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

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**2016/2017 Annual Report**



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### Office hours

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

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

## Publications

The following publications are available from the 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 2016/17* 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 2017.

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 'A. Forrester', is positioned above the printed name and title.

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

28 September 2017

## Part 1 Overview

### Executive Summary: From the Director

In April 2017, I was appointed the fourth Director of Public Prosecutions for the State of Western Australia, having been acting in that position since November 2016. I first wish to acknowledge and thank Joseph McGrath SC, the former DPP, for his leadership of the ODPP since February 2010, and to sincerely congratulate him on his appointment as a Justice of the Supreme Court of Western Australia. I am privileged to have been appointed to follow in his footsteps and to lead the talented and dedicated staff of the ODPP into the next decade.

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

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

In this reporting period, the ODPP received 3155 new indictable matters for committal for trial or sentence from the 29 regional and metropolitan branches of the Magistrates Court, up from 2985, an increase of 5.6%.

In the Stirling Gardens Magistrates Court, which is the Court before which accused who are charged with an offence carrying a maximum penalty of life imprisonment appear before committal, the ODPP had the conduct of 394 cases, an increase of 25 cases (6.4%) on the previous year.

The ODPP took over the conduct of 1591 cases in the Perth Magistrates Court, an additional 161 (11.3%) on 2015/2016.

The ODPP's early intervention in matters in the summary jurisdiction enables it to appropriately resolve, or, if necessary, discontinue matters before committal. Unfortunately, specific data is not available as to the number of matters dealt with in this way, but the early resolution of matters remains a high priority for the ODPP, as a means to reduce the burden on the superior courts.

More trials than in any prior year, 1038, were listed for hearing in the District and Supreme Courts, which is an increase of 88 (9.2%) on 2015/2016 (itself an increase of 83 (9.6%) listed trials in the 2014/2015 year). This represents an increasingly robust trial listing practice, particularly in the District Court.

Of the listed trials, 555 (53.5%) did not proceed, with 267 (48.1%) not proceeding due to a plea of guilty by the accused either prior to, or on the day of trial. It is important to note that the legislative framework and requirements of the courts are such that a case listed for trial must still be fully prepared by a State Prosecutor, on the assumption it will proceed, until it is

confirmed it will not. While listed trials which do not proceed may, at times, create little additional burden on judicial resources (another trial has usually also been listed which can take its place), the burden on State Prosecutors remains very substantial.

Of the 483 trials which did proceed (an increase of 23 (5%) on 2015/2016) 438 delivered a definitive final outcome, that is, a conviction or an acquittal. The remaining 45 trials resulted in a mistrial or a hung jury, generally with the consequence that a retrial was required.

Where trials proceeded to a final conclusion, 66.4% resulted in a conviction of the accused of one or more of the offences with which they were charged. This is a reflection of the thorough evaluation of cases, skilled trial advocacy and the exercise of sound judgment by the ODPP in the exercise of prosecutorial discretion.

It is notable that the average length of trial in 2016/2017 was 4.5 days. This is an increase from 3.7 days in 2011/2012, and reflects the increasing complexity of criminal trials across the criminal justice system. There is an associated increase in the preparation time for trials and the attention required to ensure full compliance with the stringent disclosure regime set out by the *Criminal Procedure Act 2004*.

Figures for appeals remained largely consistent with the previous reporting period, although 2016/2017 saw two very lengthy appeals, with one lasting three days and one taking a total of eight hearing days. As trial complexities increase, so too does the burden on the Appeals Team, although it is difficult to capture or represent this statistically.

As is inevitable having regard to the nature of the regime under the *Dangerous Sexual Offenders Act 2006*, the ODPP is continuing to deal with greater numbers of offenders declared under that Act. During 2016/2017, the ODPP lodged two new applications and has the conduct of 45 matters under the Act, a decrease of one from the previous reporting period.

The Confiscations Team had the conduct of a reasonably consistent number of matters on previous years. The value of property confiscated in 2016/2017 was \$11.92m, less than 2015/2016, but more than in other recent years.

In short, as can be seen in the body of this Report, almost every indicator of the workload faced by the ODPP is continuing in its upward trend from previous reporting years.

For many years now, the ODPP has been operating in a criminal justice system which is under considerable strain. The number of matters coming before the Courts is higher than ever before. The workload of the ODPP, being consequent upon the number of indictable matters charged and progressed to committal to superior courts by WA Police, and subject also to the listings practices of the summary and superior courts, is largely a matter outside the control of the ODPP. Further, the overwhelming majority of its running costs are made up of salary costs of staff essential to preparing prosecutions and to administering the ODPP in accordance with statutory requirements, in addition to the overheads required to accommodate them and perform their tasks.

The amount of work in preparing a prosecution case for sentence or trial is not always fully appreciated. A very significant amount of the ODPP workload involves ensuring that disclosure is properly completed by WA Police and that all of the necessary evidence to enable a prosecution is provided. As the complexity of trials and evidence increases, so does the difficulty experienced in completing disclosure. In almost every area of the ODPP practice, standard tasks now require more time, and involve a much greater volume of material. Consultation with victims and witnesses is important, being required for both their ability to understand and cope with the court process and also for disclosure purposes, but is ever more resource intensive.



Areas of potential reduction in the operating costs of the ODPP are, therefore, very confined. A reduction in staff numbers would inevitably reduce the ability of the ODPP to service the courts and the community, which is not a tenable option. However, the fiscal environment in which the ODPP is required to operate is leaner than ever, and resourcing has, instead of keeping pace, been reduced in recent years to the extent that the staff of the ODPP are under significant pressure.

The upward trend in workload has coincided with the fact that in recent years, a number of extremely senior, experienced and talented State Prosecutors have left the ODPP, many as a result of judicial appointment. It is a testament to the ODPP's training and development of staff, and the mentorship provided from within, that its staff are such attractive candidates for judicial appointment. However, the ODPP now finds itself in a "rebuilding" phase, with the need to redevelop the depth of knowledge and experience of its prosecutors. That is an area on which the senior group of State Prosecutors and I will be concentrating in the coming year.

Another area of focus will be improving the use of technology to create efficiencies and flexibility for staff, such as better access to the ODPP systems from courts (both metropolitan and circuit), improved disclosure procedures, faster capturing of essential records, and better data analysis.

In the current fiscal environment, it is clear that additional resourcing options are limited. Accordingly, this initial phase of my role has been focused on identifying ways in which the ODPP can absorb the increased workload whilst maintaining the high level of professionalism and service which participants in the system expect and deserve. It is apparent that substantial efficiencies in the system can only really be achieved by an approach in which the participants in the criminal justice system operate more collaboratively and cooperatively, and initiatives are developed which have regard to the whole of system impact. I look forward to working with the heads of jurisdiction and participating agencies in the coming year to more fully develop that approach.

The ODPP also has some very significant prosecutions in the next year, which add to its normal workload. The Government has acknowledged this by providing targeted funding to ensure that the ODPP can properly resource those prosecutions.

At the outset of the new financial year, I welcome the appointment of Carmel Barbagallo SC as the Deputy Director of Public Prosecutions. We look forward to working with the rest of the staff of the ODPP in dealing with the challenges the year holds.

## 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 Office 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\*](#). Ms Amanda Forrester SC holds this appointment and reports to the WA Attorney General, the Hon. John Quigley MLA and to the Western Australian Parliament.

Ms Forrester SC was appointed to the office on 6 April 2017 following the appointment of the former Director, Mr Joseph McGrath SC, as a Judge of the Supreme Court of Western Australia.

The Deputy Director of Public Prosecutions, also a statutory office, is held by Ms Carmel Barbagallo SC. Ms Barbagallo SC was appointed to the position on 5 July 2017, just after the end of the reporting year.

### **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. Currently, there are four Consultant State Prosecutors, who are authorised to approve substantive discontinuances of whole cases and the negotiation of charges. They provide high level legal support and advice to the legal practice teams as well as professional leadership across the ODPP.

By agreement with the Commissioner of Police, until 30 June 2017, one Consultant State Prosecutor worked onsite with the Police Prosecutions Division, Perth. However, that appointment ceased at the end of the reporting period.

### **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 manages 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 ODPP. Acting as solicitors and counsel in civil litigation, the team manages a range of matters including confiscation proceedings pursuant to the [Criminal Property Confiscation Act 2000](#).

## **Legal Policy and Projects**

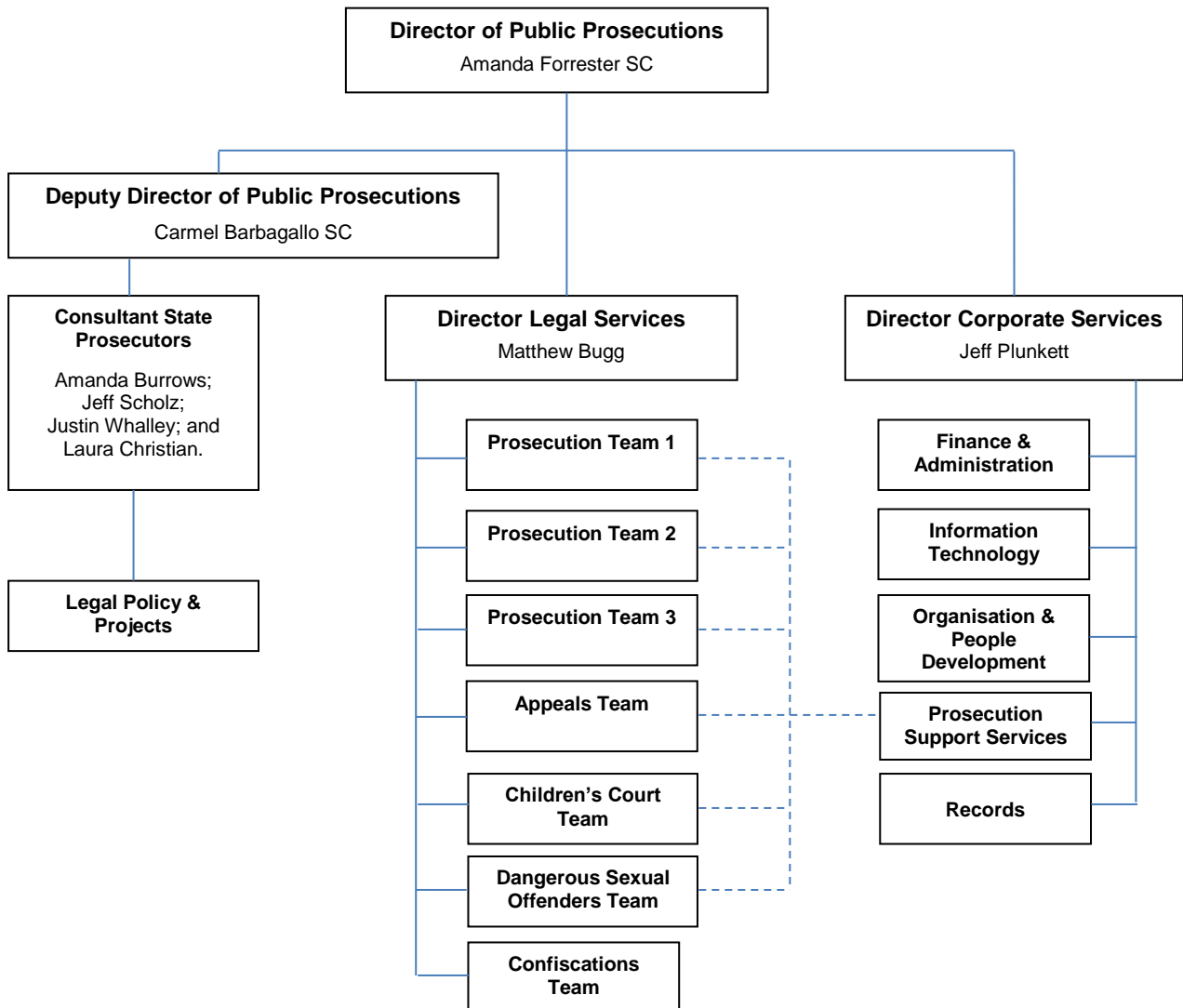
A legal policy and projects lawyer is responsible for co-ordinating legal policy development within the ODPP, monitoring legislative developments, and co-ordinating, reviewing or preparing legislative reform proposals or submissions on behalf of the Director, including providing advice to the Attorney 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 ODPP as a public sector agency is guided by the following performance management framework.

