



Office of the Director
of Public Prosecutions
for Western Australia

CONTENTS

Index of Tables and Graphs	3
Statement of Compliance	4
A Note from the Director.....	7
WHAT WE DO	10
<i>CRIMINAL PROSECUTIONS</i>	<i>11</i>
<i>CONFISCATIONS PRACTICE</i>	<i>14</i>
<i>GLOSSARY OF TERMS USED IN THIS REPORT.....</i>	<i>15</i>
REPORT ON OPERATIONS	17
<i>Magistrates Court – Perth</i>	<i>17</i>
Drug Court	18
<i>District and Supreme Courts</i>	<i>18</i>
Committals.....	18
Trials	19
Brief Out	21
Extraditions	22
Applications under the <i>Dangerous Sexual Offenders Act 2006</i>	22
<i>Children’s Court</i>	<i>23</i>
Cases heard before Magistrates	23
Cases heard before the President of the Children’s Court.....	23
Children’s Court Trials – President’s Court.....	24
<i>Appeals.....</i>	<i>25</i>
Single Judge Appeals	25
Court of Appeal	25
High Court Appeals	26
<i>Confiscation Practice.....</i>	<i>26</i>
Proceeds of Crime	26
Misuse of Drugs Act	30
<i>Projects</i>	<i>31</i>
<i>Corporate Services Report</i>	<i>34</i>

<i>Policy and Legislative Reform</i>	<i>36</i>
Ongoing Liaison	36
Submissions to the Law Reform Commission of Western Australia	37
Aboriginal Benchbook.....	37
Visual recording of evidence of children regarding abuse	37
The Criminal Law and Evidence Amendment Bill 2006.....	37
Community Development and Justice Standing Committee's Parliamentary Inquiry into the Prosecution of Assaults and Sexual Assaults	38
REPORT ON GOVERNMENT POLICIES	39
<i>Goal 1: People and Communities</i>	<i>39</i>
1.1 Disability Access and Inclusion Plan.....	39
1.2 Substantive Equality	40
<i>Goal 2: The Economy.....</i>	<i>40</i>
2.1 Financial Matters.....	40
<i>Goal 3: The Environment.....</i>	<i>41</i>
3.1 Waste Paper Recycling	41
3.2 Energy Smart Initiative	41
<i>Goal 4: The Regions</i>	<i>42</i>
4.1 Regional Development	42
<i>Goal 5: Governance</i>	<i>43</i>
5.1 Record Keeping Plan	43
5.2 Advertising (Electoral Act)	43
5.3 Sustainability	44
5.4 Equal Employment Opportunities	44
5.5 Compliance with Public Sector Standards and Ethical Codes.....	46
5.6 Corruption Prevention	47
INTRODUCTION TO KEY PERFORMANCE INDICATORS	48
<i>Mission</i>	<i>48</i>
<i>Outputs</i>	<i>48</i>
<i>Independent Audit Opinion</i>	<i>50</i>
<i>Statement of Certification for Key Performance Indicators</i>	<i>52</i>
<i>Key Performance Indicators</i>	<i>53</i>
<i>Financial Statements.....</i>	<i>59</i>
<i>Publications</i>	<i>87</i>

Index of Tables and Graphs

TABLES	18. Breakdown of Staff Composition as at 30 June 2007 – PAGE 36
1. Resolution of cases in Perth Magistrates Court 2006/07 – PAGE 17	19. Breakdown of Staff per level (head count) as at 30 June 2007 – PAGE 40
2. Committals received from Magistrates Court 2003/04 to 2006/07 – PAGE 18	20. Brief Out expenditure from 2000/01 to 2006/07 – PAGE 41
3. Comparison of Committal Matter Types 2004/05 to 2006/07 – PAGE 19	21. ODPF Record Keeping Plan – Compliance update 2006/07 – PAGE 43
4. Outcomes of proceeded trials in District and Supreme Court 2003/04 to 2006/07 – PAGE 21	22. Equal Employment Opportunity – Equity Index and Representation 2006/07 – PAGE 44
5. Children’s Court cases received 2003/04 to 2006/07 – PAGE 23	23. Equal Employment opportunity – Brief Out Counsel Representation 2006/07 – PAGE 46
6. Children’s Court Trials Outcomes 2003/04 to 2006/07 – PAGE 24	
7. Single Judge Appeals cases 2003/04 to 2006/07 – PAGE 25	GRAPHS
8. Court of Appeals cases 2003/04 to 2006/07 – PAGE 25	1. Number of cases received for Magistrates Court Perth – PAGE 17
9. High Court Appeals cases 2003/04 to 2006/07– PAGE 26	2. Number of Drug Court cases received 2004/05 to 2006/07 – PAGE 18
10. Freezing Orders and Freezing Notices obtained since the commencement of the Confiscations Act – PAGE 26	3. Committal Matter Types 2006/07 – PAGE 19
11. Outcomes and objections to Freezing Orders and Freezing Notices since the commencement of the Confiscations Act – PAGE 27	4. Trials listed for hearing and overall result 2003/04 to 2006/07 – PAGE 20
12. Number of objections to Freezing Orders and Freezing Notices received and finalised 2003/04 to 2006/07 – PAGE 27	5. Adjournment Timeframes for trials listed in District and Supreme Court 2006/07 – PAGE 20
13. Drug Trafficker Declarations made and amount paid to Confiscations Proceeds Account 2003/04 to 2006/07 – PAGE 28	6. Number of trials Briefed to external counsel 2003/04 to 2006/07 – PAGE 21
14. Number and type of applications made since the commencement of the Confiscations Act – PAGE 28	7. Number of approved extradition applications 2003/04 to 2006/07 – PAGE 22
15. Proceedings finalised where declaration of Confiscation made from 2000/01 to 2006/07 – PAGE 29	8. Children’s Court matter types received in 2005/06 – PAGE 24
16. Dollar amount paid into Confiscations Proceed Account from 2000/01 to 2006/07 – PAGE 29	9. Children’s Court matter types received in 2006/07 – PAGE 24
17. Number of applications recorded and amount paid to revenue 2000/01 to 2006/07 – PAGE 30	10. Amount paid to Confiscations Account 2000/01 to 2006/07 – PAGE 29

Statement of Compliance

In accordance with s.61 of the *Financial Management Act 2006* and s.32 of the *Director of Public Prosecutions Act 1991*, I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2007.

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

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



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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR WESTERN AUSTRALIA



WHO WE ARE

MISSION:

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

VISION:

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

VALUES:

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

Justice
Independence

Excellence
Integrity

Respect
Leadership

Accountability

GOALS:

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

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

THE ODPP MANAGEMENT TEAM



Robert Cock QC (above) Director of Public Prosecutions,
Ken Bates (left) Director Legal Services,
Peter Byrne (Right) Director Corporate Services



Consultant State Prosecutors (Left to Right) Sam Vandongen, Simon Stone, Bruno Fiannaca SC, Dave Dempster, Brent Meertens



Practice Managers (Left to Right) Tanya Watt, Ian Jones, Jan Whitbread [Not Pictured: Raelene Johnston, Matthew Bugg]

A Note from the Director

The 2006/07 financial year has been the first full financial year in which the Office has been able to operate with the increased resources approved by Government in late 2005, in accordance with the resource model which had been developed earlier in 2005.

Adequate resourcing of my Office has now enabled recruitment of a substantial number of additional prosecutors, paralegals and support staff. It has also enabled appropriate attention to be given to the professional development of the new and existing prosecutorial and support staff. During the year the Office has implemented the significant change process required to address the problems experienced following the loss of key senior staff prior to the funding injection.

We have developed and implemented a recruitment strategy to ensure the Office achieves and maintains an appropriate prosecutor staffing level. The strategy has resulted in the supplementation of executive search strategies to the traditional approach of advertising vacancies. Considerable advice and assistance was provided to my Office by the Office of the Public Sector Standards Commissioner which enabled us to apply a flexible approach to the recruitment of senior legal staff, without which I am confident we would not have enjoyed the substantial success this flexibility enabled. Not only did this strategy produce a large number of new prosecutors, but importantly a number of senior lawyers and very experienced prosecutors were employed under it.

In addition to this strategy, and as a result of a desire to ensure a healthy career path for prosecutors within the Office and to facilitate appointment to State Prosecutor Class 1 positions, the Office also implemented a succession management program to develop internal expertise and capacity.

This major recruitment enabled the successful filling of a number of Senior State Prosecutor vacancies, the appointment of a Practice Manager, Solicitor Confiscations, Senior Legal Policy Officer and Manager Information Technology. Later in the year, upon the commencement of additional work for my Office in the Children's Court, six positions in the new Children's Court Magistrates Team were also filled. Finally a very significant development was the creation of a new position at a senior level in charge of Police Prosecuting. This appointment was the result of closer collaboration by my Office with the Police Prosecutors in the Perth Magistrates Court and arose following a conscious decision to forge stronger relationships with key stakeholders. It is funded directly by Police, and following an exhaustive selection process, I was very pleased to appoint Brent Meertens, formerly a senior prosecutor, as the Consultant State Prosecutor attached to Police Prosecuting in the Magistrates Court.

My Office has been extremely fortunate in its recruitment efforts in the reporting year. In addition to successfully recruiting a number of senior members of the legal profession to the Office both from the Perth Bar, and from the Eastern States, I have had the pleasure of welcoming the return of former senior prosecutor Sam Vandongen as a Consultant State Prosecutor.

With some regret, we also bade farewell to a number of skilled and valuable prosecutors. Les Hobson and Senior Legal Policy Officer Mary Moffet each retired after many years of dedicated service, and Amanda Forrester left the Office to take up a senior position with the Victorian ODPP. I extend to all staff who left this year my very best wishes and thanks for their contribution to the Office, and wish them all the best in their new endeavours.

I am also very proud to record that during the year the Office saw two of its most senior prosecutors appointed to the bench. The year commenced with the appointment of Troy Sweeney as a Judge of the District Court of Western Australia and it concluded with the announcement of the appointment of Joe Randazzo as a Magistrate sitting in the Perth Magistrates Court. To both their Honours I also express my sincere thanks for their years of dedicated and faithful service and wish them a long, successful and satisfying career on the bench.

The Office also maintained its interest and participation in the Government's legislative programme. We continued to participate actively in legislative reform, advancing, as drafting instructor, the significant developments to criminal law through the Criminal Law and Evidence Amendment Bill 2006. Although introduced into Parliament in 2006, this Bill was not enacted by the end of the financial year. To assist in the further progress of the Bill I appeared before and gave evidence to the Standing Committee on Legislation on 18 April 2007. The Bill is expected to be further debated late in 2007. If enacted this Bill will make significant improvements to a number of important procedures in the prosecution of criminal offences and also improve the penalties and operation of the offences dealing with serious assaults on Public Officers and sexual offences against children.

In responding to other reform initiatives, the ODPP contributed substantial submissions early in the year to the Western Australian Law Reform Commission's projects on both Aboriginal customary law and the current review of the law of homicide, in which we are awaiting a report. More recently, the ODPP has made a submission to the Community Development and Justice Standing Committee's Inquiry into the Prosecution of Sexual Assaults and Other Offences, and on the adequacy of victim support services.

Improvements throughout the criminal justice legislation and the Office's participation in law reform initiatives have not been the only way in which the Office has sought to contribute to a better criminal justice system. External efforts have been complimented by the internal contributions from my Office's Practice Management Group and the Training and Professional Development Committee. I commend both groups for their valuable role in providing constant enhancements to the way my Office functions, and, in particular, for actively promoting in-house legal education and professional development.

Looking ahead, the existing case management system is scheduled to be replaced with the CASES information management system, which is currently utilised by the ODPP of NSW. The expected benefits following the implementation of the new system cover a wide range of improvements to workflow and case management practices across the organisation. The system will also provide a client relationship management function which will assist the ODPP to provide a better service to victims and witnesses.

I wish to thank all staff members for their outstanding efforts during a year in which there has been significant public scrutiny of the ODPP. It was also a particularly challenging year as the Office relocated from Westralia Square to International House. I wish to thank all staff for their co-operation in ensuring this endeavour proceeded with as little disruption as possible, and particularly note the assistance of Peter Byrne, Valter Guarino, Christine Gordon, Con Panayotou, Stuart Wilkinson and Steven Lui. The Office is now housed in the "Court Precinct" which will offer substantial benefits to this Office in terms of proximity to the courts, as well as benefits to many of our other stakeholders. It is also accommodation specifically fitted out to maximise the benefits from the team structure under which the Office operates.

Finally, I wish to acknowledge staff members for their positive attitude in embracing new procedures, practices and technology, implemented to ensure that the ODPP provides a prosecution service that is anchored in integrity and efficiency, and delivered by skilled and proficient counsel.

ROBERT COCK QC
Director of Public Prosecutions

Right: View to CBD Courts Project from St Georges Terrace. International house is located on the right and the current District Court Building on the left.



WHAT WE DO

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

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



Ground Floor Concierge at International House

CRIMINAL PROSECUTIONS

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

Magistrates Court – Perth

Criminal proceedings that are commenced against an accused person begin in the Magistrates Court. Following an investigation, the West Australian Police lodge a prosecution notice (see [Glossary](#)) with the court and bring the accused before the court either by arrest or by the issuing of a summons.

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

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

Committals are the primary form of notification to the ODPP of cases that will proceed to a higher court for prosecution and are generated from the 29 regional and metropolitan branches of the Magistrates Court. Receipt of a committal from the Magistrates Court and the subsequent filing of indictments (see [Glossary](#)) in the higher courts is the initial source of data used to calculate the ODPP's workload and other key statistics.

Drug Court

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

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

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

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

District and Supreme Courts

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

The progress of a case for District and Supreme Court prosecutions follows one of two distinct paths; the case will be resolved either by a plea of guilty or by trial. If an accused pleads guilty in the Magistrates Court they will proceed to a Fast Track (see [Glossary](#)) hearing in the District or Supreme Court and be sentenced by a Judge. Alternatively if an accused pleads not guilty, the case will proceed to a trial hearing where a jury, or in some cases a Judge only, will hear evidence against an accused and determine if they are guilty or not guilty. A number of trial cases are resolved prior to the actual trial listing.

FAST TRACKS

While a case is still in the Magistrates Court, an accused may indicate their intent to plead guilty when the case is committed to a higher court. In this instance the case is called a Fast Track Committal. Fast Track cases will appear at a Fast Track hearing where the Judge will usually sentence the accused after they formally plead guilty in the higher court. In some cases

the accused will be remanded to a future date for sentence while further information is collected. On average these cases are resolved within a few months after Committal.

