



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

2008/2009 Annual Report

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STATEMENT OF COMPLIANCE

In accordance with s.61 of the *Financial Management Act 2006* and s.32 of the *Director of Public Prosecutions Act 1991*, I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2009.

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

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

BRUNO FIANNACA SC
Acting Director of Public Prosecutions
Chief Executive Officer
Accountable Authority

MISSION STATEMENT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR THE STATE OF WESTERN AUSTRALIA

MISSION

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

VISION

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

VALUES

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

Justice

Excellence

Respect

Accountability

Independence

Integrity

Leadership

GOALS

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

1. To effectively manage criminal prosecutions.
2. To provide an effective service to victims and witnesses.
3. To effectively manage criminal confiscations.
4. A high performing organisation.
5. Strong corporate governance.

PUBLICATIONS AND CONTACT DETAILS

The following publications are available from the ODPP:

GENERAL INFORMATION:

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

INFORMATION BROCHURES:

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

HEAD OFFICE:

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26 St George's Terrace
PERTH WA 6000

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OFFICE HOURS:

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

FURTHER INFORMATION:

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

GLOSSARY OF TERMS USED IN THIS REPORT

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

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

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

Brief Out is the process whereby the ODPP contracts external counsel (a lawyer) to attend a hearing on behalf of the ODPP. Most Brief Out Counsel are independent, self employed barristers.

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

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

A **Fast Track** (otherwise known as an expedited committal) occurs when the accused pleads guilty at the earliest opportunity (in Magistrates Court) and is committed to the relevant higher court for sentence.

A **Hung Jury** means a jury which cannot reach a verdict.

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

A **Mistrial** is a trial which has been aborted by an order of a judge because of some legal or procedural irregularity.

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

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

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

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

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

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

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

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

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

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

OVERVIEW OF AGENCY

EXECUTIVE SUMMARY: FROM THE DIRECTOR

This financial year has seen the Office of the Director of Public Prosecutions conviction rate at trials in the District and Supreme Courts rise to 62 per cent which is one of the highest in Australia.

While we should not be aiming at getting convictions at any cost – the execution of justice should be our primary goal - it is pleasing that our conviction rates, which have partly been achieved because of careful early evaluation of reasonable prospects of conviction, have seen a gradual increase in the last three years from 48 per cent to 62 per cent.

The length of time it has taken to get matters to trial in the District and Supreme Courts has almost halved in that time. This was partly because of more efficient processes in our office and the early resolution of cases which should not proceed to trial.

Both the improvements in conviction rates and reduction in trial delays are due to changes in procedures in committing matters to the superior courts which began in September 2008. Since then all metropolitan committals to the District Court have been transferred to the Perth Magistrates Court. DPP prosecutors appeared on them, ensuring there had been disclosure, negotiations with defence and that the matter was ready for the filing of an indictment. This process has enabled many cases to be identified for charge negotiation and resolution at an early stage.

Despite the occasional angry outbursts from some magistrates, the Office of the Director of Public Prosecutions will continue to place trained DPP prosecutors in Western Australia's lower courts, as the benefits speak for themselves.

The early use of trained prosecutors managing cases while they are still in the lower courts benefits the court process enormously. This initiative ensures cases are fully prepared before being sent to the higher courts.

This has also helped increase our conviction rates in the Supreme and District Courts and because of DPP involvement at the early stage, the number of guilty pleas to indictable offences has risen.

It goes without saying that the savings to the taxpayers of this State are considerable, in addition to the benefit to witnesses, victims and accused people of earlier resolutions.

The Confiscations area has also continued to prosper raising \$7.8 million this financial year with 77.5 per cent of those funds coming from drug trafficking

offences. There is also a considerable sum - about \$5 million – the subject of a confiscation order which had been challenged. The appeal was dismissed late in June 2009 and the money was not able to be paid into the account by June 30.

Arising directly from an external review of the relationship between the ODPP and WA Police, Superintendent Laurie Panaia was appointed to this office to liaise between prosecutors and the police. His appointment has facilitated improved and smoother relationships between prosecutors and police and greater understanding of the roles of each agency.

The truth-in-sentencing provisions of the Sentencing Act, which saw offenders automatically having their sentences reduced by a third, were finally abolished. This has substantially reduced the level of anger previously heard from victims of crime who could never understand why prison terms were always reduced from what a judge announced was the appropriate sentence.

The DPP – thanks to the co-operation of Children’s Court President Denis Reynolds - now has the entire prosecuting team housed at the Perth Children’s Court building. President Reynolds authorised use of some underused space to enable a new fit out to accommodate the whole DPP team so it could operate efficiently.

I would now like to see DPP prosecutors moving into the Perth Magistrates Court police prosecuting area assuming responsibility for prosecuting the more difficult cases. I strongly believe this is an excellent training ground for those lawyers who have just started their careers as prosecutors. I also feel it would relieve the hardworking and dedicated police prosecutors who, since the Criminal Code amendments which required most “either way” indictable offences to be tried before a magistrate, are often faced with cases of considerable legal complexity.

A number of Aboriginal adults in the Kimberley have been convicted and, in many cases jailed, for sexually interfering with children in remote communities in the Kimberley. This project - greatly facilitated by the Chief Justice’s Kimberley Indigenous Justice Taskforce of which the office was a member - has been an enormous success and is ongoing.

On October 7, 2008 the Corruption and Crime Commission reported into the wrongful conviction of Andrew Mallard for the murder of Mosman Park jeweller Pamela Lawrence. It was recommended that I consider taking disciplinary action against Ken Bates – the prosecutor at Mr Mallard’s trial. Under the Public Sector Management Act, I immediately initiated action. However, a subsequent complaint to the Legal Practitioners’ Complaints Committee, and action by that Committee, which has the power to initiate proceedings which can remove Mr Bates’ right to practise law, meant that the public service process, which needed to produce findings, had to then await the finalisation of the Committee’s considerations. The Committee is yet to report.

