) of the Act following Division 2 hearings. Four offenders were placed on a supervision order following an annual review of his continuing detention order. The duration of the supervision orders ranges between 5 and 10 years.

At the start of 2015/2016, 23 offenders were held in custody subject to continuing detention orders. Three of those were also serving sentences of imprisonment with the consequence that the review cycle of their continuing detention orders will be delayed until they have served their sentences. The remaining 20 offenders had their detention orders reviewed and in 14 cases the court expressly declined to rescind their detention orders, however, one offender was subsequently released to supervision.

During the reporting year, five offenders were placed on continuing detention orders, two following contravention proceedings. The remaining three offenders were placed on detention orders under s23(1)(a) of the Act following Division 2 hearings. Three of those Division 2 hearings related to applications filed by the ODPP in the previous reporting period.

## **Appeal matters**

No appeals arising under the Act were decided in 2015/2016.

## **Legislative Developments**

The *Dangerous Sexual Offenders Legislation Amendment Bill 2015* was introduced into the Legislative Council on 2 December 2015 in response to community disquiet arising from the release on a supervision order of an offender known as 'TJD'.

The Bill extends the period between reviews of detention of Dangerous Sexual Offenders to two years. It also extends the range of relevant serious sexual offences for which an offender may be subject to an application under the DSO Act by including conspiracy or incitement to commit a serious sexual offence and includes offences against the laws of the Commonwealth or another State or Territory. It also mandates that a person will commit a serious sexual offence for the purposes of the DSO Act if the person does an act or makes an omission outside Australia that, if done in WA, would constitute a serious sexual offence.

The Bill also allows a victim of a serious sexual offence to make a written submission to the Court about the need to ensure adequate protection of the victim. A victim will be able to be kept informed of any proceedings under the DSO Act in relation to the offender. Offenders will be restrained from making certain public comment, with the Court having the power to impose a condition that the offender not make public any statement, information or opinion relating directly or indirectly to a victim.

The Bill also confirms that the Court may make an order under the DSO Act, even if an offender has been found not mentally fit to plead or if an offender is under an order of indefinite detention.

The Bill addresses the roles of the Attorney General and the Director of Public Prosecutions under the DSO Act by providing that applications and proceedings taken by the DPP can be made in the name of the State of Western Australia and the Attorney General's power to bring applications is a reserve power.

The Bill also extends the duration of supervision orders for all sentences of imprisonment and introduces a range of amendments to Court processes to provide for the efficient operation of the DSO Act.

The Bill remained before the Parliament as at 30 June 2016, however, it was subsequently passed, and became effective from 15 August 2016.

## Confiscation of Assets

### Freezing Notices and Freezing Orders

Freezing Notices and Freezing Orders are used to prevent property from being disposed of while a criminal investigation or prosecution is being carried out, or until the conclusion of confiscation proceedings. The WA Police may apply under the [Criminal Property Confiscation Act 2000](#) (the Act) for a Freezing Notice from a Magistrate or Justice of the Peace. The Director of Public Prosecutions may apply for a Freezing Order from the court.

The table below shows that while there was a significant fall in 2013/2014 it was partially corrected in 2014/2015 and 2015/2016. This fall was mainly due to a shift in focus within WA Police toward high-end organised crime groups and individuals and resulted in less, but more focused investigations.

Table 15: Freezing Notices and Orders Obtained 2011/2012 to 2015/2016.

NOTICES & ORDERS OBTAINED	2011/12	2012/13	2013/14	2014/15	2015/16
Freezing Notices	246	250	158	186	185
Freezing Orders	14	14	11	9	13
<b>TOTAL</b>	<b>260</b>	<b>264</b>	<b>169</b>	<b>195</b>	<b>198</b>

### Objections to Freezing Notices and Orders

Third parties who claim to have an interest in property frozen under a notice or order may object to the confiscation of that property. Generally objections must be lodged within 28 days and the party objecting must establish that the property was not crime derived, not used for criminal activity, or was not the property of the person subject to the investigation or prosecution. The majority of objections are made by mortgagees, spouses, or parties claiming a beneficial interest in the property. A single Freezing Notice or Order may give rise to a number of objections from a variety of parties.

During 2015/2016, 202 objections were received. Due to the timing of matters coming before the courts, objections lodged in one financial year may not be determined until a subsequent year. The comparative figures over the past five years are shown in the following table:

Table 16: Objections to Freezing Notices and Orders 2011/2012 to 2015/2016

OBJECTIONS	2011/12	2012/13	2013/14	2014/15	2015/16
<b>Objections Received</b>	309	286	221	206	202
Objections Dismissed	73	98	92	91	88
Successful Objections	133	111	70	121	95
No Determination	54	39	23	18	27
<b>TOTAL OBJECTIONS FINALISED</b>	<b>260</b>	<b>248</b>	<b>185</b>	<b>230</b>	<b>210</b>

## Declared Drug Traffickers

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

Upon a declaration that a convicted person is a drug trafficker, all property relating to that person is forfeited to the State. In 2015/2016, 75 people were declared to be drug traffickers and in the same period \$7.94 million was paid into the Confiscation Proceeds Account from assets stripped from declared drug traffickers – by far the highest amount in the past five years.

The table below summarises the number of drug trafficker declarations made and the amounts paid to the Account in each of the past five years. The figures are influenced by a range of factors including offender arrest rates, the nature and value of property seized and the prevailing economic climate. Given the time lag in selling forfeited property there will not be a direct link between the number of declarations made in any reporting year and the amount of funds realised in that year.

Table 17: Drug Trafficker Declarations & Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016

DRUG TRAFFICKERS	2011/12	2012/13	2013/14	2014/15	2015/16
DECLARATIONS MADE	73	94	96	107	75
AMOUNT RECOVERED	\$5.23m	\$5.77m	\$4.26m	\$5.76m	\$7.69m

## Crime Used and Crime Derived Property

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

Table 18: Crime Used or Derived & Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016.

CRIME USED or CRIME DERIVED	2011/12	2012/13	2013/14	2014/15	2015/16
DECLARATIONS MADE	41	68	50	48	45
AMOUNT RECOVERED	\$1.54m	\$2.99m	\$3.60m	\$3.89m	\$5.26m

## Overview of Payments to the Confiscation Proceeds Account

Since the commencement of the Act in January 2001 over \$101 million has been stripped from people engaged in criminal activities and has been paid into the Confiscation Proceeds Account.

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

In 2015/2016 \$13.02 million was paid into the Account – the highest amount for several years and second highest annual payment on record, marginally behind payments of \$13.44 million made in 2009/2010.

Table 19: Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016.

YEAR	2011/12	2012/13	2013/14	2014/15	2015/16
<b>PAYMENTS TO ACCOUNT</b>	\$7.52m	\$9.36m	\$8.19m	\$10.14m	\$13.02m

The Attorney General has the authority under the Act to make grants from the Account for specified purposes. Grants may include funding the development and delivery of programs to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs or to provide support services and assistance to victims of crime. The Department of the Attorney General manages the Account at the direction of the Attorney General and assists the Attorney with the community grants program by advertising and assessing applications from eligible organisations and community groups.

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



## Legislation and Law Reform

In 2015/2016 the Western Australian Parliament passed 53 Bills in total, seven of which specifically related to criminal law. Principal changes affecting the work undertaken by the ODPP included:

- The *Criminal Law Amendment (Home Burglary and Other Offences) Act 2015* commenced on 31 October 2015 to address the community perception that burglars, particularly recidivists and those who do harm to occupants of the homes they invade, were not being sufficiently punished by the Courts. In summary, the amendment makes the following changes:
  - The introduction of mandatory minimum terms of imprisonment for those who commit serious violent and sexual offences in the course of an aggravated home burglary.
  - Amendment of the current counting rules for home burglary repeat offenders.
  - An increase of the minimum term of imprisonment for third-strike repeat adult offenders from 12 months to 2 years.
- The *Sentencing Amendment Act 2015* commenced on 3 November 2015 to amend the *Sentencing Act 1995* to ensure that interstate prisoners on a translated sentence retain the same sentence as was made in the original jurisdiction where they were committed.
- A majority of the provisions of the *Mental Health Legislation Amendment Act 2014* commenced on 30 November 2015. Principally it repealed the *Mental Health Act 1996* and replaced it with the *Mental Health Act 2014*. This had consequential effects on definitions and administrative aspects of the *Criminal Code*, *Bail Act 1982*, *Criminal Law (Mentally Impaired Accused) Act 1996*, *Dangerous Sexual Offenders Act 2006*, *Juries Act 1957* and the *Young Offenders Act 1994*.
- The *Misuse of Drugs Amendment (Psychoactive Substances) Act 2015* commenced on 18 November 2015 to close a regulatory gap that enabled new and emerging psychoactive substances to be sold because they had not been captured by or regulated via existing legislation. The Act prohibits the sale, supply, manufacture, advertising and promotion of any psychoactive substance or a substance purported to have a psychoactive effect, unless it is approved through existing legislation or regulation. The manufacture, sale or supply of a psychoactive substance constitutes a simple offence with a penalty of a fine of \$48,000 or imprisonment for 4 years, or both. Promotion of a psychoactive substance constitutes a simple offence with a penalty of a fine of \$24,000 or imprisonment for 2 years, or both. From 7 May 2016 additional synthetic opioids and cannabinoids were listed as prohibited substances under Schedule 9 of the *Poisons Act 1964*. These substances have emerged in WA over the last 12 months having been detected through blood samples and drug seizures.
- The *Liquor Legislation Amendment Act 2015* commenced on 20 November 2015. It amends the *Liquor Control Act 1988* to make it an offence for a person to supply liquor to a juvenile on private property without the consent of the juvenile's parent or guardian. It is also a requirement that where consent has been given, the person supplying the liquor must do so in a responsible manner. In addition there are a number of administrative and operational technical amendments.

- The *Terrorism (Extraordinary Powers) Amendment Act 2015* commenced on 28 November 2015. Among other things, it amended the *Terrorism (Extraordinary Powers) Act 2005* so that federal offences of advocating terrorism or membership of a terrorist organisation authorise an application for a state covert search warrant. It expands the definition of 'data' and expands powers to seize electronic records and devices.
- The *Road Traffic Act 1974* was amended commencing 4 April 2016 to introduce new section numbers for charges of dangerous driving causing death, GBH or bodily harm where the offence is committed in circumstances of being under the influence of alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle. The *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* amended s59 and s59A to provide separate offences for being incapable of having proper control of a vehicle whilst under the influence of alcohol, or drugs, or alcohol and drugs. There were no changes made to the applicable penalties from 4 April 2016 dangerous driving charges occasioning death, GBH or bodily harm as a result of being incapable of having proper control of a vehicle, whilst under the influence, should proceed under the following provisions:

Death and Grievous Bodily Harm

- Alcohol s59(1)(a)
- Drugs s59(1)(ba)
- Alcohol and drugs s59(1)(bb)

Bodily harm

- Alcohol s59a(1)(a)
- Drugs s59a(1)(ba)
- Alcohol and drugs s59a(1)(bb)

- Effective from 7 May 2016 the *Poisons (Appendix A Amendment) Order 2016* listed the following drugs as prohibited substances under Schedule 9 of the *Poisons Act 1964* (WA):
  - \* *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1.
  - (cyclohexylmethyl)-1*H*-indazole-3-carboxamide.
  - (MAB-CHMINACA or ADB-CHMINACA).
  - \* *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl).
  - 1*H*-indole-3-carboxamide (5F-ADBICA).
  - \* *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*indole.
  - 3-carboxamide (5F-ABICA).
  - \* *N*-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-pentyl-1*H*indazole.
  - 3-carboxamide (ADB-PINACA).
  - \* *N*-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl).
  - 1*H*-indazole-3-carboxamide (AB-CHMINACA).
  - \* *N*-[(1*S*)-1-(aminocarbonyl)-2-methylpropyl]-1-(5-fluoropentyl).
  - 1*H*-indazole-3-carboxamide (5F-AB-PINACA).
  - \* (E)-4-chloro-*N*-(1-(4-nitrophenethyl)piperidin-2.
  - ylidene)benzenesulfonamide (W-18).
  - \* Diphenidine.
  - \* 1-(5-fluoropentyl)-*N*-(1-methyl-1-phenylethyl)-1*H*-indazole-3.
  - carboxamide (SGT-25).
  - \* 2-Methoxydiphenidine (2-MXP or MXP).
  - \* methyl (S)-2-[1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido].
  - 3,3-dimethylbutanoate (5F-ADB).
  - \* methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3.
  - methylbutanoate (5F-AMB).

These substances comprise one potent synthetic opioid and additional forms of synthetic cannabinoids and have emerged in WA over the last 12 months and have been detected through blood samples and drug seizures. They have brand names such as 'Blue Magic', 'OMG Tea', 'VIP Champagne', 'Ritzzy' and 'Red Dragon'. W-18 has been found to be 10,000 times more potent than morphine.

