

Office of the  
Director of Public Prosecutions  
for WESTERN AUSTRALIA

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Annual Report  
2003/04

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## Statement Of Compliance

In accordance with s.62 of the *Financial Administration and Audit Act 1985* and with s.32 of the *Director of Public Prosecutions Act 1991*, I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2004.

The report has been prepared in accordance with the provisions of the *Financial Administration and Audit Act 1985*.

In accordance with s.31(1) of the *Public Sector Management Act 1994*, I also report that there has been compliance with public sector standards and codes of ethics.

Section 175ZE of the *Electoral Act 1907* requires public agencies to publish details of all expenditure incurred during the reporting period on advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations. Other than expenditure associated with the advertisement of staff positions the ODPP did not incur any expenditure in the above areas in 2003/04.

ROBERT COCK QC

Director of Public Prosecutions  
Chief Executive Officer  
Accountable Officer



## **Mission Statement**

The mission of the Office of the Director of Public Prosecutions is to provide the people of Western Australia with an independent and effective criminal prosecution service which is both fair and just.

The core work of the ODPP is to conduct criminal prosecutions in the Supreme and District Courts. The ODPP also conducts all appellate work flowing from those prosecutions.

The ODPP manages a range of proceeds of crime matters pursuant to the Criminal Property Confiscation Act 2000 and the Misuse of Drugs Act 1981.

The ODPP manages a range of committal matters at the Court of Petty Sessions, Central Law Courts, Perth and has jurisdiction over indictable offences triable summarily in Courts of Petty Sessions. The ODPP assumes responsibility for the prosecution of the more serious offences in the Children's Court.

## Overview: The Year in Brief

The 2003/04 financial year has been one of further change and growth for the office. Further Renovations required for the only office, situated at 141 St George's Terrace, were completed at the end of 2003 which created a number of new offices to accommodate the expanded workforce.

In March, an HR Manager was engaged to assist with the recruitment of additional staff members and review of the Office's HR policies.

Legislation was passed early this year to change the reference in the Criminal Code from the Crown to the State.

This year has also seen the creation of paralegal roles within the indictment teams and an emphasis has been placed on diversifying the skills of the support staff.

As of 30 June 2003 the Office assumed the responsibility for all Children's Court matters heard by the President of that Court. This was a change welcomed by the Court and my Office to improve the level of consistency in dealing with juvenile offenders.

This year saw an increased number of "white-collar" matters coming in the District Court for trial, many of which

had to be briefed out due to the considerable complexities in the briefs, the consequence of this was an increase in brief out expenditure.

An emphasis has been placed on improving our service delivery. This objective has been pursued through a number of initiatives. A project officer was assigned the task of reviewing and improving our database and data entry procedures. This was coupled with the training of staff in the use of COGNOS, which is a software package that allows summary reports to be created from the data contained in the database. A consequence of this is that the method of reporting in this year's annual report has altered from previous years in the hope that a more comprehensive outline of the activities of the office is presented.

The way we conduct trials in circuit locations is also being reviewed. Kalgoorlie has been chosen as the pilot for the circuit review, and it is hoped that new procedures which are implemented to address issues identified in Kalgoorlie, will be rolled out to the other circuit locations in due course.

This year has also been a busy year for legislative reform. This office has had a key role in the instructions for the preparation of Bills in the areas of sexual assault, money laundering,

confiscations, DNA and summary prosecutions.

Streamlining of internal public sector services meant endeavoring to better use the bureau resources provided by DOJ. As part of that objective this office gained access to the online HR Kiosk which was implemented this year by DOJ.

Efforts were made to improve the lines of communication with agencies with whom we interact on a daily basis. The DPP/Police Liaison Committee continued to meet to identify issues which exist between Police and Prosecutors with the aim of improving the quality of the service provided by each agency. Regular meetings were also conducted with the Victim Support Service and the Child Witness Service with the same objective.

There are a number of initiatives which have commenced or will be developed during the coming financial year. A workflow review has begun in order to align the practice structure to the criminal jurisdiction in which we operate.

We are also endeavoring to better utilise our IT capabilities. One particular goal in this area is to gain access to the secure link which exists between the Western Australian Police Service and the Department of Justice.

Training is another key area which will be a focus for 2004/05. Increased training is planned for legal and non legal staff by way of advocacy workshops, paralegal training and so on.

Attention is being given to addressing the issue of the unacceptable backlog in the courts, particularly the District Court.

In light of FRIT, consideration will also be given to streamlining the finance element of the office.

Time will be spent looking at our Key Performance Indicators in an attempt to identify more relevant measures of the work which is undertaken by the Office.

Growth and change are difficult for any organisation and it will take time to see the benefits of the reviews and new initiatives being conducted within the Office. However I am optimistic about the coming year and have an enthusiastic staff who are committed to continual improvements in service delivery. I look forward to reporting on our progress next year.

## The Director's Legal Practice

The Director of Public Prosecutions is responsible for the prosecution of all defendants charged with indictable state offences in Western Australia's superior courts. In addition, the Office of the Director of Public Prosecutions (ODPP) has become increasingly involved in the Children's Court, Perth Court of Petty Sessions and Drug Court.

To undertake this work, State Prosecutors employed by the ODPP have the carriage of, and appear on matters, in each of the courts of criminal jurisdiction across the state. These include the Court of Petty Sessions in Perth, the District Court, the Children's Court and Supreme Court - in Perth and in regional centres, the Court of Criminal Appeal and the High Court of Australia.

The Director also has responsibility for the forfeiture and confiscation of assets and other proceeds of crime. This allied and expanding civil practice is primarily undertaken in the Supreme Court and on occasions in the District, Family and Local Courts.

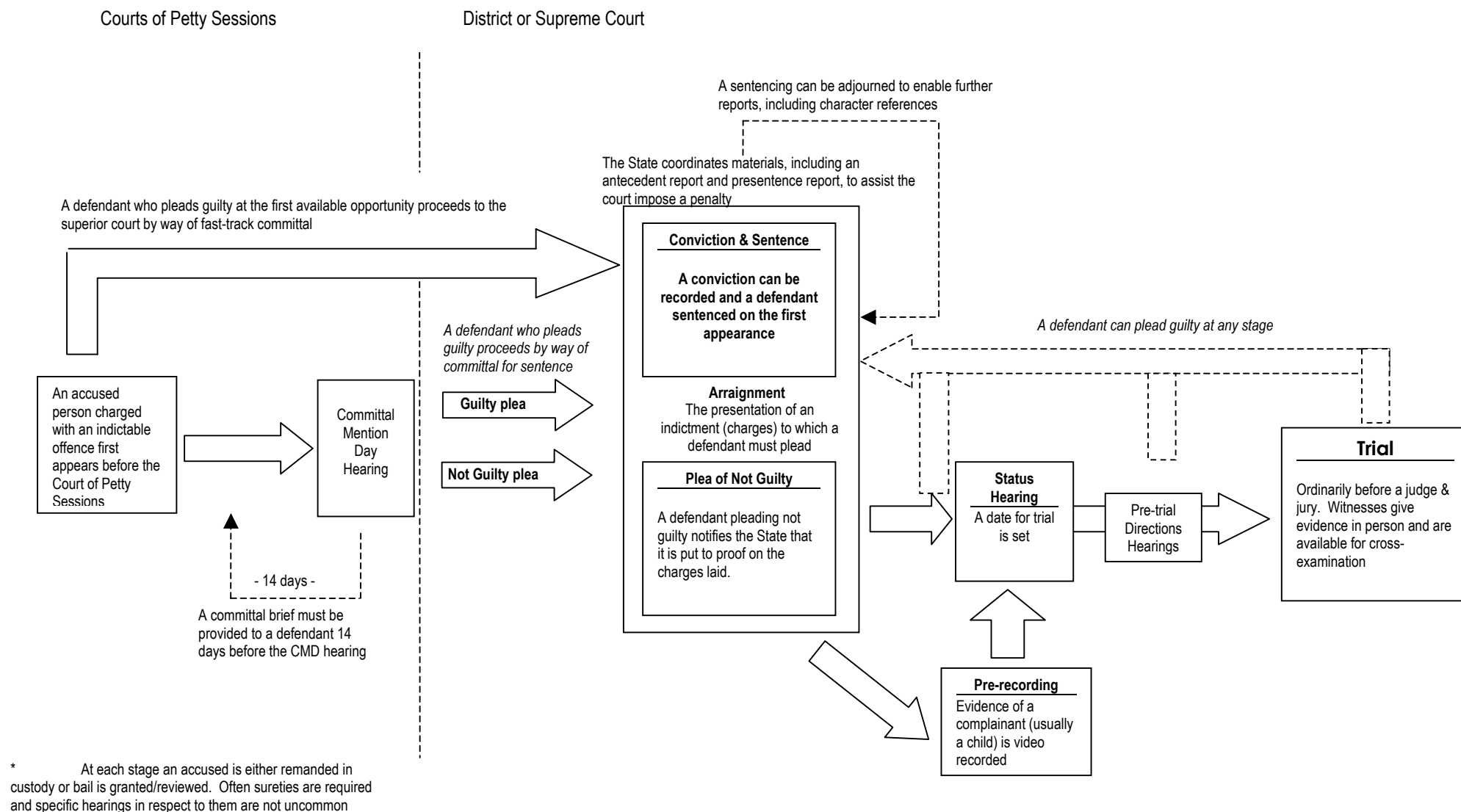
This report highlights the major achievements and activities of the Director's staff in delivering a prosecutorial service to the people of Western Australia during 2003/04.

As foreshadowed in last year's annual report, new interrogation software has been introduced to the office. This software has enabled more sophisticated and accurate reporting from the ODPP's practice management database. While some anomalies in historical data collection have now been confirmed, the historical data has been included to facilitate comparative analysis and trends over time.

Updated statistical information has also been provided in an identical form to that of previous years' reports to enable meaningful comparisons.

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## Progression of indictable matters through the Courts





## Glossary

**Adjournment** means that the matter is postponed to a later date or time.

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

**Committal** is the process by which a matter is transferred to a superior court from the Court of Petty Sessions.

A **defendant** is an accused who has been committed for trial or sentence to a superior court. The term defendant has been consistently used throughout the annual report.

**Discontinuance** refer Nolle Prosequi

A **Fast Track** (otherwise known as an expedited committal) occurs where the defendant pleads guilty at the earliest opportunity and is committed to the relevant superior court for sentence.

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

An **Indictment** is the formal document which sets out the charge(s) and is presented to the superior court.

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

**Nolle Prosequi** is the formal document presented to the court, which discontinues a prosecution.

**PG** means a plea of guilty by the defendant.

**PNG** means a plea of not guilty by the defendant. As a result, the defendant exercises his or her right to put the State to proof on the alleged offences.

**Pre-recording** is the process by which the evidence of a child or vulnerable witness is recorded on videotape prior to the actual trial.

**Sentence** means the penalty imposed by the court for the offences.

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

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

## Court of Petty Sessions - Perth

Prosecutions heard in the District or Supreme Courts usually commence in the Court of Petty Sessions. The Western Australia Police Service has responsibility for investigating and then charging alleged offenders. They do this by filing a complaint and bringing the defendant before the court, either by arrest or by way of summons.

The Police are responsible for the conduct of any indictable matter while it remains in the Court of Petty Sessions. It is ordinarily upon committal of a matter to the District Court or the Supreme Court that the ODPP takes over the responsibility for the carriage of that prosecution.

An exception to this arrangement was introduced to the Perth Court of Petty Sessions matters in early 1997. Since then, the ODPP's presence at the pre-committal stage has enabled State Prosecutors to review and advise upon

the committal mention brief, the adequacy of the evidence and appropriateness of the charges.

The success of this approach is measured by the number of guilty pleas identified at an early stage, the substitution of appropriate summary charges (including appearing on sentence) and the withdrawal of charges where there is insufficient evidence to proceed. The State Prosecutors' presence in the court three days a week also enables them to appear on bail hearings involving defendants who are to be committed to the superior courts. During 2003/04, the ODPP received 761 matters for conduct in the Perth Court of Petty Sessions.

The following table shows the total number of matters managed by the ODPP in the Perth Court of Petty Sessions and the disposition of those matters from the lower court during the 2003/04 reporting period.

**Disposal of matters involving State Prosecutors in the Perth Court of Petty Sessions during 2003/04**

	# Matters	# Def's	% Of total
Committed – PG	76	79	10%
Committed – PNG	430	479	59%
Committed – No Plea	113	125	16%
Dealt with Summarily	25	26	3%
Bench Warrant	55	65	8%
Charges withdrawn/ Defendant discharged	32	32	4%
<b>TOTAL</b>	<b>731</b>	<b>806</b>	<b>100%</b>

NOTE 1: The number of matters received by the ODPP for conduct of proceedings and the number of matters finalised in the same reporting period is not a 1:1 ratio.

## District & Supreme Courts

The majority of the work in the criminal practice comes by way of committal from the 29 regional and metropolitan Courts of Petty Sessions across the state. A matter is committed by a Magistrate on a committal mention where a plea of guilty or not guilty is required

With the abolition of preliminary hearings in Western Australia, all indictable charges are committed to a superior court if a committal mention brief has been served on the defendant by the Police<sup>1</sup>.

## District Court in Perth and regional centres

### Committals

During 2003/04, a total of 2547 matters involving 2828 defendants were committed to the District Court. Of these, 840 matters involving 896 defendants were committed on a fast-track plea of guilty.

**Number of Matters received, and Defendants disposed of by fast track, in the District Court**

	2003/04
Total matters	2547
No. of Defendants	2828
Fast-track matters	840
% of total matters	31%
No. of Defendants	896

### Procedural Appearances

The progress of any matter through the District Court is punctuated by various procedural hearings including an arraignment hearing, a status hearing and sometimes pre-recording and directions hearings.

Matters proceeding by way of a fast-track plea of guilty are grouped together into fast-track lists, which are heard twice a week. These lists contain anywhere between 5-20 matters for sentence. In 2003/04, State Prosecutors appeared on 101 fast-track lists.