TRIALS

Where an accused pleads not guilty to the charges, the case is remanded to further hearings where any legal, evidentiary or bail issues are determined until such time as the case is ready to proceed to trial (see [Glossary](#)). The trial process itself allows the ODPP to present the evidence against the accused and allows the accused to defend the charges that have been brought against them. Not all trial cases are actually resolved through a jury trial, as a number of accused will plead guilty prior to trial, and following further police investigations some cases are discontinued by the DPP.

Appeals

There are three types of appeals managed by the ODPP, Single Judge Appeals, appeals lodged to the Court of Appeal and High Court Appeals.

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

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

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

Children's Court

The ODPP appears in the Children's Court in relation to young people (between the ages of 10 and 17 years, inclusively) who are charged with an offence. The Children's Court comprises two types of court; those presided by a Magistrate, and the most serious offences which are heard by the President of the Children's Court.

In June 2003 the ODPP acquired the responsibility for the conduct of all matters before the President of the Children's Court, following an agreement between the Courts and the Attorney General. In December 2006, following an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court.

CONFISCATIONS PRACTICE

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

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

- someone whose wealth has not been lawfully acquired;
- someone whose property was acquired, directly or indirectly, through criminal activity; 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, either directly or indirectly, from the commission of an offence.



GLOSSARY OF TERMS USED IN THIS REPORT

The **Accused** is a person alleged in a prosecution notice or indictment to have committed an offence. The term accused is consistently used throughout this report.

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

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

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

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

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

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

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

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

A **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.

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

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

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

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

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

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

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

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

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

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

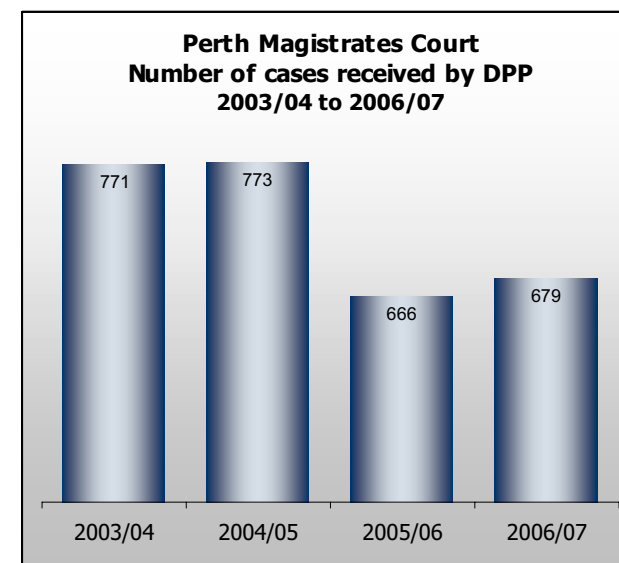
REPORT ON OPERATIONS

Magistrates Court – Perth

The number of cases prosecuted in the Perth Magistrates Court by the ODPP is directly impacted by the number of indictable offences charged by Police in the metropolitan area throughout the course of the year. The trend in the number of cases prosecuted by the ODPP in this court over the past four years shows a 12% drop between 2004/05 and 2006/07, as illustrated in graph G1, which may be attributable to the introduction of either way offences ([refer to Magistrates Court – Perth, page 11 for further information](#)).

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

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



G1: Number of cases received for Magistrates Court Perth 2003/04 to 2006/07

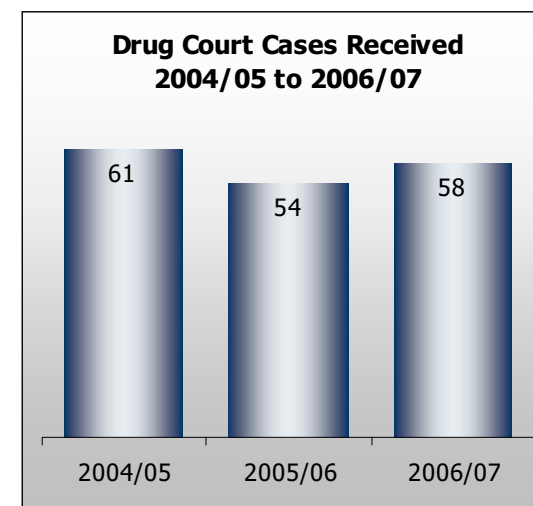
Magistrates Court	2003/04		2004/05		2005/06		2006/07	
	#	%	#	%	#	%	#	%
Finalised In Magistrates Court	51	7%	46	6%	50	8%	74	11%
Committed to higher court	598	77%	627	81%	503	75%	498	73%
Carryover case (as at 30 June)	115	15%	73	9%	113	17%	107	16%
No information	7	1%	27	4%	0	0%	0	0%
TOTAL CASES HEARD	771		773		666		679	

T1: Resolution of cases in the Perth Magistrates Courts 2003/04 to 2006/07

Drug Court

The number of Drug Court files managed by the ODPP is a subset of the number of fast track matters received by the Office in any given reporting period. For further information on the function of the Drug Court, please refer to the [Drug Court](#) section (page 12). Due to the restriction on the number of participant places available in the Drug Court Program, the number of cases managed by the Office each year remains relatively similar, as shown in graph G2.

The ODPP is looking to improve the data recording of drug court matters to assess what impact the Office's presence has in this court. Following the proposed implementation of a new case management system in 2007/08 (refer to [Projects](#) for further information) drug court case data will be reviewed and updated to enable more comprehensive analysis of outcomes.



G2: Number of Drug Court cases received from 2004/05 to 2006/07

District and Supreme Courts

Committals

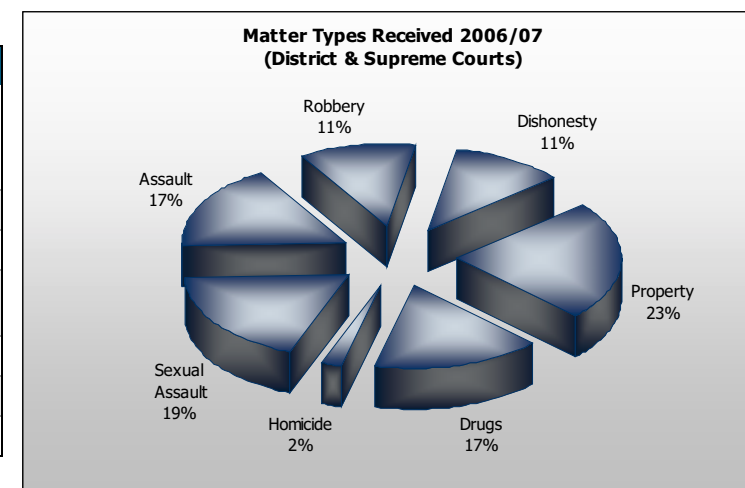
The number of committals (see [Glossary](#)) received from Magistrates Courts across the state forms the basis of the ODPP's workload, which varies depending on the type and number of offences charged by Police. This number is also impacted by a Magistrate's decision to commit the case to the higher courts or not (where an either-way option exists), or alternatively dismiss the case due to lack of evidence. The number of committals received by the ODPP has reduced over the past four years, partly due to the introduction of either way offences, as illustrated in table T2.

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

T2: Committals received from Magistrates Courts 2003/04 to 2006/07

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

T3: Comparison of Committal Matter Types received between 2004/05 to 2006/07, expressed as a percentage of all committals received each financial year.



G3: Committal Matter Types received in 2006/07

Although the number of committals received by the ODPP has dropped over the past two years compared to 2004/05, the profile of case offence types has not changed significantly. The most noticeable change for 2006/07 is a slight increase in property offences compared to 2005/06 (up 4%), while assault and dishonesty offences have both dropped by 2% each. All other case offence types have remained at the same percentage as the previous year. A summary of the breakdown of matter types received since 2004/05 is outlined in table T3, the 2006/07 breakdown is illustrated in graph G3.

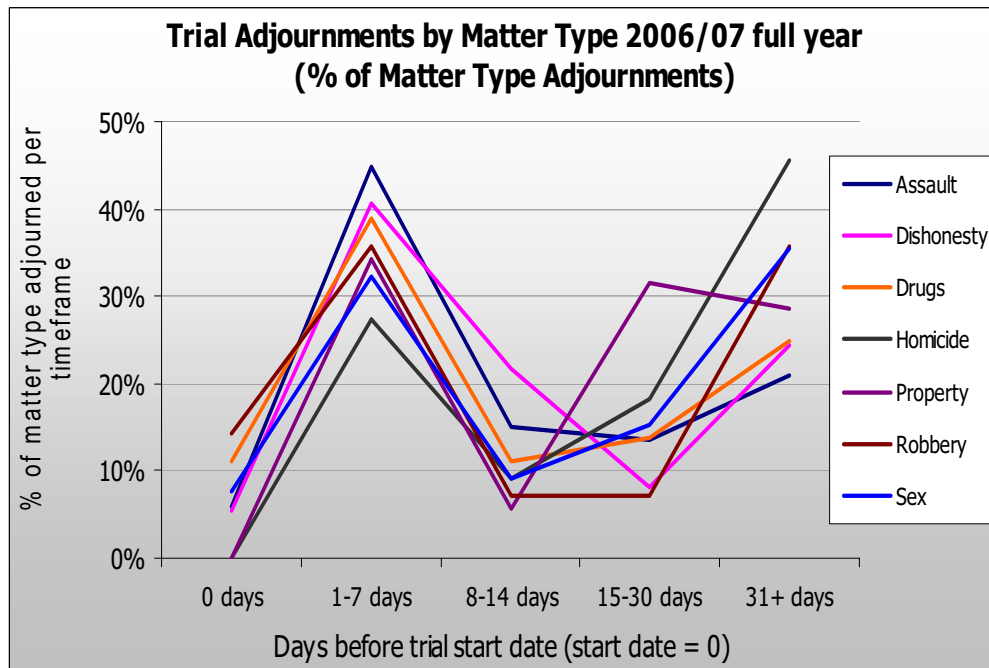
Trials

A trial will occur when an accused person maintains their plea of not guilty following committal of the case to a higher court. Not all cases that commence as trial cases will be concluded by way of a jury trial. Some accused persons will change their plea to guilty during the course of the prosecution, either before or after a trial date has been set, and some cases will be discontinued by the DPP following further Police investigations. Of all cases concluded in 2006/07, 63% were finalised prior to a trial being listed (including fast track pleas of guilty), a further 16% were finalised after a trial date had been set but prior to the actual trial, and 21% of cases were finalised by jury trial or trial by Judge alone.

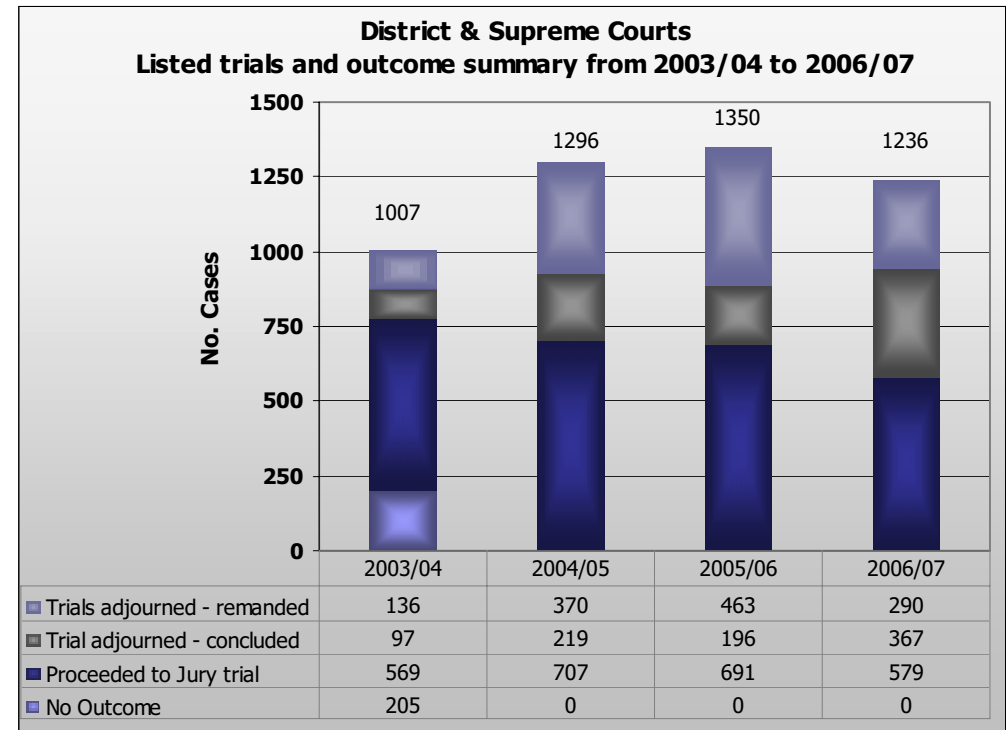
The listing of an individual trial will be subject to the availability of court resources, the readiness to proceed of state prosecutors and defence counsel as well as the availability of any witnesses that are required to give evidence at the trial, and each case may have multiple trial listings within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

2006/07 saw a reduction in the number of listed trials, down 8% compared to 2005/06. This is reflective of the reduced number of backlog of cases awaiting trial, and in the context of an almost identical number of new committals across both years shows a real increase in the number of cases resolved prior to trial. This outcome is a result of improvements in case management within the ODPP and effective court listing initiatives.

As shown in Graph G4 (right) a number of trial listings are adjourned each year. Some adjournments are the result of the case being concluded prior to the listing, and others occur because the State or Defence seeks a delay for various reasons. Trials that are adjourned and result in further listings (remands) increase the time and resources needed to



G5 (above): Adjournment timeframes for trials in the District & Supreme Courts 2006/07



G4 (Above): Trials listed for hearing and overall result for District & Supreme Courts 2003/04 to 2006/07

finalise the case and all efforts are made to minimise these types of adjournments.

In some instances where the trial of one case has been adjourned the court is able to list another case in its place, but this is only possible when there is sufficient time prior to the listing date to advise all witnesses and other parties of the revised trial listing details.