The following Bills relevant to the work of the ODPP are currently before the Parliament:

- The *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015* creates two new summary offence provisions within the *Criminal Code*. Firstly, it provides for an offence that applies when a person physically prevents a lawful activity from being carried out. This is intended to address tactics used by protestors – for example the use of 'thumb locks' or 'arm locks' where the device operates in such a way that even the protester cannot unlock the device and it requires specialist skill to remove them and often results in some degree of injury to the protestor. The second offence prohibits the manufacture and possession of such devices.
- The *Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015* creates a penalty of 14 years' imprisonment for circumstances of aggravation for criminal damage on places of worship. When there are no circumstances of aggravation, the maximum penalty will be 10 years' imprisonment. This brings this conduct into line with situations where there are circumstances of racial aggravation, which currently carry a maximum penalty of 14 years' imprisonment.
- The *Criminal Code Amendment (Interference with War Memorials) Bill 2015* proposes that the maximum penalty for desecration of any public memorial to persons who have served or died in any war or warlike operation in which Australians have been on active service be raised from 10 years to 14 years' imprisonment. This would make the criminal damage of a war memorial punishable to the same extent as an act in which racial aggravation is a circumstance of the offence.
- The *Evidence Amendment Bill 2015* was introduced into the Legislative Council on 17 June 2015. When passed it will give effect to a recommendation by the ODPP to amend the *Evidence Act 1906* to remove the current restriction on admissibility of visually recorded interviews. If enacted, the visually recorded interview of all child witnesses and all witnesses with a mental impairment will be admissible into evidence as the evidence-in-chief of that witness.
- The *Graffiti Vandalism Bill 2015* was introduced into the Legislative Assembly on 15 September 2015. It creates a new, stand-alone offence of damaging property by graffiti which has a maximum penalty of 2 years imprisonment and a fine of \$24,000. The minimum penalty the court must impose on an offender is a community-based order, or if the offender is a juvenile, a youth community-based order (CBO). An element of the CBO must be a minimum of 10 hours of community work which is to involve, where practicable, removing graffiti. Provisions relating to offences of possessing things with the intent to apply graffiti, selling graffiti implements to children and recovering the costs of cleaning graffiti will be removed from the *Criminal Code* and consolidated into one stand-alone Act.

The Bill further provides for the forfeiture of anything used to store, record or transmit images of the graffiti caused. There will be an immunity from action in tort against an individual for damage caused by graffiti removal that is done in good faith and does not constitute negligent behaviour.

The new provisions will allow Public Transport Authority security officers to apprehend a person reasonably suspected of committing a graffiti offence, without the need for the offence to continue or be repeated. Additionally, the new damaging property by graffiti and the existing offence of damaging property will be added to the list of prescribed offences for which, if committed on Public Transport Authority property, a person may be prohibited from using Public Transport Authority services for a finite period of time.

- The *Limitation Amendment (Child Sexual Abuse Actions) Bill 2015* was introduced as a Private Members Bill on 12 November 2015 by Dr Graham Jacobs, the Member for Eyre. The Bill proposes that the *Limitations Act 2005 (WA)* be amended to remove the limitation period in respect of a civil action that relates to personal injury resulting from child sexual abuse. Presently in Western Australia there are three avenue of redress for victims of child sexual abuse:
  - Criminal Injuries Compensation whereby an application is lodged with the Office of Criminal Injuries Compensation. The maximum compensation to which a victim of crime is entitled is capped, dependent upon the year in which the offence was committed. The cap in 2015 is \$75 000.
  - An Ex gratia payment granted by the State Government to individuals thought to be seriously damaged or disadvantaged by some action or omission by government agencies that had responsibility for the welfare of individuals under their jurisdiction. For example, the Country High Schools Hostels Ex Gratia Scheme provides that boarders who were abused as children may be granted payments up to \$45,000.
  - Civil action where people bring a court action claiming damages for personal injuries, including psychological injuries. Such court action must be commenced within 6 years of the injuries being sustained under the limitation period prescribed in the *Limitations Act 2005 (WA)*.

In relation to child sexual abuse, the reality is that victims rarely avail themselves of the option of civil action under State law, because of the strict limitation on the time to bring an action. This amendment would give victims improved rights in relation to redress from child sexual abuse. The amendment is consistent with the initial findings of the Royal Commission into Institutional Responses to Child Sexual Abuse 2015, which recommended the removal of limitation periods for civil actions relating to child sexual abuse as uniform amendments across all state jurisdictions.

- The *Road Traffic Legislation Amendment Bill (No.2) 2015* was introduced into the lower house on 11 November 2015. The Bill proposes amendments to the *Road Traffic Act 1974* as follows :
  - Establish the power to require compulsory blood testing in a crash that results in death or serious bodily harm.
  - Create an offence of careless driving causing death, GBH or bodily harm.
  - Create an offence of providing driving instruction under the influence of alcohol or a prescribed illicit drug.
- As detailed earlier in this Report, the *Dangerous Sexual Offenders Legislation Amendment Bill 2015* was introduced into the Legislative Council on 2 December 2015.

- The *Sentence Administration Amendment Bill 2016* was introduced in the Legislative Assembly on 24 February 2016 and proposes to amend the *Sentence Administration Act 2003* to bring changes to parole considerations of prisoners sentenced to life imprisonment or indefinite terms of imprisonment imposed for murder – where the victim's remains have never been recovered.
- The *Terrorism (Preventative Detention) Amendment Bill 2016* was introduced in the Legislative Assembly on 11 May 2016 and seeks to amend the *Terrorism (Preventative Detention) Act 2006* to extend the temporary detention powers for a further 10 years to 2026 to ensure that Police can respond to, prevent and investigate potential terror threats in the Western Australian community.
- The *Criminal Laws (Domestic Violence) Amendment Bill 2016* was introduced as a private members bill in the Legislative Assembly on 11 May 2016. The Bill will provide that victims of domestic and family violence automatically fall within the definition of special witnesses under the *Evidence Act 1906*. It introduces increased penalties for breaches of restraining orders. The Bill increases the maximum sentence imposed for death under s.281 of the *Criminal Code* if it occurs in the context of domestic and family violence to 20 years imprisonment. The Bill allows a notation to be made on any charge that it relates to domestic and family violence and allows for the notation to be carried through to an offender's criminal history. Further, the Bill allows prosecutors to apply for a direction that notations be made retrospectively on a person's criminal history.
- The *Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016* was introduced in the Legislative Assembly on 15 June 2016 and proposes that drivers who are convicted of causing the death of a person, either because they were driving under the influence of alcohol or drugs or through other aggravating circumstances, are banned from driving for the rest of their life.
- The *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016* was introduced 23 June 2016 and proposes to amend the *Road Traffic Act 1974*, the *Criminal Code*, the *Road Safety Council Act 2002* and the *Young Offenders Act 1994* to implement a number of initiatives to penalise drivers who commit hoon offences, to enable the impounding and confiscation of unlicensed trail bikes being used on roads and to assist police with the timely disposal of uncollected impounded vehicles.



## Inter-Agency Committees and Working Groups

During 2015/2016 the ODPP participated in a range of external committees principally established to promote improvements to the criminal justice system in Western Australia:

Table 20: External Committee Representation 2015/2016

Committee	Purpose	ODPP Representative
Strategic Criminal Justice Forum	Consider high level strategic issues and formulate initiatives to meet the strategic goals of the criminal justice system.	Joseph McGrath SC Director
Children's Court of WA Interagency Committee	Facilitate communication and issue resolution among Court stakeholders.	Sean Stocks Practice Manager
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds.	Fiona Humphries Confiscations Lawyer
Drug Court Strategic Management Group	Oversee the strategic direction of the Drug Court.	Brent Meertens Consultant State Prosecutor
Victims of Crime Reference Group	Advise Government on the needs and issues for victims of crime and make recommendations to improve the criminal justice system.	Linda Keane State Prosecutor
Child Witness Committee	Deal with issues arising from children giving evidence in WA courts.	Amanda Burrows Consultant State Prosecutor
Magistrates Court Liaison Committee	Facilitate communication and issue resolution between Magistrates Court stakeholders.	Brent Meertens Consultant State Prosecutor, Ian Flynn Senior Paralegal
ODPP, VSS and CWS Liaison Committee	Improve services to witnesses and victims and crime and enhance inter-agency communication.	Julian Williams Manager Legal Practice Support, Therese Austin Practice Manager
PathWest/WAPOL/ODPP Joint Consultative Committee	Facilitate communication and issue resolution between the agencies in areas of mutual interest.	Matthew Bugg Director Legal Services, Justin Whalley Consultant State Prosecutor
Secondary Victims of Homicide Protocols Review Group	Review the <i>Secondary Victims of Homicide Protocols for Service Delivery</i>	Amanda Burrows Consultant State Prosecutor, Nari Vanderzanden Legal Project Officer
Sexual Assault Services Advisory Group	Improve processes for victims of crime and enhance inter-agency communication in sexual assault matters.	Amanda Burrows Consultant State Prosecutor
State Witness Protection Committee	Consider applications for witnesses to be admitted to State Witness Protection Plans.	James Mactaggart Senior State Prosecutor
Interagency Cross Justice Working Group	Facilitate the alignment of IT systems, the sharing or exchange of information electronically and foster business improvements across justice agencies.	Jeff Plunkett Director Corporate Services, George Nastos Manager IT
Data Quality Working Group	Improve the exchange of information and data quality between justice agencies.	Julian Williams Manager Legal Practice Support, George Nastos Manager IT
Suitor's Fund Act Solicitor General Working Party	Review the <i>Suitors' Fund Act 1964</i> .	David Davidson Senior State Prosecutor

## Law Society of WA

Many lawyers from the ODPP contributed positively to the Law Society of Western Australia during 2015/2016 through membership on a range of committees:

Table 21: Law Society Committee Representation 2015/2016

Committee	ODPP Representative
Law Society Council	Adam Ebell, State Prosecutor Catherine Fletcher, State Prosecutor
Commercial and Corporate Law Committee	David Davidson, Senior State Prosecutor
Costs Committee	David Davidson, Senior State Prosecutor
Courts Committee	David Davidson, Senior State Prosecutor
Criminal Law Committee	David Davidson, Senior State Prosecutor (Convenor), Hannah Milligan, State Prosecutor
Education Committee	Adam Ebell, State Prosecutor
Ethics Committee	Joseph McGrath SC, Director
Human Rights and Equal Opportunity Committee	Hannah Milligan, State Prosecutor
In-house and Government Lawyers Committee	David Davidson, Senior State Prosecutor
Joint Law Society Women Lawyers Committee	Catherine Fletcher, State Prosecutor
Mental Health and Wellbeing Committee	David Davidson, Senior State Prosecutor (Convenor)
Young Lawyers Committee	Kim Jennings, State Prosecutor, Hannah Milligan, State Prosecutor

## Legal Practice Board

The ODPP's contribution to the work of the Legal Practice Board in 2015/2016 included:

Table 22: Legal Practice Board Representation 2015/2016

Committee	ODPP Representative
Legal Practice Board	Joseph McGrath SC, Director, Robert Wilson, Senior State Prosecutor
Admissions and Registrations Committee	Joseph McGrath SC, Director, Robert Wilson, Senior State Prosecutor

## **Business Improvement Projects**

The following are examples of some of a range of business improvement initiatives implemented by the ODPP during 2015/2016:

### **Strategic Asset Plan**

This year marked the third year of the roll-out of 10 year Strategic Asset Plan approved by Government as part of the 2013/2014 budget round. The Plan provides funding to enable the progressive and structured replacement of essential IT systems and office equipment such as servers, personal computers, laptops, telephones, photocopiers, multifunctional devices and other equipment critical to the delivery of prosecution services.

### **Integrating Electronic Evidence**

The ODPP has invested in technology to allow the improved management of the ever increasing amount of evidence which is presented to the ODPP in electronic format. Criminal cases today rely to a much greater extent on digital media for evidence such as CCTV footage, videos, photographic images and audio recordings. The storage requirements for this type of evidence are significantly larger than in the past. Investing in technology to manage this electronic evidence will be critically important for the future effectiveness of the ODPP and the criminal justice system as a whole.

### **Electronic Brief Preparation**

The ODPP took a strategic approach to reviewing its printing requirements for the next few years and updating its equipment. A decision was made to centralise the printing of large prosecution briefs, appeals and other materials using desktop tools to prepare and collate the prosecution brief electronically in order to build skills and expertise in transitioning to a fully electronic brief process in the future.

### **Expanding Justice Integration**

The ODPP is expanding its capacity for further integration with the courts and the planned replacement the WA Police 'Briefcase' system. ODPP integration systems have been reviewed to incorporate further expansion of the Court's ICMS integration.