Matters proceeding by way of committal for sentence or committal for trial are grouped together into pleas lists, which are heard up to 15 times per month in Perth, Perth metropolitan and regional centres. In 2003/04, State Prosecutors appeared on 228 Pleas Day lists.

Matters ready for trial are allocated trial dates at status hearings. During 2003/04, State Prosecutors appeared on 86 status hearings lists.

**Number of attendances on procedural lists in the District Court during 2003/04**

	2003/04
Fast-track lists	101
Pleas Day lists	228
Status hearings	86

### Pre-recording Hearings

The evidence of witnesses may, in limited circumstances such as child witnesses, be recorded in advance of

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<sup>1</sup> This is with the exception of matters where the defendant elects to have the charge dealt with summarily by the Court of Petty Sessions.

the trial. These hearings involve the witness attending at the video recording facility to give evidence and be cross-examined in a specially convened court in the absence of a jury. At trial this recorded evidence is played to the jury and the trial proceeds in the normal way. In 2003/04, State Prosecutors appeared on 85 pre-recording hearings.

**Number of pre-recording hearings in the District Court during 2003/04**

	2003/04
Pre-recording hearings	85

**Trials**

During 2003/04, a total of 902 matters involving 1059 defendants were listed for trial in the District Court. In a number of those matters State Prosecutors appeared at pre-trial directions hearings. Of the matters listed, 523 trials involving 601 defendants proceeded. The following table records the disposition of those matters.

**Summary of outcomes of matters appearing for Trial in District Court during 2003/04**

	# Matters	# Def's	% of Total Matters
Conviction	279	314	52%
Acquittal	191	202	34%
Bench Warrant	5	5	1%
Hung Jury	35	38	6%
Mistrial	14	14	2%
Defendant Deceased	2	2	1%
Nolle Prosequi	6	9	2%
PG	9	11	2%
<b>TOTAL</b>	<b>541</b>	<b>595</b>	<b>100%</b>

NOTE 1: The number of matters received by the ODPP for conduct of proceedings and the number of matters finalised in the same reporting period is not a 1:1 ratio.

NOTE 2: In some matters where multiple defendants are involved each defendant receives a different outcome resulting in a higher number of outcomes than matters.

NOTE 3: As at 30 June 2004, 1 trial involving 5 co-defendants was still in progress

NOTE 4: Plea of guilty in the instance where a co-defendant has proceeded to trial.

The reasons why listed matters did not proceed to trial in 2003/04 appear below. These explanations are broadly consistent with total figures from previous years.

**Summary of reasons why trials did not proceed**

	# Matters	# Def's	% of Total Matters
Adjournments	185	235	51%
Pleas of guilty	140	145	32%
Discontinuances	51	62	13%
Bench Warrants	14	14	3%
Other	2	2	1%
<b>TOTAL</b>	<b>392</b>	<b>458</b>	<b>100%</b>

**Brief out**

The ODPP has a policy of conducting as much of its court work in-house as possible. However, when State Prosecutors are unavailable, court work is briefed to counsel from the independent bar and private profession. In 2003/04, 162 District Court trials and 16 pre-recordings were briefed to external counsel.

**Number of trial and pre-recording appearances briefed out during 2003/04**

	2003/04
Trials	162
Pre-recordings	16

## Supreme Court in Perth and regional centres

### Committals

During 2003/04, a total of 171 matters involving 201 defendants were committed to the Supreme Court. Of these, 26 matters involving 26 defendants were committed on a fast-track plea of guilty.

#### Number of Matters received, and Defendants disposed of by fast track, in the Supreme Court

	2003/04
Total matters	171
No. of Defendants	201
Fast-track matters	26
% of total matters	15%
No. of Defendants	26

The number of defendants proceeding by way of fast-track plea of guilty in the Supreme Court is about half that percentage in the District Court.

### Procedural Appearances

The progress of any matter through the Supreme Court is punctuated by various procedural hearings including arraignment, status hearings and directions hearings. Matters proceeding by way of fast-track plea of guilty, committal for sentence or committal for trial are initially grouped together for mention in pleas lists. These mentions are ordinarily heard twice a month. During 2003/04, State Prosecutors appeared on 35 pleas day lists.

Matters ready for trial are allocated trial dates at status hearings. In 2003/04, State Prosecutors appeared on 12 status hearings lists.

#### Number of procedural appearances attended in the Supreme Court in 2003/04

	2003/04
Pleas day lists	35
Status Hearings	12

### Pre-recording Hearings

The evidence of witnesses may, in limited circumstances such as child witnesses, be recorded in advance of the trial. These hearings involve the witness attending at the video recording facility to give evidence and be cross-examined in a specially convened court in the absence of a jury. At trial this recorded evidence is played to the jury and the trial proceeds in the normal way. In 2003/04, there were no pre-recording hearings.

### Trials

A total of 104 matters involving 146 defendants were listed for trial in the Supreme Court. In a number of those matters State Prosecutors appeared at pre-trial directions hearings. Of those matters listed, 60 trials involving 81 defendants proceeded. The following table records the disposition of those matters.

#### Summary of outcomes of matters appearing for Trial in Supreme Court during 2003/04

	# Matters	# Def's	% of Total Matters
Conviction	34	39	51%
Acquittal	26	32	39%
Hung Jury	4	5	6%
Mistrial	2	3	3%
PG	1	2	1%
<b>TOTAL</b>	<b>67</b>	<b>81</b>	<b>100%</b>

NOTE 1: The number of matters received by the ODPP for conduct of proceedings and the number of matters finalised in the same reporting period is not a 1:1 ratio.

NOTE 2: In some matters where multiple defendants are involved each defendant receives a different outcome resulting in a higher number of outcomes than matters.

NOTE 3: Plea of guilty in the instance where a co-defendant has proceeded to trial

The rate of conviction for the Supreme Court is broadly equivalent to that of the District Court.

The reasons why those matters listed did not proceed to trial in 2003/04 is as follows:

**Summary of reasons why trials did not proceed**

	# Matters	# Def's	% of Total Matters
Adjournments	18	35	54%
Pleas of guilty	23	23	36%
Discontinuances	4	4	6%
Bench Warrants	2	2	3%
Other	1	1	1%
<b>TOTAL</b>	<b>48</b>	<b>65</b>	<b>100%</b>

**Brief out**

The ODPP's policy is to conduct as much of its court work in-house as possible. However, when State Prosecutor resources do not permit, court work is briefed to counsel from the independent bar and private profession. In 2003/04, 15 Supreme Court trials were briefed to external counsel.

**Number of trial and pre-recording appearances briefed out during 2003/04**

	2003/04
Trials	15
Pre-recordings	0

## Supreme and District Court Circuit Sittings

During 2003/04 State Prosecutors appeared on trials and various other procedural hearings at circuit sittings held at the 13 regional court centres:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Albany	14-31		8-26		17-28		19-5	17	8-26		10-2	
Broome		4-7		21-3	10	1-5			4	13-23		14-22
Bunbury	28-1	5-21	30-4	6-24	24-28	1-18	19-30	2-13	8-1	19	10-4	
Busselton		18-29			3-14			16-25				14-25
Carnarvon		11-29			24-28							21-25
Derby				20		5				21		23
Esperance		25-29			10-14			23-27			24-28	
Geraldton	28-29	11-22		13-24		1-11					3-21	
Kalgoorlie	21-1	11-29	22-3	6-13	24-28	1-12	27-30	2-26	15-2	5-8	10-4	14
Karratha						1-5				13-15		22-25
Kununurra				13		8				27-30		28-2
Meekatharra						2						
South Hedland	28-1	5-8				8-11			5	19-23		14-21

## Comparative Summary for Supreme & District courts

Previous annual reports have presented data relating to Supreme and District Court matters as a combined figure. This year's

report endeavours to separate the data to provide a comprehensive outline of the activities in each jurisdiction. Presentation of data as a combined figure will continue until there is sufficient historical data to move to a new style of reporting.

### Total number of matters for the Supreme and District Courts

	1999/00	2000/01	2001/02	2002/03	2003/04
No. of Matters	2762	2776	2595	2612	2718
% change	-0.2%	+0.5%	-6.5%	+0.7%	+4.2%

In 2003/04 a total of 2718 matters were committed from the Courts of Petty Sessions to the District and Supreme Courts. These matters related to 3029 defendants. The number of matters was slightly higher than that in 2002/03.

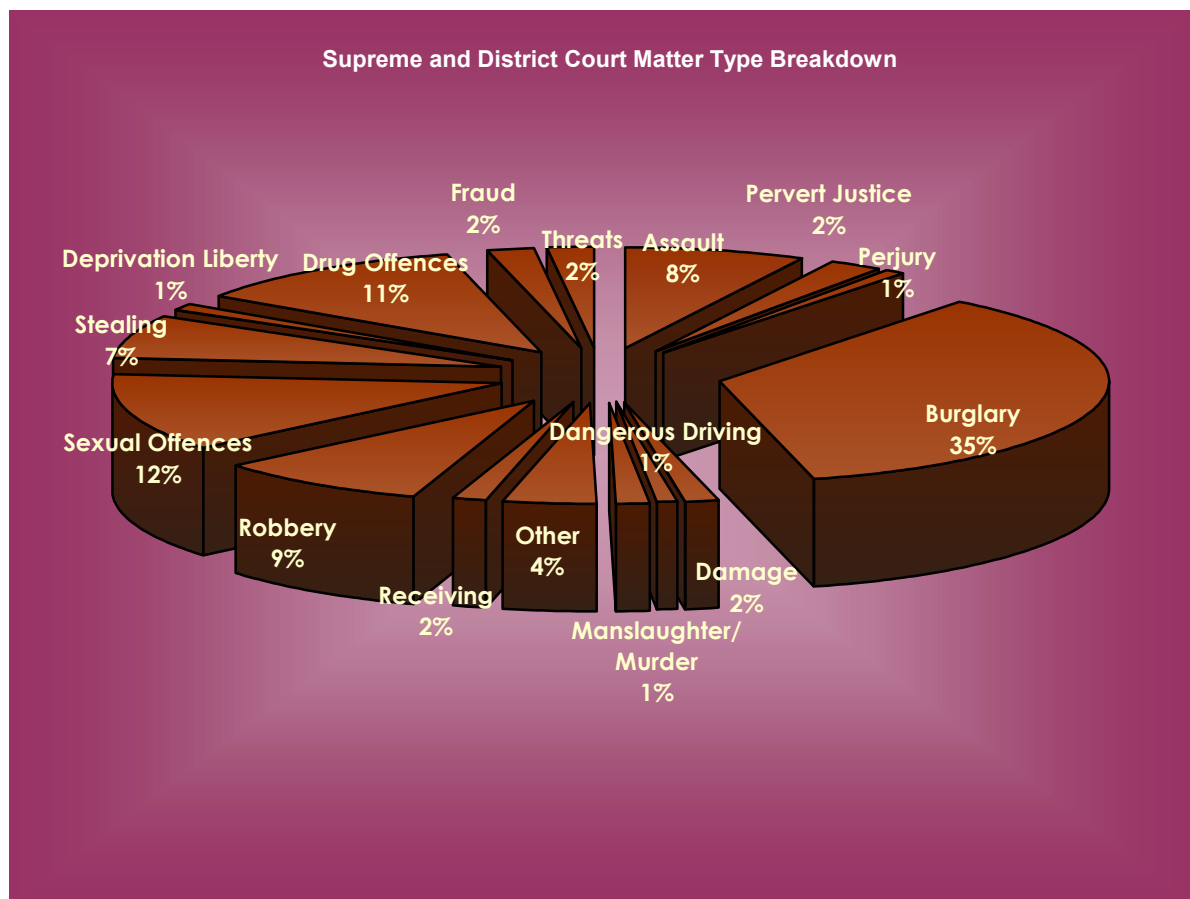
The following table is representative of the types of matters committed to the superior courts during the reporting period. Where

a defendant is charged with a variety of offences the matter type recorded reflects the most serious of these offences.

**Total Matters by Court**

	2003/04
District Court	2547
Supreme Court	171
<b>Total Matters</b>	<b>2718</b>

**Breakdown of matter types committed to the Supreme and District Courts in 2003/04**





The comparative data over the past 5 years detailing the number of trials listed to the number actually proceeding is broadly consistent with previous years. The following table provides this data.

**Summary of Trials Listed against number proceeding for the Supreme and District Courts**

	1999/00	2000/01	2001/02	2002/03	2003/04
Total Trials listed	1055	1171	1049	1014	1006
Trials proceeding	623	662	628	580	583
% Trials proceeding	59%	57%	60%	57%	58%
Trials not proceeding	432	509	421	434	423
% Trials not proceeding	41%	43%	40%	43%	42%

Of those trials listed and which did not proceed in the reporting period, the explanations are as follows:

- adjournments sought by the prosecution or defence;
- pleas of guilty entered shortly before, or on the first day of the trial;
- the prosecution discontinuing all or part of the matter; or

- the defendant absconding before the trial.

Comparative information why listed trials have not proceeded over the last 5 years appears below. These figures are broadly consistent with recent years.

**Reasons why listed trials did not proceed in District and Supreme Courts**

	1999/00	2000/01	2001/02	2002/03	2003/04
Adjournments	194	213	194	207	203
Pleas of Guilty	157	197	145	153	163
Discontinuances	59	82	69	63	55
Bench Warrants	22	17	13	11	16
Other	-	-	-	-	3
<b>TOTAL</b>	<b>432</b>	<b>509</b>	<b>421</b>	<b>434</b>	<b>440</b>

Of the trials that proceeded during 2003/04 the outcomes were broadly consistent with recent years. The table over

page contains outcome information over a 5 year period.