The DPP continues to make applications under the Dangerous Sexual Offenders Act to ensure those offenders who are a serious risk to the safety of the community are not released from prison or are subjected to strict supervision orders. Processing orders under this Act has become a significant part of the DPP's work.

An emerging problem for the ODPP appears to be a continuing shortage of senior staff. I hope this will be addressed in the coming year. It is critical that the many enthusiastic and talented younger prosecutors are given good guidance and mentoring and given opportunities to learn from those more experienced.

My congratulations go out to former Consultant State Prosecutor Simon Stone who was recently appointed to the bench of the District Court and to former Practice Manager Tanya Watt who was appointed a magistrate and who is now stationed in Kalgoorlie.

This is my last annual report after 10 years at the helm. My time at the DPP has been challenging, rewarding and enjoyable. It has been a tremendous honour for me to head this Office and I think together we have achieved much.

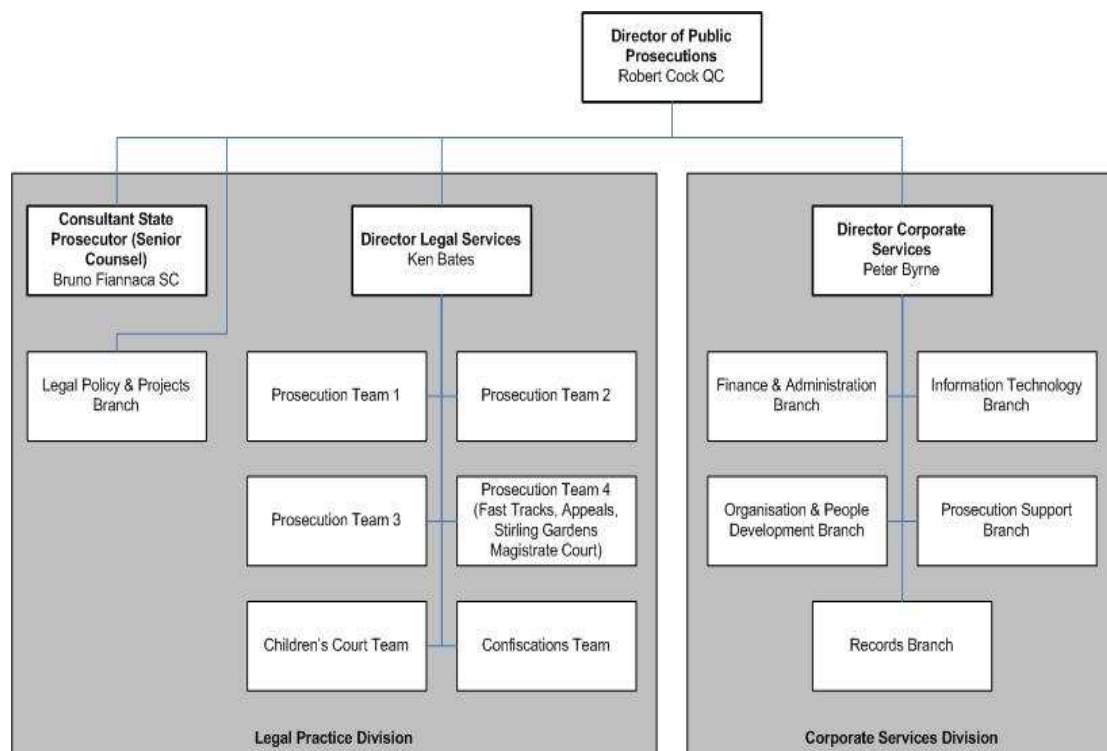
I take this opportunity to thank each staff member for the loyalty shown me and for all the hard work and dedication to our crucial work.

Robert Cock QC
Director of Public Prosecutions

OPERATIONAL STRUCTURE:

The position of Director of Public Prosecutions for the State of Western Australia and its office was brought into being through the enactment of the Director of Public Prosecutions Act 1991. The DPP reports directly to the WA Attorney General, the Hon Christian Porter MP.

FIGURE 1: ORGANISATION CHART



What We Do: Service 1. Criminal Prosecutions:

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

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

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

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

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

Stirling Gardens Magistrates Court – The Stirling Gardens Magistrates Court was established in the Supreme Court building on 17 October 2007. This Court deals only with indictable charges that will eventually be heard by the Supreme Court, for example armed robberies or homicides.

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

The Stirling Gardens Magistrates Court was established to expedite the committal and hearing of criminal cases in the Supreme Court, and to allow individual case management of a matter from start to finish.

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

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

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

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

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

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

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

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

Appeals - There are three types of appeals managed by the ODPP:

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

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

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

Children's Court - The ODPP appears in the Children's Court in relation to young people, from 10 to 17 years old, who have been charged with an offence. The Children's Court comprises two courts. The President of the Children's Court hears most serious offences, and the remaining cases appear before the other Children's Court Magistrates.

In June 2003, after an agreement between the Courts and the Attorney General, the ODPP was given the responsibility for all matters before the President of the Children's Court.

In December 2006, after an agreement with the Police, the ODPP assumed responsibility for the prosecution of all criminal matters in the Perth Children's Court.

In October 2008, WA Police withdrew its last remaining prosecution staff from the Perth Children's Court. Since that date, the ODPP has been responsible for the conduct of all Children's Court prosecutions in Perth.