### **Telephony System**

A major strategic investment has been made in a new telephony system moving towards an IP based system. This system, which was purchased in 2015/2016 and will be rolled out in 2016/2017, will provide greater flexibility on collaboration with witnesses and defence counsel. The ODPP is expanding its capability for communication with external and internal stakeholders and plans to integrate this with its case management system for notifications of case events and reducing communication issues.



## Investing in People

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

A key emphasis in 2015/16 was the delivery of a more wide-ranging cross-cultural awareness program by including sessions specifically designed to focus on 'Aboriginal Women and the Law'. The sessions provided ODPP prosecutors and paralegals with a better understanding of the issues facing Aboriginal women, particularly in regional areas of Western Australia. Aboriginal women from the regional areas co-facilitated the sessions.

The ODPP Training and Professional Development Committee, the Legal and Legal Support Training Subcommittees and the Workforce Development Team continued their commitment to provide valuable and practical professional development programs.

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

- Members of the Judiciary.
- PathWest Laboratory Medicine WA.
- Specialist units and staff from the WA Police.

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

- The International Association of Prosecutors (IAP) Conference.
- The Association of Crown Prosecutors Conference (ACCP).
- The Australian & New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL) Conference.
- Seminars and workshops delivered by external organisations including the Law Society of WA and Legal Aid WA.

Other key development activities during the year included:

- A two day Junior Practitioner Advocacy Course aimed at developing the core skills and capabilities of junior prosecutors.
- Events, seminars and initiatives focussing on mental health and wellbeing.
- Aboriginal Cultural Awareness and Disability Awareness workshops.
- Occupational Safety and Health responsibility training for managers.
- International Women's Day event.

A very successful Leadership Program for senior lawyers and senior corporate service managers was launched in 2013 and continued in 2015/2016 with three additional modules being delivered. The program will continue into 2016/2017.

Mid-level managers and supervisors were involved in an in-house delivered Diploma of Leadership & Management. This program commenced in 2015/2016 and has received excellent feedback from the participants. The program will continue into 2016/2017.

The table on the following page summarises the key training and development initiatives delivered in 2015/2016:

Table 23: Development Activities 2015/2016

Activity	Staff Attendance 2015/16
Continuing Professional Development Seminars 35 internal seminars	498 (Averaging 14 participants per seminar)
Legal Support Development Seminars 4 internal seminars	62 (Averaging 16 participants per seminar)
External seminars The Law Society of WA, The University of Notre Dame, Legal Aid WA, IPPA, Proteus	75
Advocacy Training 2 internal courses	60 (Senior advocacy training - 38 participants Junior advocacy training - 22 participants)
Articled Clerk Training	4
Conferences	19
ODPP International Women's Day Event	46
Mental Health and Wellness 8 seminars and workshops	119 (Averaging 15 participants per activity)
Disability Awareness 2 workshops	31 (Averaging 15.5 participants per activity)
Cross Cultural Awareness 6 workshops	89 (Averaging 15 participants per workshop)
Leadership and Management Development Program 6 sessions	79 (Averaging 13 participants per session)
Mid-Level Managers Development Program 5 Diploma of Leadership and Management sessions	70 (Averaging 14 participants per session)
Corporate Information Sessions Recruitment, Selection Panel Training, National Relay Service	34
Employee Salary Packaging and Superannuation 5 information sessions	21 (Averaging 4 participants per session)
First Aid Training	10
Other Professional Development Change Management and OHS Manager Training 3 sessions	43 (Averaging 14 participants per session)

## Part 3 Disclosures and Legal Compliance

### Ministerial Directives

No directives were made by the Attorney General during 2015/2016.

### Other Financial Disclosures

#### Brief Out Expenditure

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

Other than in 2013/2014, there has been a relative consistency in external briefing over the past five years, as is illustrated in the table below. The costs in the table are inclusive of GST.

Table 24: Brief out Expenditure 2011/2012 to 2015/2016

BRIEF OUT EXPENDITURE	2011/12	2012/13	2013/14	2014/15	2015/16
Court Appearances Briefed	219	238	162	240	231
Average Cost Per Brief	\$6,489	\$6,026	\$6,409	\$6,489	\$5,555
<b>TOTAL COST</b>	<b>\$1,421,093</b>	<b>\$1,434,229</b>	<b>\$1,038,196</b>	<b>\$1,557,448</b>	<b>\$1,283,177</b>
Total Court Days Invoiced	626	621	410	741	600
Average Cost per Court Day	\$2,270	\$2,309	\$2,532	\$2,102	\$2,139

#### Ex Gratia Payments

No ex gratia payments were made during 2015/2016.

## Employment Statistics

The ODPP's approved Full Time Equivalent (FTE) staffing ceiling for 2015/2016 was 235.1.

The average actual FTE usage over the course of the year was well below this at 225.95.

As at 30 June 2016 the ODPP employed 242 paid staff members, with the following table providing a breakdown between legal staff and corporate and legal support staff, by headcount, gender, classification level and salary range, as compared to the preceding financial year.

Table 25: Employment Profile as at 30 June 2014/2015 and 2015/2016

	2014/2015			2015/2016			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Female	Male		Female	Male		
Legal Staff							
Articled Clerk	3	1	4	0	0	0	N/A
L1LG	5	3	8	4	1	5	\$84,542 - \$94,634
L2LG	13	3	16	8	4	12	\$91,548 - \$110,176
L3LG	13	5	18	21	6	27	\$121,885 - \$130,636
L4LG	14	8	22	13	8	21	\$138,047 - \$163,719
L5LG	10	17	27	9	18	27	\$179,637
L6LG	7	12	19	5	12	17	\$198,794 - \$223,507
L7LG	0	1	1	0	1	1	\$235,171
CSP	2	2	4	3	3	6	\$328,082
DLS	0	1	1	0	1	1	\$328,082
Deputy DPP	0	1	1	0	0	0	\$386,819
DPP	0	1	1	0	1	1	\$479,327
Legal Staff Total	67	55	122	63	55	118	
Corporate and Legal Support Staff							
L1	3	4	7	6	1	7	\$23,869 - \$57,376
L2	32	8	40	33	13	46	\$59,172 - \$64,256
L3	25	11	36	26	11	37	\$67,869 - \$73,717
L4	13	5	18	12	5	17	\$76,452 - \$80,797
L5	5	6	11	6	3	9	\$85,047 - \$93,994
L6	1	3	4	0	3	3	\$98,966 - \$109,590
L7	0	3	3	0	3	3	\$115,725 - \$124,033
L8	1	0	1	1	0	1	\$131,296 - \$142,609
L9	0	1	1	0	1	1	\$150,689 - \$162,015
Support Staff Total	80	41	121	84	40	124	
TOTAL STAFF	147	96	243	147	95	242	

## Governance Disclosures

No disclosures are required under Treasurer's Instruction 903(14) for 2015/2016.

## Public Interest Disclosures

The ODPP did not receive any matters under the [Public Interest Disclosure Act 2003](#) in 2015/2016, nor were any matters carried over from the previous financial year.

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

## Other Legal Requirements

### Advertising

The [Electoral Act 1907](#) requires all public sector agencies to publish in their annual report a statement detailing all expenditure incurred by, or on behalf of, the agency during the relevant reporting period in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies.

Other than expenditure associated with advertising staff positions, the ODPP did not incur any expenditure in the above areas in 2015/2016.

### Disability Access and Inclusion Plan

The ODPP Disability Access and Inclusion Plan (DAIP) is available to members of the public through the ODPP's web site and to all staff members through the ODPP intranet.

Achievements in 2015/2016 included:

- Facilitating the use of interpreters and technology to improve the availability and quality of communication with people with disability who are involved with the ODPP as victims of crime or witnesses.
- A review and update of the ODPP's website to ensure that there are clear instructions on how people with disability can access information in alternative formats.

## Public Sector Standards and Ethical Codes

The ODPP received two breach of standard claims against the Employment Standard in 2015/2016.

Both claims were progressed to the Public Sector Commission (PSC) for review. One claim was withdrawn before the PSC could conduct a review, while the other claim was dismissed.

## Records Management Framework

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

The following information is provided in accordance with State Records Commission Standard 2, Principle 6.

The ODPP's Record Keeping Plan was approved by the State Records Commission in April 2011 and is valid for a period of five years. The ODPP's Retention and Disposal Schedule, was approved in June 2010 and remains contemporary. The revision of both the Records Keeping Plan and the Retention and Disposal Schedule will be completed in early 2017 for submission to the State Records Commission.

The ODPP continues to provide record keeping awareness training to all staff members through the ODPP's Induction Program and other information available on the ODPP's intranet. The induction program includes record keeping awareness and training specifically tailored to the role of each new staff member joining the ODPP. Improvements in records keeping training have resulted in a greater awareness of records management issues across the ODPP.

In 2016 the ODPP completed a comprehensive review of its legal practice file close-off procedures and developed a suite of detailed procedures which are delivering improved and more consistent records keeping practices across the various areas of the ODPP's legal practice.

The ODPP continues to explore ways to improve its practices to capture, manage and secure documents electronically through its JustWare Case Management System and its electronic document records management system, TRIM. The ODPP implemented its TRIM EDRMS system in 2010 and captured 171,569 electronic records in the first year. The volume of electronic records has continually increased with now over 1.7 million electronic records having been captured electronically.

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

## Freedom of Information

The ODPP is an 'Exempt Agency' under Schedule 2 of the *Freedom of Information Act 1992*. However, the ODPP always assists - to the extent reasonably possible and permissible - when requests for information are received.

## Government Policy Requirements

### Substantive Equality

Public Sector Commissioner's Circular 23 of 2009 provides that all departments represented on the Strategic Management Council are required to report on their progress in implementing the Policy Framework for Substantive Equality.

The ODPP is not represented on the Strategic Management Council and therefore is not required to report on this initiative. However, the ODPP is aware of the intent of the policy framework and when developing and reviewing policies and procedures is cognisant of meeting the diverse needs of the people of Western Australia.

### Occupational Safety, Health and Injury Management

The ODPP is committed to providing and maintaining a safe and healthy workplace that is free of work related injuries and diseases.

The incidence of workplace injury at the ODPP is very low, however, in the event that an injury occurs the ODPP is committed to ensuring that the matter is managed compassionately, quickly and effectively so that the injured staff member can remain at work or return to work at the earliest appropriate time.

The ODPP has documented this commitment in the ODPP Occupational Safety and Health Policy, the ODPP Injury Management Policy and the ODPP Injury Management Procedures. The ODPP also complies with the *Occupational Safety and Health in the Western Australian Public Sector Code of Practice 2007* and all relevant legislation.

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

The ODPP carries out regular internal reviews to ensure compliance with all requisite safety and health regulations. Any incidents are thoroughly investigated by the ODPP Safety and Health Officer. However, the ODPP has proven to be a relatively safe working environment and due to the very low number and disparate nature of incidents over recent years, no discernible patterns have been identified to warrant any significant changes to work practices.

The ODPP's performance in 2015/2016 was:

Table 26: Occupational Health and Safety Statistics 2015/2016

INDICATOR	TARGET 2015/2016	ACTUAL
Number of fatalities.	Zero	Zero
Lost time injury/diseases (LTI/D) incidence rate.	Zero or 10 % reduction on the previous 3 years	0.00
Lost time injury severity rate.	Zero or 10 % improvement on the previous 3 years	0.00
Percentage of injured workers returned to work within (i) 13 weeks and (ii) 26 weeks.	Greater than or equal to 80% return to work within 26 weeks	100%
Percentage of managers formally trained in occupational safety, health and injury management responsibilities.	Greater than or equal to 80%	82%

## Part 4 Key Performance Indicators and Financial Statements



### Auditor General

#### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

#### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

#### Report on the Financial Statements

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

The financial statements comprise the Statement of Financial Position as at 30 June 2016, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

#### *Opinion*

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Office of the Director of Public Prosecutions at 30 June 2016 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

#### *Director's Responsibility for the Financial Statements*

The Director is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Director determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility for the Audit of the Financial Statements*

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

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Office's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances.



An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Director, as well as evaluating the overall presentation of the financial statements.

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

### **Report on Controls**

I have audited the controls exercised by the Office of the Director of Public Prosecutions during the year ended 30 June 2016.

Controls exercised by the Office of the Director of Public Prosecutions are those policies and procedures established by the Director to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

### ***Opinion***

In my opinion, in all material respects, the controls exercised by the Office of the Director of Public Prosecutions are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2016.

### ***Director's Responsibility for Controls***

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

### ***Auditor's Responsibility for the Audit of Controls***

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

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

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

### **Report on the Key Performance Indicators**

I have audited the key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2016.

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

### ***Opinion***

In my opinion, in all material respects, the key performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to assist users to assess the Office's performance and fairly represent indicated performance for the year ended 30 June 2016.

#### *Director's Responsibility for the Key Performance Indicators*

The Director is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Director determines necessary to ensure that the key performance indicators fairly represent indicated performance.