Graph G5 shows the percentage of trials that did not proceed and the timeframe prior to the trial in which they were adjourned;

it does not distinguish who is responsible for the adjournments. This graph also shows the adjournment timeliness based on the matter type of the case. All matter types appear to follow the same trend of adjournment timeliness with a large percentage of adjournments occurring within the week leading up to the trial listing. No homicide or property matters were adjourned on the day of the trial in the 2006/07 year.

Cases that proceed to trial will, in most instances, result in a final outcome of either a conviction or an acquittal. A minority of cases result in a mistrial, hung jury or in the case of a trial by Judge alone, a reserved decision (see [Glossary](#)). Cases not finalised by the trial process at the first trial listing will be remanded for a further trial date. For cases that proceeded to trial, table T4 summarises the outcomes of the proceedings.

Proceeded Trials	2003/04		2004/05		2005/06		2006/07	
Convictions	304	53%	386	55%	365	53%	275	48%
Acquittals (Inc. Judge Directed Acquittals)	209	37%	257	36%	278	40%	243	43%
Hung Jury, Mistrial or Reserved Decision	56	10%	64	9%	48	7%	51	9%
TOTAL TRIALS	569		707		691		569	

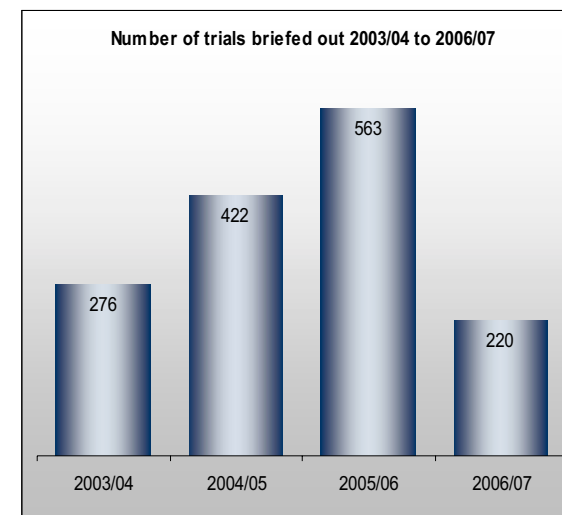
T4: Outcomes of proceeded trials in the District and Supreme Courts from 2003/04 to 2006/07

Brief Out

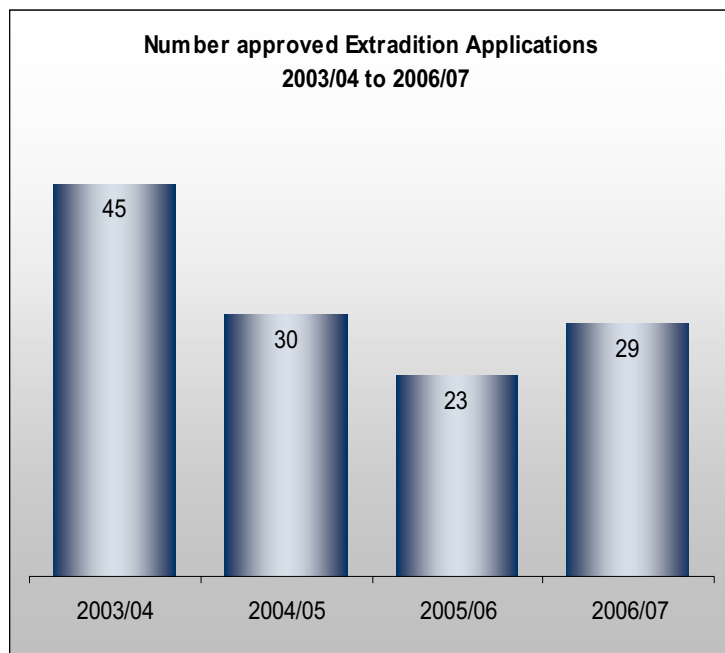
The ODPP briefs out (see [Glossary](#)) some trials and some country court appearances to external counsel. This assists in managing the workload of the ODPP prosecutors and it also contributes to the professional development of criminal advocacy skills within the private sector.

Graph G6 shows the trend of briefing practices in the ODPP over the past four years. It should be noted that whilst trials form the majority of the work briefed to external counsel, appearances at other hearings may also be required to be briefed out.

In 2004/05, 42% of trials were briefed, but following the approval of additional funds in October 2005 (see [Costing and Workflow Project](#) section) and the recruitment of additional prosecutor resources, this percentage has dropped to 17% in 2006/07, with an ongoing target of 20%. For further information on the financial impact of brief out please refer to the [Financial Matters](#) section of the annual report.



G6 (above): Number of trials briefed from 2003/04 to 2006/07



Extraditions

Each year the ODPP receives a number of applications requesting that an accused be returned to Western Australia; these applications are known as extraditions (see [Glossary](#)). Extraditions are applied for when an accused person leaves Western Australia before they can be charged or tried for the offences alleged against them, and in some cases when an accused that has already been tried and convicted has escaped legal custody and left the state.

In 2006/07, 29 applications were considered by the Director, of these only 1 related to an international extradition application. All 29 applications for extraditions were successful. Graph G7 shows the number of approved applications for extradition over the past four years.

G7 (left): Number of approved extradition applications from 2003/04 to 2006/07

Applications under the *Dangerous Sexual Offenders Act 2006*

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

The Act commenced approximately six weeks prior to the start of the 2006/2007 reporting period, and the ODPP lodged the first application on the 23rd June 2006. That application resulted in a supervision order being made by the Court in early 2007. During the 2006/2007 reporting period the ODPP filed applications with respect to a further 13 offenders. Of these applications, four were determined by the end of the 2006/2007 reporting period. One application resulted in a continuing detention order, one resulted in a supervision order, and two were dismissed. The ODPP filed an appeal against one of the dismissals and this is scheduled to be heard in August 2007.

Children's Court

On 1 December 2006, following an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court. To accommodate the increased workload in the Children's Court a new team, consisting of prosecutors, paralegals and clerical staff was established to manage these matters. The following information outlines the management of both Magistrates and Presidents cases. For further information on the role of the ODPP in the Children's Court, please refer to page 13, [Children's Court](#).

Cases heard before Magistrates

During the period 1 December 2006 to 30 June 2007 the new team dealt with the following matters:

New Magistrates matters received:

A total of 3,577 new charges in the Court, an additional 1,050 charges were preferred as a result of bench warrants being issued. Further, an additional 2,159 charges were 'reactivated' or returned to the court following a breach of sentence.

Matters finalised:

A total of 3,034 matters were sentenced following a plea of guilty;

A total of 179 charges were listed for trial and dealt with prior to 30 June 2007;

A total of 2,169 individual offenders were dealt with by the team in this period.

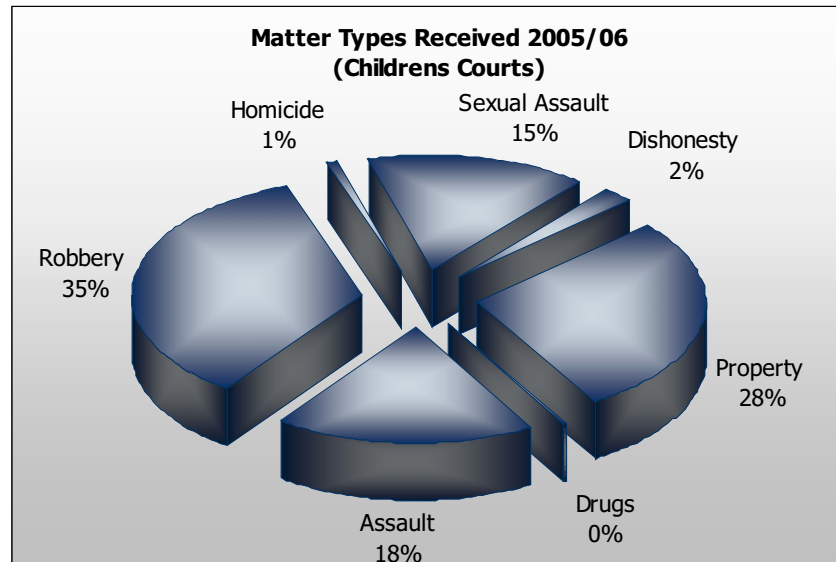
Cases heard before the President of the Children's Court

The more serious offences are heard before the President of the Children's Court. As with the District and Supreme Courts, the number and types of cases received by the ODPP for hearing in the Presidents Court varies from year to year, dependant on the types of offences charged by Police. Table T5 shows the number of cases received in each reporting period since 2003/04.

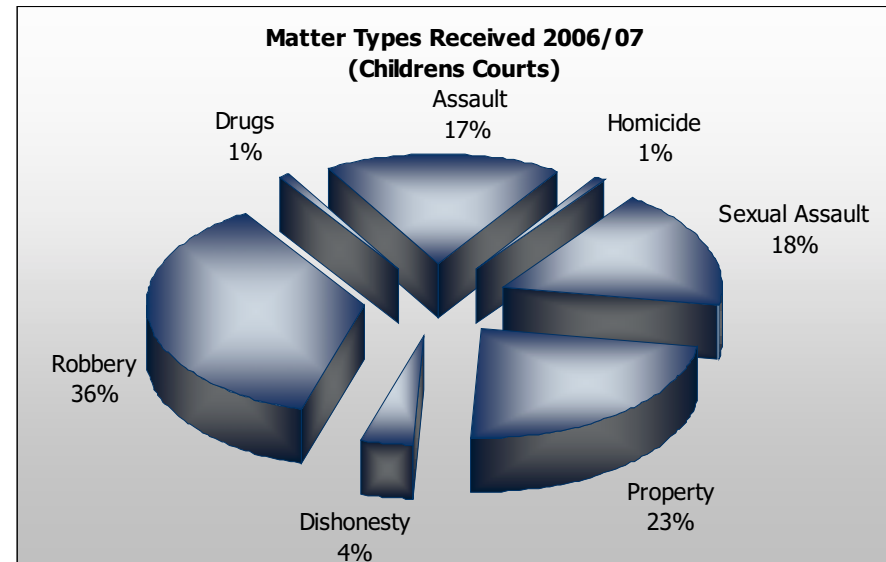
Children's Court – President's Court	2003/04	2004/05	2005/06	2006/07
Plea of Guilty	175	147	210	216
Plea of Not Guilty	149	105	118	142
PRESIDENT'S COURT TOTAL CASES	324	252	328	358

T5: Children's Court cases received from 2003/04 to 2006/07

Graphs G8 and G9 show the breakdown of the matter types of the cases received by this Office for hearings before the President of the Children's Court during the 2005/06 and 2006/07 reporting periods. The 2005/06 graph is shown for comparative purposes¹.



G8: Children's Court Matter Types received 2005/06
(This graph has been updated since the publication of the 2005/06 Annual Report)



G9: Children's Court Matter Types received 2006/07

Children's Court Trials – President's Court

Where an accused in the Children's Court pleads not guilty to a serious offence, the case will proceed to a trial hearing before the President of the Children's Court. The same process applies to trials in the Children's Court as per the District or Supreme Court trial, with the exception that there is no jury involvement. Table T6 shows the number of trials and their associated outcomes for the past four years.

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

T6 (Above): Children's Court Trials outcomes from 2003/04 to 2006/07

¹ 2005/06 data amended following the discovery of errors in matter type coding and data entry for cases received during the 2005/06 financial year.

Appeals

As reported last year, the ODPP has undertaken a review of the collection and analysis of appeals statistics. Due to the inability of the existing case management system to accommodate comprehensive data capture relating to appeals, the Office will delay the reporting of appeals outcomes until the new case management system is implemented. For further information on the new case management system please refer to the section on [Projects](#).

Single Judge Appeals

Single Judge Appeals (refer [Appeals, page 13](#)) are one of three types of appeals managed by the ODPP. Appeals of this type arise from cases prosecuted exclusively in the Magistrates Court and as such are 'new' files to the ODPP. Table T7 is a breakdown of the number and types of Single Judge Appeals received over the past four years.

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

T7: Single Judge Appeals cases from 2003/04 to 2006/07

Court of Appeal

Court of Appeal cases arise from matters the ODPP has previously prosecuted in the District or Supreme Courts. Table T8 shows the number of types of Court of Appeal cases the ODPP has received over the past four years.

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

T8: Court of Appeals cases from 2003/04 to 2006/07

High Court Appeals

High Court Appeals arise from cases heard in the Court of Appeal where the appellant applies for leave to appeal a decision made by the Court of Appeal. Table T9 summarises the number of types of Court of Appeal cases the ODPP has received over the past four years.

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

T9: High Court Appeals from 2003/04 to 2006/07

Confiscation Practice

For further information on the role of the Confiscation Practice – please refer to page 14, [Confiscation Practice](#).

Proceeds of Crime

Freezing Notices and Freezing Orders are the mechanism by which some or all of the property of a person subject to criminal investigation or criminal proceedings is prevented from being disposed of. The Police have power under the *Criminal Property Confiscation Act 2000* to obtain Freezing Notices from Magistrates or Justices of the Peace, and the Director of Public Prosecutions has the power to obtain Freezing Orders from the superior courts. In the reporting period a total of 116 Freezing Notices and 5 Freezing Orders were obtained. A comparative table showing the number of Freezing Notices and Orders obtained since 2000/01 appears below. It should be noted that in certain circumstances multiple Freezing Notices may be issued for one person, which accounts for some of the variations between reporting periods.

Freezing Notices & Orders – Obtained	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Notice	41	115	58	68	133	151	116
Order	2	9	7	6	0	3	5
TOTAL	43	124	65	74	133	154	121

T10: Freezing Notices and Freezing Orders obtained since the commencement of the Confiscations Act

Individuals who claim an interest in property that has been frozen following a Freezing Notice or Order are entitled to object to the confiscation of that property. The *Confiscation Act* provides that these objections must be received within a specified time frame, usually within 28 days of serving the Freezing Order or Notice. 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 person whose property has been frozen. The majority of objections assert an interest in property registered in the name of declared drug traffickers (mortgagee, spouse, other beneficial interest). A single Freezing Notice or Order may give rise to multiple objections.

Table T11 shows the number of objections arising from Freezing Orders and Freezing Notices, as well as the subsequent outcomes for all notices and orders since the commencement of the *Confiscations Act*.

Freezing Notices & Orders - Outcomes	Total issued	Total finalised	Number cancelled	Number leading to confiscation	Number of objections received	Objections dismissed	Objections successful
Freezing Notice	682	375	107	223	1010	194	236
Freezing Order	32	16	0	14	67	24	9

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

A total of 173¹ objections were finalised this reporting period, resulting in 80 objections being dismissed and 93 succeeding. Table T12 shows the breakdown of objections received and the outcomes of finalised objections for the past four years.