What We Do: Service 2. Confiscation of Assets:

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

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

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

The *Confiscation Act* also targets property that is:

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

What We Do: Performance Management Framework

FIGURE 2: PERFORMANCE MANAGEMENT FRAMEWORK

GOVERNMENT GOAL	
Goal 1: Better Services: To enhance the quality of life and wellbeing of all people throughout Western Australia through the provision of high quality, accessible services	
AGENCY LEVEL GOVERNMENT DESIRED OUTCOME	
To provide the people of Western Australia with a fair and just criminal prosecution service.	
KEY EFFICIENCY INDICATORS	MEASUREMENT PARAMETERS
<i>Criminal Prosecutions</i>	
1. Early advice to Court on charges.	Percentage of new cases committed to the District & Supreme Courts where an indictment was filed within 42 days (6 weeks) from the date of committal.
2. Establishing a case to answer.	Percentage of proceeded trials where the outcome was determined by a jury because the State demonstrated a case to answer. Where the State does not demonstrate a case to answer the Judge directs an acquittal.
3. Convictions after trial.	Percentage of listed trials resulting in a conviction against one or more of the charges indicted.
5. Quality of service provided to victims.	Based on external survey results.
6. Effectiveness of the ODPP as assessed by Courts and Defence Counsel.	Based on external survey results.
<i>Confiscation of Assets</i>	
1. Timely lodgement of Declarations of Confiscation in relation to Drug Trafficker matters.	The ODPP will file applications for a Declaration of Confiscation within three months of the Drug Trafficker Declaration.
2. Timely resolution of Drug Trafficker confiscations	The ODPP will resolve Drug Trafficker matters within 12 months of the date of the Drug Trafficker Declaration.
KEY EFFICIENCY INDICATORS	MEASUREMENT PARAMETERS
<i>Criminal Prosecutions</i>	
4. Cost per prosecution.	Total cost divided by number of new committals received.
<i>Confiscation of assets</i>	
3. Ratio Of Cost To Return	Ratio of costs/return of confiscated assets. Calculated using total expenditure for the financial year divided by the actual receipts for the same year. Expressed as a percentage.

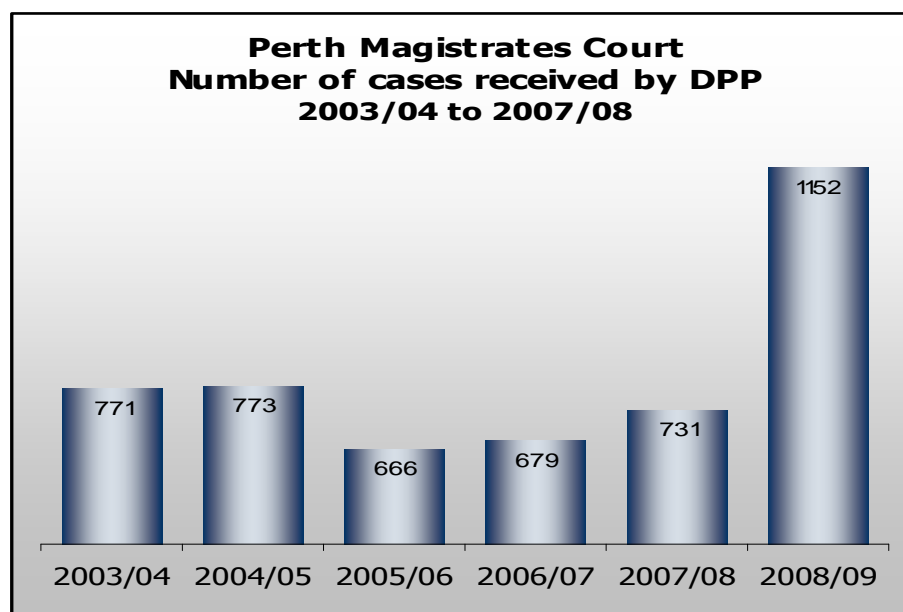
AGENCY PERFORMANCE AND SIGNIFICANT ISSUES IMPACTING THE AGENCY

CRIMINAL PROSECUTIONS

Perth Magistrates Court

In the past twelve months the number of cases being managed by DPP prosecutors prior to committal has nearly doubled. This increase is due to a consolidation of all committal proceedings from outer metropolitan Magistrates Courts to the Perth Magistrates Court. This change, proposed by the DPP and supported by the Chief Magistrate, allows DPP prosecutors to make earlier assessments of each case and ensure that they are ready for trial upon committal to the higher Courts.

FIGURE 3: CASES RECEIVED FOR HEARING IN PERTH MAGISTRATES COURT



Stirling Gardens Magistrates Court

The number of cases heard at Stirling Gardens Magistrates Court has increased in 2008/09, the first full year of the existence of this new Court. The vast majority are committed up to the Supreme Court for trial or for sentence.