#### *Auditor's Responsibility for the Audit of Key Performance Indicators*

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

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

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

#### **Independence**

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

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

This auditor's report relates to the financial statements and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2016 included on the Office's website. The Office's management is responsible for the integrity of the Office's website. This audit does not provide assurance on the integrity of the Office's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



GLEN CLARKE  
DEPUTY AUDITOR GENERAL  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
16 September 2016

## Certification of Key Performance Indicators



DIRECTOR OF PUBLIC PROSECUTIONS  
for WESTERN AUSTRALIA

### Certification of Key Performance Indicators

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Office of the Director of Public Prosecutions' performance and fairly represent the performance of the Office of Public Prosecutions for the financial year ending 30 June 2016.

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

Joseph McGrath SC  
Accountable Authority

Date: 15 September 2016

## Key Performance Indicators

### INTRODUCTION

The core work of the Office of the Director of Public Prosecutions (ODPP) is to prosecute serious criminal offences in the Supreme Court, District Court, and before the Children's Court. The ODPP also appears if any matters that proceed to appeal. In addition, the ODPP initiates confiscations actions pursuant to the [Criminal Property Confiscation Act 2000](#) and the [Misuse of Drugs Act 1981](#), and also manages committal proceedings in the Perth Magistrates Court.

Assessing the work of a prosecuting service is difficult. Offices of Director of Public Prosecutions in all jurisdictions play a critical role in their respective criminal justice systems and as such they do not operate in isolation. The performance of any ODPP is always influenced by a range of external factors, including the activities of other criminal justice agencies – principally the Courts and Police Services.

A challenge for all Offices of Director of Public Prosecutions is to develop a set of meaningful indicators that will reflect the key activities over which an ODPP has some degree of control.

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

### ODPP MISSION

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

### ODPP OUTPUTS

#### Output 1 – Criminal Prosecutions

This is the ODPP's core work. The key outcome is to provide a fair and just criminal prosecution service for the State of Western Australia.

Criminal offences prosecuted by the ODPP are mostly found in the [Criminal Code](#) and the [Misuse of Drugs Act 1981](#) which together cover virtually the full range of offences dealt with by the District Court and Supreme Court on indictment.

An indictment is the formal document advising the court and the accused of the charges laid and without it the case cannot proceed through the District or Supreme Court.

The work of prosecuting is carried out by State Prosecutors who are responsible to the Director of Public Prosecutions. They have the task of analysing briefs of evidence which have been prepared by the investigating police, assessing the accuracy of the charges and the evidence, determining whether the prosecution ought to proceed, and if so, the precise charges to be prosecuted. Once the indictment is presented to the relevant court, State Prosecutors represent the State in court on every appearance by an accused, whether it is a proceeding for bail, plea, trial, sentence, or appeal.

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

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

## **Output 2 – Confiscation of Assets**

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

## **GOVERNMENT GOAL**

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

## **DESIRED OUTCOME**

That the people of Western Australia are provided with a fair and just criminal prosecution service.

## Key Effectiveness Indicators

### Effectiveness Indicator No 1: Early Advice to Court on Charges

#### Relationship to Desired Outcome

The timely resolution of cases contributes significantly to fair and just outcomes for all stakeholders in the criminal justice system. A case cannot progress in the Supreme or District Court until the charges in indictment have been lodged. Therefore, the timely lodgement of the indictment by the ODPP is a key factor in achieving a fair and just outcome.

#### Performance Outcome 2015/2016

In 2015/2016, the ODPP received 2,508 cases that were either committed to the Supreme or District Court or listed for committal at Perth Magistrates Court. Following case reviews, 81 matters were returned to the Magistrates Court to be dealt with summarily or transferred to another prosecution agency. A further 173 matters were wholly discontinued, so that no charges remained against the accused. Of the remaining 2,254 matters committed to the District and Supreme Court and where an indictment was due during this reporting period, in 1618 cases (or 71.8%) the indictment was filed with the court within 90 days of the date of committal.

KPI Target 2015/2016	KPI Result 2015/2016
85.0%	71.8%

Performance trends over time are illustrated in the following table:

Year	Indictment Filed Within 90 days of Committal
2015/2016	71.8%
2014/2015	74.4%
2013/2014	80.8%
2012/2013	83.4%
2011/2012	81.8%

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

The most important factor in the variation between the target and the performance outcome in 2015/2016 was a 5.2% increase in the number of committals that resulted in an indictment being required during the year — up 112 indictments from the total of 2,142 in 2014/2015. This increase came on top of a 15.4% rise in the previous year.

In 2015/2016 the ODPP filed an average of 188 indictments per month. In 2014/2015 the monthly average was 179 and in 2013/2014 it was only 151 per month. To date, the ODPP has filed 2,212 of the 2,254 indictments that were due in 2015/2016, in an average of 77 days from the date of committal, which is well inside of the target of 90 days. Given the significant increases in this area of the ODPP's core work, the 2015/2016 outcome, while not meeting the target, was a very good one.

## Effectiveness Indicator No 2: Establishing a Case to Answer

### Relationship to Desired Outcome

It is fundamental to the provision of a fair and just prosecution service that the State should be able to establish a *prima facie* case against an accused person. Although small in number, each instance of failure to establish a case, as measured by the termination of proceedings by a judge due to no case to answer, is an event which warrants scrutiny both internally and externally.

### Performance Outcome 2015/2016

There was one Judge directed acquittal in the reporting year out of a total of 460 trials that proceeded, resulting in all but one accused having a case to answer.

KPI Target 2015/2016	KPI Result 2015/2016
98.0%	99.8%

Performance trends over time are illustrated in the following table:

Year	Establishing Case to Answer
2015/2016	99.8%
2014/2015	100.0%
2013/2014	100.0%
2012/2013	99.5%
2011/2012	100.0%

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

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

## Effectiveness Indicator No 3: Convictions after Trial

### Relationship to Desired Outcome

For cases contested at trial, it is the role of the ODPP to fairly and effectively present the evidence in the case to the court and the jury. It is not the role of the ODPP to secure a conviction at any cost, but monitoring and measuring the percentage of convictions after trial does assist with assessing the fairness of the decision to prosecute.

### Performance Outcome 2015/2016

In 2015/2016 460 trials proceeded before a jury or a Judge alone in the District and Supreme Court. Of these, 20 (or 4.3%) resulted in a hung jury and 30 (or 6.5%) resulted in a mistrial. Therefore, 410 trials delivered either a conviction or acquittal. Of these matters, 262 (or 63.9%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2015/2016	KPI Result 2015/2016
50.0%	63.9%

Performance trends over time are illustrated in the following table:

Year	YearConvictions After Trial
2015/2016	63.9%
2014/2015	75.2%
2013/2014	68.8%
2012/2013	64.6%
2011/2012	69.4%

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

The target was exceeded in 2015/2016, reflecting the extremely thorough and consistent approach of the ODPP in properly assessing matters prior to trial and in effectively preparing and prosecuting trials.



## Effectiveness Indicator No 4: Timely Lodgement of Applications for Confiscation in relation to Declared Drug Trafficker Matters

### Relationship to Desired Outcome

The timely resolution of a confiscations case contributes significantly to fair and just outcomes for all stakeholders including the community, innocent third parties and declared drug traffickers. A number of confiscation cases relate to drug traffickers and such cases cannot progress to a conclusion until an application for a Declaration of Confiscation is filed with a court by the ODPP.

### Performance Outcome 2015/2016

In 2015/2016, 38 declarations for confiscations were filed. Of these, 12 (or 31.6%) were filed within four months of the drug trafficker declaration.

KPI Target 2015/2016	KPI Result 2015/2016
60.0%	31.6%

Performance trends over time are illustrated in the following table:

Year	Application Filed Within 4 months
2015/2016	31.6%
2014/2015	39.1%
2013/2014	45.3%
2012/2013	70.5%
2011/2012	28.6%

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

The ability of the ODPP to meet this performance target is affected by a number of factors, including the progress of the Police investigation conducted to establish the ownership of the property, the tracking of associated criminal charges against the accused, the provision of proof that a drug trafficker declaration has been made and negotiations with third parties as to claimed interests. A delay in any of these processes will result in a delay in the filing of the application for a Declaration of Confiscations with the Court.

While these factors are always present in confiscations matters, during 2015/2016 some additional factors arose which contributed to an outcome below expectations. These included paralegal staff shortages in the ODPP confiscations team and changed practices and team structure at the WA Police.

## Key Efficiency Indicators

### Efficiency Indicator No 1: Cost per Prosecution

#### Relationship to Desired Outcome

Criminal prosecutions vary greatly in the type of offence, complexity and length. Some matters may be concluded within a short time upon an early plea of guilty. Others requiring a trial and perhaps an appeal may not be concluded for a number of years and can be very demanding of resources. Further, as a Consolidated Fund agency with no capacity to levy fees or charges for its services, the ODPP has no need to maintain a comprehensive matter costing system. Given these factors, it is difficult to provide an accurate and meaningful cost per prosecution. The figure below has been determined by dividing the number of new indictable cases into the ODPP's total cost of services for criminal prosecutions.

#### Performance Outcome 2015/2016

The ODPP's total cost of service for criminal prosecutions in 2015/2016 was \$37.1 million. A total of 2,985 new indictable prosecution cases were received by the ODPP during the reporting year, therefore, and with the qualifications outlined above, the average cost per criminal prosecution in 2015/2016 was \$12,429.

KPI Target 2015/2016	KPI Result 2015/2016
\$16,500	\$12,429

Performance trends over time are illustrated in the following table:

Year	Cost Per Prosecution
2015/2016	\$12,429
2014/2015	\$13,417
2013/2014	\$15,168
2012/2013	\$14,964
2011/2012	\$16,294

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

The target as published in the 2015/2016 Budget Paper No. 2 was \$16,500, therefore the ODPP substantially outperformed the target. This was due to an increase in the number of new indictable prosecution cases received in 2015/2016 — up 167 new cases (or +5.9%) on the previous year. At the same time, the ODPP's total cost of service for criminal prosecutions decreased by 1.9%. Combined, these two variables delivered a reduced raw cost per prosecution, indicative of strong performance by the ODPP.

## Efficiency Indicator No 2: Ratio of Cost to Return

### Relationship to Desired Outcome

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

### Performance Outcome 2015/2016

In 2015/2016, the ODPP Confiscations team managed a variety of matters that delivered payments of \$13.06 million to the Confiscation Proceeds Account. The total cost of service for the confiscations function in the reporting year was \$3.04 million. The ratio of cost to return was therefore 23.3%.

KPI Target 2015/2016	KPI Result 2015/2016
25.0%	23.3%

Performance trends over time are illustrated in the following table:

Year	Cost as a Percentage of Return
2015/2016	23.3%
2014/2015	34.3%
2013/2014	39.7%
2012/2013	33.4%
2011/2012	40.5%

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

There was a significant improvement in the cost ratio in 2015/2016, with the outcome being the best in five years. This improved outcome was due to a substantial increase in funds paid to the Confiscation Proceeds Account by the ODPP — rising from \$10.14 million in 2014/2015 to \$13.06 million in the current year, an increase of \$2.92 million (or+28.9%).

At the same time, the costs to maintain the confiscations legal practice were contained to below 2014/2015 levels.

## Certification of Financial Statements



DIRECTOR OF PUBLIC PROSECUTIONS  
for WESTERN AUSTRALIA

### Certification of Financial Statements for the year ended 30 June 2016

The accompanying financial statements for the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2016 and the financial position as at 30 June 2016.

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

A blue ink signature of Joseph McGrath SC, written in a cursive style.

Joseph McGrath SC  
Accountable Authority

Date: 15 September 2016

A black ink signature of Hardip Bhabra, written in a cursive style.