Objections	2003/04	2004/05	2005/06	2006/07
<i>Objections received in the period</i>	<i>143</i>	<i>159</i>	<i>256</i>	<i>134</i>
Objections dismissed in the period	27	40	29	80
Objections successful in the period	31	46	39	93
Total Objections finalised for the period²	58	86	69	173

T12: Number of objections to Freezing Orders and Freezing Notices received and finalised from 2003/04 to 2006/07

¹ 160 for Freezing Notices and 13 for Freezing Orders.

² This may include objections finalised for Freezing Notices issued prior to this reporting year.

A significant proportion of confiscated property arises from the conviction of an accused person and the subsequent declaration that they are a drug trafficker, therefore the number of confiscations proceedings commenced is directly related to the number of people who have been declared drug traffickers.

Upon declaration that a convicted person is a drug trafficker, all property belonging to that person is confiscated to the state. While many individuals declared as drug traffickers have no assets, proceedings have been commenced against a number of declared drug traffickers during 2006/07. During 2006/07, 60 people were declared drug traffickers. It should be noted that formal confiscation may not necessarily occur within the same reporting year as a declaration that a person is a drug trafficker.

The proceeds of confiscated assets are paid into the Confiscation Proceeds Account and the Attorney General has the power to make grants from the account for a range of purposes. In 2006/07 a total of \$2,708,766 was paid into the Confiscation Proceeds Account from the property of declared drug traffickers.

Drug Traffickers	2003/04	2004/05	2005/06	2006/07
Declarations made	71	53	76	60
Amount paid into account	\$719,815	\$1,830,527	\$1,224,694	\$2,708,766
% variation to previous year	-	+154%	-33%	121%

T13: Drug Trafficker Declarations and money paid into Confiscations Proceeds Account from 2003/04 to 2006/07

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

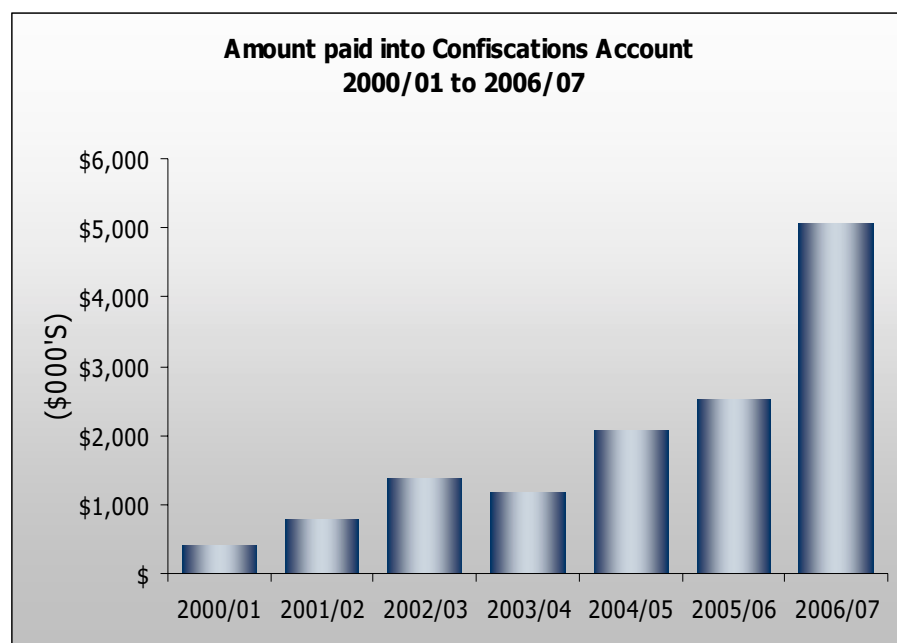
Applications for confiscation	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	Total made	Total finalised	No. leading to confiscation
Unexplained Wealth Declaration	8	4	3	2	0	0	0	17	12	10
Criminal Benefits Declaration	2	2	2	4	0	1	0	11	6	6
Crime Used Property Substitution Declaration	0	1	2	1	0	0	2	6	3	2
TOTAL	10	7	7	7	0	1	2	34	21	18

T14: Number and types of applications made since the commencement of the *Confiscation Act*

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

Finalised proceedings	2000/ 01	2001/ 02	2002/ 03	2003/ 04	2004/ 05	2005/ 06	2006/ 07	Total Made
On grounds of declared Drug Trafficker	0	9	19	17	25	32	60	162
On grounds of Crime-Used or Crime-Derived	1	16	3	2	7	9	16	54
On grounds of Crime Used Property Substitution	0	0	1	0	1	0	0	2
On grounds of Unexplained Wealth	0	0	0	1	1	3	0	5
Criminal Benefits	0	0	0	0	1	0	1	2
Examination Order	0	0	0	0	0	0	1	1
Total Declarations	1	25	23	20	35	44	78	226

T15: Proceedings finalised where a declaration of confiscation made from 2000/01 to 2006/07



Graph G10 shows the total amount arising from all confiscations, paid into the Confiscation Proceeds Account, since January 2001.

G10 (Left): Amount paid into Confiscations account from 2000/01 to 2006/07

T16 (Below): Dollar amounts paid into Confiscations Proceeds Account from 2000/01 to 2006/07 (Ref Graph 10)

Period	Amount
2000/01	\$417,074
2001/02	\$779,533
2002/03	\$1,388,500
2003/04	\$1,170,275
2004/05	\$2,091,774
2005/06	\$2,524,917
2006/07	\$5,070,596

Misuse of Drugs Act

During 2006/07, the ODPP managed a number of matters pursuant to the *Misuse of Drugs Act 1981* (Misuse of Drugs Act) which resulted in revenue of \$313,812 being paid into the State's Consolidated Fund. The following table shows the number of applications recorded, and revenue derived from applications under the *Misuse of Drugs Act* and the *Crimes (Confiscation of Profits) Act 1988* in recent years. There has been a decline in the number of applications and monies forfeited pursuant to these Acts since 2000/01 as a result of applications now being made under the *Criminal Property Confiscation Act 2000*.

Misuse of Drugs Act	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
No. Of Applications	39	49	39	41	70	46
Paid to Revenue	\$343,522	\$184,787	\$100,498	\$247,073	\$326,115	\$313,812
% variation	+21%	-46%	-46%	+146%	+32%	-4%

T17: Number of applications recorded and amount paid to revenue over the last 6 years



The new ODPP Reception on Level 1 of International House

Projects

Costing & Workflow Project

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

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

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

The majority of the additional funding was directed towards increased numbers of legal and paralegal resources, with a number of key positions also filled within the corporate services area to strengthen the corporate governance processes of the Office and provide better support for prosecutorial and confiscations functions.

Achieving the full measure of improvement to service delivery that was anticipated in the CWP business case has been reliant upon both adequate recruitment at key levels and the implementation of the key reforms. Recruitment began almost immediately after the funding increase was announced, with a large number of lawyers and paralegals commencing in February 2006. While significant shortfalls existed at some of the more senior legal levels at that time, recruitment initiatives since then have been successful in addressing a large percentage of these shortfalls.

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

In the past year the Office has shown improvements in performance across a number of areas, and in February 2007 a review was initiated by the Director to assess the overall effectiveness of the implementation of the CWP reforms to date.

Review of Costing and Workflow Implementation 2007

A thorough review of all aspects of the CWP implementation was undertaken in February 2007 by Dr Gordon Robertson PhD PSM. The review was initiated by the Director to assess the progress the ODPP had made implementing the reform program and achieving the outcomes envisaged, and to report on areas where implementation had not been satisfactory, or performance had not improved, and to recommend further changes to processes, structures and relationship management strategies that would assist the Office in implementing the reforms.

This report identified that significant improvements had been made in specific areas, including an improved level of timely indictment filing, effective budget management, a reduction in the number of trials that are adjourned to further trial listings, and a considerable decrease in the number of trials briefed to external counsel.

The report also recognised the need for the Office to develop a process of continuous improvement by evaluating the effectiveness of case outcomes from ODPP prosecution activities in a systematic way, to identify and build upon strengths and address systemic weaknesses in overall case management.

The full list of recommendations from Dr Robertson's report has been reviewed by the Corporate Executive and the Office is in the process of developing a program for implementing these reforms.



Strategic Information Management Needs of the Office

As part of the 2005 budget increase, Treasury approved funding for a project to be undertaken in the 2006/07 financial year to review the long term strategic information and technology needs of the Office and develop a Strategic Information Management and Technology Plan (SIMTP). The project scope included a review of the existing case management system in terms of its ability to meet the long term needs of the organisation, and a review of the function and structure of the Records Management section. Due to time constraints both of these key areas had been excluded from the scope of the Costing and Workflow Project in 2005.

To this end the IT & Records Review Project commenced at the end of June 2006. The Project brief included an examination of all information management requirements of the Office, all records management needs and issues, determination of the

feasibility of a suitable automated case management system model, and examination of opportunities for increased collaboration with the ODPP's key stakeholders.

Following completion of the review stage of the Project, a holistic solution was developed to address the core issues identified by the review. A thorough assessment of all initiatives in terms of alignment with broader Government strategies and internal strategic goals was undertaken, with the recommended solution being closely aligned to these strategies.

This solution consists primarily of the following initiatives:

- Replace the existing Case Management System with the CASES Case Management System currently utilised by the NSW ODPP; and
- Equip the Office with fully electronic document management capabilities by:
 - a) upgrading TRIM licenses to enable all staff to access documents stored online;
 - b) purchasing scanning equipment and software to electronically capture all documentation; and
 - c) integrating this system with the new CASES system.

Capital funding for these initiatives was approved in December 2006, with implementation of the new systems planned to commence early in the 2007/08 financial year. Preparation for the implementation of CASES is already underway, with preliminary data cleansing work commencing in March 2007 to ensure that historical data is clean and ready for transfer to the new system. Full implementation of the new system is expected to be completed early in 2008.

The SIMTP was developed in consideration of the future needs of the business and its key business objectives and represents the proposed IT themes until 2008. The plan extends for two years only due to the number of issues and tasks required immediately to address the risks the ODPP face.

To ensure the effective implementation of the SIMTP and the new software systems, a Manager Information Technology has been appointed to the ODPP. The Records team has also been restructured and has increased in number to ensure effective management of the fully electronic document management system.

In focussing on whole of government outcomes the new system will give the Office the capacity to share information electronically with other justice agencies such as Police, Courts, and forensic analysis providers. In support for this initiative, the Office has already commenced a collaborative process involving PathWest, Police, the Chemistry Centre, the Magistrates and District Courts with a view to proactively facilitating an improved level of information sharing where creative alternatives are developed to overcome the limitations of some of the existing data systems.

Corporate Services Report

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

To that end, the ODPP structure remains effectively based on the core business of the Office, however it has been considerably strengthened through the significant increase in staff and a greater emphasis on performance management and leadership. The ODPP is comprised of five legal teams (three Trial Teams, a Confiscations Team and a combined Children's Court, Drug Court and Sentencing Team), which report to the Director Legal Services; a Corporate Services Division and a policy section. Four Consultant State Prosecutors report directly to the Director Legal Services and one SC¹ Consultant State Prosecutor reports directly to the DPP.

The Director of Public Prosecutions, Director Legal Services, Director Corporate Services and the five Consultant State Prosecutors form the Corporate Executive of the ODPP.

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

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

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

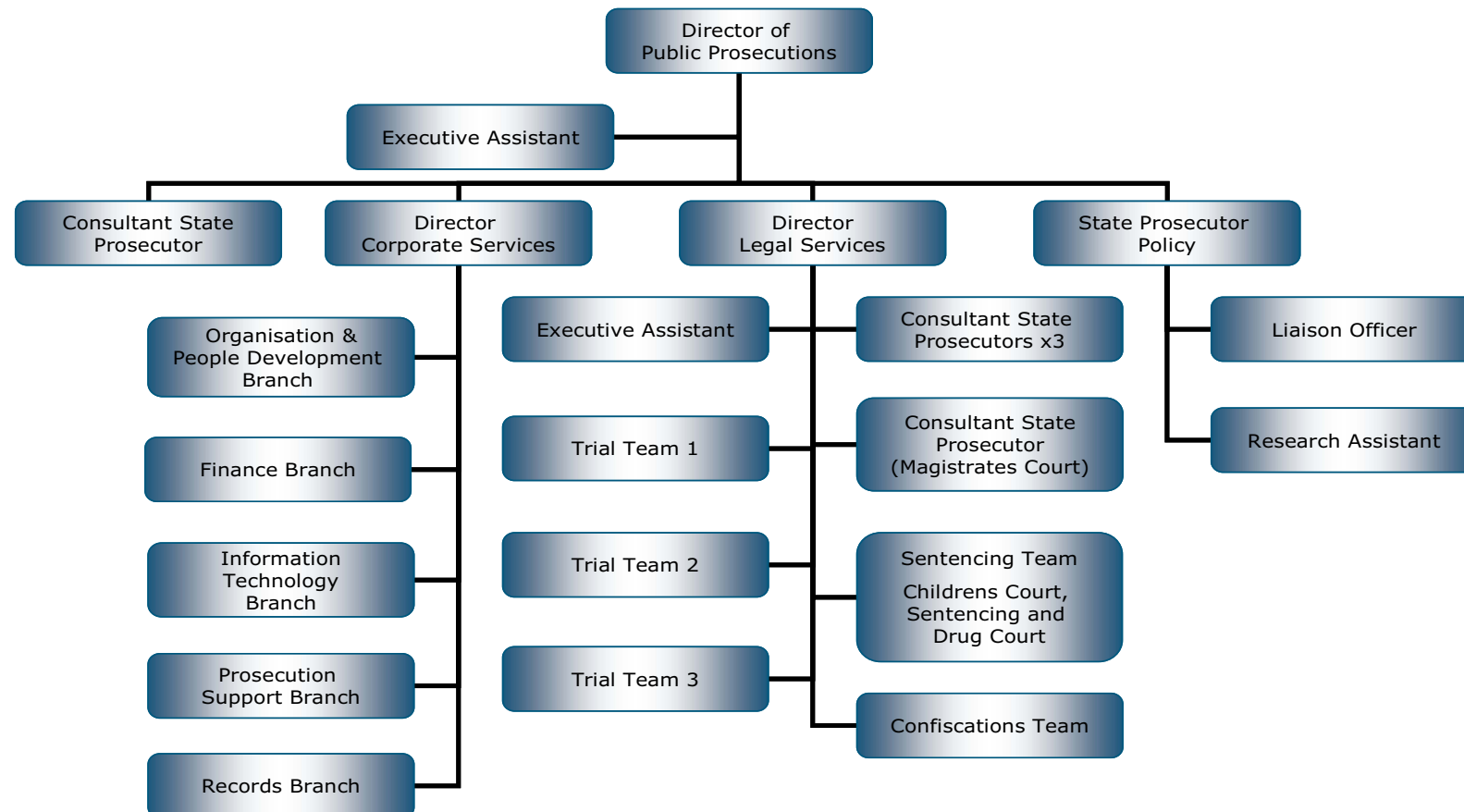
Consultant State Prosecutors: reporting directly to the Director of Public Prosecution and Director Legal Services, these are the most experienced Prosecutors in the Office and are given conduct of the most complex legal matters. They are authorised to approve substantive discontinuances (whole case)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