FIGURE 4: CASE OUTCOMES IN STIRLING GARDENS MAGISTRATES COURT

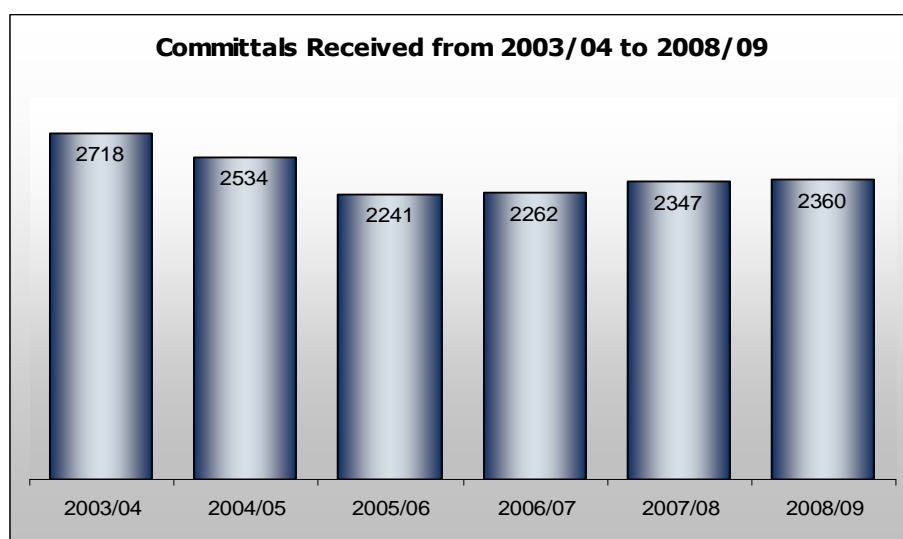
Stirling Gardens Magistrates Court		2007/08		2008/09	
Ongoing cases		25		88	
Cases Concluded in SGMC		19		21	
Plea of Guilty		12	63%	17	81%
Discontinued		7	37%	4	19%
Remanded to another jurisdiction		31		21	
Remanded to Magistrates Court		30	97%	19	90%
Remanded to Drug Court		1	3%	1	5%
Remanded to Children's Court		0	0%	1	5%
Committed cases		116		160	
Committed to District Court		12	10%	17	11%
Committed to Supreme Court		104	90%	143	89%
TOTAL CASES		191		290	

District and Supreme Courts

Committals

The basic unit of measurement of the workload of the ODPP is the number of committed matters received. The following chart shows that this number has been increasing year on year from 2005/06.

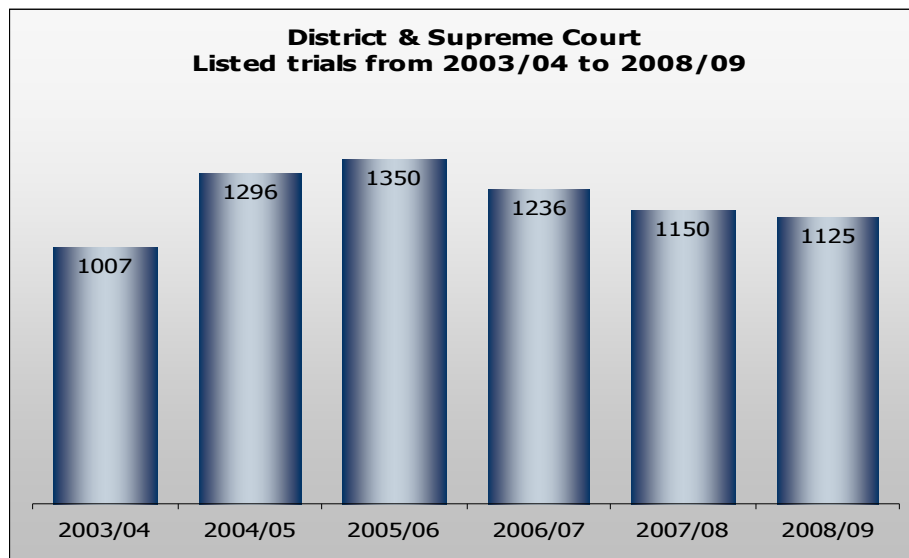
FIGURE 5: COMMITTALS RECEIVED



Trials

Trials listed in the District and Supreme Courts take up a significant proportion of the ODPP resources because the preparation process is intensive for prosecutors and support staff alike. The number of listed trials has been declining since 2005/06.

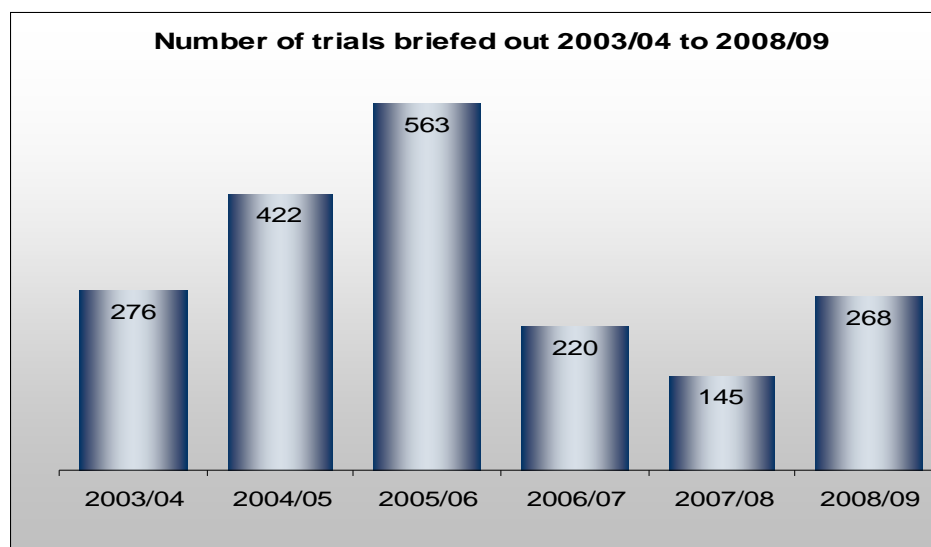
FIGURE 6: LISTED TRIALS



Brief Out

The ODPP briefs a proportion of its trials out to barristers in private practice. This allows the office to manage its workload and guarantee the availability of its prosecutors for other duties.