Hardip Bhabra  
Chief Finance Officer

Date: 15 September 2016



**ANNUAL FINANCIAL STATEMENTS**  
Office of the Director of Public Prosecutions

**Statement of Comprehensive Income**  
For the year ended 30 June 2016

	Note	2016 \$	2015 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	30,042,659	29,996,534
Supplies and services	7	3,929,692	4,076,138
Depreciation and amortisation expense	8	647,327	745,147
Accommodation expenses	9	3,056,609	3,208,110
Other expenses	10	2,468,162	3,271,515
<b>Total cost of services</b>		<b>40,144,449</b>	<b>41,297,444</b>
<b>Income</b>			
<i>Revenue</i>			
Other revenue	11	107,148	73,838
<b>Total Revenue</b>		<b>107,148</b>	<b>73,838</b>
<b>Total income other than income from State Government</b>		<b>107,148</b>	<b>73,838</b>
<b>NET COST OF SERVICES</b>		<b>40,037,301</b>	<b>41,223,606</b>
<b>Income from State Government</b>			
Service Appropriation		35,063,000	34,738,000
Contribution from Confiscation Proceeds Account		5,000,000	4,200,000
Services received free of charge		1,133,715	1,279,423
<b>Total income from State Government</b>	12	<b>41,196,715</b>	<b>40,217,423</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>1,159,414</b>	<b>(1,006,183)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>1,159,414</b>	<b>(1,006,183)</b>

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

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



**Statement of Financial Position**  
**As at 30 June 2016**

	Note	2016 \$	2015 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	23	2,741,790	1,933,251
Restricted cash and cash equivalents	13,23	-	996,000
Receivables	14	130,801	132,350
Amounts receivable for services	15	600,000	305,000
Other current assets	16	277,245	-
<b>Total Current Assets</b>		<b>3,749,836</b>	<b>3,366,601</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	13,23	-	-
Amounts receivable for services	15	4,071,000	3,886,000
Property, plant and equipment	17	2,108,421	2,368,686
Intangible assets	18	52,078	86,205
<b>Total Non-Current Assets</b>		<b>6,231,499</b>	<b>6,340,891</b>
<b>TOTAL ASSETS</b>		<b>9,981,335</b>	<b>9,707,492</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	20	544,338	1,440,007
Provisions	21	6,335,190	6,306,522
<b>Total Current Liabilities</b>		<b>6,879,528</b>	<b>7,746,529</b>
<b>Non-Current Liabilities</b>			
Provisions	21	1,929,705	1,948,275
<b>Total Non-Current Liabilities</b>		<b>1,929,705</b>	<b>1,948,275</b>
<b>TOTAL LIABILITIES</b>		<b>8,809,233</b>	<b>9,694,804</b>
<b>NET ASSETS</b>		<b>1,172,102</b>	<b>12,688</b>
<b>EQUITY</b>			
Contributed Equity	22	7,137,760	7,137,760
Accumulated surplus/(deficit)		(5,965,658)	(7,125,072)
<b>TOTAL EQUITY</b>		<b>1,172,102</b>	<b>12,688</b>

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

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





**Statement of Changes in Equity**  
**For the year ended 30 June 2016**

	Note	Contributed Equity	Reserves	Accumulated surplus/(deficit)	Total Equity
<b>Balance at 1 July 2014</b>	22	7,137,760	-	(6,118,889)	1,018,871
Surplus/(deficit)		-	-	(1,006,183)	(1,006,183)
Other comprehensive income					
Total comprehensive income for the period		-	-	(1,006,183)	(1,006,183)
Transactions with owners in their capacity as owners :					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		-	-	-	-
<b>Balance at 30 June 2015</b>		<b>7,137,760</b>	<b>-</b>	<b>(7,125,072)</b>	<b>12,688</b>
<b>Balance at 1 July 2015</b>		<b>7,137,760</b>	<b>-</b>	<b>(7,125,072)</b>	<b>12,688</b>
Surplus/(deficit)		-	-	1,159,414	1,159,414
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	1,159,414	1,159,414
Transactions with owners in their capacity as owners:					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		-	-	-	-
<b>Balance at 30 June 2016</b>		<b>7,137,760</b>	<b>-</b>	<b>(5,965,658)</b>	<b>1,172,102</b>

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

**Statement of Cash Flows**  
**For the year ended 30 June 2016**

	Note	2016 \$	2015 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		34,278,000	33,869,000
Contributions from Confiscation Proceeds Account		5,000,000	4,200,000
Holding account drawdowns		305,000	540,000
<b>Net cash provided by State Government</b>		<b>39,583,000</b>	<b>38,609,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(30,704,939)	(29,224,072)
Supplies and services		(8,810,598)	(9,371,139)
GST payments on purchases		(840,350)	(926,656)
GST payments to taxation authority		-	(227,812)
<b>Receipts</b>			
Receipts from services		120,672	89,279
GST receipts on sales		5,997	5,163
GST receipts from taxation authority		811,693	935,494
Other receipts		-	227,812
<b>Net cash provided by/(used in) operating activities</b>	23	<b>(39,417,525)</b>	<b>(38,491,931)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(352,935)	(483,118)
<b>Net cash provided by/(used in) investing activities</b>		<b>(352,935)</b>	<b>(483,118)</b>
Net increase/(decrease) in cash and cash equivalents		(187,460)	(366,049)
Cash and cash equivalents at the beginning of the period		2,929,251	3,295,300
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	23	<b>2,741,790</b>	<b>2,929,251</b>

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



**Schedule of Income and Expense by Service**  
For the year ended 30 June 2016

	Criminal Prosecutions		Confiscation of Assets		Total	
	2016	2015	2016	2015	2016	2015
	\$	\$	\$	\$	\$	\$
<b>COST OF SERVICES</b>						
<u>Expenses</u>						
Employee benefit expense	28,007,492	27,873,943	2,035,167	2,122,591	30,042,659	29,996,534
Supplies and services	3,601,153	3,668,413	328,539	407,725	3,929,692	4,076,138
Depreciation and amortisation expense	597,850	688,193	49,477	56,954	647,327	745,147
Accommodation expenses	2,824,155	2,965,626	232,454	242,484	3,056,609	3,208,110
Other expenses	2,069,972	2,616,094	398,190	655,421	2,468,162	3,271,515
<b>Total cost of services</b>	<b>37,100,622</b>	<b>37,812,269</b>	<b>3,043,827</b>	<b>3,485,175</b>	<b>40,144,449</b>	<b>41,297,444</b>
<b>Income</b>						
Other revenue	107,148	73,838	-	-	107,148	73,838
<b>Total income other than income from State Government</b>	<b>107,148</b>	<b>73,838</b>	<b>-</b>	<b>0</b>	<b>107,148</b>	<b>73,838</b>
<b>NET COST OF SERVICES</b>	<b>36,993,474</b>	<b>37,738,431</b>	<b>3,043,827</b>	<b>3,485,175</b>	<b>40,037,301</b>	<b>41,223,606</b>
<b>Income from State Government</b>						
Service appropriation	35,063,000	34,738,000	-	-	35,063,000	34,738,000
Contribution from Confiscation Proceeds Account	1,800,000	1,000,000	3,200,000	3,200,000	5,000,000	4,200,000
Services received free of charge	996,184	1,181,950	137,531	97,473	1,133,715	1,279,423
<b>Total income from State Government</b>	<b>37,859,184</b>	<b>36,919,950</b>	<b>3,337,531</b>	<b>3,297,473</b>	<b>41,196,715</b>	<b>40,217,423</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>865,710</b>	<b>(818,481)</b>	<b>293,703</b>	<b>(187,702)</b>	<b>1,159,414</b>	<b>(1,006,183)</b>

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

**Schedule of Assets and Liabilities by Service**  
As at 30 June 2016

	Criminal Prosecutions		Confiscation of Assets		Total	
	2016	2015	2016	2015	2016	2015
	\$	\$	\$	\$	\$	\$
<b>Assets</b>						
Current assets	3,463,349	3,107,373	286,487	259,228	3,749,836	3,366,603
Non-current assets	5,755,412	5,852,643	476,087	488,249	6,231,499	6,340,890
<b>Total assets</b>	<b>9,218,761</b>	<b>8,960,015</b>	<b>762,574</b>	<b>747,477</b>	<b>9,981,335</b>	<b>9,707,493</b>
<b>Liabilities</b>						
Current liabilities	6,353,932	7,150,046	525,596	596,483	6,879,528	7,746,529
Non-current liabilities	1,782,276	1,798,258	147,429	150,017	1,929,705	1,948,275
<b>Total liabilities</b>	<b>8,136,208</b>	<b>8,948,304</b>	<b>673,025</b>	<b>746,500</b>	<b>8,809,233</b>	<b>9,694,804</b>
<b>NET ASSETS</b>	<b>1,082,553</b>	<b>11,711</b>	<b>89,549</b>	<b>977</b>	<b>1,172,102</b>	<b>12,689</b>

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

Office of the Director of Public Prosecutions - 30 June 2016

Summary of Consolidated Account Appropriations and Income Estimates  
For the year ended 30 June 2016

	2016 Estimate \$	2016 Actual \$	Variance \$	2016 Actual \$	2015 Actual \$	Variance \$
<b>Delivery Services</b>						
Item 49 Net amount appropriated to deliver services	31,478,000	31,478,000	-	31,478,000	31,279,000	199,000
Amount Authorised by Other Statutes - <i>Salaries and Allowances Act 1975</i>	3,585,000	3,585,000	-	3,585,000	3,459,000	126,000
<b>Total appropriations provided to deliver services</b>	<b>35,063,000</b>	<b>35,063,000</b>	<b>-</b>	<b>35,063,000</b>	<b>34,738,000</b>	<b>325,000</b>
<b>Capital</b>						
Capital appropriations	-	-	-	-	-	-
<b>Administered Transactions</b>						
Administered Grants and Transfer Payments	100,000	-	(100,000)	-	15,370	(15,370)
<b>Total Administered Transactions</b>	<b>100,000</b>	<b>-</b>	<b>(100,000)</b>	<b>-</b>	<b>15,370</b>	<b>(15,370)</b>
<b>GRAND TOTAL</b>	<b>35,163,000</b>	<b>35,063,000</b>	<b>(100,000)</b>	<b>35,063,000</b>	<b>34,753,370</b>	<b>309,630</b>
<b>Details of Expenses by Services</b>						
Criminal Prosecutions	35,957,000	37,100,622	1,143,622	37,100,622	37,812,269	(711,647)
Confiscation of Assets	3,200,000	3,043,827	(156,173)	3,043,827	3,485,175	(441,347)
Total Cost of Services	39,157,000	40,144,449	987,449	40,144,449	41,297,444	(1,152,994)
Less total income	(3,650,000)	(107,148)	3,542,852	(107,148)	(73,838)	(33,310)
Net Cost of Services	35,507,000	40,037,301	4,530,301	40,037,301	41,223,606	(1,186,304)
Adjustments	(444,000)	(4,974,301)	(4,530,301)	(4,974,301)	(6,485,606)	1,511,304
<b>Total appropriations provided to deliver services</b>	<b>35,063,000</b>	<b>35,063,000</b>	<b>-</b>	<b>35,063,000</b>	<b>34,738,000</b>	<b>325,000</b>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	305,000	352,935	47,935	352,935	483,118	(130,183)
Adjustments for other funding sources	(305,000)	(352,935)	(47,935)	(352,935)	(483,118)	130,183
<b>Capital appropriations</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Details of Income Estimates</b>						
Income disclosed as Administered Income	100,000	-	(100,000)	-	15,370	(15,370)

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

Note 25 'Explanatory statement' and Note 32 'Explanatory statement for Administered Items' provides details of any significant variations between estimates and actual results for 2016 and between the actual results for 2016 and 2015.



## Office of the Director of Public Prosecutions

### Notes to the Financial Statements

For the year ended 30 June 2016

#### **Note 1. Australian Accounting Standards**

##### **General**

The Office's financial statements for the year ended 30 June 2016 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The Office has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

##### **Early adoption of standards**

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Partial exemption permitting early adoption of AASB 2015-7 *Amendments to Australian Accounting Standards – Fair Value Disclosures of Not-for-Profit Public Sector Entities* has been granted. Aside from AASB 2015-7, there has been no early adoption of any other Australian Accounting Standards that have been issued or amended (but not operative) by the Office for the annual reporting period ended 30 June 2016.

#### **Note 2. Summary of significant accounting policies**

##### **(a) General statement**

The Office is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act 2006* and the Treasurer's instructions impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

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

##### **(b) Basis of preparation**

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

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

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

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

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

### (c) Reporting entity

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

#### Mission

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

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

#### Services

The Office provides the following services:

##### *Service 1: Criminal Prosecutions*

Comprises prosecutions against people accused of serious breaches of the State's criminal laws.

##### *Service 2: Confiscation of Assets*

Comprises proceedings to confiscate property acquired as a result of criminal activity, property used for criminal activity and property of declared drug traffickers.

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

### (d) Contributed equity

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

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

### (e) Income

#### Revenue recognition

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

##### *Sale of goods*

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

##### *Provision of services*

Revenue is recognised by reference to the stage of completion of the transactions.

##### *Interest*

Revenue is recognised as the interest accrues.

##### *Service appropriations*

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



*Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Office. In accordance with the most recent determination, as quantified in the 2015-2016 Budget Statements, the Office retained \$107,148 in 2016 (\$73,838 in 2015) from the following:

- Executive vehicle scheme;
- Miscellaneous revenue.

*Grants, donations, gifts and other non-reciprocal contributions*

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

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

Gains

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

**(f) Property, plant and equipment**Capitalisation/expensing of assets

Items of property, plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (*other than where they form part of a group of similar items which are significant in total*).

Initial recognition and measurement

Property, plant and equipment are initially recognised at cost.

For items of property, plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

Subsequent to initial recognition of an asset, the historical cost model is used for the measurement of property, plant and equipment. All other items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Derecognition

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

Depreciation

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

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

Leasehold improvements	7 - 13 years
Computer hardware	3 - 4 years
Office equipment	3 - 5 years

**(g) Intangible assets**Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

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

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life which is reviewed annually) on the straight line basis. All intangible assets controlled by the Office have a finite useful life and zero residual value.