<b>GOVERNMENT GOAL</b>	
Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	
<b>AGENCY LEVEL GOVERNMENT DESIRED OUTCOME</b>	
To provide the people of Western Australia with a fair and just criminal prosecution service.	
<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. (Target \$15,000)	The raw average cost per matter, expressed as the total cost of service of criminal prosecutions divided by the number of new indictable prosecutions received.
<b>Service 2 – Confiscation of Assets</b>	
2. Ratio of cost to return. (Target 25%)	The total cost of service of confiscation of assets divided by the payments made to the Confiscation Proceeds Account for the same year, expressed as a percentage.

### **Service 1 Criminal Prosecutions**

The ODPP is responsible for the prosecution of all 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 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 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 they are committed to the District or Supreme Court and sentenced by a Judge. Where an accused pleads not guilty to the charge, the case is remanded to further hearings where any legal, evidentiary or bail issues are determined, until the case is ready to proceed to trial. Most trials proceed before a Judge and a jury, although in certain circumstances a trial may be held before a Judge alone.

The trial process requires the ODPP to present the evidence against the accused fairly and allows the accused to defend the charges brought against them. Not all listed trial cases are resolved through a trial as a number of accused 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 or resolved by way of a plea of guilty to an alternative charge prior to the trial.

## Children's Court

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

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

All accused initially appear before a Magistrate where a decision is made whether 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.

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 a jury determining whether the accused is guilty or not guilty of the offences charged. The average length of a District Court trial is three or four days.

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

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

If found not guilty, the accused is discharged.

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



## Appeals

Three types of appeals are managed by the ODPP:

### Court of Appeal

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

Leave to appeal can be sought by either the ODPP on behalf of the 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 which 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 on them 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 section 14 of the [Director of Public Prosecutions Act 1991](#), target people who leave the State before they have been charged with an offence, after a charge was laid but before the matter was finally dealt with by a court, or where a convicted person has escaped legal custody.

## Dangerous Sexual Offenders

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

## 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 in particular categories. The Act also provides for the confiscation of property acquired from criminal activity, property used for criminal activity, and the property of drug traffickers.

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

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

The Act also targets property that is:

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

## Part 2 Agency Performance and Significant Issues

### Criminal Prosecutions

At the core of the ODPP's legal practice is the prosecution of criminal cases on indictment in the Supreme and District Courts. 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 finalise, if there is a lengthy trial or an appeal. This is the nature of prosecution 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 directly from the Court's Integrated Court Management System ('ICMS') and this has also had some impact on statistical reporting.

Read in conjunction with the ODPP's audited Key Performance Indicators reproduced towards the back of this Report, the following notes provide some insight into the activities undertaken by the ODPP in 2016/2017 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 be involved.

### 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. 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 2016/2017 the ODPP took over responsibility for 1,591 new criminal cases listed before the Perth Magistrates Court, an increase of 161 (or +11.3%) from the previous year. The following table illustrates that the number of cases managed by the ODPP in this Court has increased dramatically in the past two years.

Table 01: Perth Magistrates Court Matters Received 2012/2013 to 2016/2017

PERTH MAGISTRATES COURT	2012/13	2013/14	2014/15	2015/16	2016/17
<b>New Cases Prosecuted</b>	1256	1298	1275	1430	1591

## 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 311 new cases for hearing in the Stirling Gardens Magistrates Court in 2016/2017.

Of the 394 cases prosecuted by the ODPP which were concluded in the Stirling Gardens Magistrates Court in 2016/2017, 140 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 2016/2017, 245 matters were committed to the Supreme Court for either trial or sentence and a further 47 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 Gardens Magistrates Court over the past five years and shows a significant growth in the number of matters coming before the Court in the past two years.

Table 02: Stirling Gardens Magistrates Court Outcomes 2012/2013 to 2016/2017

STIRLING GARDENS CASES	2012/13	2013/14	2014/15	2015/16	2016/17
Cases concluded in SGMC	17	30	17	53	87*
Cases remanded to Magistrates Court	9	20	13	33	53*
<b>Concluded cases</b>	<b>26</b>	<b>50</b>	<b>30</b>	<b>86</b>	<b>140</b>
Cases Committed to District Court	31	31	59	30	47
Cases Committed to Supreme Court	189	182	178	253	245
<b>Cases Committed</b>	<b>220</b>	<b>213</b>	<b>237</b>	<b>283</b>	<b>292</b>
<b>TOTAL CASES</b>	<b>246</b>	<b>263</b>	<b>267</b>	<b>369</b>	<b>394</b>

**\*Note:** In the table above, 32 of the 87 matters concluded in the Stirling Gardens Magistrates Court were cases where indictable charges were also committed to the District or Supreme Court for trial or sentence. The charges that remained and were dealt with in the lower Court were summary or either way charges. Similarly, six of the 53 cases remitted to the Magistrates Court were cases where other charges were committed to the District and Supreme Court during the same reporting period. These cases that were both committed and dealt with in the lower Court are counted in each section of the table above, but not counted twice in the total cases row.

## 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 2016/2017 – up by 170 cases (or +5.7%) to 3,155. This follows a 5.9% increase in new indictable cases in the previous reporting year.

Table 03: New Indictable Cases Received 2012/2013 to 2016/2017

New Indictable Cases	2012/13	2013/14	2014/15	2015/16	2016/17
<b>Indictable Cases Received</b>	2474	2411	2818	2985	3155

New indictable cases may come from prosecutions commenced by WA Police in either metropolitan or regional Magistrates Courts. The broad source areas in 2016/2017 were:

Metropolitan Courts:	2,471 (78%)
Regional Courts:	684 (22%)

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

The offences or charges in each indictable matter are sorted according to 10 offence categories. Each case can then be sorted according to the main offence category out of all of the offences or charges that are laid. In 2016/2017, the most common main offence category was 'Drug Related Offences', with 804 out of the 3,155 (25.5%) new indictable cases.

Table 04: New Indictable Cases by Offence Types 2016/2017

New Indictable Cases Main Offence Category	2016/17 Number	2016/17 Percentage
Homicide Offences	81	2.6%
Robbery	419	13.3%
Arson	87	2.8%
Sex Offences	490	15.5%
Assaults	715	22.7%
Drug Related Offences	804	25.5%
Dishonesty Offences	428	13.5%
Property Offences	124	3.9%
Licensing Offences	7	0.2%
Public Order Offences	0	0.0%
<b>TOTAL</b>	<b>3155</b>	<b>100.0%</b>

## **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 1,038 trials were listed for hearing in the District and Supreme Courts in 2016/2017. This is the highest trial listing figure recorded over the past five years and represents a significant increase of 88 listed trials (or +9.2%) on 2015/2016 figures. This increase follows an increase of 83 listed trials (+9.6%) in the previous reporting year. 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, even one entered late, which removes the need for a trial works to the benefit of the criminal justice system, as the case is concluded without a costly trial, and in cases of a plea of guilty, also spares the victim of crime and witnesses the ordeal and inconvenience of having to attend Court and give evidence.

In 2016/2017, 555 (53.5%) of the 1038 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 267 (or 48.1%) of all listed trials not proceeding.

## **Trials Proceeding and Trial Outcomes**

Consistent with an increase in the number of criminal trials listed in 2016/2017, the number of cases actually proceeding to trial in the District and Supreme Courts also increased – up by 23 trials to 483 (or +5.0%) on the previous year.

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, the marked increases since 2013/2014 remain of concern from a resourcing viewpoint.

Of the 483 trials which did proceed in 2016/2017, the vast majority (438 trials) resulted in a definitive outcome – either a conviction or an acquittal. The remaining 45 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 438 trials which delivered a definitive outcome, 66.4% 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 05: District and Supreme Courts Trial Listings and Outcomes 2012/2013 to 2016/2017

TRIALS	2012/13	2013/14	2014/15	2015/16	2016/17
Trials Listed	814	766	867	950	1038
Trials Proceeding	407	399	454	460	483
Percentage of Trials Proceeding	50.0%	52.0%	52.0%	48.0%	47.0%
Convictions	241	258	316	262	291
Acquittals	132	117	104	148	147
Hung Jury, Mistrial or Other Outcome	34	24	34	50	45
Conviction Rate After Trial	64.6%	68.8%	75.2%	63.9%	66.4%

## 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 2016/2017 the average duration of trials prosecuted by the ODPP which proceeded in the Supreme and District Courts was 4.5 days. The two longest trials each took 41 Court sitting days, and there were nine trials of three or more weeks in duration. These lengthy trials are particularly demanding of ODPP resources.



## Disposition of Cases and Overall Conviction Rate

During 2016/2017, 2,898 criminal cases prosecuted by the ODPP were finalised in either the District or Supreme Court. This represented an increase of 374 (or +14.8%) 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 2016/2017 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 93.8%, slightly more than the 92.6% conviction rate recorded in the previous reporting year.

Table 06: District and Supreme Courts Disposition of Cases 2013/2014 to 2016/2017

DISPOSITION OF CASES	2013/14		2014/15		2015/16		2016/17	
	No.	%	No.	%	No.	%	No.	%
Convicted and Sentenced	1538	77.8%	1583	71.9%	1652	65.5%	1920	66.3%
Acquitted	106	5.4%	94	4.3%	133	5.3%	126	4.3%
Discontinued	234	11.8%	279	12.7%	410	16.2%	461	15.9%
Remitted to Magistrates Court	98	5.0%	247	11.1%	329	13.0%	391	13.5%
<b>TOTAL</b>	<b>1976</b>	<b>100%</b>	<b>2203</b>	<b>100%</b>	<b>2524</b>	<b>100%</b>	<b>2898</b>	<b>100.0%</b>
Conviction Rate: Convictions -v- Acquittals	93.5%		94.4%		92.6%		93.8%	



### Cases before Magistrates

During 2016/2017 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 2016/2017, 327 cases prosecuted by the ODPP were listed for trial before Magistrates, although ultimately only 40 cases (12.2%) proceeded to trial. Consistent with other jurisdictions, a major reason for listed trials not proceeding before the Magistrates at the Children's Court was the accused pleading guilty prior to, or on the day of, the trial. 36% of the trials that did not proceed were due to the accused pleading guilty. A further significant percentage was due to there being insufficient evidence to support the charge.

Table 07: Children's Court Magistrates Trial Listings and Outcomes 2014/2015 to 2016/2017

TRIALS	2014/15	2015/2016	2016/2017
Trials Listed	255	244	327
Trials Not Proceeding	182	203	287
Trials Proceeding	73	41	40
Percentage of Trials Proceeding	28.6%	16.8%	12.2%
Convictions	46	23	31
Acquittals	27	18	9
Conviction Rate After Trial	63.0%	56.1%	77.5%

### 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 2016/2017 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 was a significant increase in the number of new cases coming before the President in 2016/2017 from the previous two years. The ODPP's workload is entirely dictated by the number of charges being laid by WA Police and, therefore, it cannot control the number of new cases it receives.

Table 08: Children's Court President New Cases 2012/2013 to 2016/2017

CASES RECEIVED	2012/13	2013/14	2014/15	2015/16	2016/17
Cases Before The President	164	131	119	92	133

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 2016/2017, 27 trials were listed before the President, with six proceeding to trial.

Table 09: Children's Court President Trial Listings and Outcomes 2012/2013 to 2016/2017

TRIALS	2012/13	2013/14	2014/15	2015/16	2016/17
Trials Listed	42	23	33	17	27
Trials Not Proceeding	22	16	21	14	21
Trials Proceeding	20	7	12	3	6
Percentage of Trials Proceeding	48%	30%	36%	18%	22%
Convictions	16	3	7	2	6
Acquittals	4	4	5	1	0
Conviction Rate After Trial	80%	43%	58%	67%	100%

Despite a significant increase in the number of trials being listed before both Magistrates and the President in 2016/17 (collectively up by 93 trials), focused attention on early resolution of matters meant that the number of trials actually proceeding in both jurisdictions remained consistent with 2015/2016 and represented a significant decrease in comparison to 2014/2015.

## Appeals

### Court of Appeal Appeals

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 DPP Offices in all Australian jurisdictions are less common, and that is also the case in WA.