¹ Senior Counsel, formerly known as Queens Counsel

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

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

ODPP WESTERN AUSTRALIA - ORGANISATION CHART 2007



Employment Statistics

As at 30 June 2007 the ODPP comprised of:

233 Staff (head count) or 205.95 (full-time equivalent)

Table T18 provides a breakdown of the composition of the workforce based on **headcount** as at 30 June 2007;

<i>All staff</i>	<i>Legal Practice</i>			<i>Corporate Support</i>			<i>TOTAL</i>			<i>%</i>
<i>Position</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	
Lawyers	109	56	53				109	56	52	47%
Legal ¹ /Corporate Support	79	22	57	44	20	24	123	42	81	53%
TOTAL	188	78	110	44	20	24	232	98	143	100%
Percentages (Of Total)	81%			19%			100%	42%	58%	

Key: T = Total M = Male F = Female

T18: Breakdown of Staff Composition as at 30 June 2007

Policy and Legislative Reform

A review of the corporate committees resulted in the restructuring of the Legal Policy Committee to better meet its purpose in formulating policy and legislative reform.

Ongoing Liaison

Officers continue to meet on a regular basis with various agencies that the ODPP works jointly with, including the Child Witnesses Service, the Victim Support Service and the Child Witness Unit, as well as officers from the Department of the

¹ Legal Support includes paralegals, secretaries and clerical staff.

Attorney General, to resolve immediate issues with the application of practical solutions, as well as longer term issues with policy development, all of which contribute to the better working of the criminal justice system.

Submissions to the Law Reform Commission of Western Australia

In the past year, the Legal Policy Committee contributed a substantial submission to the Western Australian Law Reform Commission's Project No. 94 on Aboriginal Customary Laws, and the current Project No. 97, Review of the Law of Homicide.

Aboriginal Benchbook

ODPP legal policy officers, in co-operation with Aboriginal Legal Services, have and continue to assist in an update and review of the Aboriginal Benchbook for Western Australian Courts, originally authored in 2001.

Visual recording of evidence of children regarding abuse

The ODPP has been assisting in the development of visual recordings of children who have been abused or have witnessed abuse, to help reduce the secondary victimisation caused by their dealings with the criminal justice system.

This has included assisting with training regarding the taking of such recordings.

The Criminal Law and Evidence Amendment Bill 2006

The ODPP continued to play a vital role in the Government's 2005-2008 Legislative Reform Agenda to improve the criminal justice system.

The *Criminal Law and Evidence Amendment Bill 2006* contains the largest set of reforms to the criminal law in recent years, and is expected to pass into law later this year. On 21 March 2007, the Bill was referred to the Standing Committee on Legislation for inquiry and report. The Director is the instructor on the Bill, and appeared before the Standing Committee on 18 April 2007 to advance the reforms contained in the Bill. The Committee's report will be tabled on 30 August 2007.

Significant achievements in the Bill include a right of appeal by the prosecution against acquittals in trials before juries, the introduction of new provisions to allow for the evidence of mentally impaired witnesses, and improvements in the law relating to assaults against police officers and sexual assaults against children.

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

The Inquiry's terms of reference are to inquire into and report on the decisions made in the past five years by the ODPP not to proceed with prosecutions in relation to assaults or sexual offences. The terms of reference were amended on 15 May 2007 to include the adequacy of support services for victims.

The ODPP has actively assisted the Inquiry by providing relevant files and statistics to the Committee as well as attending to give evidence and making a submission. The *Review of Service to the Victims of Crimes and Crown Witnesses Provided by the Office of the Director of Public Prosecutions* (Keating Report, 2001) was updated in the ODPP's submission on the amended terms of reference. The submission recommends initiatives to address the negative impact of court processes on complainants.

The reporting date for the Inquiry is 29 November 2007.



REPORT ON GOVERNMENT POLICIES

(Better Planning Better Futures)

Goal 1: People and Communities

1.1 Disability Access and Inclusion Plan

In consultation with key stakeholders the ODPP undertook a review to identify areas for improvement that will ensure people with disabilities have equal access to its facilities, information and services. The review and consultation found that there were a number of issues that need to be addressed, particularly with regards to access to information, access to the building and awareness amongst staff on access and inclusion strategies. The identification of these issues has underpinned the development of the *Disability Access and Inclusion Plan (DAIP) 2007-2012*, in particular the setting and prioritisation of 23 strategies in the DAIP Implementation Plan aligned to the achievement of the six desired DAIP outcomes. Priorities for 2007-2008 include:

- Establish a governance framework to implement, monitor and review the DAIP.
- Establish procedures for the conducting of public events, public consultation and engaging contractors/agents.
- Inform staff of disability and access issues, accessible information needs and how to obtain and/or provide information in alternative formats and generally how to provide a good service to people with disabilities.
- Improve identified internal and external building access issues and signage.
- Review and, where necessary, revise ODPP publications and correspondence with witnesses and victims to make them as accessible as possible, e.g. using clear and concise language and making them accessible in alternative formats upon request.
- Review and, where necessary, develop policies and procedures for improving the initial contact and follow up with witnesses and victims that have a disability to ensure a quality outcome.
- Revise the ODPP website to meet contemporary good practice.
- Review and, where necessary, revise the process for making complaints to ensure it is accessible to people with disabilities, including improving staff knowledge so they can facilitate the receipt of complaints from people with a disability.

Significant progress has occurred with regards to revising ODPP pamphlets that explain the prosecution process to ensure they are accessible. It is anticipated that the revised pamphlets will be published in September 2007.

1.2 Substantive Equality

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

Goal 2: The Economy

2.1 Financial Matters

2.1.1 Salaries

Table T19 shows the breakdown and classification of staff members and salaries within the ODPP.

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

T19 (Right): Breakdown of staff per level (by head count) as at 30 June 2007

ODPP STAFF PER LEVEL 2006/07 (HEAD COUNT)					
<i>Classification</i>	<i>Occupational</i>	<i>Salary</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
<i>Level</i>	<i>Group</i>	<i>(\$ per annum)</i>			
Trainee	Administrative	12,102	2	0	2
Level 1	Clerical / Administrative	16,694 - 40,609	11	9	20
Level 2	Administrative	42,017 - 46,686	28	10	38
Level 2/4	Legal	54,509 - 62,683	3	2	5
Level 3	Paralegal / Administrative	48,409 - 52,260	32	11	43
Level 4	Administrative	54,510 - 57,609	6	3	9
Level 4/5	Legal	60,605 - 72, 976	13	6	19
Level 5	Coordinator	60,638 - 67,017	1	4	5
Level 6	Managerial	70,564 - 78,138	1	2	3
Level 6/7	Legal	82,225 - 88,130	15	10	25
Level 7	Managerial	82,227 - 88,131	0	2	2
Level 7/8	Legal	93,131 - 110,450	8	7	15
Level 8	Managerial	99,131 - 101,155	1	0	1
Level 9 (SES)	Managerial	106,702 - 114,723	0	1	1
Class 1	Legal	121,188	7	11	18
Class 3	Legal	134,113 - 150,784	7	10	17
Class 4	Legal	158,653	0	2	2
Salaries & Allowances Tribunal	Executive / Legal	> 160,000	0	7	7
TOTAL	-	-	135	97	232

2.1.2 Brief Out Expenditure

The following table shows the pattern of expenditure for external briefing of matters. 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. With the recruitment of a significant number of new prosecutors since February 2006, the internal resourcing situation has improved, and the number of court appearances briefed out has reduced from 42% of trials briefed in the 2004/05 period to 17% in the 2006/07 period, with a consequential reduction in expenditure as shown in the Table 20 below.

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

T20: Brief Out Expenditure from 2001/02 to 2006/07

For further information refer to the section in the Report on Operations entitled [Brief Out](#) on page 21.

Goal 3: The Environment

3.1 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 the Office continues to engage the services of Security Shredding Services to remove and recycle confidential and non-confidential documentation. Collection occurs on a regular basis, generally every 2-3 weeks, for the recycling stations located across all nine floors of the Office.

3.2 Energy Smart Initiative

In April 2007 the ODPP's head Office relocated from Westralia Square to International House. This now places the Office in close proximity to the Perth Central Law Courts and the new CBD Courts building.

Since moving to the new building the Office has implemented new energy saving initiatives to assist in the reduction of energy consumption. These initiatives include:

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

Energy consumption figures for the 2006/07 reporting period are not available at this time.

Goal 4: The Regions

4.1 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 ODPP to prepare matters for trial. New procedures for dealing with regional trials were developed in light of the information received through this consultation process and these are now standard operating procedure for the ODPP in Kalgoorlie and other major regional centres.

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

The ODPP recognised that the Office needed to make improvements in this area. The ODPP does not have regional Offices and conducts all trial preparation from Perth. Procedural changes have addressed certain issues and following the successful continuation of the Kalgoorlie Project, some of those changes have been rolled out into all regional centres where the ODPP conducts its matters.

Goal 5: Governance

5.1 Record Keeping Plan

The State Records Commission Standard 2 – Record Keeping Plans, Principle 6 – Compliance requires the Department includes within its annual report an appropriate section that addresses the following points:

State Records Commission Requirement		ODPP Compliance
1	The efficiency and effectiveness of the organisation's record-keeping systems are evaluated not less than once every five years.	The ODPP is undertaking a comprehensive revision of its record-keeping practices; paying particular attention to a number of compliance issues.
2	The organisation conducts a record-keeping training program.	During 2006-2007 record-keeping information was provided to ODPP staff by way of internal newsletters, email and information sessions. An on-line records training and awareness package has been developed by the Department of the Attorney General. The ODPP will also use this training package for its staff in 2007/08.
3	The efficiency and effectiveness of the record-keeping training program are reviewed from time to time.	The record keeping training programme once implemented will be reviewed periodically to ensure that it reflects current operational and administrative practices and processes.
4	The organisation's induction program addresses employees' roles and responsibilities with regard to their compliance with the organisation's record-keeping plan.	The on-line records training and awareness package will be compulsory for all new staff once implemented. Existing induction documentation will be reviewed in 2007/08 to ensure appropriate references to employees' roles and responsibilities in regard to their compliance with the ODPP's Record Keeping Plan.

T21: ODPP Record Keeping Plan – Compliance Update 2006/07

5.2 Advertising (Electoral Act)

Section 175ZE of the *Electoral Act 1907* requires public sector agencies to publish details of all expenditure incurred in 2006/07 on advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies. Other than expenditure associated with the advertisement of staff positions, the ODPP did not incur any expenditure in the above areas in this reporting period.

5.3 Sustainability

In accordance with Premier's Circular 2004/14, Non-SES agencies are not required to report on this initiative. The ODPP is not an SES agency¹ and therefore is not required to report on this initiative.

5.4 Equal Employment Opportunities

The *ODPP Equal Employment Opportunity Management Plan 2006-2009* outlines 16 initiatives to facilitate the development of a high performing organisation that is people focussed and embraces workplace diversity.

As at 30th June 2007 the ODPP's equity index and representation are as follows:

Target Areas	% Actual Representation	Equity Index ²	2007 Objective (%)	% Above or below the objective
Women in Tier 2 and 3 combined (management levels)	27.3	75	33.0	-5.7
People from Diverse backgrounds	6.2	112	8.0	-1.8
Indigenous Australians	2.4	*	4.0	-1.6
People with Disabilities	0.0	*	1.0	-1.0
Youth	10.0	N/A	11.0	-1.0

T22: Equal Employment Opportunity – Equity Index and Representation 2006/07

* A meaningful Equity Index can not be calculated for a diversity group with less than 10 individuals.

The ODPP's key equal employment opportunity initiatives implemented in 2006/07 are outlined below:

1. Assessed the current state of the ODPP's work environment and culture by implementing the OPSSC Climate Survey. The results identified areas of strengths and weaknesses within the ODPP and priority areas for improvement which have assisted in informing the development of an Organisation and People Development Plan.

¹ SES Agencies are listed in column 2 of Schedule 2 of the *Public Sector Management Act 1994*.

² The Equity Index measures the extent to which staff from EEO groups are distributed evenly through the salary levels of the organisation. For a full description refer to the Annual Reports of the Director of Equal Opportunity in Public Employment (DEOPE), available at www.oeeo.wa.gov.au

2. Used disability employment agencies to ensure people with disabilities are included in applicant pools.
3. Developed and implemented a *Filling Temporary Vacancies Policy* resulting in improved understanding of how to fill temporary vacancies in accordance with relevant legislation and the Public Sector Standards.
4. Surveyed staff to determine the level of awareness about the access requirements of people with disabilities. Although the survey was intended to identify the level of staff awareness, the process of surveying staff raised the level of awareness of access issues and alternative formats for the provision of information to people with disabilities.

The following opportunities have been identified for attention in the year ahead:

- Establish expected standards of behaviour by developing and implementing an *Ethical Conduct / Fair Treatment Policy* which incorporates the ODPP's position on equity and diversity, harassment, bullying, ethics.
- Conduct diversity and cultural awareness training for all employees to ensure staff are sensitive to the needs of employees and clients from various EEO groups.
- Prepare and publish workforce management information so that it is readily accessible to all staff via the ODPP Intranet.
- Revise the Grievance Resolution Policy (Issue Management) and align with the Ethical Conduct / Fair Treatment Policy.
- Develop and implement a *Flexible Working Arrangements Policy & Guidelines*, which includes part-time arrangements, working from home.
- Review the Prosecutor Rotation Policy and ensure it facilitates equal access to developmental and promotional opportunities.
- Conduct bias free selection methodologies training for managers as a strategy for recruiting EEO group members and put in place systems to ensure all panels comprise at least one person (the Chair) with relevant training.
- Review the State Prosecutor Job Description Forms, particularly the work related requirements to ensure they are not unintentionally excluding EEO group members.
- Survey staff to ensure members of EEO groups have been accurately captured.