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

Licenses	3 - 5 years
Software (a)	3 - 5 years

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

#### Licenses

Licenses have a finite useful life and are carried at cost less accumulated amortisation and accumulated impairment losses.

#### Computer software

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

### **(h) Impairment of assets**

Property, plant and equipment, and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. When an asset measured at cost is written down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. As the Office is a not-for-profit entity, unless a specialised asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

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

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

### **(i) Leases**

The Office has not entered into any finance leases.

The Office holds operating leases for buildings and motor vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

### **(j) Financial instruments**

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

- Receivables; and
- Financial liabilities measured at amortised cost.



Financial instruments have been disaggregated into the following classes:

- Financial Assets
  - Cash and cash equivalents
  - Restricted cash and cash equivalents
  - Receivables
  - Amounts receivable for services
- Financial Liabilities
  - Payables

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

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

### **(k) Cash and cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

### **(l) Accrued salaries**

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are generally settled within a fortnight of the financial year end. The Office considers the carrying amount of accrued salaries to be equivalent to its fair value.

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

### **(m) Amounts receivable for services (holding account)**

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

### **(n) Receivables**

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

### **(o) Payables**

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

### **(p) Provisions**

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

#### Provisions – employee benefits

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



*Annual leave*

Annual leave is not expected to be settled wholly within 12 months after the end of the reporting period and is therefore considered to be 'other long-term employee benefits'. The annual leave liability is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

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

*Long service leave*

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

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Unconditional long service leave provisions are classified as current liabilities as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period. Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Office has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

*Purchased Leave*

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional 10 weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the undiscounted amounts expected to be paid when the liabilities are settled.

*Superannuation*

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

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

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider. The Office makes contributions to GESB or other fund providers on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Office's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

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

The Office has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension

Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Office to the GESB.

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

#### Provisions – other

##### *Employment on-costs*

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

#### **(q) Superannuation expense**

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

#### **(r) Services received free of charge or for nominal cost**

Services received free of charge or for nominal cost that the Office would otherwise purchase if not donated, are recognised as income at the fair value of the services where they can be reliably measured. A corresponding expense is recognised for services received.

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

#### **(s) Comparative figures**

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

### ***Note 3. Judgements made by management in applying accounting policies***

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

#### **Operating lease commitments**

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

### ***Note 4. Key sources of estimation uncertainty***

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

#### **Long Service Leave**

Several estimations and assumptions used in calculating the Office's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.



## **Note 5. Disclosure of changes in accounting policy and estimates**

### **Initial application of an Australian Accounting Standard**

The Office has applied the following Australian Accounting Standards effective, or adopted, for annual reporting periods beginning on or after 1 July 2015 that impacted on the Office.

- AASB 2013-9** *Amendments to Australian Accounting Standards – Conceptual Framework, Materiality and Financial Instruments*
- Part C of this Standard defers the application of AASB 9 to 1 January 2017. The application date of AASB 9 was subsequently deferred to 1 January 2018 by AASB 2014 1. The Department has not yet determined the application or the potential impact of AASB 9.
- AASB 2014-8** *Amendments to Australian Accounting Standards arising from AASB 9 (December 2014) – Application of AASB 9 (December 2009) and AASB 9 (December 2010) [AASB 9 (2009 & 2010)]*
- This Standard makes amendments to AASB 9 Financial Instruments (December 2009) and AASB 9 Financial Instruments (December 2010), arising from the issuance of AASB 9 Financial Instruments in December 2014. The Department has not yet determined the application or the potential impact of AASB 9.
- AASB 2015-3** *Amendments to Australian Accounting Standards arising from the Withdrawal of AASB 1031 Materiality*
- This Standard completes the withdrawal of references to AASB 1031 in all Australian Accounting Standards and Interpretations, allowing that Standard to effectively be withdrawn. There is no financial impact.
- AASB 2015-7** *Amendments to Australian Accounting Standards - Fair Value Disclosures of Not-for-Profit Public Sector Entities [AASB 13]*
- This Standard relieves not-for-profit public sector entities from the reporting burden associated with various disclosures required by AASB 13 for assets within the scope of AASB 116 that are held primarily for their current service potential rather than to generate future net cash inflows. It has no financial impact.

### **Future impact of Australian Accounting Standards not yet operative**

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements* or by an exemption from TI 1101. Consequently, the Office has not early applied any of following Australian Accounting Standards that have been issued that may impact the Office. Where applicable, the Office plans to apply the following Australian Accounting Standards from their application date.

Title		Operative for reporting periods beginning on/after
AASB 9	Financial Instruments	1 Jan 2018
AASB 15	Revenue from Contracts with Customers	1 Jan 2018
AASB 16	Leases	1 Jan 2019
AASB 1057	Application of Australian Accounting Standards	1 Jan 2016
AASB 2010-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1,3,4,5,7,101,102,108,112,118,120, 121,127,128, 131,132,136,137,139, 1023 & 1038 and Interpretation 2, 5,10,12,19 & 127]	1 Jan 2018

Title		Operative for reporting periods beginning on/after
AASB 2014-1	Amendments to Australian Accounting Standards	1 Jan 2018
AASB 2014-3	Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 & 11]	1 Jan 2016
AASB 2014-4	Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 & 138]	1 Jan 2016
AASB 2014-5	Amendments to Australian Accounting Standards arising from AASB 15	1 Jan 2018
AASB 2014-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)	1 Jan 2018
AASB 2014-9	Amendments to Australian Accounting Standards – Equity Method in Separate Financial Statements [AASB 1, 127 & 128]	1 Jan 2016
AASB 2014-10	Amendments to Australian Accounting Standards – Sale or Contribution of Assets between an Investor and its Associate or Joint Venture [AASB 10 & 128]	1 Jan 2016
AASB 2015-1	Amendments to Australian Accounting Standards – Annual Improvements to Australian Accounting Standards 2012–2014 Cycle [AASB 1, 2, 3, 5, 7, 11, 110, 119, 121, 133, 134, 137 & 140]	1 Jan 2016
AASB 2015-2	Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049]	1 Jan 2016
AASB 2015-6	Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 & 1049]	1 Jul 2016
AASB 2015-8	Amendments to Australian Accounting Standards – Effective Date of AASB 15	1 Jan 2017
AASB 2015-10	Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 & 128	1 Jul 2016
AASB 2016-2	Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107.	1 Jul 2017
AASB 2016-3	Amendments to Australian Accounting Standards – Clarifications to AASB 15	1 Jan 2018
AASB 2016-4	Amendments to Australian Accounting Standards – Recoverable Amount of Non-Cash-Generating Specialized Assets of Not-for-Profit Entities	1 Jan 2017

**Note 6. Employee benefits expense**

	2016	2015
	\$	\$
Wages and salaries <sup>(a)</sup>	27,409,761	27,493,574
Superannuation - defined contribution plans <sup>(b)</sup>	2,632,898	2,502,960
	<b>30,042,659</b>	<b>29,996,534</b>

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

(b) Defined contribution plans include West State, Gold State, Super Choice Schemes and GESB and other eligible funds.

Employment on-costs expenses, such as workers' compensation insurance are included at note 10 'Other expenses'.

Employment on-costs liability is included in note 21 'Provisions'.

**Note 7. Supplies and Services**

	2016	2015
	\$	\$
Communications	136,670	131,396
Consultants and contractors	2,659,602	2,778,687
Consumables	541,513	568,178
Travel and accommodation	371,615	277,737
Miscellaneous	220,292	320,141
	<b>3,929,692</b>	<b>4,076,138</b>

**Note 8. Depreciation and amortisation expense**

	2016	2015
	\$	\$
<u>Depreciation</u>		
Leasehold improvements	401,120	400,609
Computer hardware	137,475	132,219
Office equipment	53,636	29,448
<b>Total depreciation</b>	<b>592,230</b>	<b>562,275</b>
<u>Amortisation</u>		
Intangible assets	55,097	182,872
<b>Total amortisation</b>	<b>55,097</b>	<b>182,872</b>
<b>Total depreciation and amortisation</b>	<b>647,327</b>	<b>745,147</b>



**Note 9. Accommodation expenses**

	2016	2015
	\$	\$
Building rental operating lease expense	3,056,609	3,208,110
	<b>3,056,609</b>	<b>3,208,110</b>

**Note 10. Other expenses**

	2016	2015
	\$	\$
Witness expenses	568,789	729,197
Doubtful debts expense	-	-
Equipment and vehicles operating lease expense	166,448	165,145
Building and equipment repairs and maintenance	123,153	135,094
Litigation Costs	371,529	628,181
External brief out expense	1,173,836	1,557,448
Other expenses <sup>(a)</sup>	64,406	56,449
	<b>2,468,162</b>	<b>3,271,515</b>

(a) Includes workers' compensation insurance and other employment on-costs.

The on-costs liability associated with the recognition of annual and long service leave liability is included at note 21 'Provisions'.

Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

**Note 11. Other revenue**

	2016	2015
	\$	\$
Contributions to motor vehicle scheme	53,728	50,840
Workers' compensation	7,783	-
Recoup	41,562	22,943
Other revenue	4,075	55
	<b>107,148</b>	<b>73,838</b>

**Note 12. Income from State Government**

	2016	2015
	\$	\$
Appropriation received during the period:		
Service appropriations <sup>(a)</sup>	35,063,000	34,738,000
Contributions from Confiscation Proceeds Account <sup>(b)</sup>	5,000,000	4,200,000
Grants and subsidies	0	0
	<b>40,063,000</b>	<b>38,938,000</b>
Services received free of charge <sup>(c)</sup> :		
Department of the Attorney General		
- Corporate services - Library and Information Technology Services	1,060,231	993,593
- State Solicitor's Office	9,154	224,747
Department of Finance		
- Building and Management Works - Lease management	9,242	8,838
Landgate		
- Valuation services	55,088	52,245
	<b>1,133,715</b>	<b>1,279,423</b>
	<b>41,196,715</b>	<b>40,217,423</b>

- (a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liabilities during the year.
- (b) At the direction of the Attorney General, money is paid out of the Confiscation Proceeds Account to the Office for reimbursement of costs associated with administering the Criminal Property Confiscation Act 2000 and briefing Criminal trials.
- (c) Services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contribution of assets or services in the nature of contributions by owners, are recognised direct to entity.

**Note 13. Restricted cash and cash equivalents**

	2016	2015
	\$	\$
<u>Current</u>		
Accrued salaries suspense account <sup>(a)</sup>	-	996,000
	<u>-</u>	<u>996,000</u>
<u>Non-current</u>		
Accrued salaries suspense account <sup>(a)</sup>	-	-
	<u>-</u>	<u>-</u>

(a) Funds held in the suspense account for the purpose of meeting the 27<sup>th</sup> pay in a financial year that occurs every eleventh year.

**Note 14. Receivables**

	2016	2015
	\$	\$
<u>Current</u>		
Receivables	23,828	31,833
Allowances for impairment of receivables	(4,494)	(16,297)
GST Receivable	111,467	116,814
<b>Total current</b>	<b>130,801</b>	<b>132,350</b>

**Reconciliation of changes in the allowance for impairment of receivables:**

Balance at start of period	16,297	29,090
Doubtful debts expense	-	-
Amounts written off during the period	(2,269)	(6,172)
Miscellaneous Other	(9,534)	(6,621)
<b>Balance at end of period</b>	<b>4,494</b>	<b>16,297</b>

**Note 15. Amounts receivable for services (holding account)**

	2016	2015
	\$	\$
Current	600,000	305,000
Non-Current	4,071,000	3,886,000
	<u>4,671,000</u>	<u>4,191,000</u>

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

**Note 16. Other assets**

	2016	2015
	\$	\$
<u>Current</u>		
Prepayments	277,245	-
<b>Total current</b>	<b>277,245</b>	<b>0</b>



**Note 17. Property, plant and equipment**

	2016	2015
	\$	\$
<u>Leasehold improvements</u>		
At cost	5,211,816	5,211,816
Accumulated depreciation	(3,720,585)	(3,319,465)
	<u>1,491,231</u>	<u>1,892,351</u>
<u>Computer hardware</u>		
At cost	788,915	635,570
Accumulated depreciation	(444,573)	(307,099)
	<u>344,342</u>	<u>328,471</u>
<u>Office equipment</u>		
At cost	532,526	431,848
Accumulated depreciation	(259,678)	(283,984)
	<u>272,848</u>	<u>147,864</u>
	<u><b>2,108,421</b></u>	<u><b>2,368,686</b></u>