**Outcomes for defendants tried in the Supreme and District Courts**

	1999/00	2000/01	2001/02	2002/03	2003/04
Convicted of some or all counts	422	408	413	408	353
Totally acquitted	255	302	246	212	234
Hung Jury	17	20	30	18	43
Mistrial	22	13	38	38	17
Other	2	3	2	0	13
<b>TOTAL</b>	<b>718</b>	<b>746</b>	<b>729</b>	<b>676</b>	<b>660</b>

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## Single Judge Appeals

In limited circumstances, a defendant can appeal a conviction recorded in, or a penalty imposed by, a Court of Petty Session. The State of WA can, in limited circumstances, appeal an acquittal recorded in, or a penalty imposed by, a court of Petty Sessions. Either the defendant or The Director can apply for leave to appeal.

The following tables indicate the number of appeals which proceeded before a single judge on a State of WA and defendant basis.

**Summary of Single Judge Appeals lodged In 2003/04**

		2001/ 02	2002/ 03	2003/ 04
State	Conviction			
	Sentence	1	4	2
	Other	3	1	1
Defendant	Conviction	7	10	11
	Sentence	16	8	24
	Other	4	2	1
<b>Total</b>		<b>31</b>	<b>25</b>	<b>39</b>

The following table illustrates the results of Single Judge Appeals in 2003/04.

**Summary of Appeal outcomes for Single Judge Appeals during 2003/04.**

	State	Defendant	Total
Allowed	2	17	19
Dismissed	-	9	9
Discontinued	-	2	2
Reserved		3	3
Yet to be heard	1	5	6
<b>TOTAL</b>	<b>3</b>	<b>36</b>	<b>39</b>

## Court of Criminal Appeal

The Court of Criminal Appeal is the first avenue of appeal for decisions arising out of the District, Children's and Supreme Courts. Leave to appeal can be sought by both the State of WA and the defendant.

The following tables indicate the number of appeals commenced by both the State of WA and the defendant, and their outcomes.

**Summary of Appeals lodged in the Court of Criminal Appeal during 2003/04**

		2001/ 02	2002/ 03	2003/ 04
State	Conviction		4	1
	Sentence	18	14	12
	Other	1	2	1
Defendant	Conviction	66	70	75
	Sentence	95	115	97
	Other			
<b>Total</b>		<b>180</b>	<b>205</b>	<b>186</b>

The following table sets out the outcomes of the Criminal Court of Appeal matters commenced in 2003/04.

**Summary of Appeal outcomes in the Court of Criminal Appeal during 2003/04**

	State	Defendant	Total
Allowed	5	24	29
Dismissed	4	30	34
Discontinued	1	34	35
Reserved	-	5	5
Yet To Be Heard	4	79	83
<b>TOTAL</b>	<b>14</b>	<b>172</b>	<b>186</b>

## High Court Appeals

The High Court of Australia is the final court of appeal in the country. Special leave is required to appeal a decision of the Court of Criminal Appeal. The following table indicates the number of applications for special leave to appeal that were lodged in the High Court over the past 3 years.

**Summary of Appeals lodged in the High Court over the past 3 years**

	2001/02	2002/03	2003/04
State	1	-	-
Defendant	20	11	23
<b>TOTAL</b>	<b>21</b>	<b>11</b>	<b>23</b>

The following table sets out the outcomes of the High Court matters commenced in 2003/04.

**Summary of Appeal outcomes in the High Court during 2003/04**

	State	Defendant	Total
Allowed	-	-	-
Dismissed	-	-	-
Discontinued	-	3	3
Reserved	-	2	2
Yet To Be Heard	-	18	18
<b>TOTAL</b>	<b>-</b>	<b>23</b>	<b>23</b>

## Drug Court

Drug Court is a specialist treatment court offered to defendants with a drug problem. Those participants are charged with an indictable offence and plead guilty at the earliest opportunity. The Drug Court does not accept defendants who are charged with sexual offences, high level violence offences or those facing mandatory imprisonment or are declared drug traffickers.

A Police Prosecutor appears when the matter is dealt with summarily, and The ODPP assumes conduct of all matters that are dealt with on indictment. The role of the ODPP in the Drug Court is to provide submissions as to the defendant's eligibility to apply for entry, their suitability to be on the Drug Court program, and their progress and suitability if they are accepted to remain on the program.

During 2003/04, 290 indictable matters were referred to the ODPP for conduct in the Perth Drug Court.

**Summary of matters received by the ODPP for conduct of proceedings in Drug Court.**

	2003/04
# Matters	290

NOTE 1: It is important to note that the ratio of matters received and matters finalised is not 1:1

NOTE 2: Due to the low level of involvement in the Drug Court previously there is no comparative historical information available. Further – as the ODPP is still in the process of developing a reporting framework for this jurisdiction, only basic information is available as listed in the table above.

## Children's Court

The Children's Court deals with young people between the ages of 10 and 18 (inclusively) who are charged with a criminal offence. The President of the Children's Court deals with the most serious of the criminal offences allegedly committed by young people.

Previously, the ODPP appeared before the President of the Children's Court on an ad hoc basis. On 30 June 2003, the ODPP acquired the responsibility for the conduct of all matters before the President of the Court, following an agreement between the courts and the Attorney General.

### Committals

The following tables show the number of matters received by the ODPP for conduct in the Children's Court for the 2003/04 financial year.

**Summary of matters received by the ODPP for conduct of proceedings in Children's Court.**

	2003/04
# Matters	320
# Defendants	347

### Procedural Appearances

A child is charged and has a number of appearances before a Magistrate before they are required to plead to the charge. If they plead guilty and the Magistrate's sentencing powers are inadequate, then the matter is referred to the President for sentencing. In some cases submissions will be made on one day and the decision will be reserved, requiring a prosecutor to attend the court on a later day to collect

the decision. Submissions may be made for multiple defendants on one day. In 2003/04, the ODPP appeared on 220 sentencing lists.

If the child pleads not guilty, the Magistrate makes the decision as to the seriousness of the offence to determine if the matter should be tried before the President.

In preparation for trial, the matter will be listed for a status hearing to determine the readiness of the parties for trial and to list the matter for trial. The court's practice is to list a status hearing every Monday. However, additional status hearings may be listed as required. The ODPP appeared at 64 status hearings in 2003/04.

**Status Hearings in the Children's Court**

	#
Appearances	
Status Hearings	64

### Pre-recording Hearings

Similar to the superior courts, the evidence of a child witness may be recorded in advance of the trial. In 2003/04, State Prosecutors appeared on eight pre-recording hearings.

**Number of pre-recording hearings in the Children's Court during 2003/04**

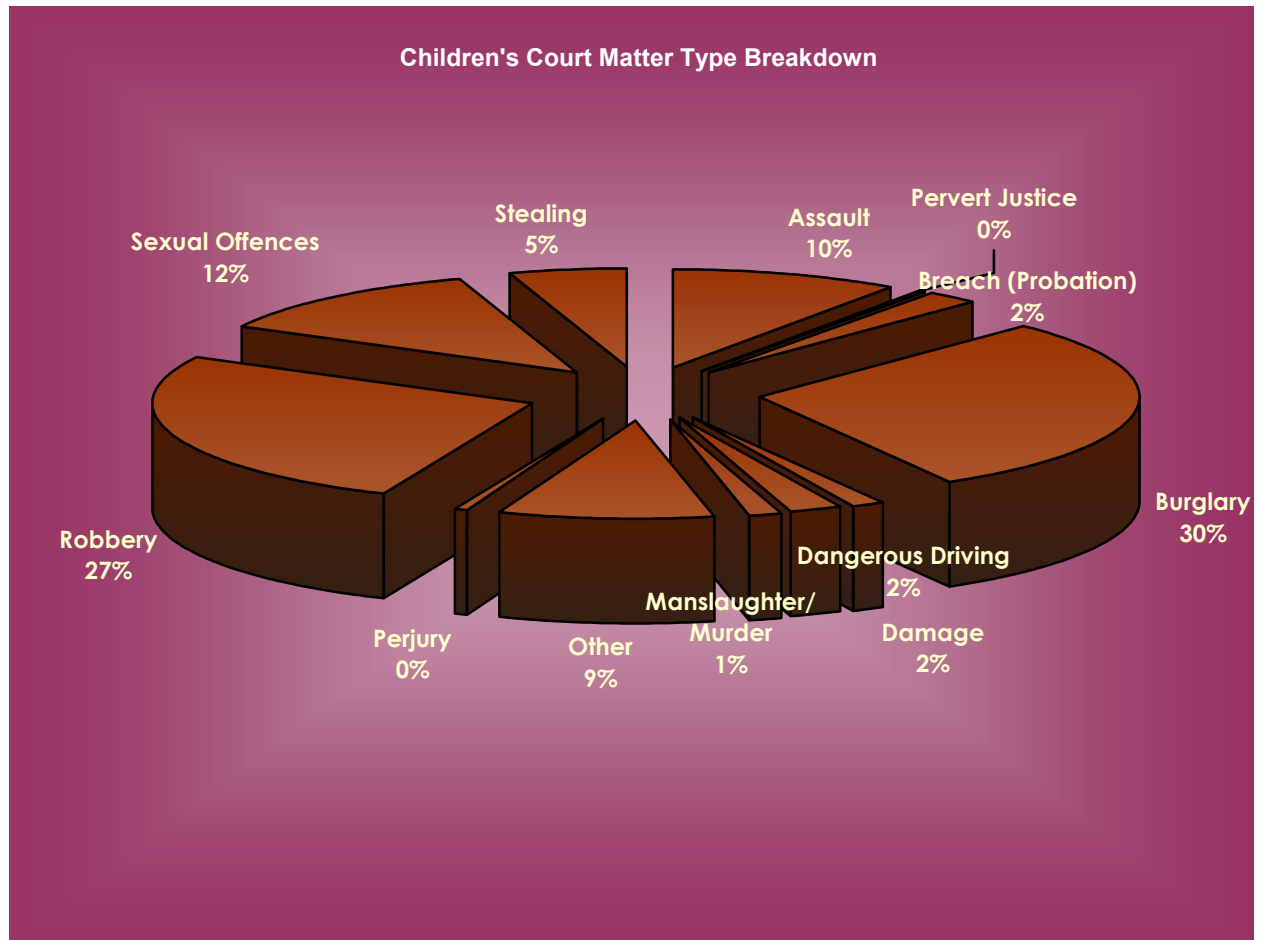
	#
Appearances	
Pre-Recordings	8

## Matter Types

The following information is representative of the types of matters the ODPP receives

to prosecute in the Children's Court jurisdiction.

### Breakdown of matter types committed to the Children's Court in 2003/04



## Trials

During 2003/04, a total of 70 matters involving 87 defendants were listed for trial in the Children's Court. Of those matters listed, 25 trials involving 30 defendants proceeded.

The following table records the disposition of those matters.

### Summary of outcomes of matters appearing for Trial in Children's Court during 2003/04

	# Matters	# Defendants
Convicted	16	21
Acquitted	9	9
Did not proceed	45	57
<b>TOTAL</b>	<b>70</b>	<b>87</b>

NOTE 1: As this is the first financial year when the ODPP has become fully responsible for sentencing matters before the President of the Children's Court, there has been insufficient information for the office to make a comparison to previous years.

NOTE 2: Further, due to a review during the financial year, a new process to collect statistics for Children's Court will be in place for 2004/05.

The reasons why listed matters did not proceed to trial in 2003/04 are as follows:

### Reasons why matters did not proceed in the Children's Court in 2003/04

	# Matters	# Def's
Bench Warrant	2	2
Acc. Discharged/ Charges withdrawn	6	7
Plea of Guilty	22	26
Adjourned	16	21
Defendant Deceased	1	1
<b>TOTAL</b>	<b>47</b>	<b>57</b>

## Proceeds of Crime

The *Criminal Property Confiscation Act 2000* (*Confiscation Act*) has been in operation for three and a half years. The *Confiscation Act* enables the Police or the Director to obtain interim orders freezing the assets of some defendants. It also provides for the confiscation (in some circumstances automatically and in other circumstances following a hearing) of property acquired as a result of criminal activity and property used for criminal activity.

The *Confiscation Act* targets property which is owned<sup>1</sup> by:

- someone whose wealth has not been lawfully acquired;
- someone whose property was acquired<sup>2</sup> through criminal activity; and
- someone who is declared to be a drug trafficker.

The *Confiscation Act* also targets property that is:

- used or intended to be used in the commission of an offence; and
- derived<sup>3</sup> from the commission of an offence.

The Police have power under the *Confiscation Act* to obtain freezing notices from Magistrates or Justices of the Peace, and The Director has power to obtain Freezing Orders from the superior courts. In the reporting period a total of 68 Freezing

Notices and Freezing Orders were obtained. A comparative table showing the experience since 2000/01 appear below:

**Freezing Notices and Freezing Orders obtained since the commencement of the Confiscation Act**

	2000/01	2001/02	2002/03	2003/04
Notice	41	115 <sup>4</sup>	58	68
Order	2	9	7	6
<b>TOTAL</b>	<b>43</b>	<b>124</b>	<b>65</b>	<b>74</b>

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

<sup>1</sup> Includes property effectively controlled or given away

<sup>2</sup> directly or indirectly

<sup>3</sup> directly or indirectly

<sup>4</sup> The number of Freezing Notices for 2001/02 is considered unusually high as there were a number of multiple Freezing Notices issued for one offender. Three offenders were subject to 31 Freezing Notices for this year.

The outcome of the Freezing Notices and Freezing Orders, and the objections to those Freezing Notices and Freezing

Orders, since the commencement of the Act appears below:

**Outcomes of Freezing Notices, Freezing Orders and Objections since commencement of the Confiscation Act**

	Total issued	Total finalised	Number cancelled	Number leading to confiscation	Number of objections received	Objections dismissed	Objections successful
Notice	282	131	56 <sup>1</sup>	75	469	58	55
Order	24	3	0	3	56	5	1

A total of 44<sup>1</sup> objections were finalised this reporting period<sup>2</sup>, resulting in 21 objections being dismissed and 23 succeeding.