During 2016/2017, 213 new Court of Appeal cases involving the ODPP as either the appellant or the respondent were commenced. This represented a slight decrease of 4 appeals on the previous year. The five year trend is illustrated in the following table.

Table 10: Court of Appeal Cases Commenced 2012/2013 to 2016/2017

APPEALS LODGED		2012/13	2013/14	2014/15	2015/16	2016/17
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	15	15	6	7	11
	Other	3	3	0	0	4
	<b>Total</b>	<b>18</b>	<b>18</b>	<b>6</b>	<b>7</b>	<b>15</b>
ACCUSED APPEALS	Conviction	76	48	67	61	62
	Sentence	131	123	105	138	125
	Other	13	14	8	11	11
	<b>Total</b>	<b>220</b>	<b>185</b>	<b>180</b>	<b>210</b>	<b>198</b>
<b>TOTAL APPEALS LODGED</b>		<b>238</b>	<b>203</b>	<b>186</b>	<b>217</b>	<b>213</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 2016/2017, 193 Court of Appeal cases involving the ODPP as appellant or respondent on behalf of the State of Western Australia were concluded. Of the 185 appeals commenced by offenders and resolved during 2016/2017 ultimately only 29 (15.7%) were successful. Significantly, 26.5% of accused initiated appeals were abandoned before the hearing of the appeal, a figure consistent with previous years.

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

Table 11: Court of Appeals Outcomes 2014/2015 to 2016/2017

APPEALS FINALISED		2014/15		2015/16		2016/17	
		No	%	No	%	No	%
STATE APPEALS	Allowed	7	70.0%	6	85.7%	6	75.0%
	Dismissed	2	20.0%	1	14.3%	1	12.5%
	Discontinued	1	10.0%	0	0.0%	1	12.5%
	<b>Total</b>	<b>10</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>
ACCUSED APPEALS	Allowed	17	10.3%	20	12.7%	29	15.7%
	Dismissed	98	59.4%	92	58.6%	107	57.8%
	Discontinued	50	30.3%	45	28.7%	49	26.5%
	<b>Total</b>	<b>165</b>	<b>100.0%</b>	<b>157</b>	<b>100.0%</b>	<b>185</b>	<b>100.0%</b>
<b>TOTAL APPEALS FINALISED</b>		<b>175</b>		<b>164</b>		<b>193</b>	

### High Court Appeals

High Court appeals involving the ODPP arise from appeals initiated against decisions made in the WA Court of Appeal where one of the parties applies for leave to appeal. The State of Western Australia, through the ODPP, only very rarely lodges an appeal to the High Court, although two State appeals were lodged in 2016/2017 – the first State appeals in the past five years.

The table below shows that 11 High Court appeals were lodged by offenders in 2016/2017.

Table 12: High Court Appeals Commenced 2012/2013 to 2016/2017

HIGH COURT APPEAL LODGED	2012/13	2013/14	2014/15	2015/16	2016/17
Accused Appeals	16	5	9	4	11

### Single Judge Appeals

During 2016/2017, the ODPP received 38 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 which could have proceeded on indictment but was dealt with in the summary jurisdiction.

Table 13: Single Judge Appeals Commenced 2012/2013 to 2016/2017

APPEALS LODGED		2012/13	2013/14	2014/15	2015/16	2016/17
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	0	1	0	0	0
	Other	2	1	0	0	1
	<b>Total</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>
ACCUSED APPEALS	Conviction	17	13	7	10	8
	Sentence	17	24	12	21	25
	Other	3	2	5	8	4
	<b>Total</b>	<b>37</b>	<b>39</b>	<b>24</b>	<b>39</b>	<b>37</b>
<b>TOTAL NEW APPEALS</b>		<b>39</b>	<b>41</b>	<b>24</b>	<b>39</b>	<b>38</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 2016/2017, 31 single Judge appeals lodged by accused were finalised. Of these, 13 (41.9%) were allowed with 18 (58.1%) being either dismissed or discontinued.

## Extraditions

During 2016/2017, 27 applications were received by the ODPP from the WA Police seeking to extradite people from a range of jurisdictions, including five from overseas, six each from Victoria and South Australia, five from Queensland and one each from New South Wales, Tasmania and the Northern Territory. There were two requests received where the current location of the accused was not known.

The ODPP finalised 15 applications for extradition in 2016/2017, including some received in previous reporting years. All finalised applications were approved.

Table 14: Extradition Applications 2012/2013 to 2016/2017

EXTRADITIONS	2012/13	2013/14	2014/15	2015/16	2016/17
Extradition Requests Received	22	23	23	35	27
Extraditions Approved	14	24	13	20	15

## Dangerous Sexual Offenders

The ODPP's work in relation to dangerous sexual offenders continues to grow. It includes consideration of new referrals from the DSO Review Committee ('DSORC'), lodgement of and appearances at the hearing of new applications, appearances at the hearing of review of continuing detention orders, and commencement of and appearances at contravention proceedings.

At the start of 2016/2017, 46 offenders were the subject of either a continuing detention or a supervision order made by the Supreme Court under the *Dangerous Sexual Offenders Act 2006*. However, one offender successfully completed their supervision order during 2016/2017. 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.

In addition, two new applications were lodged in 2016/2017.

Table 15: Dangerous Sexual Offenders Act Applications 2006/2007 to 2016/2017

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

The number of offenders subject to orders is expected to increase, with only one offender expected to complete their supervision order in 2017/2018. This will have a growing resource impact on the ODPP.

### New Applications 2016/2017

During 2016/2017 the ODPP received 10 new referrals from the DSORC.

After careful consideration, the ODPP made two new applications to the Supreme Court, one of which had been referred in the previous reporting period. Three matters remained under review at the end of the reporting year. The ODPP declined to proceed in relation to seven 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 2016/2017, 23 offenders were the subject of supervision orders made by the Supreme Court. One of these supervision orders expired during the course of the year, while another offender's supervision order was cancelled pursuant to section 23(1)(b) of the Act following contravention proceedings.

During the year, five offenders were placed on supervision orders. One of those orders was made pursuant to section 17(1)(b) of the Act following a Division 2 hearing. Four offenders were placed on a supervision order following an annual review of their continuing detention order. The duration of the supervision orders ranged between 5 and 7 years.

At the start of 2015/2016, 23 offenders were held in custody subject to continuing detention orders. One of those was also serving a sentence of imprisonment with the consequence that the review cycle of their continuing detention orders will be delayed until they have served their sentence. The detention orders of 21 offenders were reviewed and in 15 cases the Court expressly declined to rescind their detention orders. However, four offenders were released to supervision. Two decisions were pending at year end.

During the reporting year, one offender was placed on a continuing detention order following contravention proceedings. No offenders were placed on detention orders under section 17 of the Act following Division 2 hearings.

## **Appeal matters**

No appeals arising under the Act were decided in 2016/2017.

## **Legislative Developments**

The *Dangerous Sexual Offenders Legislation Amendment Act 2016* ('the DSO Act') commenced on 10 September 2016. The Act:

- Extends the period between reviews of detention of Dangerous Sexual Offenders to two years.
- 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.
- 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.
- 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 is also able to be kept informed of any proceedings under the DSO Act in relation to an offender.
- Restrains offenders 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.
- 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.
- 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's power to bring applications is a reserve power.
- Extends the duration of supervision orders for all sentences of imprisonment.
- Introduces a range of amendments to Court processes to provide for the efficient operation of the DSO Act.

## 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 there was a significant fall in 2013/2014. This fall was mainly due to a shift in focus within the WA Police toward high-end organised crime groups and individuals and resulted in less, but more focused investigations, so there now a lower, but consistent, level of notices and freezing orders obtained.

Table 16: Freezing Notices and Orders Obtained 2012/2013 to 2016/2017

NOTICES & ORDERS OBTAINED	2012/13	2013/14	2014/15	2015/16	2016/17
Freezing Notices	250	158	186	185	170
Freezing Orders	14	11	9	13	7
<b>TOTAL</b>	<b>264</b>	<b>169</b>	<b>195</b>	<b>198</b>	<b>177</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 2016/2017, 171 objections were received. Due to the timing of matters coming before the Courts, objections lodged in one financial year may not be determined until a subsequent year. The comparative figures over the past five years are shown in the following table.

Table 17: Objections to Freezing Notices and Orders 2012/2013 to 2016/2017

OBJECTIONS	2012/13	2013/14	2014/15	2015/16	2016/17
<b>Objections Received</b>	286	221	206	202	171
Objections Dismissed	98	92	91	88	45
Successful Objections	111	70	121	95	97
No Determination	39	23	18	27	14
<b>TOTAL OBJECTIONS FINALISED</b>	<b>248</b>	<b>185</b>	<b>230</b>	<b>210</b>	<b>156</b>



## Declared Drug Traffickers

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

Upon a declaration that a convicted person is a drug trafficker, all property relating to that person is forfeited to the State. In 2016/2017, 101 people were declared to be drug traffickers and, in the same period, \$6.47 million was paid into the Confiscation Proceeds Account from assets stripped from declared drug traffickers – the second 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 18: Drug Trafficker Declarations and Payments to Confiscation Proceeds Account 2012/2013 – 2016/2017

DRUG TRAFFICKERS	2012/13	2013/14	2014/15	2015/16	2016/17
DECLARATIONS MADE	95	98	107	91	101
AMOUNT RECOVERED	\$5.77m	\$4.26m	\$5.76m	\$7.69m	\$6.47m

## 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 19: Crime Used or Derived and Payments to Confiscation Proceeds Account 2012/2013 – 2016/2017

CRIME USED or CRIME DERIVED	2012/13	2013/14	2014/15	2015/16	2016/17
DECLARATIONS MADE	68	50	48	46	61
AMOUNT RECOVERED	\$2.99m	\$3.60m	\$3.89m	\$5.26m	\$5.38m

## Overview of Payments to the Confiscation Proceeds Account

Since the commencement of the Act in January 2001 over \$113 million has been stripped from people engaged in criminal activities and 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.

Table 20: Payments to Confiscation Proceeds Account 2012/2013 to 2016/2017

YEAR	2012/13	2013/14	2014/15	2015/16	2016/17
<b>PAYMENTS TO ACCOUNT</b>	<b>\$9.36m</b>	<b>\$8.19m</b>	<b>\$10.14m</b>	<b>\$13.02m</b>	<b>\$11.92m</b>

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.

Significant legislative developments in 2016/2017 relating to criminal law in Western Australia included the following:

### **Dangerous Sexual Offenders**

As is detailed in Part 2 of this report, the *Dangerous Sexual Offenders Legislation Amendment Act 2016* commenced on 10 September 2016 and brought in a raft of improvements to the administration of the *Dangerous Sexual Offenders Act 2006*.

### **Road Traffic Legislation**

Part 2 of the *Road Traffic Legislation Amendment Act 2016* commenced on 22 September 2016. The relevant amendments included:

- Repeal of section 50 of the *Road Traffic Act 1974* (unauthorised driving by a learner driver).
- Mandatory disqualification of a driver's licence for at least 2 years (if death or grievous bodily harm result) or 12 months (if bodily harm results) for an offence under section 54 of the *Road Traffic Act 1974* (driver in incident occasioning bodily harm failing to stop to give assistance or information).
- Amendment of section 56 of the *Road Traffic Act 1974* to require a driver involved in an incident occasioning bodily harm to report it to an officer in charge of a police station or to the Commissioner of Police in a manner approved by the Commissioner.
- Extension of the offence of failing to provide a breath, blood or urine sample under section 67 of the *Road Traffic Act 1974* to include failing to accompany a police officer to a police station or other place and to wait at that place to allow a sample to be taken.

In addition, the Act amended the *Young Offenders Act 1994* to add to Schedule 1 the following *Road Traffic Act 1974* offences:

- section 61 Dangerous Driving;
- section 62 Careless Driving;
- section 62A Causing excessive noise or smoke from vehicle's tyres;
- section 67A Failure to comply with requirements of police officer; and to
- Schedule 2 section 54 (driver in incident occasioning bodily harm failing to stop, give assistance or information), with the effect that in relation to these *Road Traffic Act 1974* offences a caution cannot be given and the matter cannot be referred to a juvenile justice team, and with regards to Schedule 2 to require that a conviction to normally be recorded - which may lead to mandatory detention.