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

**Property, Plant and Equipment  
Asset Reconciliation**

	Leasehold improvements	Computer hardware	Office equipment	Total
2016	\$	\$	\$	\$
Carrying amount at start of period	1,892,351	328,471	147,864	2,368,686
Transferred to Assets	-	-	-	-
Transferred to Intangible Assets	-	-	-	-
Additions	-	153,345	178,620	331,965
Disposals	-	-	-	-
Depreciation	(401,120)	(137,475)	(53,636)	(592,230)
Carrying amount at end of period	<u>1,491,231</u>	<u>344,342</u>	<u>272,848</u>	<u>2,108,421</u>
2015	\$	\$	\$	\$
Carrying amount at start of period	2,285,104	155,039	58,599	2,498,742
Transferred to Assets	-	-	-	-
Transferred to Intangible Assets	-	-	-	-
Additions	7,856	305,651	118,713	432,220
Disposals	-	-	-	-
Depreciation	(400,609)	(132,219)	(29,488)	(562,276)
Carrying amount at end of period	<u>1,892,351</u>	<u>328,471</u>	<u>147,864</u>	<u>2,368,686</u>

**Note 18. Intangible assets**

	2016	2015
	\$	\$
<u>Licences</u>		
At cost	162,612	141,641
Accumulated amortisation	(161,438)	(106,825)
	<u>1,174</u>	<u>34,816</u>
 <u>Computer Software</u>		
At cost	798,893	798,893
Accumulated amortisation	(747,988)	(747,504)
	<u>50,904</u>	<u>51,389</u>
<b>Total intangible assets</b>	<b><u>52,078</u></b>	<b><u>86,205</u></b>

## Reconciliations:

**Intangible assets**

	2016	2015
	\$	\$
<b>Licences</b>		
Carrying amount at start of period	34,816	84,802
Additions	20,971	-
Transferred to Assets	-	-
Amortisation	(54,613)	(49,986)
Carrying amount at end of period	<u>1,174</u>	<u>34,816</u>
 <b>Computer software</b>		
Carrying amount at start of period	51,389	133,376
Additions	-	50,899
Transferred from Assets	-	-
Amortisation	(485)	(132,886)
Carrying amount at end of period	<u>50,904</u>	<u>51,389</u>

**Note 19. Impairment of assets**

There were no indications of impairment to property, plant and equipment, and intangible assets at 30 June 2016.

The Office held no goodwill or intangible assets with an indefinite useful life during the reporting period and at the end of the reporting period there were no intangible assets not yet available for use.

**Note 20. Payables**

	2016	2015
	\$	\$
<u>Current</u>		
Trade payables	157,962	412,061
Accrued expenses	236,396	211,108
Accrued salaries and wages	-	810,791
Other current liabilities	149,980	6,048
<b>Total current</b>	<b><u>544,338</u></b>	<b><u>1,440,007</u></b>

**Note 21. Provisions**

	2016	2015
	\$	\$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	2,317,991	2,339,828
Long service leave <sup>(b)</sup>	4,004,615	3,932,273
Purchased leave	970	22,950
	<b>6,323,576</b>	<b>6,295,051</b>
 <i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	11,614	11,471
	<b>11,614</b>	<b>11,471</b>
	<b>6,335,190</b>	<b>6,306,522</b>
 <u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	1,926,185	1,944,716
	<b>1,926,185</b>	<b>1,944,716</b>
 <i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	3,520	3,559
	<b>3,520</b>	<b>3,559</b>
	<b>1,929,705</b>	<b>1,948,275</b>

- (a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2016	2015
	\$	\$
Within 12 months of the end of the reporting period	1,641,859	1,629,300
More than 12 months after the end of the reporting period	676,132	710,528
	<b>2,317,991</b>	<b>2,339,828</b>

- (b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2016	2015
	\$	\$
Within 12 months of the end of the reporting period	1,513,413	1,501,326
More than 12 months after the end of the reporting period	4,417,387	4,375,662
	<b>5,930,800</b>	<b>5,876,988</b>

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

**Movement in Other Provisions**

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

	2016 \$	2015 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	15,030	6,806
Payments/other sacrifices of economic benefits	104	8,224
<b>Carrying amount at end of the period</b>	<b>15,134</b>	<b>15,030</b>

**Note 22. Equity**

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

**Contributed Equity**

	2016 \$	2015 \$
Balance at start of period	7,137,760	7,137,760
<u>Contributions by owners</u>		
Capital appropriation	-	-
<b>Total contributions by owners</b>	<b>-</b>	<b>-</b>
<b>Balance at end of period</b>	<b>7,137,760</b>	<b>7,137,760</b>

**Accumulated surplus/(deficit)**

	2016 \$	2015 \$
Balance at start of period	(7,125,072)	(6,118,889)
Result for the period	1,159,414	(1,006,183)
<b>Balance at end of period</b>	<b>(5,965,658)</b>	<b>(7,125,072)</b>
<b>Total Equity at end of period</b>	<b>1,172,102</b>	<b>12,688</b>

**Note 23. Notes to the Statement of Cash Flows****Reconciliation of cash**

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2016	2015
	\$	\$
Cash advances	2,000	2,000
Cash and cash equivalents	2,739,790	1,931,251
Restricted cash and cash equivalents	-	996,000
	<b>2,741,790</b>	<b>2,929,251</b>

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

	2016	2015
	\$	\$
Net cost of services	(40,037,301)	(41,223,606)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	647,327	745,147
Services received free of charge	1,133,715	1,279,423
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(a)</sup>	(3,798)	(2,687)
Other current assets	(277,245)	-
<u>Increase/(decrease) in liabilities:</u>		
Current payables <sup>(a)</sup>	(895,669)	72,527
Current provisions	28,668	583,809
Non-current provisions	(18,570)	82,662
Net GST (receipts)/payments <sup>(b)</sup>	22,660	(14,001)
Change in GST in receivables/payables <sup>(c)</sup>	(17,313)	(15,204)
<b>Net cash provided by/(used in) operating activities</b>	<b>(39,417,525)</b>	<b>(38,491,931)</b>

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

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

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



**Note 24. Commitments**

The commitments below are inclusive of GST where relevant

**Non-cancellable operating lease commitments**

	2016	2015
	\$	\$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	2,279,749	2,180,993
Later than 1 year and not later than 5 years	6,642,717	8,302,589
Later than 5 years	-	-
	<b>8,922,466</b>	<b>10,483,582</b>

The property lease is a non-cancellable lease with a term of thirteen years and four months, with rent payable monthly in advance. Rent provisions within the lease agreement require that the minimum lease payments shall be increased by 4% per annum. An option exists to renew the lease at the end of the thirteen year and four months term for two additional terms of five years each.

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

**Capital expenditure commitments**

	2016	2015
	\$	\$
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	-	35,313
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	<b>-</b>	<b>35,313</b>

**Other expenditure commitments**

	2016	2015
	\$	\$
Other expenditure commitments in relation to software maintenance contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows		
Within 1 year	-	330
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	<b>-</b>	<b>330</b>

**Note 25. Explanatory Statement**

All variances between estimates (original budget) and actual results for 2016, and between the actual results for 2016 and 2015 are shown below. Narratives are provided for selected major variances, which are generally greater than:

5% and \$783 thousand for the Statements of Comprehensive Income and Cash Flows: and  
5% and \$1.7 million for the Statements of Financial Position.

	Variance Note	Original Budget 2016 \$000	Actual 2016 \$000	Actual 2015 \$000	Variance between estimate and Actual \$000	actual results for 2016 and 2015 \$000
<b>Statement of Comprehensive Income</b>						
Expenses						
Employee benefits expense		29,583	30,043	29,997	460	46
Supplies and services	2.1	3,298	3,930	4,076	632	(146)
Depreciation and amortisation expense		785	647	745	(138)	(98)
Accommodation expenses		3,056	3,057	3,208	1	(151)
Other expenses		2,435	2,468	3,271	33	(803)
Total cost of services	1.1	<b>39,157</b>	<b>40,145</b>	<b>41,297</b>	<b>988</b>	<b>(1,152)</b>
Income						
Revenue						
Other revenue		50	107	74	57	33
Total Revenue		<b>50</b>	<b>107</b>	<b>74</b>	<b>57</b>	<b>33</b>
Total income other than income from State Government		<b>50</b>	<b>107</b>	<b>74</b>	<b>57</b>	<b>33</b>
NET COST OF SERVICES		<b>39,107</b>	<b>40,038</b>	<b>41,223</b>	<b>931</b>	<b>(1,185)</b>
Income from State Government						
Service Appropriation		35,063	35,063	34,738	-	325
Contribution from Confiscation Proceeds Account	2.2, 1.2	3,600	5,000	4,200	1,400	800
Services received free of charge		525	1,134	1,279	609	(145)
Total income from State Government		<b>39,188</b>	<b>41,197</b>	<b>40,217</b>	<b>2,009</b>	<b>980</b>
SURPLUS/(DEFICIT) FOR THE PERIOD	2.3, 1.3	<b>81</b>	<b>1,159</b>	<b>(1,006)</b>	<b>1,078</b>	<b>2,165</b>
OTHER COMPREHENSIVE INCOME		-	-	-	-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD	2.3, 1.3	<b>81</b>	<b>1,159</b>	<b>(1,006)</b>	<b>1,078</b>	<b>2,165</b>
<b>Statement of Financial Position</b>						
<b>ASSETS</b>						
Current Assets						
Cash and cash equivalents	2.4, 1.4	2,227	2,742	1,933	515	809
Restricted cash and cash equivalents	1.5	0	0	996	-	(996)
Receivables		102	131	132	29	(2)
Amounts receivable for services	1.6	600	600	305	-	295
Other current assets	2.5, 1.7	0	277	0	277	277
Total Current Assets		<b>2,929</b>	<b>3,750</b>	<b>3,367</b>	<b>821</b>	<b>383</b>
Non-Current Assets						
Restricted cash and cash equivalents		0	0	0	-	-
Amounts receivable for services		4,133	4,071	3,886	(62)	185
Property, plant and equipment	1.8	1,879	2,108	2,369	229	(261)
Intangible assets		41	52	86	11	(34)
Total Non-Current Assets		<b>6,053</b>	<b>6,231</b>	<b>6,341</b>	<b>178</b>	<b>(110)</b>
TOTAL ASSETS		<b>8,982</b>	<b>9,981</b>	<b>9,708</b>	<b>999</b>	<b>273</b>
<b>LIABILITIES</b>						
Current Liabilities						
Payables	1.9	730	544	1,440	(186)	(896)
Provisions	2.6	5,299	6,335	6,307	1,036	28
Total Current Liabilities		<b>6,029</b>	<b>6,879</b>	<b>7,747</b>	<b>850</b>	<b>(868)</b>
Non-Current Liabilities						
Provisions		1,865	1,930	1,948	65	(18)
Total Non-Current Liabilities		<b>1,865</b>	<b>1,930</b>	<b>1,948</b>	<b>65</b>	<b>(18)</b>
TOTAL LIABILITIES		<b>7,894</b>	<b>8,809</b>	<b>9,695</b>	<b>915</b>	<b>(886)</b>
NET ASSETS		<b>1,088</b>	<b>1,172</b>	<b>13</b>	<b>84</b>	<b>1,159</b>
<b>EQUITY</b>						
Contributed Equity		7,136	7,138	7,138	-	-
Accumulated surplus/(deficit)		(6,048)	(5,966)	(7,125)	82	1,159
TOTAL EQUITY		<b>1,088</b>	<b>1,172</b>	<b>13</b>	<b>82</b>	<b>1,159</b>

**Note 25. Explanatory Statement (continued)**

	Variance Note	Original Budget 2016 \$000	Actual 2016 \$000	Actual 2015 \$000	Variance between estimate and Actual \$000	actual results for 2016 and 2015 \$000
<b>Statement of Cash Flows</b>						
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
Service appropriations		34,216	34,278	33,869	62	409
Contributions from Confiscation Proceeds Account	2.2, 1.2	3,600	5,000	4,200	1,400	800
Holding account drawdowns		305	305	540	-	(235)
<b>Net cash provided by State Government</b>		<b>38,121</b>	<b>39,583</b>	<b>38,609</b>	<b>1,462</b>	<b>974</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits	1.10	(30,645)	(30,705)	(29,224)	(60)	(1,481)
Supplies and services	2.7, 1.1	(8,202)	(8,810)	(9,371)	(608)	561
GST payments on purchases		(629)	(840)	(927)	(211)	87
<b>Receipts</b>						
Receipts from services		50	121	89	71	32
GST receipts on sales		2	6	5	4	1
GST receipts from taxation authority		627	812	936	185	(124)
<b>Net cash provided by/(used in) operating activities</b>		<b>(38,797)</b>	<b>(39,417)</b>	<b>(38,492)</b>	<b>(620)</b>	<b>(925)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
<b>Payments</b>						
Purchase of non-current physical assets		(305)	(353)	(483)	(48)	130
<b>Net cash provided by/(used in) investing activities</b>		<b>(305)</b>	<b>(353)</b>	<b>(483)</b>	<b>(48)</b>	<b>130</b>
Net increase/(decrease) in cash and cash equivalents		(981)	(187)	(366)	794	179
Cash and cash equivalents at the beginning of the period		3,208	2,929	3,295	(279)	(366)
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>		<b>2,227</b>	<b>2,742</b>	<b>2,929</b>	<b>515</b>	<b>(187)</b>

**Major Variance Narratives (Controlled Operations)****Variances between actual results for 2016 and 2015**

- 1.1 Reduction from last year is due to savings in brief-out counsel costs, witness expenses, insurance premiums for workers compensation, and reduction in variable outgoings totalling to \$1.1 million.
- 1.2 Contribution of \$0.8 million from the Confiscations proceeds account for 2014/15 to match full costs incurred in that year were received in the 2015/16 financial year on 16 July 2015.
- 1.3 Savings of \$1.1 million in total cost of services and late receipt of contributions from the Confiscations proceeds account mentioned in 1.2 above contributed to the net surplus variance. Timely receipt and accounting of this income would have reduced the 2016 surplus by \$0.8 million and as a consequence, reduced the 2015 deficit by the same amount.
- 1.4 Current cash and cash equivalents increased by \$0.8 million due to savings in total cost of services and delay in receiving contributions from the Confiscations proceeds account as explained in 1.2.
- 1.5 Balance at end of 2015 utilised in 2016 for the 27th pay period in June 2016.
- 1.6 Treasury consolidated account movements for non-cash and asset funding.
- 1.7 Accommodation operating lease charges for July 2016 prepaid in June 2016.
- 1.8 Annual depreciation charges are greater than asset additions of \$0.33 million.
- 1.9 Year-end salaries provision of \$0.8 million required in 2015 compared to none in 2016.
- 1.10 Annual salary increase and 27 pays in 2016 compared to 26 as mentioned in 1.5 above.