FIGURE 7: TRIALS BRIEFED OUT

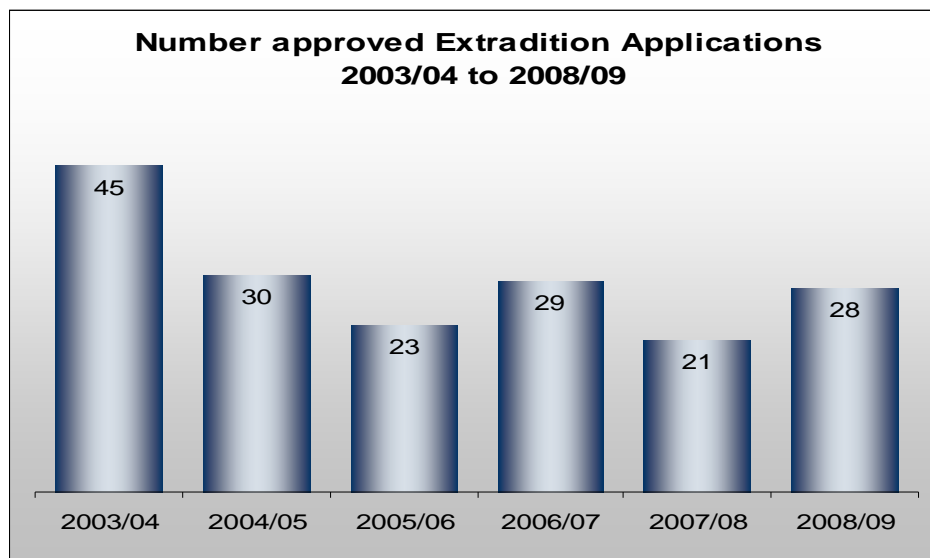


Extraditions

Each year the ODPP receives a number of applications requesting that an accused be returned to Western Australia to face criminal charges, either because they have left the state before their case is concluded, or escaped from custody. These applications are known as extraditions.

In 2008/09, 33 applications were considered by the Director. One of these related to an international extradition application. Of the 33 applications for extradition that were considered, 28 were successful.

FIGURE 8: APPROVED EXTRADITION APPLICATIONS



Applications under the Dangerous Sexual Offenders Act

The Dangerous Sexual Offenders Act 2006 allows applications to be made to the Supreme Court with respect to serious sexual offenders who are at, or near, the end of their sentence. Applications may be made to the Court for the continued detention or ongoing supervision of an offender who may continue to present a serious danger to the community. All applications to date have been made by the Office of the DPP, with the first applications made in 2006.

At the start of the 2008/09 reporting period, seven offenders were already the subject of a Continuing Detention Order (CDO) under the Act, five offenders were each already the subject of a Supervision Order (SO) under the Act, and there were three applications filed by the ODPP still to be determined. (An additional offender who had been made the subject of an SO in 2007/2008 has since died). Each of the seven offenders subject to a CDO had their detention reviewed in 2008/2009 and in each case that detention was continued. Of the five offenders on SOs at the start of 2008/2009, the SO of one expired without incident, another died, with the remaining three continuing on SOs. All three applications pending at the start of 2008/2009 were determined during the reporting period, with one offender made the subject of a CDO and two made the subject of SOs. No applications were dismissed in 2008/2009.

During 2008/09 the ODPP made a further eight applications under the Act, of which two resulted in CDOs, one resulted in a SO with the other five pending determination in the 2009/2010 year.

Two appeals under the Act were decided by the Court of Appeal during 2008/2009. The Court of Appeal dismissed both appeals, the first an appeal by the DPP against the earlier dismissal of an application in 2007/2008, and the second an appeal by an offender appealing against the making of a SO. Both decisions, delivered together, significantly clarified many issues about the operation of the Act. A third appeal, by an offender against the making of a CDO, was heard in 2008/2009 and dismissed two days into the 2009/2010 reporting period, while a fourth appeal by an offender was adjourned pending the outcome of an annual review of detention.

The ODPP was also involved in breach proceedings in respect to one supervision order, but the offender died days after breach proceedings had begun and the proceedings were discontinued.

The increasing number of offenders subject to continuing detention orders and supervision orders as well as new applications has significantly increased the workload for the Office of the DPP in meeting its responsibilities under the Act.

The Office of the DPP continued to work cooperatively with the Department of Corrective Services and the Sex Offender Management Squad of WA Police in carrying out its functions under the Act.

Children's Court

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

In July 2008 the sentencing jurisdiction of a Magistrate of the Children's Court was doubled from six to twelve months detention. As a result many of the matters that were dealt previously referred to the President of the Court for sentence or trial are now dealt with by a Magistrate.

Cases Heard before Magistrates in the Children's Court¹

During the period 1 July 2008 to 30 June 2009 the team dealt with the following matters before Magistrates in the Children's Court:

New Magistrates matters received:

- 6,825 new charges were put before the Court;
- 2,734 charges were preferred as a result of bench warrants being issued; and
- 4,405 charges were 'reactivated' or returned to the court after a breach of sentence.

Matters Finalised:

- 4,547 charges were sentenced after a guilty plea;
- 568 charges were listed for trial and dealt with before 30 June 2008; and
- 577 individual offenders were dealt with by the team in this period.

Cases Heard before the President of the Children's Court

The more serious offences are heard before the President of the Children's Court. As with the District and Supreme Courts, the number and types of cases received by the ODPP for hearing in the President's Court varies from year to year, and depends on the types of offences charged by the Police. Figure 9 is a table showing the number of cases received in each reporting period since 2003/04.

FIGURE 9: CHILDREN'S COURT CASES RECEIVED FROM 2003/04 TO 2008/09

Children's Court – President's Court	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Plea of Guilty	175	147	210	216	244	113
Plea of Not Guilty	149	105	118	142	131	102
President's Court Total Cases	324	252	328	358	375	215

¹ Case numbers for the Children's Court appearances before a Magistrate were supplied by the Children's Court.