Aspects of Part 3 of the *Road Traffic Legislation Amendment Act 2016* commenced on 28 November 2016 and introduced a new summary offence of careless driving causing death, grievous bodily harm or bodily harm in section 59BA of the *Road Traffic Act 1974* (to cover situations where the Court is unable to conclusively establish that the actions of the driver were dangerous rather than careless). The new offence is punishable by 3 years' imprisonment or a fine of \$36,000 or both. It also created offences of providing driving instruction to a Learner Driver under the influence of alcohol (section 62B *Road Traffic Act 1974*) or drugs (section 62C *Road Traffic Act 1974*).

The *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* amended the offence of “reckless driving” (section 60 of the *Road Traffic Act 1974*) to distinguish between driving in a reckless manner (section 60) and driving at a reckless speed (over 45 km/h over the speed limit) (section 60A). The latter is now a stand-alone offence under section 60A(2) of the *Road Traffic Act 1974*.

Compulsory blood testing for driving incidents involving a fatality or where a person is admitted to hospital (serious bodily harm) commenced from 10 March 2017 (*Road Traffic Legislation Amendment Act 2016* amending section 66 of the *Road Traffic Act 1974*).

## **Graffiti Vandalism**

The *Graffiti Vandalism Act 2016* commenced on 12 October 2016. It removes graffiti offences from the WA *Criminal Code* and creates a new summary offence of damaging property by graffiti which has a maximum penalty of 2 years’ imprisonment and a fine of \$24,000. The mandatory 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. An element of the community based order 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 are consolidated into one stand-alone Act.

## **Evidence Act Amendments**

Section 106HA of the *Evidence Act 1906* was amended by the *Evidence Amendment Act 2016* from 19 November 2016 to ensure that where there is a visually recorded interview of a child or mentally impaired witness, then it will be admissible as the evidence in chief of that witness in all proceedings. This amendment is an important development in supporting children and mentally impaired witnesses in the criminal justice system, as it closes the loophole which prevented the interviews of children who witness offences against adults (most often, parents or guardians) being admitted, and enables people with mental impairment better access to justice, no matter what the alleged offence.

## **Medicines and Poisons**

The *Medicines and Poisons Act 2014* (‘MEDPA’) commenced on 30 January 2017. This amended the operation of the *Misuse of Drugs Act 1981* by repealing the Western Australian *Poisons Act 2014*. Schedules 8 and 9 (lists of Controlled Drugs and Prohibited Substances) are not reproduced in the MEDPA (as they were in the *Poisons Act 2014*) and are now contained in separate Regulations – the *Medicines and Poisons Regulations 2016*. The new Regulations now include “all substances listed in Schedules 8 & 9 of the SUSMP” (which is the Standard for the Uniform Scheduling of Medicines and Poisons under the Commonwealth *Therapeutic Goods Act 1989*), together with additional substances listed in the Regulations.

## **Restraining Orders**

Aspects of the *Restraining Orders and Related Legislation (Family Violence) Act 2016* commenced on 8 February 2017. In particular:

- The penalty for an offence under section 281 of the *Criminal Code* (unlawful assault causing death) was increased from 10 years’ imprisonment to 20 years’ imprisonment;
- The *Criminal Code* was amended to expand the scope of bodily harm and grievous bodily harm offences to include harm to a pregnant woman’s unborn child, with the

expanded definition also applying to “*bodily harm*” offences under the *Road Traffic Act 1974*; and

- Section 63B of the *Restraining Orders Act 1997* was amended to expand the offences which, in certain circumstances, require, on conviction of the offender, the imposition of a mandatory lifetime restraining order for the protection of the victim. A Court sentencing a person for a “*violent personal offence*” (defined to include *Criminal Code* offences sections 279, 280, 281, 283, 292, 293, 294, 304, 320, 321, 321A, 329, 332, 333, 338A, 338B, 338C, 338E or 444) is to determine the seriousness of the offence by reference to whether the person is in a family relationship with the victim of the offence, or whether a child was present when the offence was committed, or whether the conduct of the person committing the offence constituted a breach of a restraining order.
- Other amendments were also made to other parts of the *Restraining Orders Act 1997* (including section 63) which improve access to restraining orders for victims of crime.

## **Bills**

The following legislation relevant to the work of the ODPP were pending at the conclusion of the reporting period:

- The *Misuse of Drugs Amendment (Methylamphetamine) Act 2017* is to commence on 18 September 2017. This Act amends the *Misuse of Drugs Act 1981* such that a person caught with 28g or more of methylamphetamine will be subject to a maximum penalty of life imprisonment. Conspiring with or inciting another to commit a methylamphetamine trafficking offence will also render a person liable to a maximum penalty of life imprisonment. To allow methylamphetamine offences to continue to be heard in the District Court of Western Australia, the Act extends the criminal jurisdiction of the District Court.
- The *Sentence Administration Amendment Bill 2017*, which proposes to amend the *Sentencing Administration Act 2003* to provide that in every case where the Prisoners Review Board considers whether a relevant prisoner should be granted an early release order, then the Board must not make a release order or release recommendation unless satisfied that the prisoner has cooperated with the Western Australia Police in the identification of the location of the remains of the victim, or the identification of the last known location of the victim's remains.

## Inter-Agency Committees and Working Groups

During 2016/2017 the ODPP participated in a range of external committees principally established to promote improvements to the criminal justice system in Western Australia.

Table 21: External Committee Representation 2016/172016

Committee	Purpose	ODPP Representative
Strategic Criminal Justice Forum	Consider high level strategic issues and formulate initiatives to meet the strategic goals of the criminal justice system.	Amanda Forrester <i>SC Director</i>
Children's Court of WA Interagency Committee	Facilitate communication and issue resolution among Court stakeholders.	Sean Stocks <i>Practice Manager</i>
ALSWA Youth Engagement Program	Provide individualised case management, support, referrals and practical assistance to clients appearing before the Perth Children's Court.	Sean Stocks <i>Practice Manager</i>
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds.	Louise O'Connor <i>Senior State Prosecutor</i>
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.	Therese Austin <i>Practice Manager</i>
Child Witness Committee	Deal with issues arising from children giving evidence in WA courts.	Amanda Burrows <i>Consultant State Prosecutor</i>
Magistrates Court Liaison Committee	Facilitate communication and issue resolution between Magistrates Court stakeholders.	Ian Flynn <i>Senior Paralegal</i>
ODPP, VSS and CWS Liaison Committee	Improve services to witnesses and victims and crime and enhance inter-agency communication.	Julian Williams <i>Manager Legal Practice Support</i> , Therese Austin <i>Practice Manager</i>
PathWest/WAPOL/ODPP Joint Consultative Committee	Facilitate communication and issue resolution between the agencies in areas of mutual interest.	Matthew Bugg <i>Director Legal Services</i> , Justin Whalley <i>Consultant State Prosecutor</i>
Secondary Victims of Homicide Protocols Review Group	Review the <i>Secondary Victims of Homicide Protocols for Service Delivery</i>	Amanda Burrows <i>Consultant State Prosecutor</i> , Nari Vanderzanden <i>Legal Project Officer</i>
Sexual Assault Services Advisory Group	Improve processes for victims of crime and enhance inter-agency communication in sexual assault matters.	Amanda Burrows <i>Consultant State Prosecutor</i>
State Witness Protection Committee	Consider applications for witnesses to be admitted to State Witness Protection Plans.	James Mactaggart <i>Senior State Prosecutor</i>
Cross Justice Information Committee	Facilitate the alignment of IT systems, the sharing or exchange of information electronically and foster business improvements across justice agencies.	Jeff Plunkett <i>Director Corporate Services</i> , George Nastos <i>Manager IT</i>

Committee	Purpose	ODPP Representative
Data Quality Working Group	Improve data quality and the exchange of information between justice agencies.	Julian Williams <i>Manager Legal Practice Support</i> , George Nastos <i>Manager IT</i>
Suitor's Fund Act Solicitor General Working Party	Review the <i>Suitors' Fund Act 1964</i> .	David Davidson <i>Senior State Prosecutor</i>

## Law Society of WA

Many lawyers from the ODPP contributed positively to the Law Society of Western Australia during 2016/2017 through membership on a range of committees.

Table 22: Law Society Committee Representation 2016/2017

Committee	ODPP Representative
Law Society Council	Adam Ebell, <i>State Prosecutor</i> Catherine Fletcher, <i>State Prosecutor</i>
Advancement of Women in the Legal Profession Working Group	Catherine Fletcher, <i>State Prosecutor (Convenor)</i>
Commercial and Corporate Law Committee	David Davidson, <i>Senior State Prosecutor</i>
Costs Committee	David Davidson, <i>Senior State Prosecutor</i>
Courts Committee	David Davidson, <i>Senior State Prosecutor</i>
Criminal Law Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i> Ryan Arndt, <i>State Prosecutor</i> Kate Gregory, <i>State Prosecutor</i>
Education Committee	Adam Ebell, <i>State Prosecutor</i>
In-house and Government Lawyers Committee	David Davidson, <i>Senior State Prosecutor</i>
Joint Law Society Women Lawyers Committee	Catherine Fletcher, <i>State Prosecutor (Convenor)</i>
Mental Health and Wellbeing Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i> Ryan Arndt, <i>State Prosecutor</i>

## Legal Practice Board

The ODPP's contribution to the work of the Legal Practice Board in 2016/2017 included.

Table 23: Legal Practice Board Representation 2016/2017

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



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

A key emphasis in 2016/17 was on leadership, with the continuation of well entrenched Senior and Mid-level Leadership Programs. The Senior Program moved towards putting past learning into practice with the group working on initiatives to address organisational issues. The participants in the Mid-level Program will complete the Diploma of Leadership and Management by December 2017.

A third layer of leadership, the Future Leaders Series, commenced in March 2017. The series offers interested ODPP staff members a range of role-specific and general leadership sessions designed to ensure that they are ready to step up into leadership positions when they become available in the future.

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

A mental health program was introduced, with an aim toward healthy, sustainable living and addressing workload issues. Topics included:

- Leading a productive life.
- How to build a sustainable career in law.
- Preventing and managing burnout.
- Managing vicarious trauma.

Well-being was a focus for the year and included mindfulness training, meditation and yoga. Mental Health response boxes were purchased to provide staff with a simple reference to supporting themselves and others in maintaining mental well-being.

The ODPP's monthly 'In the Loop' Newsletter was launched in 2016/2017. 'In the Loop' was developed to enable ODPP staff on extended leave of greater than three months (for example maternity leave, leave without pay and long service leave) to stay connected and be kept up to date with ODPP events, news and legal issues.

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

- Members of the Judiciary.
- Deputy District Attorney, Orange County, USA.
- Chemistry Centre of WA.
- Corruption and Crime Commission WA.

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 ('AACP').
- 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.
- Aboriginal Cultural Awareness and Disability Awareness Workshops.
- Occupational Safety and Health responsibility training for managers.
- International Women's Day event.

The table below summarises the key training and development initiatives delivered in 2016/2017.

Table 24: ODPP Staff Development Activities 2016/2017

Activity	Staff Attendance in 2016/2017
Continuing Professional Development Seminars 21 internal seminars	618 internal and 67 external (Averaging 33 participants per seminar)
Legal Support Development Seminars Six internal seminars	72 (Averaging 12 participants per seminar)
External seminars: The Law Society of WA, The University of Notre Dame, Legal Aid WA, IPAA, Proteus, ORS, TLS.	77
Advocacy Training One internal course	22
Conferences	16
ODPP International Women's Day Event	52
Mental Health and wellness Eight seminars and workshops	131 (Averaging 16 participants per activity)
Disability Awareness Two workshops	18
Cross Cultural Awareness Two workshops	24
Leadership and Management Development Program Six sessions	123 (Averaging 21 participants per session)
Mid-Level Managers Development Program Four Diploma of Leadership and Management sessions	48 (Averaging 12 participants per session)
Future Leader Series Two external and two internal workshops	43
Corporate Information Sessions (Manual Handling, Email Policy, etc.)	329
Salary Packaging and Superannuation Three information sessions	15
Other Professional Development: (Case management, Change information sessions)	132 (8 sessions averaging 16 participants per session)

## Part 3 Disclosures and Legal Compliance

### Ministerial Directives

No directives were made by the Attorney General during 2016/2017.