The ODPP is also committed to increasing briefing opportunities for external female counsel as outlined in the national 'Model Equal Opportunity Briefing Policy for Female barristers and Advocates'. The following table shows the ODPP's current briefing position in regards to external briefing counsel.

Equal Employment Opportunity (Brief Out)	% of Staff
Total counsel at Independent Bar	72
ODPP Brief Out Counsel List	31
ODPP Brief Out Counsel List – # Women	6
ODPP Brief Out Counsel List – % Women	19.3%

T23: Equal Employment Opportunity – Brief Out Counsel Representation 2006/07

5.5 Compliance with Public Sector Standards and Ethical Codes

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

There was one claim of breach of the Recruitment, Selection and Appointment Standard, however the claimant withdrew the claim within 15 working days after lodgement of the claim on receiving further information regarding the selection process.

Significant action taken to monitor and ensure compliance included:

- conducted the OPSSC Climate Survey in December 2006;
- developed a Workforce Development Plan that will address issues identified in the Climate Survey;
- conducted Conflict of Interest Workshops in June 2007; and
- displayed the new Code of Ethics posters in prominent places.

5.6 Corruption Prevention

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

- arranging conflict of interest workshops for ODPP staff at all levels, (two have already been delivered by the Corruption and Crime Commission);
- reiterating with ODPP staff, existing policies relating to acceptable use of communication and technology services, including appropriate use of Internet and email resources;
- completing the *Strategic Information Management and Technology Plan 2006-2008*, which sets out strategies to improve the administration and security of confidential or sensitive information within the agency; and
- currently undertaking a review of ODPP Risk Management policies and Risk Assessment procedures (incorporating corruption prevention) throughout the agency, from which further corruption prevention strategies will be identified and implemented.



INTRODUCTION TO KEY PERFORMANCE INDICATORS

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

Mission

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

Outputs

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

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

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

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

Representing the State in criminal proceedings places obligations on prosecutors to adhere to legal principles and published guidelines issued under Section 24 of the *Director of Public Prosecutions Act, 1991*. To prosecute fairly is to prosecute according to law and in accordance with the ODPP's published Statement of Prosecution Policy and Guidelines¹ which

¹ Available on the ODPP website: www.dpp.wa.gov.au via the Publications link

amplifies the relevant legal principles. Those principles are fundamental to our criminal justice system, are of universal application and govern matters on which the State is accountable to the Accused person and the court.

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

The following four key performance indicators were developed to reflect the performance of the ODPP in meeting its outcome of providing the state with a fair and independent criminal prosecution service. Over the course of the 2007/08 financial year these performance indicators will be revised and it is envisaged that a number of additional indicators will be included in next year's Annual Report.

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 *Criminal Property Confiscation Act 2000*.

Independent Audit Opinion

See Page 50

Statement of Certification for Key Performance Indicators

See Page 52

Key Performance Indicators

See Page 53

Financial Statements

See Page 59



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS
FOR THE YEAR ENDED 30 JUNE 2007**

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

The financial statements comprise the Balance Sheet as at 30 June 2007, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

Director of Public Prosecutions' Responsibility for the Financial Statements and Key Performance Indicators

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

Summary of my Role

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

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

Office of the Director of Public Prosecutions
Financial Statements and Key Performance Indicators for the year ended 30 June 2007

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Office of the Director of Public Prosecutions at 30 June 2007 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Office provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Office are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the year ended 30 June 2007.



COLIN MURPHY
AUDITOR GENERAL
17 September 2007



KEY PERFORMANCE INDICATORS

STATEMENT OF CERTIFICATION

I hereby certify that the Performance Indicators are based on proper records and fairly represent the performance of the Office of the Director of Public Prosecutions for the year ending 30 June 2007.

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

Robert Cock QC
DIRECTOR OF PUBLIC PROSECUTIONS
ACCOUNTABLE OFFICER

DATE: 7 September 2007

Service 1 – Criminal Prosecutions

Indicator No. 1 Establishing a Case to Answer

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

Explanatory Note

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

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

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

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

Performance Outcome 2006/2007

In 2006/07 the Court listed 1236 trials, 579 of which proceeded. Of these 569 proceeded trials, the ODPP demonstrated a case to answer in respect of 572 trials (98.8%).

Trends Over Time

Previous measurement of this indicator was achieved using individual accused results. In order to accurately reflect the ODPP's performance in this and subsequent indicators, measurement has been changed to consider the outcome in respect of the overall case.

Performance in this indicator has consistently achieved the target set.

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

[¹ The estimate from the 2006/2007 Budget Statements was 98%].

Service 1 – Criminal Prosecutions

Indicator No. 2 Convictions After Trial

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

Explanatory Note

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

Note that this indicator measures the result after an accused person has put the State to proof in a criminal trial, and as such does not include the large number of cases where the accused has pleaded guilty 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 2006/2007

Of the 579 trials which proceeded in the District or Supreme Court in 2006/2007, 279 trials resulted in a conviction against one or more accused, for one or more charges brought against them.

Trends Over Time

Prior to 2005/06, the method for calculating the percentage for this performance indicator was determined by dividing the number of accused whose trial resulted in a conviction, by the total number of accused whose trial proceeded.

It was determined that this method of calculation did not accurately reflect the percentage of cases where the ODPP had secured a conviction after trial.

The figures for 2004/2005 have been recalculated on a case basis to comply with the new method of calculation, as shown in the table below.

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

Service 1 – Criminal Prosecutions

Indicator No. 3 Early Advice to Court on Charges

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

Explanatory Note

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

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

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

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

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

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

Performance Outcome 2006/2007

In 53% of prosecutions, the indictment or the notice of discontinuance was filed with the court at least 5 working days prior to the first appearance of the case. Including cases filed less than 5 working days before the first appearance, the ODPP filed an indictment or notice of discontinuance before the first appearance of the case in 72.6% of matters.

Trends Over Time

Year	Early Advice
2006/2007	53.0%
2005/2006	43.8%
2004/2005	40.6%

Service 1 – Criminal Prosecutions

Indicator No 4 Cost per Prosecution

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

Explanatory Note

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

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

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

Performance Outcome 2006/2007

With the above qualifications, the average cost per criminal prosecution in 2006/2007 was approximately \$10,931.

Trends Over Time

The outcome for 2006/2007 is consistent with previous years as illustrated by the following table.

Year	Cost Per Matter
2006/2007	\$10,931 ¹
2005/2006	\$8,531
2004/2005	\$6,543

[¹ The estimate from the 2006/2007 Budget Statements was \$9,400]

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

The ODPP determines through objective and professional assessment whether there is 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 2006/07

There were 5 applications made for freezing orders in the 2006/07 period, all of which were successful.

Trends Over Time

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

The outcome for 2006/07 is consistent with previous reporting years as is illustrated in the following table.

Year	Successful Applications for Freezing Orders
2006/2007	100% ¹
2005/2006	100%
2004/2005	N/A (Nil applications)

[¹ The estimate from the 2006/07 Budget Statements was 95%]

Service 2 – Confiscation of Assets

Indicator No 2 Cost per Matter

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

Explanatory Note

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

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

Performance Outcome 2006/07

With the above qualification, the average cost per matter in 2006/07 was \$2,599.

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 was considered that this method of calculation did not recognise the number of objections received and on hand which give rise to much of the daily workflow practices of the section.

For the 2005/06 Annual Report the calculation was changed to use the number of current objections as at June 30 as the number of matters for this KPI calculation. All the figures shown below have been calculated according to this method.

Year	Cost per Matter
2006/2007	\$2,599 ¹
2005/2006	\$2,538
2004/2005	\$2,494

[¹ The estimate from the 2006/07 Budget Statements was \$10,082]

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Income Statement

for the year ended 30 June 2007

	Note	2007 \$	2006 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	18,094,063	14,068,737
Supplies and services	7	2,929,352	3,251,854
Depreciation expense	8	220,779	192,238
Accommodation expenses	9	2,707,194	1,401,423
Loss on disposal of non-current assets	11	207,811	12,326
Other expenses	10	2,249,125	1,834,418
Total cost of services		<u>26,408,324</u>	<u>20,760,996</u>
Income			
Revenue			
Other revenue	12	159,432	85,217
Total income other than income from State Government		<u>159,432</u>	<u>85,217</u>
NET COST OF SERVICES		<u>26,248,892</u>	<u>20,675,779</u>
INCOME FROM STATE GOVERNMENT			
Service Appropriation	13	22,566,000	18,225,000
Contribution from Confiscation Proceeds Account		1,618,811	1,529,000
Liabilities assumed by the Treasurer		177,184	13,643
Resources received free of charge		928,213	944,328
Total income from State Government		<u>25,290,208</u>	<u>20,711,971</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		(958,684)	36,192

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Balance Sheet*as at 30 June 2007*

	Note	2007 \$	2006 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23(a)	2,313,379	1,759,867
Receivables	15	287,347	90,602
Amounts receivable for services	16	1,470,000	148,000
Other current assets	17	5,507	9,361
Total Current Assets		<u>4,076,233</u>	<u>2,007,830</u>
Non-Current Assets			
Restricted cash and cash equivalents	14	119,000	39,000
Amounts receivable for services	16	-	1,237,000
Property, plant and equipment	18	5,215,951	839,556
Total Non-Current Assets		<u>5,334,951</u>	<u>2,115,556</u>
TOTAL ASSETS		<u>9,411,184</u>	<u>4,123,386</u>
LIABILITIES			
Current Liabilities			
Payables	19	605,309	256,323
Provisions	20	2,232,220	1,849,519
Other current liabilities	21	66,718	408,546
Total Current Liabilities		<u>2,904,247</u>	<u>2,514,388</u>
Non-Current Liabilities			
Provisions	20	1,368,882	993,019
Total Non-Current Liabilities		<u>1,368,882</u>	<u>993,019</u>
TOTAL LIABILITIES		<u>4,273,129</u>	<u>3,507,407</u>
Net Assets		5,138,055	615,979
EQUITY			
Contributed equity	22	6,314,760	834,000
Accumulated surplus / (deficiency)		(1,176,705)	(218,021)
Total Equity		<u>5,138,055</u>	<u>615,979</u>
TOTAL LIABILITIES AND EQUITY		<u>9,411,184</u>	<u>4,123,386</u>

The Balance Sheet should be read in conjunction with the accompanying notes.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Statement of Changes in Equity*for the year ended 30 June 2007*

	Note	2007 \$	2006 \$
Balance of equity at start of period		615,979	152,787
CONTRIBUTED EQUITY			
Balance at start of period	22	834,000	407,000
Capital contribution	22	3,405,000	427,000
Transfer of asset from another agency	22	2,075,760	-
Balance at end of period		<u>6,314,760</u>	<u>834,000</u>
ACCUMULATED SURPLUS			
Balance at start of period	22	(218,021)	(254,213)
Surplus/(deficit) for the period		<u>(958,684)</u>	<u>36,192</u>
Balance at end of period		<u>(1,176,705)</u>	<u>(218,021)</u>
Balance of equity at end of period	22	<u><u>5,138,055</u></u>	<u><u>615,979</u></u>
Total income and expense for the period		(958,684)	36,192

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Cash Flow Statement
for the year ended 30 June 2007

	Note	2007 \$	2006 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		22,281,000	17,890,000
Contribution from Confiscation Proceeds Account		1,618,811	1,529,000
Capital contributions		3,405,000	427,000
Holding account drawdowns		200,000	244,000
Net cash provided by State Government		<u>27,504,811</u>	<u>20,090,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits expense		(17,500,143)	(12,070,431)
Supplies and services		(6,604,618)	(6,731,247)
GST payments on purchases		(939,616)	(563,438)
Receipts			
Receipts from services		154,028	100,984
GST receipts on sales		32,357	4,588
GST receipts from taxation authority		715,918	522,926
Net cash provided by/(used in) operating activities	23(b)	<u>(24,142,074)</u>	<u>(18,736,618)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of non-current physical assets		<u>(2,729,225)</u>	<u>(360,305)</u>
Net cash provided by/(used in) investing activities		<u>(2,729,225)</u>	<u>(360,305)</u>
Net increase/(decrease) in cash and cash equivalents		633,512	993,077
Cash and cash equivalents at the beginning of period		<u>1,798,867</u>	<u>805,790</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	23(a)	<u>2,432,379</u>	<u>1,798,867</u>

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Schedule of Income and Expenses by Service
for the year ended 30 June 2007

	Criminal Prosecutions		Confiscation of Assets		TOTAL	
	2007	2006	2007	2006	2007	2006
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses from ordinary activities						
Employee benefits expenses	16,923,060	12,751,150	1,171,003	1,317,587	18,094,063	14,068,737
Supplies and services	2,680,916	3,077,846	248,436	174,008	2,929,352	3,251,854
Depreciation expense	209,740	182,626	11,039	9,612	220,779	192,238
Accommodation expenses	2,582,575	1,319,097	124,619	82,326	2,707,194	1,401,423
Loss on disposal of non-current assets	194,739	11,489	13,072	837	207,811	12,326
Other expenses	2,135,677	1,775,233	113,448	59,185	2,249,125	1,834,418
Total cost of services	24,726,707	19,117,441	1,681,617	1,643,555	26,408,324	20,760,996
Income						
<i>Revenue</i>						
Other revenue	159,432	85,217	-	-	159,432	85,217
Total income other than income from State Government	159,432	85,217	-	-	159,432	85,217
NET COST OF SERVICES	24,567,275	19,032,224	1,681,617	1,643,555	26,248,892	20,675,779
INCOME FROM STATE GOVERNMENT						
Service appropriation	22,566,000	18,225,000	-	-	22,566,000	18,225,000
Contribution from Confiscation Account	-	-	1,618,811	1,529,000	1,618,811	1,529,000
Liabilities assumed by the Treasurer	177,184	13,643	-	-	177,184	13,643
Resources received free of charge	871,103	890,205	57,110	54,123	928,213	944,328
Total income from State Government	23,614,287	19,128,848	1,675,921	1,583,123	25,290,208	20,711,971
Surplus/(deficit) for the period	(952,988)	96,624	(5,696)	(60,432)	(958,684)	36,192