Trials Heard before the President of the Children'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.

FIGURE 10: CHILDREN'S COURT TRIAL OUTCOMES FROM 2003/04 TO 2008/09

Children's Court President Trials	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Conviction	12	18	12	11	5	4
Acquittal	8	13	11	9	4	2
Total Trials Proceeded	20	31	23	20	9	6
Adjournments	24	23	21	33	48	24
Pleas of Guilty	3	7	12	9	7	6
Bench Warrant	2	2	1	-	1	0
Discharged	2	1	-	-	1	10
Other	4	2	6	6	10	24
Total Trials not Proceeded	35	35	40	48	67	64
Total President's Court Trials	55	66	63	68	76	70

Appeals

Single Judge Appeals

Single Judge Appeals are one of three types of appeals managed by the ODPP. Appeals of this type arise from cases prosecuted in the Magistrates Court and as such are 'new' files to the ODPP. Figure 11 is a table showing the number and types of Single Judge Appeals received over the past six years.

FIGURE 11: SINGLE JUDGE APPEAL CASES FROM 2003/04 TO 2008/09

Single Judge Appeals		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
State	Acquittal	-	-	2	-	-	-
	Sentence	2	4	2	2	-	-
	Other	-	1	-	1	4	4
Accused	Conviction	5	10	20	14	5	15
	Sentence	18	8	14	19	11	21
	Other	1	2	4	5	6	1
TOTAL APPEALS		26	25	39	41	26	42

Appeals before the Court of Appeal

Court of Appeal cases arise from matters the ODPP has previously prosecuted in the District or Supreme Courts. Figure 12 shows the number of types of Court of Appeal cases the ODPP has received over the past six years.

FIGURE 12: COURT OF APPEAL CASES FROM 2003/04 TO 2008/09

Court of Appeal		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
State	Acquittal	4	2	-	2	-	-
	Sentence	14	13	4	10	15	9
	Other	2	-	7	1	-	1
Accused	Conviction	70	89	93	50	57	60
	Sentence	115	106	99	75	69	91
	Other	-	6	3	12	6	5
TOTAL APPEALS		205	216	206	150	147	166

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. Figure 13 displays the number of types of High Court cases the ODPP has received for the past six years.

FIGURE 13: HIGH COURT CASES FROM 2003/04 TO 2008/09

High Court Appeals		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
State		-	1	2	2	-	-
Accused		23	13	11	16	14	3
TOTAL APPEALS		23	14	13	18	14	3

CONFISCATION OF ASSETS

Proceeds of Crime – Freezing Notices and Freezing Orders are used to prevent property from being disposed of while an investigation or prosecution is carried out and/or until the conclusion of confiscation. The Police have power under the *Criminal Property Confiscation Act 2000* to obtain Freezing Notices from Magistrates or Justices of the Peace, and the Director of Public Prosecutions has the power to obtain Freezing Orders from the superior courts. In the reporting period a total of 263 Freezing Notices and 16 Freezing Orders were obtained. A comparative table showing the number of Freezing Notices and Orders obtained since 2000/01 appears in the table in Figure 14 (below). It should be noted that in certain circumstances multiple Freezing Notices may be issued for one person, which accounts for some variations between reporting periods.

FIGURE 14: FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATIONS ACT

Freezing Notices and Orders – Obtained	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Notice	41	115	58	68	133	152	117	231	263
Order	2	9	7	6	0	3	5	9	16
TOTAL	43	124	65	74	133	155	122	240	279

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

Figure 15 is a table showing the number of objections arising from Freezing Orders and Freezing Notices, as well as the subsequent outcomes for all notices and orders since the *Confiscations Act* was enacted.

FIGURE 15: OUTCOMES AND OBJECTIONS OF FREEZING NOTICES AND FREEZING ORDERS OBTAINED SINCE THE COMMENCEMENT OF THE CONFISCATIONS ACT

Freezing Notices and Orders – Outcomes	Total Issued	Total Finalised	Number Cancelled	Number leading to Confiscation	Number of Objections Received	Objections Dismissed	Objections Allowed
Freezing Notice	1178	745	212	442	1480	408	461
Freezing Order	57	32	2	24	116	33	32

A total of 225² objections were finalised this reporting period, resulting in 109 objections being dismissed and 101 succeeding. Figure 16 shows the breakdown of objections received and the outcomes of finalised objections for the past six years.

FIGURE 16: NUMBER OF OBJECTIONS TO FREEZING ORDERS AND FREEZING NOTICES RECEIVED AND FINALISED FROM 2003/04 TO 2008/09

Objections	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Objections received in the period	144	159	258	150	253	245
Objections dismissed in the period	27	40	29	92	101	109
Objections successful in the period	31	47	46	100	124	101
Total objections finalised for the period³	61	88	78	197	245	225

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

Upon declaration that a convicted person is a drug trafficker, all property relating to that person is confiscated to the State. While many individuals declared as drug traffickers have no assets, proceedings have begun against a number of declared drug traffickers during 2008/09. During 2008/09, 79 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 2008/09 a total of \$6,074,700 was paid into the Confiscation Proceeds Account from the property of declared drug traffickers (see the table in Figure 17).

FIGURE 17: DRUG TRAFFICKER DECLARATIONS AND MONEY PAID INTO CONFISCATIONS PROCEEDS ACCOUNT FROM 2003/04 TO 2008/09

Drug Traffickers	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Declarations made	76	69	91	81	67	79
Amount paid into account	\$719,815	\$1,832,814	\$1,224,694	\$2,708,766	\$8,071,257	\$6,074,700
% variation to previous year	-	154%	-33%	121%	198%	-25%

Figure 18 is a table showing the number and types of applications made since the commencement of the Confiscations Act.