### 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.

The high briefing expenditure in 2016/2017 reflects the record number of cases listed for trial in the Supreme and District Courts.

Table 25: Brief out Expenditure 2012/2013 to 2016/2017

BRIEF OUT EXPENDITURE	2012/13	2013/14	2014/15	2015/16	2016/17
Court Appearances Briefed	238	162	240	231	269
Average Cost Per Brief	\$6,026	\$6,409	\$6,489	\$5,555	\$6,240
<b>TOTAL COST</b>	<b>\$1,434,229</b>	<b>\$1,038,196</b>	<b>\$1,557,448</b>	<b>\$1,283,177</b>	<b>\$1,678,506</b>
Total Court Days Invoiced	621	410	741	600	746
Average Cost per Court Day	\$2,309	\$2,532	\$2,102	\$2,139	\$2,250

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

#### Ex Gratia Payments

No ex gratia payments were made during 2016/2017.

## Employment Statistics

The ODPP's approved Full Time Equivalent ('FTE') staffing ceiling for 2016/2017 was 235.1. The average actual FTE usage over the course of the year was below this at 224.7.

As at 30 June 2017 the ODPP employed 243 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 26: Employment Profile as at 30 June 2015/2016 and 2016/2017

	2015-2016			2016-2017			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Female	Male		Female	Male		
Legal Staff							
Articled Clerk	-	-	-	-	-	-	N/A
L1LG	4	1	5	3	1	4	\$84,542 - \$94,634
L2LG	8	4	12	14	10	24	\$91,548 - \$110,176
L3LG	21	6	27	7	4	11	\$121,885 - \$130,636
L4LG	13	8	21	18	8	26	\$138,047 - \$163,719
L5LG	9	18	27	10	15	25	\$179,637
L6LG	5	12	17	4	14	18	\$198,794 - \$223,507
L7LG	0	1	1	0	1	1	\$235,171
CSP	3	3	6	2	3	5	\$328,082
DLS	0	1	1	0	1	1	\$328,082
Deputy DPP	0	0	0	0	0	0	-
DPP	0	1	1	1	0	1	\$479,327
Legal Staff Total	63	55	118	59	57	116	
Corporate and Legal Support Staff							
L1	6	1	7	5	2	7	\$23,869 - \$57,376
L2	33	13	46	34	14	48	\$59,172 - \$64,256
L3	26	11	37	24	12	36	\$67,869 - \$73,717
L4	12	5	17	12	6	18	\$76,452 - \$80,797
L5	6	3	9	7	4	11	\$85,047 - \$93,994
L6	0	3	3	0	2	2	\$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	84	40	124	83	44	127	
TOTAL	147	95	242	142	101	243	

## Governance Disclosures

No disclosures are required under Treasurer's Instruction 903(14) in 2016/2017.

## Public Interest Disclosures

The ODPP did not receive any matters under the [Public Interest Disclosure Act 2003](#) in 2016/2017, 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 2016/2017.

### Disability Access and Inclusion Plan

The ODPP's 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 2016/2017 included ensuring that the Employee Self Service within the Human Resource Information System ('HRIS') is configured to be fully accessible for ODPP employees with disabilities.

### Public Sector Standards and Ethical Codes

The ODPP received one breach of standard claim against the Employment Standard in 2016/2017.

The claim was withdrawn at the internal resolution stage.

### 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 recordkeeping 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 Recordkeeping Plan was approved by the State Records Commission in April 2011 and a subsequent review was undertaken in 2016. An amended Recordkeeping Plan

is scheduled to be submitted to the State Records Commission in August 2017. The ODPP's Retention and Disposal Schedule was approved in March 2017.

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

In 2017 the ODPP completed a comprehensive review of its Original Exhibits and Evidentiary Materials Procedures which are delivering improved and more consistent recordkeeping 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 case management system (JustWare) and its electronic document records management system (TRIM). The ODPP implemented the TRIM EDRMS system in 2010 and captured 171,569 electronic records in the first year. The volume of electronic records has continually increased and now over two million electronic records have 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 2016/2017 was as follows.

Table 27: Occupational Health and Safety Statistics 2016/2017

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	0.78 (2 lost time injuries)
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	(i) 50% (ii) 50%
Percentage of managers formally trained in occupational safety, health and injury management responsibilities.	Greater than or equal to 80%	80%





## Auditor General

### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

#### Report on the Financial Statements

##### **Opinion**

I have audited the financial statements of the Office of the Director of Public Prosecutions which comprise the Statement of Financial Position as at 30 June 2017, 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.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Office of the Director of Public Prosecutions for the year ended 30 June 2017 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

##### **Basis for Opinion**

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

##### **Responsibility of the Director for the Financial Statements**

The Director is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions, and for such internal control as the Director determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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

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

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.



Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

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

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

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

## **Report on Controls**

### ***Opinion***

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Office of the Director of Public Prosecutions. The controls exercised by the Office are those policies and procedures established by the Director to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

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

In my opinion, in all material respects, the controls exercised by the Office of the Director of Public Prosecutions are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2017.

### ***The Director's Responsibilities***

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



### ***Auditor General's Responsibilities***

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

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

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

### ***Limitations of Controls***

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

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

#### ***Opinion***

I have undertaken a reasonable assurance engagement on the key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2017. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to assist users to assess the Office's performance and fairly represent indicated performance for the year ended 30 June 2017.

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

The Director is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Director determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

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

### ***Auditor General's Responsibility***

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



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

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

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

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

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

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

This auditor's report relates to the financial statements and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2017 included on the Office's website. The Office's management is responsible for the integrity of the Office's website. This audit does not provide assurance on the integrity of the Office's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.

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

27 September 2017

## 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 the Director of Public Prosecutions for the financial year ending 30 June 2017.



Amanda Forrester SC  
Accountable Authority

Date: 26 September 2017





# 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 on any matters that proceed to appeal. In addition, the ODPP conducts litigation under the [Criminal Property Confiscation Act 2000](#) 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. 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 (DPP). 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**

The relevant Government Goal is "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 indictment has 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 2016/2017

In 2016/2017, the ODPP received 2,839 cases that were either committed to the Supreme or District Court or listed for committal at Perth Magistrates Court. Following case reviews, 84 matters were remitted to the Magistrates Court to be dealt with summarily or transferred to another prosecution agency. A further 193 matters were wholly discontinued, such that no charges remained against the accused. Of the remaining 2,560 matters committed to the District and Supreme Court and where an indictment was due during this reporting period, in 1,766 cases (or 69.0%) the indictment was filed with the court within 90 days of the date of committal.

KPI Target 2016/2017	KPI Result 2016/2017
85.0%	69.0%

Performance trends over time are illustrated in the following table:

Year	Indictment Filed Within 90 days of Committal
2016/2017	69.0%
2015/2016	71.8%
2014/2015	74.4%
2013/2014	80.8%
2012/2013	83.4%

#### 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 2016/2017 was a 13.6% increase in the number of committals that resulted in an indictment being required during the year – up 306 indictments from the total of 2,254 in 2015/2016. This increase came on top of a 5.2% rise in the previous year.

In 2016/2017 the ODPP filed an average of 207 indictments per month. In 2015/2016 the monthly average was 188 and in 2014/2015 it was 179 per month. As at 30 June 2017 the ODPP had filed 2,484 of the 2,560 indictments that were due in 2016/2017, in an average of 80 days from the date of committal, which is inside of the target of 90 days. Given the significant increases in the ODPP's core work over the past three years, the 2016/2017 outcome, while not meeting the target, was commendable.

## 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 2016/2017

There were three Judge directed acquittals in the reporting year out of a total of 483 trials that proceeded. In all other trials the ODPP established that the accused had a case to answer.

KPI Target 2016/2017	KPI Result 2016/2017
98.0%	99.4%

Performance trends over time are illustrated in the following table:

Year	Establishing Case to Answer
2016/2017	99.4%
2015/2016	99.8%
2014/2015	100.0%
2013/2014	100.0%
2012/2013	99.5%

### 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 2016/2017

In 2016/2017 483 trials proceeded before a jury or a Judge alone in the District and Supreme Court. Of these, 24 (or 5.0%) resulted in a hung jury and 21 (or 4.3%) resulted in a mistrial. Therefore, 438 trials delivered either a conviction or acquittal. Of these trials, 291 (or 66.4%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2016/2017	KPI Result 2016/2017
50.0%	66.4%

Performance trends over time are illustrated in the following table:

Year	Convictions After Trial
2016/2017	66.4%
2015/2016	63.9%
2014/2015	75.2%
2013/2014	68.8%
2012/2013	64.6%

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

The target was exceeded in 2016/2017, 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 2016/2017**

In 2016/2017, 39 declarations for confiscations were filed. Of these, 11 (or 28.2%) were filed within four months of the drug trafficker declaration.

<b>KPI Target 2016/2017</b>	<b>KPI Result 2016/2017</b>
<b>60.0%</b>	<b>28.2%</b>

Performance trends over time are illustrated in the following table:

<b>Year</b>	<b>Application Filed Within 4 months</b>
2016/2017	28.2%
2015/2016	31.6%
2014/2015	39.1%
2013/2014	45.3%
2012/2013	70.5%

### **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 2016/2017 some additional factors arose which contributed to an outcome below expectations. These included staff shortages in the ODPP confiscations team and staff storages 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 2016/2017

The ODPP's total cost of service for criminal prosecutions in 2016/2017 was \$37.97 million. A total of 3,155 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 2016/2017 was \$12,035.

KPI Target 2016/2017	KPI Result 2016/2017
\$15,000	\$12,035

Performance trends over time are illustrated in the following table:

Year	Cost Per Prosecution
2016/2017	\$12,035
2015/2016	\$12,429
2014/2015	\$13,417
2013/2014	\$15,168
2012/2013	\$14,964

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

The target as published in the 2016/2017 Budget Paper No. 2 was \$15,000, therefore the ODPP substantially outperformed the target. This was due to an increase in the number of new indictable prosecution cases received for trial or sentence in 2016/2017 – up 5.7% on the previous year. At the same time, the ODPP's total cost of service for criminal prosecutions was essentially unchanged. This 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 2016/2017

In 2016/2017, the ODPP Confiscations team managed a variety of matters that delivered payments of \$11.92 million to the Confiscation Proceeds Account. The total cost of service for the confiscations function in the reporting year was \$2.80 million. The ratio of cost to return was therefore 23.49%.

KPI Target 2016/2017	KPI Result 2016/2017
25.0%	23.5%

Performance trends over time are illustrated in the following table:

Year	Cost as a Percentage of Return
2016/2017	23.5%
2015/2016	23.3%
2014/2015	34.3%
2013/2014	39.7%
2012/2013	33.4%

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

There was no significant variation between the target and actual performance.

## Financial Statements

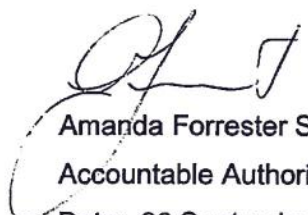


DIRECTOR OF PUBLIC PROSECUTIONS  
for WESTERN AUSTRALIA


### Certification of Financial Statements for the year ended 30 June 2017

The accompanying financial statements for the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2017 and the financial position as at 30 June 2017.