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

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Summary of Consolidated Fund Appropriations and Income Estimates
for the year ended 30 June 2007

	2007 Estimate \$	2007 Actual \$	Variance \$	2007 Actual \$	2006 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 68 Net amount appropriated to deliver services	20,752,000	20,752,000	-	20,752,000	16,746,000	4,006,000
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	1,700,000	1,814,000	114,000	1,814,000	1,479,000	335,000
Total appropriations provided to deliver services	<u>22,452,000</u>	<u>22,566,000</u>	<u>114,000</u>	<u>22,566,000</u>	<u>18,225,000</u>	<u>4,341,000</u>
CAPITAL						
Transfer of asset from another agency	-	2,075,760	2,075,760	2,075,760	-	2,075,760
Item 152 Capital Contribution	3,605,000	3,405,000	(200,000)	3,405,000	427,000	2,978,000
ADMINISTERED TRANSACTIONS						
Administered Grants and Transfer Payments	2,161,000	313,812	(1,847,188)	313,812	504,998	(191,186)
GRAND TOTAL	<u>28,218,000</u>	<u>26,284,812</u>	<u>(1,933,188)</u>	<u>26,284,812</u>	<u>19,156,998</u>	<u>7,127,814</u>
Details of Expenses by Service						
Criminal Prosecutions	23,581,000	24,726,707	1,145,707	24,726,707	19,117,441	5,609,266
Confiscation of Assets	1,462,000	1,681,617	219,617	1,681,617	1,643,555	38,062
Total Cost of Services	25,043,000	26,408,324	1,365,324	26,408,324	20,760,996	5,647,328
Less total income other than income from State Government	(1,775,000)	(1,778,243)	(3,243)	(1,778,243)	(1,614,217)	(164,026)
Net Cost of Services	23,268,000	24,630,081	1,362,081	24,630,081	19,146,779	5,483,302
Adjustment (I)	(816,000)	(2,064,081)	(1,248,081)	(2,064,081)	(921,779)	(1,142,302)
Total appropriations provided to deliver services	<u>22,452,000</u>	<u>22,566,000</u>	<u>114,000</u>	<u>22,566,000</u>	<u>18,225,000</u>	<u>4,341,000</u>
Capital Expenditure						
Purchase of non-current physical assets	3,753,000	2,729,225	(1,023,775)	2,729,225	360,305	(2,368,920)
Adjustments for other funding sources	(148,000)	675,775	823,775	675,775	66,695	(609,080)
Capital Contribution (appropriation)	<u>3,605,000</u>	<u>3,405,000</u>	<u>(200,000)</u>	<u>3,405,000</u>	<u>427,000</u>	<u>(2,978,000)</u>
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income	2,161,000	313,812	(1,847,188)	313,812	387,879	(74,067)

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

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 .

25 Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled Summary of Consolidated Account Appropriations and Income Estimates are shown below.

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

(i) Significant variances between estimate and actual - Total appropriation to deliver

Total appropriation provided to deliver services for the year	2007 Estimate	2007 Actual	Variation
	\$1,700,000	\$1,814,000	\$114,000

Increased funding was provided under the Salaries and Allowances Act 1975 due to wage increases granted by the Salaries and Allowances Tribunal.

Significant variances between estimate and actual - Details of expenses by

Criminal Prosecutions	2007	2007	Variation
	\$23,581,000	\$24,726,707	\$1,145,707

Expenses increased as a result of Salaries and Allowances Tribunal determinations, general wage increases, additional accommodation expenditure relating to the relocation to International House and the makegood of levels 17 & 18 at previous accommodation of Westralia Square.

Confiscation of Assets	2007 Estimate	2007 Actual	Variation
	\$1,462,000	\$1,681,617	\$219,617

As explained in the previous note, expenses increased as a result of Salaries and Allowances Tribunal determinations, general wage increases, additional accommodation expenditure relating to the relocation to International House and the makegood of levels 17 & 18 at previous accommodation of Westralia Square.

(ii) Significant variances between actual and prior year actual - Total appropriation

Total appropriation provided to deliver services for the year	2006 Actual	2007 Actual	Variation
	\$18,225,000	\$22,566,000	\$4,341,000

Increased funding was approved in October 2005 to enable the DPP to restructure and align its expenditure to the government approved resource model. 2007 was the first full year of operation under this structure.

Total income other than income from State Government	2006 Actual	2007 Actual	Variation
	\$1,614,217	\$1,778,243	\$164,026

Additional funding was received from the confiscations account to accommodate increases in expenditure in 2007 and a leasing incentive was also received, by way of a contribution to fit out costs, as part of the relocation to International House.

- Details of Expenses by Service

Criminal Prosecutions	2006 Actual	2007 Actual	Variation
	\$19,117,441	\$24,726,707	\$5,609,266

Increased funding was approved in October 2005 to enable the DPP to restructure and align its expenditure to the government approved resource model. 2007 was the first full year of operation under this structure.

Confiscation of Assets	2006 Actual	2007 Actual	Variation
	\$1,643,555	\$1,681,617	\$38,062

Increased expenses caused by higher overheads from additional accommodation expenses during the relocation to International House and the makegood of Westralia Square.

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

2007 Estimate	2007 Actual	Variation
\$3,605,000	\$3,405,000	-\$200,000

A saving of \$405,000 makegood costs was transferred to recurrent expenditure. This was offset by additional expenditure caused by the relocation to International House.

2007 Estimate	2007 Actual	Variation
\$0	\$2,075,760	\$2,075,760

The increase is due to the transfer of assets from the Department of Housing and Works.

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

2006 Actual	2007 Actual	Variation
\$427,000	\$3,405,000	\$2,978,000

The increase is due to the office fitout and purchase of additional assets in relation to the move to International House.

2006 Actual	2007 Actual	Variation
\$0	\$2,075,760	\$2,075,760

The increase is due to the transfer of assets from the Department of Housing and Works.

(v) Significant variances between estimate and actual, and actual and prior year actual -

Estimate and actual*	2007 Estimate	2007 Actual	Variation
	\$2,161,000	\$313,812	-\$1,847,188

The operations of the Criminal Property Confiscations Account were previously reported in the DPP's annual report, but are now reported as part of the Department of the Attorney General's administered revenues and expenses. The Criminal Property Confiscations Account transferred to the Department of the Attorney General at the end of the 2005/2006 financial year.

Actual and prior year*	2006 Actual	2007 Actual	Variation
	\$387,879	\$313,812	-\$74,067

This is a volatile revenue source and will vary from year to year, depending on the number and monetary size of the matters finalised.

***Note in respect of Administered revenues:**

The operations of the Criminal Property Confiscations Account were previously reported in the DPP's annual report. From 2005/2006 these are now reported as part of the Department of the Attorney General's administered revenues and expenses.

1 Office of the Director of Public Prosecutions mission and funding

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

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

2 Australian equivalents to International Financial Reporting Standards

The DPP's financial statements for the year ended 30 June 2007 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

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

The Australian Accounting Interpretations are adopted through AASB 1048 'Interpretation and Application of Standards' and are classified into those corresponding to International Accounting Standards Board (IASB) Interpretations and those only applicable in Australia.

The AASB has decided to maintain the statements of accounting concepts (SAC 1 and 2) and has continued to revise and maintain accounting standards and the interpretations that are of particular relevance to the Australian environment, especially those that deal more specifically with not-for-profit entity issues and/or do not have an equivalent IASB Standard or Interpretation.

Early adoption of standards

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

3 Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB 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. For example, AASB 116 requires land and buildings to be measured at cost or fair value; TI 954 mandates the fair value option.

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

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

(b) Basis of preparation

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

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

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

(c) Reporting entity

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

(d) Contributed Equity

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

Transfer of net assets to/from other agencies are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 22 Equity.

Repayable capital appropriations are recognised as liabilities. See note 13 Income from State Government for further commentary on the application of TI 955.

(e) Income

Revenue Recognition

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

Rendering of services

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

Service Appropriations

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

Notes to the Financial Statements

for the year ended 30 June 2007

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the DPP. In accordance with the determination specified in the 2006-2007 Budget Statements, the DPP retained \$92,473 in 2007 (\$85,217 in 2006) from the following:

Executive Vehicle Scheme
Miscellaneous Revenue

Grants, donations, gifts and other non-reciprocal contributions

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

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

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

Gains

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

(f) Property, Plant and Equipment

Capitalisation/Expensing of assets

Items of property, plant and equipment costing \$1,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement.

Initial recognition and measurement

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

Subsequent measurement

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

Refer to note 18 Property, plant and equipment for further information on revaluations.

Depreciation

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

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

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

There has been no change in these depreciation rates since 2005-06.

(g) Impairment of Assets

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

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

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

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

(h) Leases

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

(i) Financial Instruments

The DPP has two categories of financial instrument:

- Loans and receivables (cash and cash equivalents, receivables)
- Non-trading financial liabilities (payables)

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value.

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

(j) Cash and Cash equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents.

(k) Accrued salaries

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

Accrued salaries (refer note 21) represents the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The DPP considers the carrying amount of accrued salaries to be equivalent to its net fair value.

(l) Amounts Receivable for Services

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

(m) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The carrying amount is equivalent to fair value as it is due for settlement within 30 days. See note 3(i) Financial Instruments and note 15

An allowance for impairment of receivables can only be raised if there is objective evidence of

(n) Payables

Payables are recognised at the amounts payable when the DPP becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See note 3(i) 'Financial Instruments' and note 19 Payables.

(o) Provisions

Provisions are liabilities of uncertain timing and/or amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 20 Provisions

Provisions- Employee Benefits

Annual Leave and Long Service Leave

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

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave, undertaken by Price Waterhouse Coopers in 2004, 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 Australian Accounting Standards AASB 119 Employee Benefits.

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

Superannuation

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

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

The DPP has no liabilities for superannuation charges under the Pension or the GSS Schemes. The liabilities for the unfunded Pension Scheme and the unfunded GSS Scheme transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS Scheme obligations are funded by concurrent contributions made by the DPP to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS Scheme obligations.

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

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

See also note 3(p) Superannuation expense.

Provisions - Other

Employment On-Costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of Other expenses and are not included as part of the DPP's Employee benefits expense. The related liability is included in Employment on-costs provision. See note 10 Other expenses and note 20 Provisions.

(p) Superannuation expense

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

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

Defined contribution plans - Employer contributions paid to the WSS Scheme, GESBS Scheme, and the equivalent of employer contributions to the GSS Scheme.

Defined benefit plans - in order to reflect the true cost of services, the movements (i.e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer (see note 3(o)), a revenue titled Liabilities assumed by the Treasurer equivalent to the expense is recognised under Income from State Government in the Income Statement. See note 13 Income from State Government.

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

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

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

(q) Resources Received Free of Charge or for Nominal Cost

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

(r) Comparative figures

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

(s) Goods and Services Tax (GST)

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

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

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

(t) Operating Leases - Incentives

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

4 Services of the DPP

Information about the DPP's services is set out in the Schedule of Expenses and Revenues by Service. Information about DPP's administered expenses, revenue, assets and liabilities is set out in notes 30

The two key services of the DPP are:

Service 1: Criminal Prosecutions

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

Service 2: Confiscation of Assets

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

5 Disclosure of changes in accounting policy and estimates

Future impact of Australian Accounting Standards not yet operative

The DPP cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. Consequently, the DPP has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued but are not yet effective. These will be applied from their application date:

1. AASB 7 Financial Instruments: Disclosures (including consequential amendments in AASB 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]). This Standard requires new disclosures in relation to financial instruments. The Standard is considered to result in increased disclosures, both quantitative and qualitative, of the DPP's exposure to risks, enhanced disclosure regarding components of the DPP's financial position and performance, and possible changes to the way of presenting certain items in the financial statements. The DPP does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods

2. AASB 2005-10 Amendments to Australian Accounting Standards (AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139 AASB 1, AASB 4, AASB 1032, & AASB 1038). The amendments are as a result of the issue of AASB 7 Financial Instruments: Disclosures, which amends the financial instrument disclosure requirements in these standards. The DPP does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007.

3. AASB 101 Presentation of Financial Statements. This Standard was revised and issued in October 2006 so that AASB 101 has the same requirements as IAS 1 Presentation of Financial Statements (as issued by the IASB) in respect of for-profit entities. The DPP is a not-for-profit entity and consequently does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007.

4. AASB 2007-4 Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments [AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038]. This Standard introduces policy options and modifies disclosures. These amendments arise as a result of the AASB decision that, in principle, all options that currently exist under IFRSs should be included in the Australian equivalents to IFRSs and additional Australian disclosures should be eliminated; other than those now considered particularly relevant in the Australian reporting environment. The Department of Treasury and Finance has indicated that it will mandate to remove the policy options added by this amending Standard. This will result in no impact as a consequence of application of the Standard. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

5. AASB 2007-5 Amendment to Australian Accounting Standard - Inventories Held for Distribution by Not-for-Profit Entities [AASB 102]. This amendment changes AASB 102 Inventories so that inventories held for distribution by not-for-profit entities are measured at cost, adjusted when applicable for any loss of service potential. The DPP does not have any inventories held for distribution so does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

6. AASB Interpretation 4 Determining whether an arrangement contains a lease [revised]. This Interpretation was revised and issued in February 2007 to specify that if a public-to-private service concession arrangement meets the scope requirements of AASB Interpretation 12 Service Concession Arrangements as issued in February 2007, it would not be within the scope of Interpretation 4. At balance sheet date, the DPP has not entered into any arrangements as specified in the Interpretation or within the scope of Interpretation 12, resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2008.

7. AASB Interpretation 12 Service Concession Arrangements. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the DPP if and when public-to-private service concession arrangements are entered into in the future. At balance sheet date, the DPP has not entered into any public-to-private service concession arrangements resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2008.