² 211 for Freezing Notices and 14 for Freezing Orders

³ This may include objections finalised for Freezing Notices issued prior to this reporting year. The number of objections finalised is often greater than the combined total of objections dismissed and successful as some objections fall away due to other action.

FIGURE 18: 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	2007/08	2008/09	Total made	Total finalised	No. leading to confiscation
Unexplained wealth declaration	8	4	3	2	0	0	0	2	5	24	17	14
Criminal Benefits Declaration	2	2	2	4	0	1	0	0	1	12	8	7
Crime Used Property Substitution Declaration	0	1	2	1	0	0	2	2	3	11	7	4
TOTAL	10	7	7	7	0	1	2	4	9	47	32	25

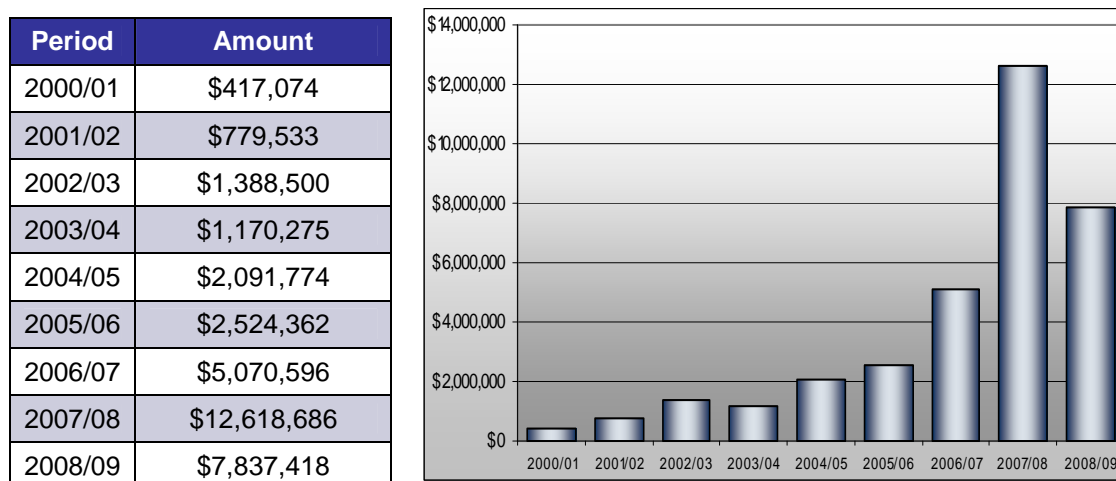
Figure 19 shows the number of proceedings in which a declaration of confiscation was made.

FIGURE 19: PROCEEDINGS FINALISED WHERE A DECLARATION OF CONFISCATION MADE FROM 2000/01 TO 2008/09

Finalised proceedings	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	Total Made
On grounds of declared drug trafficker	0	9	19	17	25	32	60	61	88	311
On grounds of Crime-Used or Crime-Derived	1	16	3	2	7	9	16	8	19	81
On grounds of Crime Used Property Substitution	0	0	1	0	1	0	0	2	0	4
On grounds of Unexplained Wealth	0	0	0	1	1	3	0	2	2	9
Criminal Benefits	0	0	0	0	1	0	1	0	1	3
Examination Order	0	0	0	0	0	0	1	0	0	1
Total Declarations	1	25	23	20	35	44	78	73	110	409

Figure 20 shows the total amount arising from all confiscations, paid into the Confiscation Proceeds Account, since January 2001 in table and graph format.

FIGURE 20: DOLLAR AMOUNTS PAID INTO CONFISCATIONS PROCEEDS ACCOUNT FROM 2000/01 TO 2008/09



Misuse of Drugs Act – During 2008/09, the ODPP managed a number of matters pursuant to the Misuse of Drugs Act 1981 (Misuse of Drugs Act) which resulted in revenue of \$284,981 being paid into the State's Consolidated Fund. Figure 21 shows the number of applications recorded, and revenue derived from applications under the Misuse of Drugs Act in recent years. There has been a decline in the number of applications and money forfeited pursuant to these Acts since 2000/01 as a result of applications now being made under the Criminal Property Confiscation Act 2000.

FIGURE 21: NUMBER OF APPLICATIONS RECORDED AND AMOUNT PAID TO REVENUE OVER THE LAST 7 YEARS

Misuse of Drugs Act	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
No. of Applications	49	39	41	70	46	62	52
Paid to Revenue	\$184,787	\$100,498	\$247,073	\$504,988	\$313,812	\$205,951	\$284,981
% variation	-46%	-46%	146%	104%	-38%	-34%	38%

PROJECTS

INFORMATION TECHNOLOGY PROJECTS

Replacement of Case Management System

Tendering for the new system began in October 2008 and the contract was awarded to New Dawn Technologies in the USA in March 2009. The new system is called JustWare Prosecutor. The replacement system includes workflow, document authoring management and ability to integrate data from external sources. Roll out of the system is planned for early 2010. Work is underway to redesign ODPP data collection requirements, document templates and workflow tasks to automate and streamline certain procedures to improve information access and management.

NewDawn have been contracted to integrate the ODPP's records management system TRIM with JustWare to provide facilities for a fully electronic case file, reducing the dependency on the physical file. The work is expected to be completed early 2010 with the introduction of the new case management system.

The replacement project includes an interface between Police and Court systems to automate the transfer of information into JustWare from the Magistrates Court. It is planned to incorporate court sitting and outcome data to streamline file management and minimise data entry requirements. Future requirements include the transfer from Police of an electronic brief and to build upon the document scanning processes implemented last year.