**Number of objections to freezing orders and notices that were received and finalised**

	2003/04
Objections received	139 <sup>3</sup>
Objections dismissed	21
Objections successful	23
<b>Total Objections finalised</b>	<b>44</b>

As the majority of property confiscated follows a conviction and declaration that the convicted person is a drug trafficker, the number of people who have been declared drug traffickers is relevant to the volume of confiscation proceedings commenced. Upon declaration that a convicted person is a drug trafficker all of the property of that person is confiscated to the state. While many individuals declared as drug traffickers have no assets, proceedings have been commenced against many declared drug traffickers during 2003/04. During 2003/04,

71 people were declared drug traffickers. It is unusual for formal confiscation to occur within the same reporting year as a declaration that a person is a drug trafficker.

The proceeds of confiscated assets are paid into the Confiscation Proceeds Account and the Attorney General has the power to make grants from the account for a range of purposes. A total of \$719,815 was paid into the Confiscation Proceeds Account from property of declared drug traffickers<sup>4</sup>.

**Drug Trafficker Declarations and money paid into Confiscation Proceeds Account in 2003/04**

	2003/04
Declarations made	71
Amount paid into account	\$719,815

<sup>1</sup> 40 for Freezing Notices and 4 for Freezing Orders.

<sup>2</sup> This may include objections finalised to Freezing Notices issued prior to this reporting year.

<sup>3</sup> 130 for Freezing Notices and 9 for Freezing Orders.

<sup>4</sup> This may include property of drug traffickers who were declared in previous years.



The following table illustrates the number and types of applications made since the commencement of the *Confiscation Act*.

**Number and type of applications made since Confiscation Act commenced**

	2000/ 01	2001/ 02	2002/ 03	2003/ 04	Total finalised	Number leading to confiscation
Unexplained Wealth Declaration	8	4	3	2	2	1
Criminal Benefits Declaration	2	2	2	4	0	0
Crime Used Property Substitution Declaration	0	1	2	1	2 <sup>1</sup>	1
<b>TOTAL</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>2</b>

The following table shows the number of proceedings finalised where a declaration of confiscation was made.

**Proceedings where declaration of confiscation made**

	2000/ 01	2001/ 02	2002/ 03	2003/ 04	Number leading to confiscation
On grounds that person declared Drug Trafficker	0	9	19	17	45
On grounds that property Crime-Used or Crime-Derived	1	16	3	2	22 <sup>2</sup>
On grounds of Crime Used Property Substitution	0	0	1	0	1
On grounds of Unexplained Wealth	0	0	0	1 <sup>3</sup>	1
<b>Total Declarations</b>	<b>1</b>	<b>25</b>	<b>23</b>	<b>20</b>	<b>69</b>

The following table shows the amounts paid into the Confiscation Proceeds Account since January 2001.

**Money paid in Confiscation Proceeds Account since Confiscation Act commenced**

	2000/01	2001/02	2002/03	2003/04
Paid into account <sup>4</sup>	\$417,074	\$779,533	\$1,388,500	\$1,170,275

<sup>1</sup>One application fell away as the property was confiscated on another basis

<sup>2</sup> Property may be frozen under more than one heading, usually on the grounds that a person may be declared a drug trafficker as well as on the grounds that the property is crime-used or crime derived. Where a property is confiscated on the basis of a person being declared a drug trafficker, it is only recorded as confiscated under that heading and is not recorded separately as confiscated on any other ground.

<sup>3</sup> The declaration of confiscation was made under section 7 of the Act on the basis that no objection was filed.

<sup>4</sup> These figures may include some monies forfeited to the State under the now repealed *Crimes (Confiscation of Profits) Act 1988*.

### Misuse of Drugs Act

During 2003/04, the ODPP managed a number of matters pursuant to the *Misuse of Drugs Act 1981* (*Misuse of Drugs Act*) which resulted in revenue of \$100,498 being paid into the State's Consolidated Fund. The following table illustrates the number of applications and revenue

derived from applications under the *Misuse of Drugs Act* and the *Crimes (Confiscation of Profits) Act 1988* in recent years. There is a decline in the number of applications and monies forfeited pursuant to these Acts since 2000/01, as a result of applications now being taken under the *Confiscation Act*.

**Number of applications for declaration of Drug Trafficker and amount paid to revenue over the last 5 years**

	1999/00	2000/01	2001/02	2002/03	2003/04
No. Of Applications	142	137	39	49	39
Paid to Revenue	\$415,620	\$285,039	\$343,522	\$184,787	\$100,498

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### Extraditions

Each year a number of defendants leave the jurisdiction before they can be tried for the offences alleged against them. As well, on occasions convicted offenders escape custody and leave the jurisdiction. One of the powers of the Director is to authorise requests for extradition of defendants or convicted persons. In

2003/04, 45 requests for extradition were approved, 39 for defendants residing interstate, and 6 for defendants residing overseas.

The following is a breakdown of the extradition approvals over the past five years. There has been a significant increase this year due to a Police initiative to clear the backlog of warrants.

**Number of Extradition applications approved over the last 5 years**

	1999/00	2000/01	2001/02	2002/03	2003/04
No. Of Applications Approved	17	13	16	8	45

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## Policy and Legislative Reform

### Policy

#### Agency Interaction

The work of the ODPP is inseparably linked with that of the Western Australia Police Service (WAPS), Victim Support Service (VSS) and the Courts.

**WAPS:** In 2003/04, the DPP/Police Liaison Committee continued to address concerns raised by the Police and prosecutors about the need to improve communication between the two agencies. In addition, the committee discussed the issue of prosecutorial training for Police – to ensure that the Police could utilise ODPP's expertise to enhance their understanding of the law. The sharing of such resources will result in improved service delivery from the two agencies.

**VSS:** Ongoing liaison between Victim Support Service and The ODPP, ensures that victims receive streamlined support throughout the trial process. Ongoing meetings are in place to identify gaps in service delivery and to develop solutions for implementation by both agencies.

**CWS:** The ODPP and CWS have maintained their cooperative and professional working relationship, liaising on a regular basis to keep communication channels open, and to continually improve the provision of services to child victims and witnesses. New staff joining the ODPP

enjoyed the opportunity of visiting the CWS and hearing from staff firsthand about the services provided, and processes in place. CWS staff appreciated the attendance at their 2003 regional conference in Perth of an ODPP officer to address them from the ODPP perspective, and to answer their queries.

**CWS Reference Group:** The Group finalised work on updating the 'Judges Guidelines' relating to the Evidence of Children and Special Witnesses late in 2003. However, further progress must await the outcome of the sexual assault package referred to below.

**Courts:** The ODPP is continually in consultation with the Court about ways to improve the court process. The District Court has introduced rolling lists in the country circuits, to ensure increased efficiency and a reduction in the number of lost court days when trials are adjourned on short notice.

#### Homicide Protocols

The office also hosted the launch of the Homicide Protocols, which are designed to set out each agency's responsibilities when dealing with secondary victims of homicide. The agencies involved are the WAPS, ODPP, Victim Support Service, Victim Notification Register, Victim Offender Mediation Unit, Coronial Counselling Service and the Homicide Victim's Support Group. The new protocols assign tasks to the relevant agency for the various stages in the investigation and trial

process, to ensure that each agency complements the other, and that there are no gaps in the delivery of the service.

### **Prosecution Policy and Guideline Review**

The current Statement of Prosecution Policy and Guidelines was last reviewed in 1999. A review of the Prosecution Policy and Guidelines commenced in January 2004, due to changes in criminal procedure and the increased scope of work undertaken by the ODPP. The review is currently in the consultation phase and the finalised document will be released in the coming reporting year.

### **Kalgoorlie Project**

The Kalgoorlie Pilot Project was established to examine the continued loss of court time on circuit in regional centres, as a result of the late adjournment of trials. A project officer was assigned to assess the procedures used in preparation for regional trials. A particular focus of the programs is to improve the office's handling of matters involving Indigenous victims and witnesses - and to ensure they are dealt with in a more culturally sensitive manner. This has involved extensive consultation with the local Indigenous service groups and other government agencies in the region, as well as with regional Police.

## **Legislative Reform**

The ODPP has been the instructing agency or assisted the instructing agency for a number of legislative reform packages.

### **Sexual Assault Package**

The consultation and drafting of the *Criminal Law Amendment (Sexual Assault and Other Matters) Bill 2004* was completed and the Bill was introduced into Parliament in 2003/04.

This Bill is the first in a package of reforms that aims to address some of the limitations of the current criminal trial system and provide mechanisms for the protection of sexual assault complainants.

The Bill:

- Amends the law where a defendant is accused of committing multiple offences, so that the prosecution may more readily be able to join the charges to be dealt with under the one indictment;
- Provides legislative protection for counselling communications;
- Prescribes automatic visual recording of all child witnesses;
- Entitles all sexual assault complainants to automatic special witnesses status; and
- Extends the payment of fees and expenses for support people.

### **Criminal Property Amendments**

Initially two separate proposals, these two reforms were combined under the *Criminal Law Amendment (Criminal Property) Bill 2004*.

The first is an amendment to the *Criminal Code* that extends the law concerning money laundering. The amendment includes, as an additional offence, those being in possession of money or assets that were used (or intended to be used) in the act of an offence, regardless of whether any money or assets are shown to be the proceeds of crime.

The second is an amendment to the *Sentencing Act*, which clarifies that the confiscation of assets should not be a mitigating factor taken into consideration by the courts when determining the length of sentence.

### **Summary Prosecutions**

The *Director of Public Prosecutions Amendment Bill 2004* was introduced into Parliament to allow the Director of Public Prosecutions to bring, take over and conduct prosecutions for summary offences. This will allow the DPP to oversee all summary prosecution processes by developing universal policies and guidelines, and providing prosecution services for important cases. However, the State Solicitor's Office will maintain primary responsibility for summary prosecutions that are commenced by government departments and agencies.

### **DNA Evidence**

The *Evidence Amendment Bill 2004* creates a certificate which confirms the authenticity of the DNA testing process. The certificate is evidence of when the item was received at the laboratory, when it was examined, that a DNA profile (or a number of DNA profiles were obtained) and that all required procedures for dealing with the item were complied with. The Bill sets out a standard procedure if the contents of the certificate are challenged, which removes the requirement for witnesses to be called on a continual basis.

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## Staff involvement in external committees

A number of the ODPP staff contribute to Committees external to the Office.

Amnesty International Australia National Legal Team	Chris Williams (Convenor)
Appeal Costs Board	Robert Cock QC (Chairman)
Australian Red Cross International Humanitarian Law Advisory Committee (WA)	Chris Williams
Child Witness Service Reference Group	Mary Moffet
Criminal Practice and Procedure Committee	Robert Cock QC Ken Bates Troy Sweeney
Crime Research Centre WA	Robert Cock QC (Board Member)
Criminal Lawyers of WA Committee	Robert Wilson
Data Management and Exchange Advisory Committee	Valter Guarino
District Court Stakeholders Committee	Joe Randazzo
Fresh Start Perth Naltrexone Programme	Robert Wilson (Board Member)
Institute of Restorative Justice and Penal Reform	Nicole Lockwood
Interagency Children's Court Committee	Tanya Watt
Law Society of WA Aboriginal Law Students Mentoring Program Criminal Law Committee	Gningala Yarran-Clanton Simon Stone Patti Chong
Equal Employment Opportunity Committee Ethics Committee	Patti Chong Nicole Lockwood
Legal Practice Board Management Committee Supreme Court Library Committee	Robert Cock QC (Member) Robert Cock QC Robert Cock QC
Legal Practitioners Disciplinary Tribunal	Robert Cock QC (Member)
Magistrate Liaison Committee	Tanya Watt
National Sexual Assault Law Reform Committee	Robert Cock QC
SCALES Management Committee	Michael Perrella
State Witness Protection Committee	James Mactaggart
Women Lawyers of WA Committee	Patti Chong

## Human Resources and Human Resource Management

### Organisational Structure

The period 2003/04 saw implementation of the Practice Management Model for the ODPP. Based upon recommendations of The Deakin Report, a practice team approach was implemented.