**Variances between estimate and actual for 2016**

- 2.1 Services provided by State Government departments were \$0.61 million higher than estimate.
- 2.2 Additional funding of \$0.6 million from proceeds of the Confiscations account requested by the ODPP from the Department of Attorney General had not been approved in time for inclusion in the 2015/16 budget submissions. In addition, \$0.8 million for previous year's funding requirements was received belatedly as mentioned in 1.2 above.
- 2.3 Income increases from estimate explained in 2.2 above contributed to the surplus for the period.
- 2.4 As explained in 1.2, the delayed receipt of previous year's funds in early 2015/16 financial year is responsible for the favourable cash balance compared to estimate.
- 2.5 Prepayment mentioned in 1.7 above were not anticipated in estimate.
- 2.6 Long service leave valuation at 30 June 2016 higher than estimate.
- 2.7 Prepayment of accommodation lease and higher than estimated payments for legal costs incurred in matters related to confiscation of property matters.



**Note 26. Financial instruments****(a) Financial risk management objectives and policies**

Financial Instruments held by the Office are cash and cash equivalents, restricted cash and cash equivalents, and receivables and payables. The Office has limited exposure to financial risks. The Office's overall risk management program focuses on managing the risks identified below.

**Credit risk**

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

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any allowance for impairment, as shown in the table at Note 26(c) 'Financial instrument disclosures' and Note 14 'Receivables'.

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

**Liquidity risk**

Liquidity risk arises when the Office is unable to meet its financial obligations as they fall due. The Office is exposed to liquidity risk through its trading in the normal course of business. The Office has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

**Market risk**

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Office's income or value of its holdings of financial instruments. The Office does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the Interest rate sensitivity analysis table at Note 26(c), the Office is not exposed to interest rate risk because all other cash and equivalents and restricted cash are non-interest bearing, and the Office has no borrowings.

**(b) Categories of financial instruments**

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

	<b>2016</b>	<b>2015</b>
	\$	\$
<b><u>Financial Assets</u></b>		
Cash and cash equivalents	2,741,790	1,933,251
Restricted cash and cash equivalents	-	996,000
Loans and receivables <sup>(a)</sup>	4,690,334	4,206,536
<b><u>Financial Liabilities</u></b>		
Financial liabilities measured at amortised cost	544,338	1,440,007

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

**(c) Financial Instrument disclosures**Credit Risk

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

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

**Ageed analysis of financial assets**

	Carrying Amount \$	Not past due and not impaired \$	<u>Past due but not impaired</u>					Impaired financial assets \$
			Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 Years \$	
<b>2016</b>								
Cash and cash equivalents	2,741,790	2,741,790	-	-	-	-	-	-
Restricted cash and cash equivalent Receivables <sup>(a)</sup>	19,334	-	-	-	-	-	-	-
Amounts receivable for services	4,671,000	4,671,000	-	-	2,924	16,410	-	-
	7,432,124	7,412,790	-	-	2,924	16,410	-	-
<b>2015</b>								
Cash and cash equivalents	1,933,251	1,933,251	-	-	-	-	-	-
Restricted cash and cash equivalent Receivables <sup>(a)</sup>	996,000	996,000	-	-	-	-	-	-
Amounts receivable for services	15,536	-	40	-	15,497	-	-	-
	4,191,000	4,191,000	-	-	-	-	-	-
	7,135,788	7,120,251	40	-	15,497	-	-	-

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

## (c) Financial Instrument disclosures continued

Liquidity Risk and interest rate exposure

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

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

2016	Weighted average effective interest Rate %	<u>Interest rate exposure</u>					<u>Maturity Dates</u>				
		Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Nominal Amount \$	Up to 1 months \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
<u>Financial Assets</u>											
Cash and cash equivalents		2,741,790	-	-	2,741,790	2,741,790	2,741,790	-	-	-	-
Restricted cash and cash equivalent Receivables <sup>(a)</sup>		19,334	-	-	19,334	19,334	19,334	-	-	-	-
Amounts receivable for services		4,671,000	-	-	4,671,000	4,671,000	-	-	600,000	2,190,000	1,881,000
		7,432,124	-	-	7,432,124	7,432,124	2,761,124	-	600,000	2,190,000	1,881,000
<u>Financial Liabilities</u>											
Payables		544,338	-	-	544,338	544,338	544,338	-	-	-	-
		544,338	-	-	544,338	544,338	544,338	-	-	-	-

Interest rate exposureMaturity Dates

2015	Weighted average effective interest Rate %	<u>Interest rate exposure</u>					<u>Maturity Dates</u>				
		Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Nominal Amount \$	Up to 1 months \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
<u>Financial Assets</u>											
Cash and cash equivalents		1,933,251	-	-	1,933,251	1,933,251	1,933,251	-	-	-	-
Restricted cash and cash equivalent Receivables <sup>(a)</sup>		996,000	-	-	996,000	996,000	-	-	996,000	-	-
Amounts receivable for services		15,536	-	-	15,536	15,536	15,536	-	-	-	-
		4,191,000	-	-	4,191,000	4,191,000	-	-	305,000	2,725,000	1,161,000
		7,135,787	-	-	7,135,787	7,135,787	1,948,787	-	1,301,000	2,725,000	1,161,000
<u>Financial Liabilities</u>											
Payables		1,440,007	-	-	1,440,007	1,440,007	1,440,007	-	-	-	-
		1,440,007	-	-	1,440,007	1,440,007	1,440,007	-	-	-	-

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



**Note 27. Remuneration of senior officers**

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

Remuneration Band (\$)	2016	2015
190,001 - 200,000	-	1
200,001 - 210,001	1	-
340,001 - 350,001	-	1
360,001 - 370,000	2	-
370,001 - 380,001	2	2
390,001 - 400,000	2	1
400,001 - 410,001	2	1
480,001 - 490,000	-	1
490,001 - 500,001	-	1
560,001 - 570,001	-	1
570,001 - 580,001	1	-
	\$	\$
Base remuneration and superannuation	3,636,684	3,338,151
Annual leave and long service leave accruals	17,683	133,463
Other benefits	213,582	160,980
<b>Total remuneration of senior officers</b>	<b>3,867,949</b>	<b>3,632,594</b>

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

**Note 28. Remuneration of Auditor**

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

	2016	2015
	\$	\$
Auditing the accounts, financial statements and key performance indicators	41,900	41,000

**Note 29. Supplementary financial information****(a) Write-offs**

During the financial year, \$5,910 (2015: \$6,172) was written off the Office's asset register under the authority of:

	2016	2015
	\$	\$
The accountable authority	5,910	6,172
	<b>5,910</b>	<b>6,172</b>

**(b) Act of Grace Payments**

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

**Note 30. Contingent Liability**

The Office had no contingent liability as at 30 June 2016.

**Note 31. Events occurring after the end of the reporting period**

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

**Note 32. Disclosure of administered income and expenses by service****Confiscation of Assets**

	2016 \$	2015 \$
<b>INCOME FROM ADMINISTERED ITEMS</b>		
<u>Income</u>		
For transfer:	-	15,370
Misuse of Drugs Act	-	15,370
<b>Total administered income</b>		
 <u>Expenses</u>		
Transfer payments	-	15,370
<b>Total administered expenses</b>	-	15,370

**Note 33. Explanatory Statement for Administered Items**

All variances between estimates (original budget) and actual results for 2016, and between the actual results for 2016 and 2015 are shown below. Narratives are provided for key major variances, which are generally greater than 5% and \$300.

	Variance Note	Original Budget 2016 \$000	Actual 2016 \$000	Actual 2015 \$000	Variance between estimate and actual results for 2016 and 2015 \$000	
<b>INCOME FROM ADMINISTERED ITEMS</b>						
<b>Income</b>						
For transfer:						
Misuse of Drugs Act	1.1 , 2.1	100	-	15	(100)	(15)
<b>Total administered income</b>		<b>100</b>	<b>-</b>	<b>15</b>	<b>(100)</b>	<b>(15)</b>
<b>Expenses</b>						
Transfer payments	1.2 , 2.2	100	-	15	(100)	(15)
<b>Total administered expenses</b>		<b>100</b>	<b>-</b>	<b>15</b>	<b>(100)</b>	<b>(15)</b>
<b>NET INCOME FROM ADMINISTERED ITEMS</b>	1.3, 2.3	-	-	-	-	-

**Major Variance Narratives (Administered transactions)***Variances between actual results for 2016 and 2015*

- 1.1 The absence of receipts in 2016 is due to a change to the Misuse of Drugs Act 1981 which removed the ability to make a forfeiture order for cash and other property under that Act. That type of property, if not forfeited under the Act, is now dealt with under the *Criminal and Found Property Disposal Act 2006*. Those proceeds are handled by the Commissioner of Police.
- 1.2 Transfer of payments is directly related to reduction in receipts as per 1.1 above.
- 1.3 For reasons mentioned above, there were no reportable cash flow transactions in 2016 and variances of any significance from 2015.

*Variances between estimate and actual for 2016*

- 2.1 Absence of receipts is due to a change to the Misuse of Drugs Act 1981 as mentioned in 1.1 above.
- 2.2 Transfer of payments is directly related to reduction in receipts as per 2.1 above.
- 2.3 For reasons mentioned above, there were no reportable cash flow transactions in 2016 and variances of any significance from 2016 estimate.

## Index of Tables

Table	Description	Page
01	Perth Magistrates Court Matters Received 2011/2012 to 2015/2016	18
02	Stirling Gardens Magistrates Court Outcomes 2011/2012 to 2015/2016	19
03	District and Supreme Court Committals 2011/2012 to 2015/2016	20
04	District and Supreme Courts Trial Listings and Outcomes 2011/2012 to 2015/2016	21
05	District and Supreme Courts Disposition of Cases 2013/2014 to 2015/2016	22
06	Children's Court Magistrates Trial Listings and Outcomes 2014/2015 and 2015/2016	23
07	Children's Court President New Cases 2011/2012 to 2015/2016	23
08	Children's Court President Trial Listings and Outcomes 2011/2012 to 2015/2016	24
09	Court of Appeal Cases Commenced 2011/2012 to 2015/2016	24
10	Court of Appeal Outcomes 2013/2014 to 2015/2016	25
11	High Court Appeals Commenced 2011/2012 to 2015/2016	25
12	Single Judge Appeals Commenced 2011/2012 to 2015/2016	26
13	Extradition Applications 2011/2012 to 2015/2016	26
14	<i>Dangerous Sexual Offenders Act</i> Applications 2006/2007 to 2015/2016	27
15	Freezing Notices and Orders Obtained 2011/2012 to 2015/2016	29
16	Objections to Freezing Notices and Orders 2011/2012 to 2015/2016	29
17	Drug Trafficker Declarations & Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016	30
18	Crime Used or Derived & Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016	30
19	Payments to Confiscation Proceeds Account 2011/2012 to 2015/2016	31
20	External Committee Representation 2015/2016	37
21	Law Society Committee Representation 2015/2016	38
22	Legal Practice Board Representation 2015/2016	38
23	Development Activities 2015/2016	41
24	Brief out Expenditure 2011/2012 to 2015/2016	42
25	Employment Profile as at 30 June 2014/2015 and 2015/2016	43
26	Occupational Health and Safety Statistics 2015/2016	46