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



Amanda Forrester SC  
Accountable Authority  
Date: 26 September 2017



Hardip Bhabra  
Chief Finance Officer  
Date: 26 September 2017



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

**Statement of Comprehensive Income**  
**For the year ended 30 June 2017**

	<b>Note</b>	<b>2017</b>	<b>2016</b>
		<b>\$</b>	<b>\$</b>
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	30,060,035	30,042,659
Supplies and services	8	4,091,709	3,929,692
Depreciation and amortisation expense	9	618,965	647,327
Accommodation expenses	10	3,339,942	3,056,609
Other expenses	12	2,660,311	2,468,162
<b>Total cost of services</b>		<b>40,770,962</b>	<b>40,144,449</b>
<b>Income</b>			
<i>Revenue</i>			
Other revenue	13	77,655	107,148
<b>Total Revenue</b>		<b>77,655</b>	<b>107,148</b>
<b>Total income other than income from State Government</b>		<b>77,655</b>	<b>107,148</b>
<b>NET COST OF SERVICES</b>		<b>40,693,307</b>	<b>40,037,301</b>
<b>Income from State Government</b>			
Service Appropriation		35,057,000	35,063,000
Contribution from Confiscation Proceeds Account		4,850,000	5,000,000
Services received free of charge		942,707	1,133,715
<b>Total income from State Government</b>	14	<b>40,849,707</b>	<b>41,196,715</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>156,400</b>	<b>1,159,414</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>156,400</b>	<b>1,159,414</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 2017**

	<b>Note</b>	<b>2017</b> \$	<b>2016</b> \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	25	2,791,501	2,741,790
Receivables	16	130,076	130,801
Amounts receivable for services	17	100,000	600,000
Other current assets	18	-	277,245
<b>Total Current Assets</b>		<b>3,021,578</b>	<b>3,749,836</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	15,25	105,000	-
Amounts receivable for services	17	5,282,000	4,071,000
Property, plant and equipment	19	1,568,923	2,108,421
Intangible assets	20	29,854	52,078
<b>Total Non-Current Assets</b>		<b>6,985,777</b>	<b>6,231,499</b>
<b>TOTAL ASSETS</b>		<b>10,007,355</b>	<b>9,981,335</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	22	725,613	544,338
Provisions	23	6,387,378	6,335,190
<b>Total Current Liabilities</b>		<b>7,112,991</b>	<b>6,879,528</b>
<b>Non-Current Liabilities</b>			
Provisions	23	1,565,862	1,929,705
<b>Total Non-Current Liabilities</b>		<b>1,565,862</b>	<b>1,929,705</b>
<b>TOTAL LIABILITIES</b>		<b>8,678,853</b>	<b>8,809,233</b>
<b>NET ASSETS</b>		<b>1,328,502</b>	<b>1,172,102</b>
<b>EQUITY</b>			
Contributed Equity	24	7,137,760	7,137,760
Accumulated surplus/(deficit)		(5,809,258)	(5,965,658)
<b>TOTAL EQUITY</b>		<b>1,328,502</b>	<b>1,172,102</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 2017**

	Note	Contributed Equity	Reserves	Accumulated surplus/(deficit)	Total Equity
<b>Balance at 1 July 2015</b>	24	7,137,760	-	(7,125,072)	12,688
Surplus/(deficit)		-	-	1,159,414	1,159,414
Other comprehensive income					
<b>Total comprehensive income for the period</b>		-	-	1,159,414	1,159,414
Transactions with owners in their capacity as owners :					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
<b>Total</b>		-	-	-	-
<b>Balance at 30 June 2016</b>		<b>7,137,760</b>	-	<b>(5,965,658)</b>	<b>1,172,102</b>
<b>Balance at 1 July 2016</b>		<b>7,137,760</b>	-	<b>(5,965,658)</b>	<b>1,172,102</b>
Surplus/(deficit)		-	-	156,400	156,400
Other comprehensive income		-	-	-	-
<b>Total comprehensive income for the period:</b>		-	-	156,400	156,400
Transactions with owners in their capacity as owners:					
Capital contributions		-	-	-	-
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
<b>Total</b>		-	-	-	-
<b>Balance at 30 June 2017</b>		<b>7,137,760</b>	-	<b>(5,809,258)</b>	<b>1,328,502</b>

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

Office of the Director of Public Prosecutions - 30 June 2017

**Statement of Cash Flows**  
For the year ended 30 June 2017

	Note	2017 \$	2016 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		34,246,000	34,278,000
Contributions from Confiscation Proceeds Account		4,850,000	5,000,000
Holding account drawdowns		100,000	305,000
<b>Net cash provided by State Government</b>		<b>39,196,000</b>	<b>39,583,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(30,284,504)	(30,704,939)
Supplies and services		(8,773,158)	(8,810,598)
GST payments on purchases		(847,358)	(840,350)
GST payments to taxation authority		-	-
<b>Receipts</b>			
Receipts from services		73,617	120,672
GST receipts on sales		5,129	5,997
GST receipts from taxation authority		842,229	811,693
Other receipts		-	-
<b>Net cash provided by/(used in) operating activities</b>	25	<b>(38,984,045)</b>	<b>(39,417,525)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(57,244)	(352,935)
<b>Net cash provided by/(used in) investing activities</b>		<b>(57,244)</b>	<b>(352,935)</b>
Net increase/(decrease) in cash and cash equivalents		154,711	(187,460)
Cash and cash equivalents at the beginning of the period		2,741,790	2,929,251
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	25	<b>2,896,501</b>	<b>2,741,790</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 2017

	Criminal Prosecutions		Confiscation of Assets		Total	
	2017	2016	2017	2016	2017	2016
	\$	\$	\$	\$	\$	\$
<b>COST OF SERVICES</b>						
<u>Expenses</u>						
Employee benefit expense	28,213,413	28,007,492	1,846,623	2,035,167	30,060,035	30,042,659
Supplies and services	3,698,656	3,601,153	393,053	328,539	4,091,709	3,929,692
Depreciation and amortisation expense	571,656	597,850	47,309	49,477	618,965	647,327
Accommodation expenses	3,086,031	2,824,155	253,911	232,454	3,339,942	3,056,609
Other expenses	2,401,510	2,069,972	258,801	398,190	2,660,311	2,468,162
<b>Total cost of services</b>	<b>37,971,265</b>	<b>37,100,622</b>	<b>2,799,697</b>	<b>3,043,827</b>	<b>40,770,962</b>	<b>40,144,449</b>
<u>Income</u>						
Other revenue	77,655	107,148	-	-	77,655	107,148
<b>Total income other than income from State Government</b>	<b>77,655</b>	<b>107,148</b>	<b>-</b>	<b>-</b>	<b>77,655</b>	<b>107,148</b>
<b>NET COST OF SERVICES</b>	<b>37,893,611</b>	<b>36,993,474</b>	<b>2,799,697</b>	<b>3,043,827</b>	<b>40,693,307</b>	<b>40,037,301</b>
<u>Income from State Government</u>						
Service appropriation	35,057,000	35,063,000	-	-	35,057,000	35,063,000
Contribution from Confiscation Proceeds Account	1,650,000	1,800,000	3,200,000	3,200,000	4,850,000	5,000,000
Services received free of charge	820,868	996,184	121,839	137,531	942,707	1,133,715
<b>Total income from State Government</b>	<b>37,527,868</b>	<b>37,859,184</b>	<b>3,321,839</b>	<b>3,337,531</b>	<b>40,849,707</b>	<b>41,196,715</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(365,742)</b>	<b>865,710</b>	<b>522,142</b>	<b>293,703</b>	<b>156,400</b>	<b>1,159,414</b>

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

Office of the Director of Public Prosecutions - 30 June 2017

**Schedule of Assets and Liabilities by Service**  
As at 30 June 2017

	Criminal Prosecutions		Confiscation of Assets		Total	
	2017	2016	2017	2016	2017	2016
	\$	\$	\$	\$	\$	\$
<b><u>Assets</u></b>						
Current assets	2,790,729	3,463,349	230,849	286,487	3,021,578	3,749,838
Non-current assets	6,452,064	5,755,412	533,713	476,087	6,985,777	6,231,498
<b>Total assets</b>	<b>9,242,793</b>	<b>9,218,761</b>	<b>764,562</b>	<b>762,574</b>	<b>10,007,355</b>	<b>9,981,336</b>
<b><u>Liabilities</u></b>						
Current liabilities	6,569,558	6,353,932	543,433	525,596	7,112,991	6,879,528
Non-current liabilities	1,446,230	1,782,276	119,632	147,429	1,565,862	1,929,706
<b>Total liabilities</b>	<b>8,015,789</b>	<b>8,136,208</b>	<b>663,064</b>	<b>673,025</b>	<b>8,678,853</b>	<b>8,809,234</b>
<b>NET ASSETS</b>	<b>1,227,004</b>	<b>1,082,553</b>	<b>101,498</b>	<b>89,549</b>	<b>1,328,502</b>	<b>1,172,102</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 2017**

**Summary of Consolidated Account Appropriations and Income Estimates  
For the year ended 30 June 2017**

	<b>2017 Estimate \$</b>	<b>2017 Actual \$</b>	<b>Variance \$</b>	<b>2017 Actual \$</b>	<b>2016 Actual \$</b>	<b>Variance \$</b>
<b>Delivery Services</b>						
Item 76 Net amount appropriated to deliver services	31,342,000	31,342,000	-	31,342,000	31,478,000	(136,000)
<b>Amount Authorised by Other Statutes - Salaries and Allowances Act 1975</b>	3,715,000	3,715,000	-	3,715,000	3,585,000	130,000
<b>Total appropriations provided to deliver services</b>	<b>35,057,000</b>	<b>35,057,000</b>	<b>-</b>	<b>35,057,000</b>	<b>35,063,000</b>	<b>(6,000)</b>
<b>Capital</b>						
Capital appropriations	-	-	-	-	-	-
<b>Administered Transactions</b>						
Administered Grants and Transfer Payments	100,000	-	(100,000)	-	0	0
<b>Total Administered Transactions</b>	<b>100,000</b>	<b>-</b>	<b>(100,000)</b>	<b>-</b>	<b>0</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>35,157,000</b>	<b>35,057,000</b>	<b>(100,000)</b>	<b>35,057,000</b>	<b>35,063,000</b>	<b>(6,000)</b>
<b>Details of Expenses by Services</b>						
Criminal Prosecutions	36,151,000	37,971,265	1,820,265	37,971,265	37,100,622	870,643
Confiscation of Assets	3,000,000	2,799,697	(200,303)	2,799,697	3,043,827	(244,130)
Total Cost of Services	39,151,000	40,770,962	1,619,962	40,770,962	40,144,449	626,513
Less total income	(3,650,000)	(77,655)	3,572,345	(77,655)	(107,148)	29,493
Net Cost of Services	35,501,000	40,693,307	5,192,307	40,693,307	40,037,301	656,006
Adjustments	(444,000)	(5,636,307)	(5,192,307)	(5,636,307)	(4,974,301)	(662,006)
<b>Total appropriations provided to deliver services</b>	<b>35,057,000</b>	<b>35,057,000</b>	<b>-</b>	<b>35,057,000</b>	<b>35,063,000</b>	<b>(6,000)</b>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	600,000	57,244	(542,756)	57,244	352,935	(295,691)
Adjustments for other funding sources	(600,000)	(57,244)	542,756	(57,244)	(352,935)	295,691
<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)	-	-	-

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

Note 29 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2017 and between the actual results for 2017 and 2016.

## Office of the Director of Public Prosecutions

### Notes to the Financial Statements

For the year ended 30 June 2017

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

##### **General**

The Office's financial statements for the year ended 30 June 2017 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

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

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

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Office for the annual reporting period ended 30 June 2017.

#### **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 4 '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 5 '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 reporting period.

### **(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 transactions.

##### *Interest*

Interest is recognised as the interest accrues.

##### *Service appropriations*

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

### *Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Office. In accordance with the most recent determination, as quantified in the 2016-17 Budget Statements, the Office retained \$77,655 (\$107,148 in 2016) from the following:

- Executive vehicle scheme;
- Miscellaneous revenue.

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

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

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

### Gains

Realised 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, all items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

### *Derecognition*

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

### *Asset revaluation surplus*

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets on a class of assets basis.

### *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:

Licences	3 - 5 years
Computer software	3 - 5 years

### *Licences*

Licences 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 property, 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 an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

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

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

## (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 (see Note 22 'Payables') represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are generally settled within a fortnight of the reporting period end. The Office considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (see Note 15 'Restricted cash and cash equivalents') consists of amounts paid annually, from the Office's appropriations for salaries expense, into a suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

## **(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, 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 reporting period.

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

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

#### **Operating lease commitments**

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

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

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

#### **Long Service Leave**

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

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

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

The Office has applied the following Australia Accounting Standards effective for annual reporting beginning on or after 1 July 2016 that impacted on the Office.