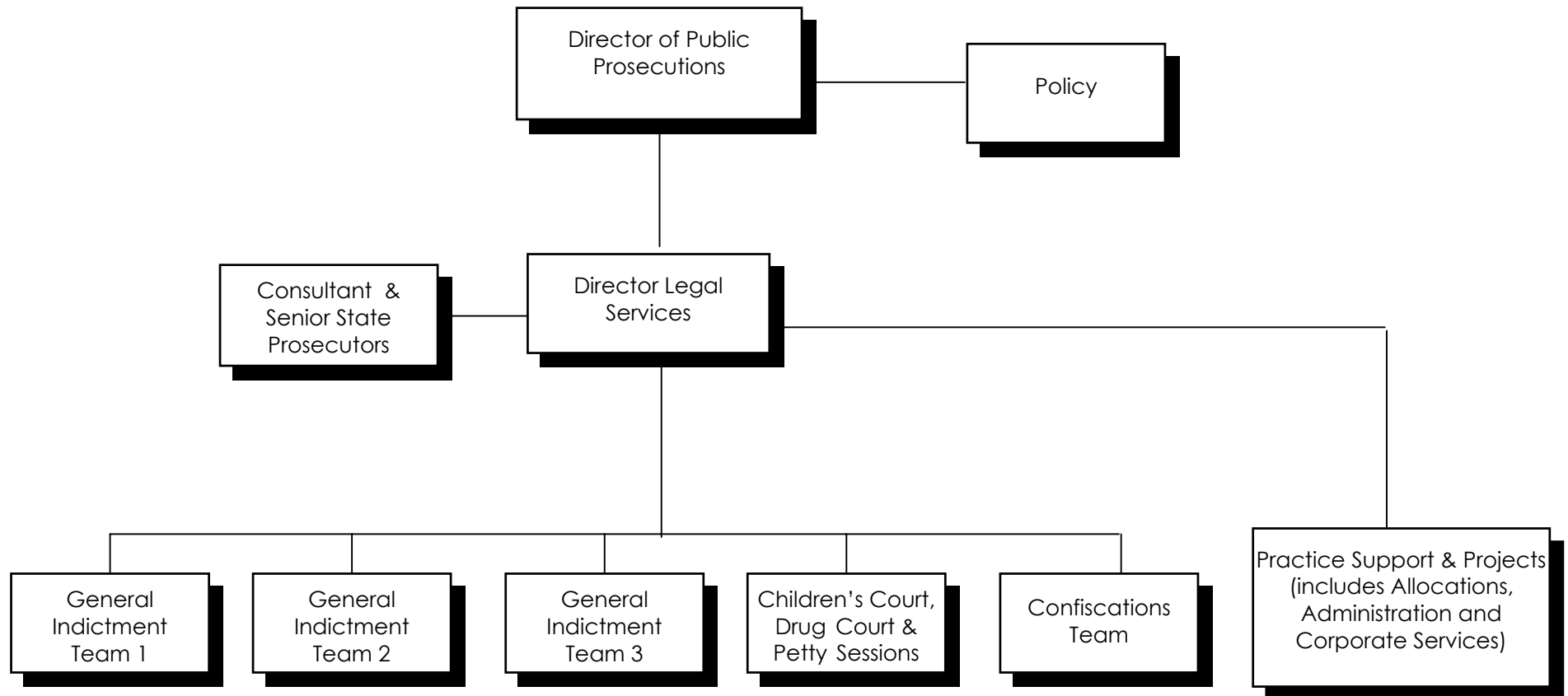
The ODPP structure in 2003/04 attempted to match the core business of the Office: comprising both criminal prosecution and civil litigation. There were five main areas to the Office's structure. These included:

1. Consultant and Senior State Prosecutors: these are the most experienced Prosecutors in the office and conduct the most complex legal matters. They are authorised to sign indictments and approve *nolle prosequi*. They provide support and advice to the General Indictment Teams and the Children's Court, Drug Court and Petty Sessions Team.
2. General Indictment Teams: these teams, headed by a Practice Manager are responsible for all indictable prosecutions in the metropolitan and regional sittings of both the Supreme and District Courts. Each Indictment Team, of which there are three in the ODPP, comprises a number of State Prosecutors and supporting clerical, secretarial and paralegal staff.
3. Confiscations Team: this team, headed by a Practice Manager, plays a unique role in the Office. Acting as solicitors in civil litigation, this team manages a range of matters, including bringing forfeiture proceedings, pursuant to the *Criminal Property Confiscation Act 2000*.
4. Children's Court, Drug Court and Petty Sessions Team: this team, headed by a Practice Manager, has responsibility for the management of committal mentions in the Court of Petty Sessions (Perth). The team also appears for the State in the Drug Court and undertakes some Children's Court prosecutions.
5. Practice Support and Projects: this team provides administrative, allocations and knowledge management support for the legal practice. This includes the implementation of some specific projects during 2003/04 including ongoing policy improvement; piloting the 'rolling list' in the Kalgoorlie District – in conjunction with the Chief Justice's Office – and the implementation of a human resources and change management focus.
6. Policy: this team is headed by the Director of Public Prosecutions and is responsible for legislative reform conducted by the Office. This team also provides advice upon request to the Attorney General, other Ministers and external bodies on the operation of the law.

## Director of Public Prosecutions for Western Australia

### Organisation Chart

30 June 2004





## Employment Statistics

As at 30 June 2004, the ODPP comprised of:

**158.76 staff (full-time equivalent)**

**168 staff (head count)**

The following tables give a breakdown of the composition of the workforce during this period:

### CRIMINAL PRACTICE

	Team 1		Team 2		Team 3		CC, DC & PC Team		Senior and Consultant State Prosecutors	
	♀	♂	♀	♂	♀	♂	♀	♂	♀	♂
Lawyers	9	10	8	5	8	8	6	8	9	1
Legal Support	5	3	5	6	5	8	2	8		
<b>TOTAL</b>	<b>16</b>	<b>14</b>	<b>16</b>	<b>11</b>	<b>15</b>	<b>16</b>	<b>10</b>	<b>16</b>	<b>9</b>	<b>1</b>

### CIVIL PRACTICE

Confiscations		
	♀	♂
Legal Staff	1	5
Legal Support	2	2
<b>TOTAL</b>	<b>3</b>	<b>7</b>

### MANAGEMENT AND SUPPORT

	Management		Policy Unit		Practice Support and Projects	
	♀	♂	♀	♂	♀	♂
Legal Staff	1	1	1	2	1	1
Legal Support		3			10	25
<b>TOTAL</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>11</b>	<b>26</b>

\* Some employees seconded out or on leave without pay, therefore duplicate people in the same position.

## Equal Employment Opportunity Breakdown

The following statistics represent the diverse workforce of the ODPP in the 2003/04 period:

	% Of Staff
Women	55.0%
People from Culturally Diverse Backgrounds	0.7%
Indigenous Australians	2.0%
People with Disabilities	0.0%

These figures comply with the Public sector Priority Area targets set for 2003 in the areas of representation of women and indigenous Australians in the workforce. The ODPP acknowledges that efforts to increase the representation of people with disabilities needs to be increased and plans to put strategies into place in 2004/05.

### Youth Outcomes

During 2003/04, the ODPP employed a total of 22 staff who were under the age of 25. This represents a total of 13 per cent of the staff, far exceeding the Public Sector Priority 2003 objective of 5.2 per cent. The Office implemented several initiatives including participation in school-based traineeships and the high use of the Public Sector Management entry-level recruitment list.

## Public Sector Standards and Ethical Codes

**Public Sector Standards in Human Resource Management:** the new role of the in-house Human Resources Manager in March 2004 has seen the ability to monitor compliance in-house, whereas in previous years external advice from agencies such as the Department of Justice had been required. The period 2003/04 saw no applications for breaches in Recruitment, Selection and Appointment Standard received by the Office.

**Public Sector Code of Ethics:** the ODPP's extensive Code of Conduct, which uses the WA Public Sector Code of Ethics as its base, continued to be accessed and used by all staff. The Director of Public Prosecutions led training sessions on the Code.

## Employment Initiatives

**Human Resources advisory and consultancy service:** the appointment of a Human Resources Manager in March 2004 has seen the commencement of an in-house HR and change management related consultancy service. A review of existing HR policies was undertaken and recommendations have been made on the introduction of new policies on:

- Leave Management to ensure the Office's leave liability is effectively administered;
- Part-time Employment to ensure that family friendly arrangements can be adopted in an equitable manner for staff throughout the Office; and
- The trial of a new Recruitment and Selection consultancy model in May 2004 to assist managers choose the right staff for the right positions, and

The HR establishment has been regularised. An HR IT assisted system, HR Kiosk, has been implemented enabling online leave and other establishment related requirements accessible to staff from their desktops.

**Recruitment and Selection:** a new Recruitment and Selection model trial provides the Practice Management Team with an in-house private recruitment service. Successful selection rounds were being completed by the end of the 2003/04 period, that initially

focussed on the introduction of a new entry level for State Prosecutors (Level 2/4 Legal Officers) and the next Level (4/5 State Prosecutors). This new level has enhanced the career pathway and has allowed recognition for the "investment" in the training of a successful State Prosecutor.

In addition, the implementation of "recruitment pools" has allowed for the efficient identification of State Prosecutors, to allow for any staff movements. This innovative process has created "pools" of suitable and available Prosecutors who may be called upon within a 12-month period to be employed by the Office.

**Workplace Diversity Initiatives:** the continuing involvement by the Office in the National Ingenious Cadetship Program has ensured ongoing assistance to two Indigenous Australian students in their legal studies. In addition, the program has allowed the cadets to gain valuable paid work experience during their vacation breaks and contributed to their continued learning.

**School-Based Initiatives:** during 2003/04 the Office enrolled four positions in the School-based Clerical Traineeship Program. Working in partnership with high schools and training providers, the Office has provided training places for Year 10 and 11 students to gain on-the-job training and experience, which allows them to attain nationally

recognised certificate level qualifications.

#### **Workflow review and staff consultation**

**process:** with the implementation of the Practice Management Team, an office-wide review of current workflow and procedures was undertaken. Initially led by the Team, ideas for improvement have been presented to staff and an extensive staff consultation process has commenced.

### **Workers Compensation**

There were no worker's compensation claims in 2003/04. This outcome demonstrates the Office's commitment to best practise occupational health and safety standards.

### **Training and Development**

Ongoing Professional Development: the 2003/04 period saw the continuation of two key training and education committees within the Office. These included:

**The Legal Training and Education Committee:** the committee focussed on harnessing the in-house knowledge and experience of its senior staff that conducted presentations and advocacy skills workshops for junior Prosecutors. Other experts from partnership agencies such as the Western Australia Police Service also contributed skills, time and information

to the ongoing professional development of the Office's State Prosecutors.

**The Paralegal, Clerical and Secretarial Training and Education Committee:** the committee focussed on an ongoing commitment to customer service training, to ensure that all support staff were made aware of the criminal justice system and the Office's role. Experts from partnership agencies such as the Child Witness and Protection Agency were also called upon to provide training and information to further support witnesses.

### **Professional and Industry Investment**

In 2003/04 the Office made a significant contribution to the ongoing training and professional development of the legal fraternity. The acceptance of two articulated clerks and the acceptance of over 40 vacation clerks and other legal students into the Office, from all of the State's Law Schools has not only seen an investment in the industry, but has also provided mentoring and coaching opportunities for existing staff.

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## Corporate Services and Initiatives

### Disability Services Plan

In 2003/04, the ODPP continued to ensure that people with disabilities, their families and carers were able to fully access the ODPP's services.

Information about ODPP services is available on request in formats that meet the communication requirements of people with disabilities. Video conferencing facilities are available at the ODPP's office to enable ODPP witnesses to give evidence remotely for trials held in country centres. These facilities are also available for prosecutors to conference with other sites that may assist people with disabilities not having to attend in person at the ODPP.

### Customer Focus

#### Regional Development

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

Through the Kalgoorlie pilot program, consultation has taken place with members of the Kalgoorlie community, and the indigenous community in particular, about procedures used by the DPP to prepare matters for trial. New procedures for dealing with regional trials are being developed in light of the information received through the consultation process.

***Outcome 2: Planning in partnership for a sustainable future***

The key area where the ODPP can have an impact on issues of sustainability in regional areas is through the improvement of the service which is provided to regional centres. Service delivery improvements are explained in Outcome 3.

***Outcome 3: Effective Government service delivery to regions***

This is an area that the ODPP has identified as requiring improvement. As ODPP does not have regional offices and conducts all trial preparation from Perth, practices will need to be improved to ensure effective trial preparation. The Kalgoorlie Pilot Project Officer is examining procedural issues and changes are being made to improve service delivery in regional centres. It is intended that upon successful completion of this project, changes will be rolled out into all regional centres where the ODPP conducts its matters.

#### Complaints Management

The ODPP is currently developing a complaints management policy and procedure in response to the State Government's commitment to ensure a uniformed response to complaints across all departments. The formal policy will be rolled out and implemented in the 2004/05 financial year. The procedure will include set time frames for responding to complaints, and the assignment of an officer to investigate and respond to

complaints, to ensure continuity in the complaints handling process.

## Sustainability

The Government released a State Sustainability Strategy in September 2003 that sets out tasks for each agency in working towards the goal of sustainability in the public sector. The ODPP is required to draft a Sustainability Action Plan that will set out the initiatives to be undertaken by the office over the next three years. This action plan will be drafted in 2004/05. It is anticipated that a committee will also be developed within the office to assist with its implementation.

### Energy Smart Initiative

The table below shows the ODPP's baseline energy consumption against which future energy consumption will be measured. Whilst baseline figures are generally equivalent to actual consumption in 2001/02, the ODPP's baseline figure was adjusted by the Sustainable Energy Development Office to recognise past energy saving initiatives progressively implemented, in conjunction with the building managers since 1998/99.

The table shows that the ODPP exceeded the 5 per cent consumption reduction target:

	Baseline	2003/04	Variation %
Energy Consumption (MJ)	1,158,493	1,071,601	-7.5%
Energy Cost	\$34,380	\$31,214	-9.2%
Greenhouse Gas Emissions (tonnes of CO <sub>2</sub> )	296	273	-7.7%

Staff awareness programs implemented within the office previously, have also contributed to our continuing improvement in this area.

### Waste Paper Recycling

The ODPP is committed to reducing the amount of waste paper produced by the day to day running of the Office. To this end we have engaged Security Shredding Services to remove and recycle confidential and non-confidential documents. Collections occurs every 2-3 weeks for the 4 recycling stations located throughout the office.

### Public Interest Disclosures

There have been no Public Interest Disclosures in the reporting period.

### Record Keeping Plan

During the second half of 2003/04, the ODPP engaged a Consultant to assist in the development of the ODPP's Records Keeping Plan. The Plan, which was submitted to the State Records Office, is awaiting approval. The ODPP will continue to manage its records in accordance with the ODPP's Records

Keeping Plan and requirements of the *State Records Act 2000*.

## **Evaluations**

### **Office Review**

The ODPP has remained committed to implementing the changes outlined in the Deakin Report and as a consequence has commenced a workflow review. A new organisational structure is being developed and will be presented to staff and key stakeholders for comment in the coming financial year. The new structure will recognise the ODPP's increased workload and provide additional supervision within the office.

### **Electoral Act 1907**

Section 175ZE of the *Electoral Act 1907* requires public sector agencies to publish details of all expenditure incurred in 2003/04 on advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations. Other than expenditure associated with the advertisement of staff positions, the ODPP did not incur any expenditure in the above areas in 2003/04.

## **Publications**

The following publications are available from the ODPP:

### **General Information:**

Annual Report to Parliament for each financial year since 1992/93

Information Brochures:

About the ODPP

Information for Victims of Crime

Witness Information

Customer Service Charter

### **FURTHER INFORMATION**

For any further information on the operations of the Office of the Director of Public Prosecutions or for copies of any of the above publications please visit our website at [www.dpp.wa.gov.au](http://www.dpp.wa.gov.au) or contact us.