8. AASB Interpretation 129 Service Concession Arrangements: Disclosures [revised]. This Interpretation was revised and issued in February 2007 to be consistent with the requirements in AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007. Specific disclosures about service concession arrangements entered into are required in the notes accompanying the financial statements, whether as a grantor or an operator. At balance sheet date, the DPP has not entered into any public-to-private service concession arrangements resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual

The following Australian Accounting Standards and Interpretations are not applicable to the DPP as they will have no impact or do not apply to not-for-profit entities:

AASB Standards and Interpretations	
AASB 8	Operating Segments
AASB 1049	Financial Reporting of General Government Sectors by Governments
AASB 2007-1	Amendments to Australian Accounting Standards arising from AASB Interpretation 11 [AASB 2]
AASB 2007-2	Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139] - paragraphs 1 to 8
AASB 2007-3	Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 & AASB 1038]

	2007 \$	2006 \$
6 Employee benefits expenses		
Salaries and wages	13,974,081	11,416,834
Annual and long service leave	2,531,862	1,550,419
Superannuation - Gold State	296,402	306,969
Superannuation - Liability assumed by the Treasurer	177,184	13,643
Superannuation - West State	1,114,534	780,872
	<u>18,094,063</u>	<u>14,068,737</u>
7 Supplies and services		
Goods and supplies	612,609	330,090
Services and contracts	1,388,530	1,977,436
Resources received free of charge (see note 13).	928,213	944,328
	<u>2,929,352</u>	<u>3,251,854</u>
8 Depreciation expense		
Leasehold improvements	46,092	48,531
Equipment	174,687	143,707
	<u>220,779</u>	<u>192,238</u>
9 Accommodation expenses		
Building rental operating lease expense	<u>2,707,194</u>	<u>1,401,423</u>

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Notes to the Financial Statements
for the year ended 30 June 2007

10 Other expenses	2007	2006
	\$	\$
Witness expenses	846,930	839,632
Equipment and vehicles operating lease expense	247,603	172,652
Communication expenses	181,002	137,941
Electricity and water	87,024	57,444
Building and equipment repairs and maintenance	74,906	64,288
Insurance	29,070	31,624
Staff travel and accommodation	316,063	141,819
Other expenses (I)	466,527	389,018
	<u>2,249,125</u>	<u>1,834,418</u>

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

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

<u>Loss on Disposal of Non-Current Assets</u>		
Office equipment	(20,754)	(12,326)
Leasehold improvements	<u>(187,057)</u>	
Net gain/(loss)	<u>(207,811)</u>	<u>(12,326)</u>

12 Other revenue

Contributions to motor vehicle scheme	35,406	17,523
Miscellaneous revenue	<u>124,026</u>	<u>67,694</u>
	<u>159,432</u>	<u>85,217</u>

13 Income from State Government

Appropriation revenue received during the year:

Service appropriations (I)	<u>22,566,000</u>	<u>18,225,000</u>
Contribution from Confiscation Proceeds Account (II)	<u>1,618,811</u>	<u>1,529,000</u>

The following liabilities have been assumed by the Treasurer during the financial year: (III)

Superannuation	<u>177,184</u>	<u>13,643</u>
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Resources received free of charge (IV)

Determined on the basis of the following estimates provided by agencies:

Department of the Attorney General - corporate services	913,962	922,463
Landgate - valuation services	11,263	14,595
Department of Housing and Works - property management services (notional management fee based on lease payments)	2,988	7,270
Total resources received free of charge	<u>928,213</u>	<u>944,328</u>
Total income from State Government	<u>25,290,208</u>	<u>20,711,971</u>

Notes to the Financial Statements*for the year ended 30 June 2007*

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

(II) At the direction of the Attorney General, money is paid out of the Confiscation Proceeds Account to the DPP for reimbursement of costs associated with administering the Criminal Property Confiscation Act 2000. In prior financial years, this contribution was classified as Total income other than income from State Government. (Refer to Note 25(ii))

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

(IV) Where assets or services have been received free of charge or for nominal 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.

	2007	2006
	\$	\$
14 Restricted cash and cash equivalents		
Non-current		
Accrued salaries suspense account (I)	119,000	39,000
	<u>119,000</u>	<u>39,000</u>

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

15 Receivables

Trade debtors	17,549	12,145
GST receivable	269,798	78,457
	<u>287,347</u>	<u>90,602</u>

16 Amounts receivable for services

Current	1,470,000	148,000
Non-current		1,237,000
	<u>1,470,000</u>	<u>1,385,000</u>

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

17 Other current assets

Prepayments	<u>5,507</u>	<u>9,361</u>
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18 Property, plant and equipment

Leasehold improvements		
At cost		485,304
Accumulated depreciation		(252,155)
	<u>-</u>	<u>233,149</u>
Office equipment and computers		
At cost	1,646,498	1,487,699
Accumulated depreciation	(955,698)	(881,292)
	<u>690,800</u>	<u>606,407</u>
Work in progress		
At cost	4,525,151	-
	<u>4,525,151</u>	<u>-</u>
Property, plant and equipment total	<u>5,215,951</u>	<u>839,556</u>

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

Leasehold improvements		
Carrying amount at start of year	233,149	281,680
Additions	-	-
Disposals	(187,057)	-
Depreciation	(46,092)	(48,531)
Carrying amount at end of year	<u>-</u>	<u>233,149</u>
Office equipment and computers		
Carrying amount at start of year	606,407	402,135
Additions	279,834	360,305
Disposals	(20,754)	(12,326)
Depreciation	(174,687)	(143,707)
Carrying amount at end of year	<u>690,800</u>	<u>606,407</u>
Work in progress		
Carrying amount at start of year	-	-
Additions	4,525,151	-
Carrying amount at end of year	<u>4,525,151</u>	<u>-</u>
Property, plant and equipment total	<u>5,215,951</u>	<u>839,556</u>

19 Payables

Trade and other creditors	<u>605,309</u>	<u>256,323</u>
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Notes to the Financial Statements*for the year ended 30 June 2007*

20 Provisions	2007	2006
	\$	\$
<u>Current</u>		
Annual leave (a)	878,337	840,363
Long service leave (b)	1,096,051	795,103
Superannuation on-cost ©	196,233	162,620
	<u>2,170,621</u>	<u>1,798,086</u>
<u>Other provisions</u>		
Employment on-costs provision		
Carrying amount at start of year	51,433	44,921
Additional provisions recognised	10,166	6,512
Carrying amount at end of year	<u>61,599</u>	<u>51,433</u>
	<u>2,232,220</u>	<u>1,849,519</u>
<u>Non-current</u>		
Long service leave	1,201,751	871,778
Superannuation on-cost	128,001	92,855
	<u>1,329,752</u>	<u>964,633</u>
<u>Other provisions</u>		
Other employee costs		
Carrying amount at start of year	28,386	26,441
Additional provisions recognised	10,744	1,945
Carrying amount at end of year	<u>39,130</u>	<u>28,386</u>
	<u>1,368,882</u>	<u>993,019</u>

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

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

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in note 10 Other expenses.

21 Other liabilities

Current		
Accrued salaries and wages (I)	66,718	47,671
Backpay accrual (II)	-	185,725
Redundancy accrual (III)	-	175,150
	<u>66,718</u>	<u>408,546</u>

(I) The last pay day of the 2006/07 financial year was on 28 June 2007. A salary accrual of one working day's pay was taken up. (2006, One working day's pay accrued to 29 June 2006).

(II) A pay rise of 4.5% for all employees under the Public Sector General Agreement back dated to 10 March 2006 took effect in the 2006-07 financial year.

(III) A redundancy agreed for June 2006 was paid in July 2006.

22 Equity

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

	2007	2006
	\$	\$
Contributed equity		
Balance at the start of the year	834,000	407,000
Capital contribution (a)	3,405,000	427,000
Transfer of asset from another agency ^(b)	2,075,760	-
Total contributions by owners	<u>6,314,760</u>	<u>834,000</u>

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

^(b) Transfer of office refurbishment from the Department of Housing and Works during the year.

Accumulated surplus / (deficiency)		
Balance at the start of the year	(218,021)	(254,213)
Result for the period	<u>(958,684)</u>	<u>36,192</u>
Balance at the end of the year	<u>(1,176,705)</u>	<u>(218,021)</u>

23 Notes to the Cash Flow Statement

(a) Reconciliation of cash

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

	2007	2006
	\$	\$
Cash advances	500	-
Cash and cash equivalents	2,312,879	1,759,867
Restricted cash and cash equivalents (Refer Note 14)	<u>119,000</u>	<u>39,000</u>
	<u>2,432,379</u>	<u>1,798,867</u>

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

Net cost of services	(26,248,892)	(20,675,779)
Non-cash items:		
Depreciation expense	220,779	192,238
Superannuation expense	177,184	13,643
Resources received free of charge	928,213	944,328
Net loss on disposal of non-current assets	207,811	12,326
<u>(Increase)/decrease in assets:</u>		
Current receivables	(5,404)	15,768
Other current assets	3,854	(4,945)
<u>Increase/(decrease) in liabilities:</u>		
Current payables	348,986	13,399
Current provisions	382,701	311,760
Other current liabilities	(341,828)	408,546
Non-current provisions	375,863	68,023
Change in GST in receivables/payables	(191,341)	(35,925)
Net cash provided by/(used in) operating activities	<u>(24,142,074)</u>	<u>(18,736,618)</u>

Notes to the Financial Statements*for the year ended 30 June 2007***24 Commitments for expenditure**

Operating lease commitments

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

Within 1 year	2,308,242	1,654,457
Later than 1 year and not later than 5 years	9,676,744	9,334,769
Later than 5 years	<u>24,350,136</u>	<u>26,891,162</u>
	<u>36,335,122</u>	<u>37,880,388</u>

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

26 Financial Instruments

(a) Financial Risk Management Objectives and Policies

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

Credit risk

The DPP trades only with recognised, creditworthy third parties. The DPP has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the DPP's exposure to bad debts is minimal. There are no significant concentrations of credit risk. All cash and cash equivalents are held at a credit worthy institution.

Liquidity risk

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

Cash flow interest rate

The DPP is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing and have no borrowings other than the Treasurer's advance (non-interest bearing).

(b) Financial Instrument disclosures

Interest rate risk exposure

The following table details the Commission's exposure to interest rate risk as at the balance sheet date:

	2007	Weighted average interest rate %	Fixed Interest Rate Maturity				Non interest bearing	Total
			Floating interest rate	1 year or less	2 to 5 years	Over 5 years		
			\$	\$	\$	\$	\$	\$
Financial assets								
Cash and cash equivalent assets							2,313,379	2,313,379
Restricted cash and cash equivalent assets							119,000	119,000
Receivables							287,347	287,347
Amounts receivable for services							1,470,000	1,470,000
Total financial assets			-	-	-	-	4,189,726	4,189,726
Financial liabilities								
Payables							605,309	605,309
Total financial liabilities			-	-	-	-	605,309	605,309

Notes to the Financial Statements
for the year ended 30 June 2007

2006	Weighted average interest rate %	Floating interest rate \$	Fixed interest rate maturities 1 year or less \$	2 to 5 years \$	Over 5 years \$	Non interest bearing \$	Total \$
Financial assets							
Cash and cash equivalent assets						1,759,867	1,759,867
Restricted cash and cash equivalent assets						39,000	39,000
Receivables						90,602	90,602
Amounts receivable for services						1,385,000	1,385,000
Total financial assets		-	-	-	-	3,274,469	3,274,469
Financial liabilities							
Payables						256,323	256,323
Total financial liabilities		-	-	-	-	256,323	256,323

Net fair values

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

Notes to the Financial Statements*for the year ended 30 June 2007***27 Remuneration of Senior Officers**Remuneration

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

\$	2007	2006
50,001 - 60,000		2
60,001 - 70,000		
70,001 - 80,000		1
80,001 - 90,000		1
90,001 - 100,000		
100,001 - 110,000		
130,001 - 140,000		
140,001 - 150,000	1	
150,001 - 160,000	2	2
160,001 - 170,000	2	
190,001 - 200,000		1
220,001 - 230,000		
270,001 - 280,000	1	
290,001 - 300,000	1	1
350,001 - 360,000		1
390,001 - 400,000		
420,001 - 430,000		1
440,001 - 450,000	1	

The total remuneration of senior officers is:	<u>\$1,805,732</u>	<u>\$1,840,733</u>
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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.

28 Remuneration of Auditor

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

Auditing the accounts, financial statements and performance indicators	<u>\$21,000</u>	<u>\$20,000</u>
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29 Supplementary financial information

- Write offs**

- During the financial year (2006: Nil) \$187,057 was written off the DPP's asset register under the authority of:

The Minister	<u>\$187,057</u>	-
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- Following the relocation of the DPP from Westralia Square to International House, the value of leasehold improvements at the vacated offices became redundant and was written off in accordance with Treasurer's Instruction 807.

- There were no Pecuniary (Administered) penalty orders written off during the financial year (2006, nil).

- Losses Through Theft, Defaults and Other Causes**

- There were no losses of public moneys and other public property through theft or default during the financial year (2006, nil).

- Gifts of Public Property**

- There were no gifts of public property by the DPP during the financial year (2006, nil).

- Capital commitments**

- Capital commitments at 30 June 2006 were \$0 (at 30 June 2006, \$0).

30 Events occurring after the balance sheet date

- There were no events occurring after the reporting date at the end of the financial year (2006, nil).

31 Contingent liabilities and contingent assets

- There were no contingent liabilities at the end of the financial year (2006, nil).

32 Related bodies

- The DPP had no related bodies during the financial year (2006, nil).

33 Affiliated bodies

- The DPP had no affiliated bodies during the financial year (2006, nil).

34 Administered Expenses and Revenues	2007	2006
	\$	\$
Expenses		
Supplies and services (I)	-	-
Grants and Contributions	-	-
Transfer payments to Consolidated Fund	313,812	504,998
Total administered expenses	313,812	504,998
Revenues		
Misuse of Drugs Act	281,942	242,000
Criminal Property Confiscation Act	-	-
Petty Session forfeitures	31,870	145,879
Total administered revenues	313,812	387,879

35 Administered Assets and Liabilities

Current Assets		
Cash and Cash Equivalents	-	-
Receivables	-	95,349
Total Administered Current Assets	-	95,349
Total Administered Assets	-	95,349
Current Liabilities		
Payables	-	-
Total Administered Current Liabilities	-	-
Total Administered Liabilities	-	-

Notes to Administered Items

- (I) Administration Expenses are included in supplies and services
- (II) DPP Criminal Property Confiscations Account
The operations of the Criminal Property Confiscations Account were previously reported in the DPP's annual report. From 2005/2006 these are now reported as part of the Department of the Attorney General's administered revenues and expenses.

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

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FURTHER INFORMATION

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