- |                     |   |
|---------------------|---|
| <i>AASB 1057</i>    | <p><i>Application of Australian Accounting Standards</i></p> <p>This Standard lists the application paragraphs for each other Standard (and Interpretation), grouped where they are the same. There is no financial impact.</p>   |
| <i>AASB 2014-3</i>  | <p><i>Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 &amp; 11]</i></p> <p>The Office does not acquire interests in Joint Operations. Therefore, there is no financial impact on application of the Standard.</p>  |
| <i>AASB 2014-4</i>  | <p><i>Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 &amp; 138]</i></p> <p>The adoption of this Standard has no financial impact for the Office as depreciation and amortisation is not determined by reference to revenue generation, but by reference to consumption of future economic benefits.</p>   |
| <i>AASB 2014-9</i>  | <p><i>Amendments to Australian Accounting Standards – Equity Method in Separate Financial Statements [AASB 1, 127 &amp; 128]</i></p> <p>This Standard amends AASB 127, and consequentially amends AASB 1 and AASB 128, to allow entities to use the equity method of accounting for investments in subsidiaries, joint ventures and associates in their separate financial statements. As the Office has no joint ventures and associates, the application of the Standard has no financial impact.</p>   |
| <i>AASB 2015-1</i>  | <p><i>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 &amp; 140]</i></p> <p>These amendments arise from the issuance of International Financial Reporting Standard Annual Improvements to IFRSs 2012-2014 Cycle in September 2014, and editorial corrections. The Office has determined that the application of the Standard has no financial impact.</p>  |
| <i>AASB 2015-2</i>  | <p><i>Amendments to Australian Accounting Standards - Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 &amp; 1049]</i></p> <p>This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. There is no financial impact.</p> |
| <i>AASB 2015-6</i>  | <p><i>Amendments to Australian Accounting Standards - Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 &amp; 1049]</i></p> <p>The amendments extend the scope of AASB 124 to include application by not-for-profit public sector entities. Implementation guidance is included to assist application of the Standard by not-for-profit public sector entities. There is no financial impact.</p>  |
| <i>AASB 2015-10</i> | <p><i>Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 &amp; 128</i></p> <p>This Standard defers the mandatory effective date (application date) of amendments to AASB 10 &amp; AASB 128 that were originally made in AASB 2014-10 so that the amendments are required to be applied for annual reporting periods beginning on or after 1 January 2018 instead of 1 January 2016. There is no financial impact.</p>  |

### 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 applied early 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 2019
AASB 16	Leases	1 Jan 2019
AASB 1058	Income of Not-for-Profit Entities	1 Jan 2019
AASB 2010-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Int 2, 5, 10, 12, 19 & 127]	1 Jan 2018
AASB 2014-1	Amendments to Australian Accounting Standards	1 Jan 2018
AASB 2014-5	Amendments to Australian Accounting Standards arising from AASB 15	1 Jan 2018
AASB 2014-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)	1 Jan 2018
AASB 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 2018
AASB 2015-8	Amendments to Australian Accounting Standards – Effective Date of AASB 15	1 Jan 2019
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
AASB 2016-7	Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities	1 Jan 2017
AASB 2016-8	Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities	1 Jan 2019
AASB 2017-2	Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle	1 Jan 2017

**Note 6. Employee benefits expense**

	2017	2016
	\$	\$
Wages and salaries <sup>(a)</sup>	27,466,232	27,409,761
Superannuation - defined contribution plans <sup>(b)</sup>	2,593,804	2,632,898
	<u>30,060,035</u>	<u>30,042,659</u>

(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 12 'Other expenses'.

Employment on-costs liability is included in Note 23 'Provisions'.

**Note 7. Compensation of Key Management Personnel**

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

Total compensation for senior officers of the Office for the reporting period are presented within the following bands:

Compensation Band (\$)	2017	2016
170,001 - 180,000	1	-
200,001 - 210,000	-	1
360,001 - 370,000	-	2
370,001 - 380,000	1	2
380,001 - 390,000	2	-
390,001 - 400,000	2	2
400,001 - 410,000	1	2
470,001 - 480,000	1	-
550,001 - 560,000	1	-
570,001 - 580,000	-	1
	\$	\$
Short-term employee benefits	2,960,684	3,527,763
Post-employment benefits	274,563	302,001
Other long-term benefits	16,503	38,185
Termination benefits	-	-
<b>Total compensation of senior officers</b>	<u><b>3,251,750</b></u>	<u><b>3,867,949</b></u>

**Note 8. Supplies and Services**

	2017	2016
	\$	\$
Communications	139,682	136,670
Consultants and contractors	2,897,825	2,659,602
Consumables	534,347	541,513
Travel and accommodation	332,232	371,615
Miscellaneous	187,623	220,292
	<u><b>4,091,709</b></u>	<u><b>3,929,692</b></u>

**Note 9. Depreciation and amortisation expense**

	2017	2016
	\$	\$
<u>Depreciation</u>		
Leasehold improvements	401,120	401,120
Computer hardware	144,937	137,475
Office equipment	50,684	53,636
<b>Total depreciation</b>	<b>596,741</b>	<b>592,230</b>
<u>Amortisation</u>		
Intangible assets	22,224	55,097
<b>Total amortisation</b>	<b>22,224</b>	<b>55,097</b>
<b>Total depreciation and amortisation</b>	<b>618,965</b>	<b>647,328</b>

**Note 10. Accommodation expenses**

	2017	2016
	\$	\$
Building rental operating lease expense	3,339,942	3,056,609
	<b>3,339,942</b>	<b>3,056,609</b>

**Note 11. Related Party Transactions**

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

Related parties of the Office include:

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

**Significant transactions with government related entities**

Significant transactions include:

- Service Appropriations (Note 14);
- Services received free of charge from various public sector entities (Note 14);
- Superannuation payments to GESB (Note 6); and
- Lease rentals payments to the Department of Finance (Note 10).

**Material transactions with related parties**

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



**Note 12. Other expenses**

	2017	2016
	\$	\$
Witness expenses	556,553	568,789
Equipment and vehicles operating lease expense	166,262	166,448
Building and equipment repairs and maintenance	109,923	123,153
Litigation Costs	224,390	371,529
External brief out expense	1,524,055	1,173,836
Other expenses <sup>(a)</sup>	79,128	64,406
	<b>2,660,311</b>	<b>2,468,162</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 23 'Provisions'.

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

**Note 13. Other revenue**

	2017	2016
	\$	\$
Contributions to motor vehicle scheme	51,237	53,728
Workers' compensation	19,622	7,783
Recoup	6,726	41,562
Other revenue	70	4,075
	<b>77,655</b>	<b>107,148</b>

**Note 14. Income from State Government**

	2017	2016
	\$	\$
Appropriation received during the period:		
Service appropriations <sup>(a)</sup>	35,057,000	35,063,000
Contributions from Confiscation Proceeds Account <sup>(b)</sup>	4,850,000	5,000,000
	<b>39,907,000</b>	<b>40,063,000</b>
Services received free of charge <sup>(c)</sup> :		
Department of the Attorney General		
- Corporate services - Library and Information Technology Services	873,342	1,060,231
- State Solicitor's Office	5,975	9,154
Department of Finance		
- Building and Management Works - Lease management	9,493	9,242
Landgate		
- Valuation services	53,897	55,088
	<b>942,707</b>	<b>1,133,715</b>
	<b>40,849,707</b>	<b>41,196,715</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 15. Restricted cash and cash equivalents**

	2017	2016
	\$	\$
<u>Non-current</u>		
Accrued salaries suspense account <sup>(a)</sup>	105,000	-
	<u>105,000</u>	<u>-</u>

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

**Note 16. Receivables**

	2017	2016
	\$	\$
<u>Current</u>		
Receivables	24,958	23,828
Allowances for impairment of receivables	-	(4,494)
GST Receivable	105,118	111,467
<b>Total current</b>	<u>130,076</u>	<u>130,801</u>

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

Balance at start of period	4,494	16,297
Doubtful debts expense	-	-
Amounts written off during the period	(2,879)	(2,269)
Miscellaneous Other	(1,615)	(9,534)
<b>Balance at end of period</b>	<u>-</u>	<u>4,494</u>

**Note 17. Amounts receivable for services (holding account)**

	2017	2016
	\$	\$
Current	100,000	600,000
Non-Current	5,282,000	4,071,000
	<u>5,382,000</u>	<u>4,671,000</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 18. Other assets**

	2017	2016
	\$	\$
<u>Current</u>		
Prepayments	-	277,245
<b>Total current</b>	<b>-</b>	<b>277,245</b>

**Note 19. Property, plant and equipment**

	2017	2016
	\$	\$
<u>Leasehold improvements</u>		
At cost	5,211,816	5,211,816
Accumulated depreciation	(4,121,705)	(3,720,585)
	<u>1,090,111</u>	<u>1,491,231</u>
<u>Computer hardware</u>		
At cost	757,298	788,915
Accumulated depreciation	(500,649)	(444,573)
	<u>256,649</u>	<u>344,342</u>
<u>Office equipment</u>		
At cost	405,807	532,526
Accumulated depreciation	(183,643)	(259,678)
	<u>222,164</u>	<u>272,848</u>
	<b><u>1,568,923</u></b>	<b><u>2,108,421</u></b>

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
	\$	\$	\$	\$
<b>2017</b>				
Carrying amount at start of period	1,491,231	344,342	272,848	2,108,421
Transferred to Assets	-	-	-	-
Transferred to Intangible Assets	-	-	-	-
Additions	-	57,244	-	57,244
Disposals	-	-	-	-
Depreciation	(401,120)	(144,938)	(50,684)	(596,741)
Carrying amount at end of period	<u>1,091,111</u>	<u>256,648</u>	<u>222,164</u>	<u>1,568,923</u>
<b>2016</b>				
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>

**Note 20. Intangible assets**

	2017	2016
	\$	\$
<u>Licences</u>		
At cost	213,511	162,612
Accumulated amortisation	(183,662)	(161,438)
	<u>29,849</u>	<u>1,174</u>
 <u>Computer Software</u>		
At cost	646,246	798,893
Accumulated amortisation	(646,240)	(747,988)
	<u>5</u>	<u>50,904</u>
<b>Total intangible assets</b>	<b><u>29,854</u></b>	<b><u>52,078</u></b>

## Reconciliations:

**Intangible assets**

	2017	2016
	\$	\$
<b>Licences</b>		
Carrying amount at start of period	1,174	34,816
Transferred from Computer software	50,899	-
Additions	-	20,971
Transferred to Assets	-	-
Amortisation	(22,224)	(54,613)
Carrying amount at end of period	<u>29,849</u>	<u>1,174</u>

**Computer software**

Carrying amount at start of period	50,904	51,389
Transferred to Licences	(50,899)	-
Additions	-	-
Transferred from Assets	-	-
Amortisation	-	(485)
Carrying amount at end of period	<u>5</u>	<u>50,904</u>

**Note 21. Impairment of assets**

There were no indications of impairment to property, plant and equipment, and intangible assets as at 30 June 2017.

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 22. Payables**

	2017	2016
	\$	\$
<u>Current</u>		
Trade payables	126,502	157,962
Accrued expenses	364,853	236,396
Accrued salaries and wages	102,267	-
Other current liabilities	131,991	149,980
<b>Total current</b>	<b><u>725,613</u></b>	<b><u>544,338</u></b>

**Note 23. Provisions**

	2017	2016
	\$	\$
<b>Current</b>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	2,063,807	2,317,991
Long service leave <sup>(b)</sup>	4,299,698	4,004,615
Purchased leave	12,201	970
	<b>6,375,706</b>	<b>6,323,576</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	11,672	11,614
	<b>11,672</b>	<b>11,614</b>
	<b>6,387,378</b>	<b>6,335,190</b>
<b>Non-current</b>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	1,563,013	1,926,185
	<b>1,563,013</b>	<b>1,926,185</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	2,848	3,520
	<b>2,848</b>	<b>3,520</b>
	<b>1,565,862</b>	<b>1,929,705</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:

	2017	2016
	\$	\$
Within 12 months of the end of the reporting period	1,573,947	1,641,859
More than 12 months after the end of the reporting period	493,623	676,132
	<b>2,067,570</b>	<b>2,317,991</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:

	2017	2016
	\$	\$
Within 12 months of the end of the reporting period	1,641,733	1,513,413
More than 12 months after the end of the reporting period	4,231,735	4,417,387
	<b>5,873,468</b>	<b>5,930,800</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.