### **HEAD OFFICE**

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### **CENTRAL LAW COURTS OFFICE**

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## **Relations with the Attorney General**

Although the *Director of Public Prosecutions Act 1991* provides for a process of formal consultation, it has never been necessary to resort to that process because there is ongoing communication on a regular basis. Although an Attorney General is removed from the prosecution process, the Minister nevertheless has a vital interest in the criminal justice system as a whole. It is appropriate that the Attorney General seeks advice from many parties, including the ODPP.

There have been no occasions of political interference with the functions of the ODPP during the year under review.

## **Relations with the Department Of Justice**

Throughout 2002/03 the ODPP drew on a range of corporate services provided by the Department of Justice under a service level agreement. These included human resources, library, information technology, procurement and financial services.

The ODPP acknowledges and thanks the Department of Justice for the continued provision of these services in the 2003/04 financial year.

## Financial Matters

### Salaries

The following table indicates the breakdown and classification of staff members and salaries within the ODPP.

Classification Level	Occupational Group	Salary (\$ Per annum)	Female	Male	Total
TEA	Tea Attendant	24,868 - 25,457	1		1
TRAINEE/CADET	Trainee / Cadetship	9859 < 23391	4		4
Level 1	Clerical / Administrative	14,827 – 36,068	13	7	20
Level 2	Administrative	37,318 – 41,464	24	11	35
Level 2/4	Legal	48,413 – 55,673	2		2
Level 3	Paralegal / Administrative	42,995 – 46,681	7	5	12
Level 4	Administrative	48,413 – 51,166	4	2	6
Level 4/5	Legal	53,856 – 64,815	14	11	25
Level 5	Coordinator	53,856 – 59,521		2	2
Level 6	Managerial	62,672 – 69,400		1	1
Level 6/7	Legal	73,030 – 78,274	5	10	15
Level 7	Managerial	73,030 – 78,274	2		2
Level 7/8	Legal	82,715 – 98,097	9	4	13
Level 8	Managerial	82,715 – 89,842		1	1
Class 1	Legal	107,634	6	4	10
Class 2	Legal	113,376	2	3	5
Class 3	Legal	119,114	2	5	7
Class 4	Legal	140,910		5	5
Sal & Allow Tribunal	Executive / Legal	> 140,000	1	1	2
TOTAL			96	72	168

### Brief Out Expenditure

The following table indicates the pattern of expenditure for External Briefing of matters.

No. of matters briefed	240	352	458	161	276 <sup>1</sup>
Expenditure	\$446,531	\$680,525	\$869,635	\$386,389	\$604, 929

The ODPP's brief out expenditure varies significantly due to various factors including, but not limited to, court workload, staff absence and trials listed

for extended periods. The ODPP endeavours to retain as much work in-house as possible and brief out matters only where necessary.

## Introduction to Performance Indicators and Financial Statements

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

### Workflow

The ODPP has no control over the number, complexity or flow of criminal matters referred to it. Legislative changes, the prevalence of crime in society, rates of arrest and the choice of charges by the investigating police cause the number of criminal matters to fluctuate.

The ODPP is only one part of the criminal justice system where the essential focus remains on the alleged offender. Neither the courts nor the ODPP can deny an accused person the right to trial and appeal, and the timeframe for ultimate resolution of a criminal matter is very largely in the hands of the person charged and his or her lawyer. What the ODPP seeks to do in conjunction with other agencies is to

appropriately manage that part of the criminal justice process which by statute is assigned to it.

### Mission And Outcome

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

### Outputs

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

State Prosecutors analyse a brief prepared by the investigating police, assess the accuracy of the charges and the evidence and present an indictment to the relevant court. State Prosecutors represent the State of WA, whether it is on a question of bail, a plea, a trial, a sentence or an appeal.

Representing the State of WA 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 Director's published prosecution policy which amplifies the relevant legal principles. Those principles are fundamental to our criminal justice system, are of universal application and govern matters on which the State is accountable to the defendant and the court.

While the ODPP must be accountable as a public sector agency, the State Prosecutor's first point of accountability in every criminal matter is to the court, which has a legal obligation to ensure that the prosecution is conducted fairly.

The following four key performance indicators were developed some years ago to measure the ODPP's performance.

The second output – Confiscation of Assets – was introduced in the 2002/03 financial year. The role of the ODPP under this output is to confiscate property acquired as a result of criminal activity, property used for criminal activity and the property of a declared drug trafficker. Much of this work is conducted in close co-operation with the WA Police Service and is largely subject to the *Confiscation Act*. The performance indicators included here are emerging and will be refined over time.

## Performance Indicators

### Statement Of Certification

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 2004.



ROBERT COCK QC  
DIRECTOR OF PUBLIC PROSECUTIONS  
CHIEF EXECUTIVE OFFICER  
ACCOUNTABLE OFFICER

13 August 2004



## AUDITOR GENERAL

### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS PERFORMANCE INDICATORS FOR THE YEAR ENDED JUNE 30, 2004

#### **Audit Opinion**

In my opinion, the key effectiveness and efficiency performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the year ended June 30, 2004.

#### **Scope**

##### ***The Director of Public Prosecutions' Role***

The Director of Public Prosecutions is responsible for developing and maintaining proper records and systems for preparing performance indicators.

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

#### ***Summary of my Role***

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

D D R PEARSON  
AUDITOR GENERAL  
September 28, 2004

## Output 1 – Criminal Prosecutions

### Indicator No. 1 Establishing A Case To Answer

The State will satisfy the Court in more than 95% of trials that the accused person has a case to answer.

#### Explanatory Note

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

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

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

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

#### Performance Outcome 2003/04

Of the 597 trials prosecuted by the ODPP in 2003/04 involving 660 defendants persons whose trials proceeded, the ODPP demonstrated a case to answer on all or some counts listed on the indictment in respect to 646 (or 97.9%) defendants.

#### Trends Over Time

The outcome for 2003/04 is consistent with previous reporting years as is illustrated in the following table.

Year	Case to answer
2003/04	97.9% <sup>1</sup>
2002/03	98.7%
2001/02	98.6%
2000/01	98.4%
1999/00	98.6%

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<sup>1</sup> The estimate from the 2003/04 Budget Statements was 98%

## Output 1 – Criminal Prosecutions

### Indicator No. 2 Convictions After Trial

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

#### Explanatory Note

*Convictions after trial generally result from decisions of juries over which the ODPP can exercise no control. It is not the role of the ODPP to secure convictions at any cost but to fairly and effectively present the evidence to the jury or Court.*

*Nonetheless, it would be surprising and perhaps a cause for community concern if the conviction rate after trial consistently fell below 50%. It also needs to be remembered that this indicator measures the result after a defendant has put the State to proof in a criminal trial. It does not measure the high percentage of matters where the defendant pleads guilty prior to trial.*

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

#### Performance Outcome 2003/04

Of the 660 defendants whose trials proceeded in the Supreme and District Courts in 2003/04, 353 (or 53.5%) were convicted of one or more of the charges brought against them.

#### Trends Over Time

The percentage of defendants put on trial who are convicted of one or more charges has remained fairly constant over recent reporting years as is illustrated in the following table:

Year	Convictions After Trial
2003/04	53.5%
2002/03	60.4%
2001/02	56.6%
2000/01	54.7%
1999/00	58.8%
1998/99	54.9%



## Output 1 – Criminal Prosecutions

### Indicator No. 3 Early Advice To Court On Charges

At least five days prior to the first appearance of the accused person the ODPP will file an indictment or a nolle prosequi in the relevant Court Registry.

#### Explanatory Note

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

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

The indictment permits the court to proceed and a nolle prosequi terminates proceedings.

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

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

This timeframe is subject to a number of factors outside the control of the ODPP. They include:

- late receipt of committal papers from Courts of Petty Sessions,
- unavailability of evidence on a particular aspect of the brief; and
- the need to co-ordinate charges against co-defendants.

#### Performance Outcome 2003/04

In 53.2% of prosecutions, the indictment or the nolle prosequi was filed with the court at least 5 days prior to the first appearance of the defendant. Overall, the ODPP filed an indictment or nolle prosequi either before the first appearance of the defendant or at least within the initial sittings month in 82% of matters.

#### Trends Over Time

Year	Early Advice
2003/04	53.2% <sup>1</sup>
2002/03	48.0%
2001/02	51.6%
2000/01	50.3%
1999/00	58.1%

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<sup>1</sup> The estimate from the 2003/04 Budget Statements was 65%

## Output 1 – Criminal Prosecutions

### Indicator No. 4 Cost Per Prosecution

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

#### Explanatory Note

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

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

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

#### Performance Outcome 2003/04

With the above qualifications, the average cost per prosecution in 2003/04 was approximately \$5,449.

#### Trends Over Time

The outcome for 2003/04 is consistent with previous years as illustrated by the following table.

Year	Cost Per Matter
2003/04	\$5,449 <sup>1</sup>
2002/03	\$5,171
2001/02	\$5,131
2000/01	\$4,447
1999/00	\$4,227

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<sup>1</sup> The estimate from the 2003/04 Budget Statements was \$5,070

## Output 2 – Confiscation of Assets

### Indicator No. 1 Successful Applications for Freezing Orders

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

#### Explanatory Note

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

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

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

#### Performance Outcome 2003/04

Of the six applications made by the ODPP for a Freezing Order in 2003/04 involving 8 respondents, the ODPP was successful in obtaining a Freezing Order in respect of all applications and all respondents.

#### Trends Over Time

The outcome for 2003/04 is consistent with previous reporting years as is illustrated in the following table.

Year	Successful Applications for Freezing Orders
2003/04	100% <sup>1</sup>
2002/03	100%
2001/02	100%
2000/01	100%

---

<sup>1</sup> The estimate from the 2003/04 Budget Statements was 98%

## Output 2 – Confiscation of Assets

### Indicator No. 2 Cost per Matter

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

#### Explanatory Note

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

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

#### Performance Outcome 2003/04

With the above qualification, the average cost per matter in 2003/04 was \$6,862,

#### Trends Over Time

In 2002/2003, the method of calculation of the average cost per matter was determined by dividing the number of Freezing Notices and Freezing Orders into the cost of running the ODPP Confiscation team. It is considered that this method of calculation did not recognise the number of objections received which give rise to much of the daily workflow practices of the section. The 2002/03 comparative figures have been recalculated on the same basis as the 2003/04 figure.

Year	Cost Per Matter
2003/04	\$6,862 <sup>1</sup>
2002/03	\$5,578

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<sup>1</sup> The estimate from the 2003/04 Budget Statements was \$11,129.



## AUDITOR GENERAL

### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2004

#### Audit Opinion

In my opinion,

- (i) the controls exercised by the Office of the Director of Public Prosecutions provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Office at June 30, 2004 and its financial performance and cash flows for the year ended on that date.

#### Scope

##### *The Director of Public Prosecutions' Role*

The Director of Public Prosecutions is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Output Schedule of Expenses and Revenues, Summary of Consolidated Fund Appropriations and Revenue Estimates, and the Notes to the Financial Statements.

##### *Summary of my Role*

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

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

D D R PEARSON  
AUDITOR GENERAL  
September 28, 2004

## Financial Statements

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

### Statement of Financial Performance

for the year ended 30 June 2004

	Note	2004 \$	2003 \$
<b>COST OF SERVICES</b>			
<b>Expenses from ordinary activities</b>			
Employee expenses	4	10,653,847	9,855,438
Supplies and services	5	1,985,875	1,582,178
Depreciation expense	6	177,788	135,778
Accommodation expense	7	1,262,791	1,181,361
Other expenses from ordinary activities	8	<u>1,684,591</u>	<u>1,482,816</u>
<b>Total cost of services</b>		<u>15,764,892</u>	<u>14,237,571</u>
<b>Revenues from ordinary activities</b>			
<b>Revenue from operating activities</b>			
Grants and contributions	9	500,000	500,000
<b>Revenue from non-operating activities</b>			
Other revenues from ordinary activities	11	<u>147,381</u>	<u>131,096</u>
<b>Total revenues from ordinary activities</b>		<u>647,381</u>	<u>631,096</u>
<b>NET COST OF SERVICES</b>		<u>15,117,511</u>	<u>13,606,475</u>
<b>REVENUES FROM STATE GOVERNMENT</b>			
Output Appropriation	12	13,825,000	12,698,000
Liabilities assumed by the Treasurer		58,053	49,084
Resources received free of charge		<u>806,463</u>	<u>597,403</u>
<b>Total revenues from State Government</b>		<u>14,689,516</u>	<u>13,344,487</u>
<b>CHANGES IN NET ASSETS</b>		(427,995)	(261,988)
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS</b>			
		<u>(427,995)</u>	<u>(261,988)</u>

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

## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

**Statement of Financial Position**

as at 30 June 2004

	Note	2004 \$	2003 \$
<b>Current Assets</b>			
Cash assets	22(a)	84,987	74,681
Restricted cash assets	13	361,098	145,293
Receivables	14	38,524	63,687
Amounts receivable for outputs	15	200,000	152,000
Other assets	16	7,656	106,855
<b>Total Current Assets</b>		<u>692,265</u>	<u>542,516</u>
<b>Non-Current Assets</b>			
Restricted cash assets	13	-	288,910
Amounts receivable for outputs	15	321,000	244,000
Property and equipment	17	722,724	564,764
<b>Total Non-Current Assets</b>		<u>1,043,724</u>	<u>1,097,674</u>
<b>TOTAL ASSETS</b>		<u>1,735,989</u>	<u>1,640,190</u>
<b>Current Liabilities</b>			
Payables	18	519,067	341,967
Provisions	19	1,398,229	1,266,960
Other liabilities	20	337,085	252,570
<b>Total Current Liabilities</b>		<u>2,254,381</u>	<u>1,861,497</u>
<b>Non-Current Liabilities</b>			
Provisions	19	953,209	870,299
<b>Total Non-Current Liabilities</b>		<u>953,209</u>	<u>870,299</u>
<b>Total Liabilities</b>		<u>3,207,590</u>	<u>2,731,796</u>
<b>Equity</b>			
Contributed equity	21	407,000	359,000
Accumulated surplus / (deficiency)		<u>(1,878,601)</u>	<u>(1,450,606)</u>
<b>Total Equity</b>		<u>(1,471,601)</u>	<u>(1,091,606)</u>
<b>TOTAL LIABILITIES AND EQUITY</b>		<u>1,735,989</u>	<u>1,640,190</u>