	2017	2016
	\$	\$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	15,134	15,030
Payments/other sacrifices of economic benefits	(614)	104
<b>Carrying amount at end of the period</b>	<b>14,520</b>	<b>15,134</b>

**Note 24. 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**

	2017	2016
	\$	\$
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)**

	2017	2016
	\$	\$
Balance at start of period	(5,965,658)	(7,125,072)
Result for the period	156,400	1,159,414
<b>Balance at end of period</b>	<b>(5,809,258)</b>	<b>(5,965,658)</b>
<b>Total Equity at end of period</b>	<b>1,328,502</b>	<b>1,172,102</b>



**Note 25. 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:

	2017	2016
	\$	\$
Cash advances	2,000	2,000
Cash and cash equivalents	2,789,501	2,739,790
Restricted cash and cash equivalents	105,000	-
	<b>2,896,501</b>	<b>2,741,790</b>

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

	2017	2016
	\$	\$
Net cost of services	(40,693,307)	(40,037,301)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	618,965	647,327
Services received free of charge	942,707	1,133,715
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(a)</sup>	(5,624)	(3,798)
Other current assets	277,245	(277,245)
<u>Increase/(decrease) in liabilities:</u>		
Current payables <sup>(a)</sup>	181,275	(895,669)
Current provisions	52,188	28,668
Non-current provisions	(363,842)	(18,570)
Net GST (receipts)/payments <sup>(b)</sup>	-	22,660
Change in GST in receivables/payables <sup>(c)</sup>	6,348	(17,313)
<b>Net cash provided by/(used in) operating activities</b>	<b>(38,984,045)</b>	<b>(39,417,525)</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 26. Commitments**

The commitments below are inclusive of GST where relevant

**Non-cancellable operating lease commitments**

	2017	2016
	\$	\$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	2,324,807	2,279,749
Later than 1 year and not later than 5 years	4,661,488	6,642,717
Later than 5 years	-	-
	<u>6,986,295</u>	<u>8,922,466</u>

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 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.

**Other expenditure commitments**

	2017	2016
	\$	\$
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	3,259	-
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	<u>3,259</u>	<u>-</u>

**Note 27. Contingent Liability**

The Office had no contingent liability as at 30 June 2017.

**Note 28. 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 29. Explanatory Statement**

All variances between estimates (original budget) and actual results for 2017, and between the actual results for 2017 and 2016 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 \$196 thousand for the Statements of Financial Position.

	Variance Note	Original Budget 2017 \$000	Actual 2017 \$000	Actual 2016 \$000	Variance between estimate and Actual \$000	actual results 2017 and 2016 \$000
<b>Statement of Comprehensive Income</b>						
Expenses						
Employee benefits expense	2.1	29,266	30,060	30,043	794	17
Supplies and services	2.2	3,500	4,092	3,930	592	162
Depreciation and amortisation expense		811	619	647	(192)	(28)
Accommodation expenses	1.1	3,106	3,340	3,057	234	283
Other expenses		2,468	2,660	2,468	192	192
Total cost of services		<b>39,151</b>	<b>40,771</b>	<b>40,145</b>	<b>1,620</b>	<b>626</b>
Income						
Revenue						
Other revenue		50	78	107	28	(29)
Total Revenue		<b>50</b>	<b>78</b>	<b>107</b>	<b>28</b>	<b>(29)</b>
Total income other than income from State Government		<b>50</b>	<b>78</b>	<b>107</b>	<b>28</b>	<b>(29)</b>
NET COST OF SERVICES		<b>39,101</b>	<b>40,693</b>	<b>40,038</b>	<b>1,592</b>	<b>655</b>
Income from State Government						
Service Appropriation		35,057	35,057	35,063	-	(6)
Contribution from Confiscation Proceeds Account	2.3	3,600	4,850	5,000	1,250	(150)
Services received free of charge	2.2	525	943	1,134	418	(191)
Total income from State Government		<b>39,182</b>	<b>40,850</b>	<b>41,197</b>	<b>1,668</b>	<b>(347)</b>
SURPLUS/(DEFICIT) FOR THE PERIOD	1.2	<b>81</b>	<b>157</b>	<b>1,159</b>	<b>76</b>	<b>(1,002)</b>
OTHER COMPREHENSIVE INCOME		-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>	1.2	<b>81</b>	<b>157</b>	<b>1,159</b>	<b>76</b>	<b>(1,002)</b>
<b>Statement of Financial Position</b>						
<b>ASSETS</b>						
Current Assets						
Cash and cash equivalents		2,839	2,792	2,742	(48)	50
Restricted cash and cash equivalents		0	0	0	-	-
Receivables		132	130	131	(2)	(1)
Amounts receivable for services		600	100	600	(500)	(500)
Other current assets		0	0	277	-	(277)
Total Current Assets		<b>3,571</b>	<b>3,022</b>	<b>3,750</b>	<b>(549)</b>	<b>(728)</b>
Non-Current Assets						
Restricted cash and cash equivalents		66	105	0	39	105
Amounts receivable for services	1.3	4,282	5,282	4,071	1,000	1,211
Property, plant and equipment	1.4	1,876	1,569	2,108	(307)	(539)
Intangible assets		20	30	52	10	(22)
Total Non-Current Assets		<b>6,244</b>	<b>6,986</b>	<b>6,231</b>	<b>742</b>	<b>755</b>
TOTAL ASSETS		<b>9,815</b>	<b>10,008</b>	<b>9,981</b>	<b>193</b>	<b>27</b>
<b>LIABILITIES</b>						
Current Liabilities						
Payables		806	726	544	(80)	182
Provisions	1.5	5,876	6,387	6,335	511	52
Total Current Liabilities		<b>6,682</b>	<b>7,113</b>	<b>6,879</b>	<b>431</b>	<b>234</b>
Non-Current Liabilities						
Provisions	1.5, 2.5	1,948	1,566	1,930	(382)	(364)
Total Non-Current Liabilities		<b>1,948</b>	<b>1,566</b>	<b>1,930</b>	<b>(382)</b>	<b>(364)</b>
TOTAL LIABILITIES		<b>8,630</b>	<b>8,679</b>	<b>8,809</b>	<b>49</b>	<b>(130)</b>
NET ASSETS		<b>1,185</b>	<b>1,329</b>	<b>1,172</b>	<b>144</b>	<b>157</b>
<b>EQUITY</b>						
Contributed Equity		7,346	7,138	7,138	-	-
Accumulated surplus/(deficit)		(6,161)	(5,809)	(5,966)	352	157
TOTAL EQUITY		<b>1,185</b>	<b>1,329</b>	<b>1,172</b>	<b>352</b>	<b>157</b>

**Note 29. Explanatory Statement (continued)**

	Variance Note	Original Budget 2017 \$000	Actual 2017 \$000	Actual 2016 \$000	Variance between estimate and Actual \$000	actual results for 2017 and 2016 \$000
<b>Statement of Cash Flows</b>						
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
Service appropriations		34,246	34,246	34,278	-	(32)
Contributions from Confiscation Proceeds Account	2.3	3,600	4,850	5,000	1,250	(150)
Holding account drawdowns	2.4	600	100	305	(500)	(205)
<b>Net cash provided by State Government</b>		<b>38,446</b>	<b>39,196</b>	<b>39,583</b>	<b>750</b>	<b>(387)</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits	2.1	(29,266)	(30,285)	(30,705)	(1,019)	421
Supplies and services		(8,403)	(8,772)	(8,811)	(369)	39
GST payments on purchases		(629)	(847)	(840)	(218)	(7)
<b>Receipts</b>						
Receipts from services		50	74	121	24	(47)
GST receipts on sales		2	5	6	3	(1)
GST receipts from taxation authority		627	842	813	215	29
<b>Net cash provided by/(used in) operating activities</b>		<b>(37,619)</b>	<b>(38,983)</b>	<b>(39,416)</b>	<b>(1,364)</b>	<b>433</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
<b>Payments</b>						
Purchase of non-current physical assets	2.4	(600)	(57)	(353)	543	296
<b>Net cash provided by/(used in) investing activities</b>		<b>(600)</b>	<b>(57)</b>	<b>(353)</b>	<b>543</b>	<b>296</b>
Net increase/(decrease) in cash and cash equivalents		227	156	(186)	(71)	342
Cash and cash equivalents at the beginning of the period		2,678	2,743	2,929	65	(186)
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>		<b>2,905</b>	<b>2,899</b>	<b>2,743</b>	<b>(6)</b>	<b>156</b>

**Major Variance Narratives (Controlled Operations)****Variances between actual results for 2017 and 2016**

- 1.1 Previous year's expenditure is after a large rebate for variable outgoings amounting to \$200k. The net increase in 2017, after discounting this rebate, relates to the annual cost price index increase of 4% under the accommodation lease agreement.
- 1.2 The combination of the above-mentioned rebate and an additional contribution of \$0.8 million from the Confiscations proceeds account in 2016 was responsible for the large surplus in that year.
- 1.3 Treasury consolidated account movements for non-cash and asset funding.
- 1.4 Reduction in asset additions due to postponement of replacement program.
- 1.5 A shift of long service leave liabilities from non-current to current valuations resulted in an increase in current liabilities that is mostly offset by a decrease in non-current liabilities leaving a net total long service liability increase of \$129k at the end of the financial year.

**Variances between estimate and actual for 2017**

- 2.1 Implementation of State Government's Workforce Renewal savings policy reduced estimate salary costs by \$1.7 million thus the variance.
- 2.2 Increase in Services received free of charge costs which is offset by the increase in income for these services.
- 2.3 Additional funding request from proceeds of the Confiscations account was approved after the 2016/17 budget process and submission.
- 2.4 Reduction in drawdown is due to postponement of Information Technology project to forward years.
- 2.5 Higher long service leave liability valuation than estimated for budget. However due to initiatives in improved leave management processes, the provisions have been contained to last year levels.

**Note 30. 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 30(c) 'Financial instrument disclosures' and Note 16 '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 a 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.

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

**(b) Categories of financial instruments**

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

	2017 \$	2016 \$
<b><u>Financial Assets</u></b>		
Cash and cash equivalents	2,791,501	2,741,790
Restricted cash and cash equivalents	105,000	0
Receivables <sup>(a)</sup>	5,406,958	4,690,334
<b><u>Financial Liabilities</u></b>		
Financial liabilities measured at amortised cost	725,613	544,338

(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 \$	Past due but not impaired					Impaired financial assets \$
			Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 Years \$	
<b>2017</b>								
Cash and cash equivalents	2,791,501	2,791,501	-	-	-	-	-	-
Restricted cash and cash equivalent	105,000	105,000	-	-	-	-	-	-
Receivables <sup>(a)</sup>	24,958	-	6,538	4,610	-	-	13,810	-
Amounts receivable for services	5,382,000	5,382,000	-	-	-	-	-	-
	8,303,459	8,278,501	6,538	4,610	-	-	13,810	-
<b>2016</b>								
Cash and cash equivalents	2,741,790	2,741,790	-	-	-	-	-	-
Restricted cash and cash equivalent	0	-	-	-	-	-	-	-
Receivables <sup>(a)</sup>	19,334	-	-	-	2,924	16,410	-	-
Amounts receivable for services	4,671,000	4,671,000	-	-	-	-	-	-
	7,432,124	7,412,790	-	-	2,924	16,410	-	-

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

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

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

		<u>Interest rate exposure</u>				<u>Maturity Dates</u>					
			Fixed interest rate	Variable interest rate	Non-interest bearing	Nominal Amount	Up to 1 months	1-3months	3 months to 1 year	1-5 years	More than 5 years
Weighted average effective interest Rate %	Carrying Amount \$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2016</b>											
<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	-	-	-	0	0	-	-	-	-	-
	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	-	-	-	-

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

**Note 31. Remuneration of Auditor**

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

	2017	2016
	\$	\$
Auditing the accounts, financial statements and key performance indicators	42,500	41,900

**Note 32. Supplementary financial information****(a) Write-offs**

During the reporting period, \$5,803 (2016: \$5,910) was written off, under the Authority of:  
The accountable authority

	2017	2016
	\$	\$
	5,803	5,910
	<b>5,803</b>	<b>5,910</b>

**(b) Act of Grace Payments**

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

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