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

**Statement of Cash Flows**

for the year ended 30 June 2004

	Note	2004 \$	2003 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Output appropriations		13,548,000	12,438,000
Capital contributions		48,000	102,000
Holding account drawdowns		152,000	98,000
<b>Net cash provided by State Government</b>		<u>13,748,000</u>	<u>12,638,000</u>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee Costs		(9,074,214)	(8,162,776)
Supplies and Services		(5,073,381)	(4,731,528)
GST payments		(454,954)	(418,179)
<b>Receipts</b>			
Receipts from services		647,381	631,096
GST receipts		480,116	403,397
<b>Net cash provided by/(used in) operating activities</b>	22(b)	<u>(13,475,052)</u>	<u>(12,277,990)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets			-
Purchase of non-current physical assets		(335,747)	(270,887)
<b>Net cash provided by/(used in) investing activities</b>		<u>(335,747)</u>	<u>(270,887)</u>
<b>Net increase/(decrease) in cash held</b>		(62,799)	89,123
Cash assets at the beginning of the financial year		<u>508,884</u>	<u>419,761</u>
<b>CASH ASSETS AT THE END OF THE FINANCIAL YEAR</b>	22(a)	<u>446,085</u>	<u>508,884</u>

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



# Office of the Director of Public Prosecutions for WESTERN AUSTRALIA

## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

### Output Schedule of Expenses and Revenues

for the year ended 30 June 2004

	<b>Criminal Prosecutions</b>		<b>Confiscation of Assets</b>		<b>TOTAL</b>	
	<b>2004</b>	<b>2003</b>	<b>2004</b>	<b>2003</b>	<b>2004</b>	<b>2003</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>COST OF SERVICES</b>						
<b>Expenses from ordinary activities</b>						
Employee expenses	9,979,639	9,280,381	674,208	575,057	10,653,847	9,855,438
Supplies and services	1,812,644	1,524,339	173,231	57,839	1,985,875	1,582,178
Depreciation expense	177,788	135,778	-	-	177,788	135,778
Accommodation expenses	1,205,333	1,127,886	57,458	53,475	1,262,791	1,181,361
Other expenses from ordinary activities	1,635,680	1,438,502	48,911	44,314	1,684,591	1,482,816
<b>Total cost of services</b>	<b>14,811,084</b>	<b>13,506,886</b>	<b>953,808</b>	<b>730,685</b>	<b>15,764,892</b>	<b>14,237,571</b>
<b>Revenues from ordinary activities</b>						
<b>Revenue from operating activities</b>						
Grants and contributions	-	-	500,000	500,000	500,000	500,000
<b>Revenue from non-operating activities</b>	-	-	-	-	-	-
Other revenues from ordinary activities	147,381	131,096	-	-	147,381	131,096
<b>Total revenues from ordinary activities</b>	<b>147,381</b>	<b>131,096</b>	<b>500,000</b>	<b>500,000</b>	<b>647,381</b>	<b>631,096</b>
<b>NET COST OF SERVICES</b>	<b>14,663,703</b>	<b>13,375,790</b>	<b>453,808</b>	<b>230,685</b>	<b>15,117,511</b>	<b>13,606,475</b>
<b>REVENUES FROM STATE GOVERNMENT</b>						
Output appropriations	13,625,000	12,498,000	200,000	200,000	13,825,000	12,698,000
Liabilities assumed by the Treasurer	58,053	49,084	-	-	58,053	49,084
Resources received free of charge	750,628	550,864	55,835	46,539	806,463	597,403
<b>Total revenues from State Government</b>	<b>14,433,681</b>	<b>13,097,948</b>	<b>255,835</b>	<b>246,539</b>	<b>14,689,516</b>	<b>13,344,487</b>
<b>CHANGE IN NET ASSETS</b>	<b>(230,022)</b>	<b>(277,842)</b>	<b>(197,973)</b>	<b>15,854</b>	<b>(427,995)</b>	<b>(261,988)</b>
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS</b>	<b>(230,022)</b>	<b>(277,842)</b>	<b>(197,973)</b>	<b>15,854</b>	<b>(427,995)</b>	<b>(261,988)</b>

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

OFFICE OF THE DIRECTOR OF  
PUBLIC PROSECUTIONS**Summary of Consolidated Fund Appropriations and Revenue  
Estimates**

for the year ended 30 June 2004

	2004	2004		2004	2003	
	Estimate	Actual	Variance	Actual	Actual	Variance
	\$	\$	\$	\$	\$	\$
<b>PURCHASE OF OUTPUTS</b>						
Item 65 Net amount appropriated to purchase outputs	12,857,000	13,257,000	400,000	13,257,000	12,042,000	1,215,000
Amount Authorised by Other Statutes						
Salaries and Allowances Act 1975	568,000	568,000	-	568,000	656,000	(88,000)
<b>Total appropriations provided to purchase outputs</b>	13,425,000	13,825,000	400,000	13,825,000	12,698,000	1,127,000
<b>CAPITAL</b>						
Item 141 Capital Contribution	48,000	48,000	-	48,000	102,000	(54,000)
<b>ADMINISTERED</b>						
Administered Grants and Transfer Payments	1,520,000	1,251,169	(268,831)	1,251,169	1,350,706	(99,537)
<b>GRAND TOTAL OF APPROPRIATIONS</b>	14,993,000	15,124,169	131,169	15,124,169	14,150,706	973,463
<b>Details of Expenses by Outputs</b>						
Criminal Prosecutions	14,197,000	14,811,084	614,084	14,811,084	13,506,886	1,304,198
Confiscation of Assets	690,000	953,808	263,808	953,808	730,685	223,123
Total Cost of Outputs	14,887,000	15,764,892	877,892	15,764,892	14,237,571	1,527,321
Less total revenues from ordinary activities	(1,454,000)	(647,381)	806,619	(647,381)	(631,096)	(16,285)
Net Cost of Outputs	13,433,000	15,117,511	1,684,511	15,117,511	13,606,475	1,511,036
Adjustment (I)	(8,000)	(1,292,511)	(1,284,511)	(1,292,511)	(908,475)	(384,036)
<b>Total appropriations provided to purchase outputs</b>	13,425,000	13,825,000	400,000	13,825,000	12,698,000	1,127,000
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	200,000	335,747	135,747	335,747	270,887	(64,860)
Adjustments for other funding sources	(152,000)	(287,747)	(135,747)	(287,747)	(168,887)	118,860
<b>Total capital expenditure</b>	48,000	48,000	-	48,000	102,000	54,000

**DETAILS OF REVENUE ESTIMATES**

Revenues disclosed as Administered Revenues	1,200,000	1,354,443	154,443	1,354,443	1,441,541	(87,098)
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(I) Adjustments are related to movements in cash balances and other accrual items such as receivables, payables and superannuation.

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

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

This Summary provides the basis for the Explanatory Statement information requirements of TI 945, set out in Note 26.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

**Notes to the Financial Statements**

for the year ended 30 June 2004

**1 Office of the Director of Public Prosecutions mission and funding**

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

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

**2 Significant accounting policies**

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated these policies are consistent with those adopted in the previous year.

General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect is disclosed in individual notes to these financial statements.

Basis of accounting

The financial statements have been prepared in accordance with Accounting Standard AAS29.

The statements have been prepared on the accrual basis of accounting using the historical cost convention, except for certain assets and liabilities which, as noted, are measured at fair value.

Administered assets, liabilities, expenses and revenues are not integral to the DPP in carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the DPP. The administered items are disclosed on the same basis as is described above for the financial statements of the DPP. The administered assets, liabilities, expenses and revenues are those which the Government requires the DPP to administer on its behalf. The assets do not render any service potential or future economic benefits of the DPP, the liabilities do not require the future sacrifice of service potential or future economic benefits to the DPP, and the expenses and revenues are not attributable to the DPP.

As the administered assets, liabilities, expenses and revenues are not recognised in the principal financial statements of the DPP, the disclosure requirements of Accounting Standard AAS 33, Presentation and Disclosure of Financial Instruments, are not applied to administered transactions.

**(a) Output Appropriations**

Output Appropriations are recognised as revenues in the period in which the DPP gains control of the appropriated funds. The DPP gains control of appropriated funds at the time those funds are deposited into the DPP's bank account or credited to the holding account held at the Department of Treasury and Finance. *Refer to Note 12 for further commentary on output appropriations.*

**(b) Contributed Equity**

Under UIG 38 "Contributions by Owners Made to Wholly-Owned Public Sector Entities" transfers in the nature of equity contributions must be designated by the Government (owners) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity in the Statement of Financial Position. Capital appropriations which are repayable to the Treasurer are recognised as liabilities.

**(c) Net Appropriation Determination**

Pursuant to section 23A of the Financial Administration and Audit Act, the net appropriation determination by the Treasurer provides for retention of the following moneys received by the DPP:

- Executive Vehicle Scheme;
- Confiscation Account;
- Miscellaneous Revenue;
- Proceeds from the provision of Community Education Services;

In accordance with the determination, the DPP retained \$647,381 in 2004 (\$631,096 in 2003).

Revenue from Ordinary Activities may only be applied to the outputs specified in the 2004 Budget Statements.

**(d) Grants and other contributions**

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the DPP obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt.

**(e) Acquisition of assets**

The cost method of accounting is used for all acquisitions of assets. Cost is measured as the fair value of the assets given up or liabilities undertaken at the date of acquisition plus incidental costs directly attributable to the acquisition.

Assets acquired at no cost or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

**(f) Depreciation of non-current assets**

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

The policy is to depreciate such assets if their purchase cost is \$1,000 or more. Amounts with a lower value are expensed.

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

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

**(g) Leases**

The DPP has entered into a number of operating lease arrangements for buildings, motor vehicles and office equipment where the lessors effectively retain all of the risks and benefits incident to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the Statement of Financial Performance over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

**(h) Cash**

For the purpose of the Statement of Cash Flows, cash includes cash assets and restricted cash assets.

**(i) Accrued salaries**

The accrued salaries suspense account (refer note 13) consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 20) represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The DPP considers the carrying amount of accrued salaries to be equivalent to the net fair value.

**(j) Receivables**

Receivables are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. A provision for doubtful debts is raised where some doubt as to collection exists.

**(k) Payables**

Payables, including accruals not yet billed, are recognised when the DPP becomes obliged to make future payments as a result of a purchase of assets or services. Payables are generally settled within 30 days.

**(l) Employee benefits**

**Annual leave**

This benefit is recognised at the reporting date in respect to employees' services up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

**Long service leave**

Leave benefits are calculated at remuneration rates expected to be paid when the liabilities are settled. A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price Waterhouse Coopers in 2003 determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

This method of measurement of the liability is consistent with the requirements of Accounting Standards AASB 1028 "Accounting for Employee Benefits".

**Superannuation**

Staff may contribute to the Pension Scheme, a defined benefits pension scheme now closed to new members, or the Gold State Superannuation Scheme, a defined benefit lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

The superannuation expense is comprised of the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) employer contributions paid to the Gold State Superannuation Scheme and West State Superannuation Scheme.

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

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Revenues from State Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

The DPP is funded for employer contributions in respect of the Gold State Superannuation Scheme and the West State Superannuation Scheme. These contributions were paid to the GESB during the year. The GESB subsequently paid the employer contributions in respect of the Gold State Superannuation Scheme to the Consolidated Fund.

#### **Employee benefit on-costs**

Employee benefit on-costs, including payroll tax, are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities and expenses. (See notes 4 and 19).

#### **(m) Resources received free of charge or for nominal value**

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

#### **(n) Comparative figures**

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

#### **(o) Rounding of amounts**

Amounts in the financial statements have been rounded to the nearest dollar.

### **3 Outputs of the DPP**

Information about the DPP's outputs and the expenses and revenues which are reliably attributable to those outputs is set out in the Output Schedule. Information about expenses, revenue, assets and liabilities administered by the DPP are given in notes 30 and 31.

The two key outputs for the DPP are:

#### **Output 1: Criminal Prosecutions**

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

#### **Output 2: Confiscation of Assets**

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

	<b>2004</b>	<b>2003</b>
	<b>\$</b>	<b>\$</b>
<b>4 Employee expenses</b>		
Salaries and wages	8,290,409	7,581,857
Annual and long service leave	1,082,499	1,087,527
Superannuation	959,503	839,632
Other related expenses	321,436	346,422
	10,653,847	9,855,438
<b>5 Supplies and Services</b>		
Goods and supplies	207,081	274,733
Services and contracts	972,331	710,042

Resources received free of charge (see note 12)	806,463	597,403
	1,985,875	1,582,178
	<b>2004</b>	<b>2003</b>
	<b>\$</b>	<b>\$</b>
<b>6 Depreciation expense</b>		
Equipment	139,207	114,845
Leasehold improvements	38,581	20,933
	177,788	135,778
<b>7 Accommodation expense</b>		
Building rental operating lease expense	1,262,791	1,181,361
<b>8 Other expenses from ordinary activities</b>		
Witness expenses	873,083	760,335
Equipment and vehicles operating lease expense	130,855	140,358
Communication expenses	117,118	121,121
Electricity and water	50,867	39,964
Building and equipment repairs and maintenance	147,174	99,498
Insurance	47,297	37,993
Other expenses (I)	318,197	283,547
	1,684,591	1,482,816
(I) Other expenses includes the carrying value of Non Current Assets which have been disposed.		
<b>9 Grants and contributions</b>		
Contribution from Confiscation Fund (I)	500,000	500,000
	500,000	500,000
(I) From 1 July 2001, money is transferred from the Confiscation Fund to the DPP for reimbursement of costs associated with administering the Criminal Property Confiscation Act.		
<b>10 Net gain (loss) on disposal of non-current assets</b>		
<u>Carrying Value on Disposal of Non-Current Assets</u>		
Office equipment	-	(2,500)
Net profit/(loss)	-	(2,500)
<b>11 Other revenues from ordinary activities</b>		
Recoup of employee expenses	-	87,188
Contributions to motor vehicle scheme	29,223	26,278
Other revenue	118,158	17,630

	147,381	131,096
	<b>2004</b>	<b>2003</b>
	<b>\$</b>	<b>\$</b>
<b>12 Revenues from State Government</b>		
Appropriation revenue received during the year:		
Output appropriations (I)	13,825,000	12,698,000
The following liabilities have been assumed by the Treasurer during the financial year: (II)		
Superannuation	58,053	49,084
Resources received free of charge (III) Determined on the basis of the following estimates provided by agencies:		
Office of the Auditor General - audit services (IV)	-	11,500
Department of Justice - corporate services	782,050	563,006
Department of Housing and Works - property management services (notional management fee based on lease payments)	8,084	5,351
Valuer General's Office - valuation services	16,329	17,546
	806,463	597,403
(I) Output appropriations are accrual amounts reflecting the full cost of outputs delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.		
(II) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State scheme.		
(III) Where assets or services have been received free of charge or for nominal consideration, the DPP recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the DPP shall make a direct adjustment of equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.		
(IV) Refer to note 29		



	2004 \$	2003 \$
<b>13 Restricted cash assets</b>		
Current		
Capital contributions remaining at year end (I)	1,188	145,293
Accrued salaries suspense account (II)	359,910	-
	361,098	145,293
Non-Current		
Accrued salaries suspense account (II)	-	288,910
(I) Cash held in this account is to be used only for the purchase of computer and office equipment.		
(II) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.		
<b>14 Receivables</b>		
GST receivable	38,524	63,687
<b>15 Amounts receivable for outputs</b>		
Current	200,000	152,000
Non-Current	321,000	244,000
	521,000	396,000
This asset represents the non-cash component of output appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.		
<b>16 Other assets</b>		
Prepayments	7,656	106,855
<b>17 Property and equipment</b>		
Leasehold improvements		
At cost	485,305	278,472
Accumulated amortisation	(155,094)	(116,512)
	330,211	161,960
Office Equipment and Computers		
At cost	1,288,821	1,211,153
Accumulated depreciation	(896,308)	(808,349)
	392,513	402,804
	722,724	564,764
	<b>2004 \$</b>	<b>2003 \$</b>
Reconciliations of the carrying amounts of property and equipment at the beginning and end of the current financial year are set out below.		
Leasehold improvements		
Carrying amount at start of year	161,960	90,703

Additions	206,832	92,190
Disposals	-	-
Amortisation	(38,581)	(20,933)
Carrying amount at end of year	330,211	161,960
Office Equipment and Computers		
Carrying amount at start of year	402,805	341,453
Additions	128,915	178,697
Disposals	-	(2,500)
Depreciation	(139,207)	(114,845)
Carrying amount at end of year	392,513	402,805
	722,724	564,765
<b>18 Payables</b>		
Trade and other creditors	519,067	341,967
<b>19 Provisions</b>		
<u>Current</u>		
Annual leave	783,660	705,846
Long service leave	614,569	561,114
	1,398,229	1,266,960
<u>Non-current</u>		
Long service leave	953,209	870,299
	953,209	870,299
<u>Employee Benefit Liabilities</u>		
The aggregate employee benefit liability recognised and included in the financial statements is as follows:		
Provision for employee benefits:		
Current	1,398,229	1,266,960
Non-current	953,209	870,299
	2,351,438	2,137,259
<b>20 Other liabilities</b>		
Current		
Accrued salaries and wages		
Amounts owing for the 9 working days from 18 June to 30 June 2004 (2003, 7 working days).	337,085	252,570

**21 Equity**

Liabilities exceed assets for the DPP and there is therefore no residual interest in the assets of the DPP. This deficiency arose through expenses such as depreciation and accrual of employee entitlements for leave not involving the payment of cash in the current period being recognised in the Statement of Financial Performance.

**2004**  
**\$**

**2003**  
**\$**

Contributed equity		
Opening balance	359,000	257,000
Capital contributions (I)	48,000	102,000
Closing balance	407,000	359,000

(I) Capital Contributions have been designated as contributions by owners and are credited straight to equity in the Statement of Financial Position.

#### Accumulated surplus / (deficiency)

Opening balance	(1,450,606)	(1,188,618)
Change in net assets	(427,995)	(261,988)
Closing balance	(1,878,601)	(1,450,606)

## 22 Notes to the Statement of Cash Flows

### (a) 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:

Cash assets	84,987	74,681
Restricted cash assets (refer note 13)	361,098	434,203
	446,085	508,884

**2004**  
**\$**

**2003**  
**\$**

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

Net cost of services	(15,117,511)	(13,606,475)
Non-cash items:		
Depreciation expense	177,788	135,778
Superannuation expense	58,053	49,084
Resources received free of charge	806,463	597,403
Net (gain)/loss on sale of property and equipment	-	2,500
(Increase)/decrease in assets:		
Other current assets	99,199	(8,135)
Increase/(decrease) in liabilities:		
Current Payables	177,100	60,029
Current provisions	131,269	284,561
Other current liabilities	84,515	76,373
Non-current provisions	82,910	145,674
Change in GST receivables	25,162	(14,782)
Net cash provided by/(used in) operating activities	(13,475,052)	(12,277,990)

## 23 Commitments for expenditure

## Lease commitments

Commitments in relation to leases contracted for at the reporting date but not recognised as liabilities:

Within 1 year	1,287,895	1,408,848
Later than 1 year and not later than 5 years	1,981,839	3,535,201
Later than five years	-	-
	3,269,734	4,944,049

**24 The Impact of Adopting International Accounting Standards**

The transition to Australian equivalents to International Accounting Standards is being managed by the Department of Justice on behalf of the DPP as part of its corporate financial support function. Justice Finance staff are keeping abreast of changes through the review of available information, such as publications on the CPA Australia and Department of Treasury and Finance websites and by attending relevant workshops. Staff within the Office will be briefed on any IAS issue that affects the Office.

The adoption of Australian equivalents to International Accounting Standards is expected to have minimal impact on future financial reporting requirements of the DPP.

The application of IAS 36 (Impairment of Assets) requires an annual assessment be carried out for impairment. Office equipment will be assessed for impairment on a regular basis.

AASB 119, the Australian version of the IFRS covering employee benefits, will be effective from 1 January 2005. This will replace the current standard for employee benefits, AASB 1028. For the long service leave liability, the only significant difference under AASB 119 is that a high quality corporate bond yield will be used for the discount rate (rather than the Government bond yield). This would normally result in a lower liability.

**25 Events Occurring After Reporting Date**

A retrospective pay adjustment of 3.8%, effective 26 February 2004, for staff on the Public Sector General Agreement was announced by Government after the 30 June reporting date. The payment is estimated to be in the region of \$128,488. The financial effect of this event was not recognised in the 30 June 2004 financial statements.

**26 Explanatory statement**

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments credited to the Consolidated Fund. Appropriations are now on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945. Significant variations are considered to be those greater than 10% and \$25,000.

**(i) Significant variances between estimate and actual - Total appropriation to purchase outputs:****Details of Expenses by Outputs**

<b>Confiscation of Assets</b>	<b>Over</b>	<b>\$263,808</b>
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The practice of the Confiscation Section has seen an increase in the volume of matters handled by the section. In addition and notably during the reporting year the section has had the conduct of a number of pieces of litigation which are substantial in both size and complexity which have necessitated the employment of additional staff and which have generally been more demanding of resources.

<b>Total revenues from ordinary activities</b>	<b>Under</b>	<b>\$806,619</b>
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The estimate for retained revenue included an amount for resources provided by other agencies free of charge whereas this item is not included in the actual retained revenue amount. Resources received free of charge is included in the Statement of Financial Performance under the heading Revenues from Government (\$806,463).

**(ii) Significant variances between actual and prior year actual - Total appropriation to purchase outputs:**

<b>Item 65 Net amount appropriated to purchase outputs</b>	<b>Increase</b>	<b>\$1,215,000</b>
--	-----------------	--------------------

This represents increased funding for:

- cost and demand pressures unable to be absorbed within financial settings,
- implementation of an Integrated Courts Management System,
- funding for the confiscation unit, and
- supplementary funding of \$400,000

**Amount Authorised by Other Statutes**

<b>Salaries and Allowances Act 1975</b>	<b>Decrease</b>	<b>\$88,000</b>
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This decrease is due to the salary and superannuation costs of an acting Director of Public Prosecutions during the extended absence of the Director on sick leave during 2002-2003.

**Details of Expenses by Outputs**

<b>Criminal Prosecutions</b>	<b>Increase</b>	<b>\$1,304,198</b>
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During the year there were a number of significant criminal prosecutions and appeals and an expanded role in the Children' Court. These demands required an increase in Full Time Equivalents, a reconfiguration of office accommodation and changes in the information technology infrastructure.

<b>Confiscation of Assets</b>	<b>Increase</b>	<b>\$223,123</b>
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The practice of the confiscation section has seen an increase in the volume of matters handled by the section. In addition and notably during the reporting year the section has had the conduct of a number of pieces of litigation which are substantial in both size and complexity which have necessitated the employment of additional staff and which have generally been more demanding of resources

**(iii) Significant variances between estimate and actual - Capital Contribution:**

No significant variances.

**(iv) Significant variances between actual and prior year actual - Capital Contribution:**

<b>Decrease</b>	<b>\$54,000</b>
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Represents a decrease from 2003 in the capital contribution from government which is offset by an increase in the amount drawn down from the Amounts Receivable for Outputs holding account in 2004. This is in line with the DPP's planned asset replacement program

**(v) Significant variances between estimate and actual, and actual and prior year actual - Administered revenues:**

<b>Estimate and actual</b>	<b>Over</b>	<b>\$154,443</b>
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The DPP's administered revenue principally relates to proceeds of crime matters. Revenue from this source is largely based on the number of orders made by the Courts. This is a volatile source of revenue and it is difficult to accurately estimate the amount of revenue to be derived in any given year.

**27 Financial instruments**

Interest rate risk exposure

The DPP does not have any interest bearing accounts and is therefore not subject to any interest rate risk exposure.

Credit risk exposure

All financial assets are unsecured.

Amounts owing by other government agencies are guaranteed, therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represent the

respect of those amounts. In respect of other financial assets the carrying amounts represent the DPP's maximum exposure to credit risk. At the reporting date no amounts were owed by other government agencies.

## 28 Remuneration of Senior Officers

### Remuneration

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

\$	2004	2003
10,001 - 20,000	1	-
20,001 - 30,000	1	-
30,001 - 40,000	-	-
50,001 - 60,000	3	-
80,001 - 90,000	-	-
90,001 - 100,000	-	1
100,001 - 110,000	-	-
110,001 - 120,000	1	-
130,001 - 140,000	-	-
140,001 - 150,000	1	-
170,001 - 180,000	-	-
230,001 - 240,000	-	1
270,001 - 280,000	-	-
280,001 - 290,000	-	1
290,001 - 300,000	1	-
300,001 - 310,000	1	-
The total remuneration of senior officers is:	\$1,076,753	\$615,310

The superannuation included here represents the superannuation expense incurred by the DPP in respect of senior officers.

No senior officers are members of the Pension Scheme.

## 29 Supplementary financial information

- There were no losses of public moneys and other public property through theft or default during the financial year (2003, nil).
- There were no Pecuniary (Administered) penalty orders written off during the financial year (2003, nil).
- There were no gifts of public property by the DPP during the financial year (2003, nil).
- Capital commitments at 30 June 2004 were \$0 (at 30 June 2003, \$0).
- There were no events occurring after the reporting date at the end of the financial year (2003, nil).
- There were no contingent liabilities at the end of the financial year (2003, nil).
- The DPP had no related bodies during the financial year (2003, nil).
- The DPP had no affiliated bodies during the financial year (2003, nil).
- Commencing with the 2003-04 audit, the Office of the Auditor General will be charging a fee for auditing the accounts, financial statements and performance indicators. The fee for the 2003-04 audit (\$13,750) will be due and payable in the 2004-05 financial year. There was no fees paid, or due and payable to the Office of the Auditor General for the 2002-03 financial year but services provided free of charge by the Office of the Auditor General amounted to \$11,500. This amount has been reported in resources received free of charge note 12.

## 30 Administered Expenses and Revenues

### Expenses

2004  
\$

2003  
\$

Administration expenses	650,000	672,643
Grants	500,671	493,276
Transfer payments to Consolidated Fund	100,498	184,787
<b>Total administered expenses</b>	<b>1,251,169</b>	<b>1,350,706</b>
<b>Revenues</b>		
Crimes (Confiscation of Profits) Act	-	-
Misuse of Drugs Act	125,812	126,440
Criminal Property Confiscation Act	1,210,635	1,279,679
Petty Session forfeitures	17,996	35,422
<b>Total administered revenues</b>	<b>1,354,443</b>	<b>1,441,541</b>
<b>31 Administered Assets and Liabilities</b>		
<b>Current Assets</b>		
Cash assets	1,035,272	1,014,231
Receivables	201,169	117,448
<b>Total Administered Current Assets</b>	<b>1,236,441</b>	<b>1,131,679</b>
<b>Total Administered Assets</b>	<b>1,236,441</b>	<b>1,131,679</b>
<b>Current Liabilities</b>		
Payables	1,487	-
<b>Total Administered Current Liabilities</b>	<b>1,487</b>	<b>-</b>
<b>Total Administered Liabilities</b>	<b>1,487</b>	<b>-</b>