JustWare will provide the majority of operational reporting to ODPP business areas with the product allowing a unique portal type feature which can be customised by DPP for specific business requirements. In early 2010 a new business performance reporting structure will be implemented to improve analysis and reporting of ODPP performance against KPIs and targets. The goal is to provide business areas with a self service reporting environment to improve decision making and enhance access to key management data.

Infrastructure upgrades were implemented in late June 2009 for hosting the new case management system. In addition, to facilitate electronic files, storage capacity has been increased significantly with the purchase of a NUS (Network Unified Storage) device. At the same time archiving policies are being reviewed to comply with state record guidelines for retention of records as the office moves to electronic files.

Information Security

A project was established in late 2008 to implement best practice for information security according to Australian Standards. The project covers governance of information, physical system security and the devices coming onto the market. The Office is committed to implementing rigorous security infrastructure and policies.

Initial scope of work will implement a classification and ownership framework for information and storage. With the implementation of the new case management system the majority of matter related documents and information will be secured by the application away from the current file system setup.

Digital Court Transcript

Court transcripts are now automatically received from the Courts and using MOSS workflow integrate with the current systems to route transcripts to staff involved in the hearings. The transcripts are searchable and will automatically link back to the matter and accused through integration with the case management system. Future negotiations with Courts will look at broadening the scope to include the Supreme Court which is managed by another transcription company.

Electronic Records

The project began in March 2008 and most of the record for a case is stored within the TRIM system. Within the pending implementation of the new case management system most of the record will be available electronically and online, reducing dependence on the physical file. Email correspondence will also be kept in TRIM and the new case management system allows direct access to such records.

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

In-House Video Edits

In March 2008, the Office began doing the majority of video edits of interviews and crime scenes for court hearings in-house. This was previously done by the Police. The ODPP undertook this role due to increased demand and reduced turnaround times required by the Courts. Two video editing suite packages were purchased and specialist staff brought in to operate them.

The in-house editing process has seen significant improvements and time savings in delivery of edited material for trials. From January 2007 to May 2009 there were 1,783 video edits conducted. The turn around time for these edits from time of request to completion date was on average one day.

Intranet

The DPP implemented its first Intranet named DPPNet in early 2008 using Microsoft SharePoint 2007. The initial phase provided a facility for business areas to publish information and streamline processes. The next stage will be built upon this and integrate business applications such as the new case management and TRIM records system. A new site layer will be built focused on functional requirements, integrating the current organisational layer in which business areas currently manage their team's sites.

TRANSITION TO DTF SHARED SERVICES

The ODPP is transferring its Agency Corporate Services transaction processing to the DTF Shared Services Centre in 2010. This involves the implementation of Whole of Government business processes to manage transactions in the area of Human Resources, Payroll, Finance and Procurement.

The transition will have limited impact on the ODPP, as DotAG currently undertakes the in scope business processes for the Office. The anticipated hand over date is 4 March 2010.

KIMBERLEY WORKGROUP

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

Court proceedings have commonly followed a course of directions hearings (to determine objections to the admissibility of confessional evidence), pre-recording of children or special witnesses, jury trials and in the case of judgments of conviction, sentencing hearings.

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

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

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

CORPORATE SERVICES REPORT

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

To that end, the ODPP structure remains effectively based on the core business of the Office. However, it has been considerably strengthened through the significant increase in staff and a greater emphasis on performance management and leadership. The ODPP is comprised of six legal teams (three Indictable Teams, a Confiscations Team, Children's Court Team, and a combined Drug Court, Stirling Gardens Magistrates Court and Sentencing Team); a Corporate Services Division and a policy section. Four Consultant State Prosecutors report directly to the Director Legal Services and one SC⁴ 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.

Indictable Prosecution Teams

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

Sentencing Team

In the Sentencing Team, cases where early pleas of guilty have been entered are prepared for court by a team of paralegal staff, under the guidance of two solicitors. Administrative staff also prepare cases where court orders have been breached and also where there has been a referral to the Drug Court.

Appeals Team

This small team of two prosecutors and two support staff provide assistance and advice to prosecutors in the office who are assigned appeal files to manage. They also manage a small number of cases within the team.

Stirling Gardens Team

In October 2007, the Supreme Court created the Stirling Gardens Magistrates Court to help with case management on Supreme Court matters.

⁴ Senior Counsel, formerly known as Queens Counsel

The Stirling Gardens Magistrates' Court team continues to successfully negotiate pleas of guilty to a considerable proportion of robbery charges listed in the Supreme Court. All cases involving a fatality continue to be managed by senior prosecutors within the ODPP.

Children's Court Team

Since December 2006, the Children's Court team has operated as a distinct team within the office. Headed by a team manager, the team is responsible for all prosecutions before the President of the Children's Court and prosecutions before a Magistrate of the Children's Court sitting in Perth.

The team consists of a total of nine prosecutors (8.4FTE) and seven clerical staff. Originally split between the ODPP office at International House and the Perth Children's Court, in June 2009 a refurbishment of the Children's Court offices facilitated the co-location of the team.

Confiscations Team

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

Consultant State Prosecutors

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

The Corporate Services Division

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

Employment Statistics and Salaries

As at the 30 June 2009 the ODPP comprised of 249 staff (head count) or 221.85 FTE (full time equivalent)

The following table provides a breakdown between legal and non-legal staff, by gender. It also shows the staff classification levels and salaries.

FIGURE 22: STAFF CLASSIFICATION LEVELS, NUMBERS AND SALARIES

	2007/08			2008/09			
Classification Level	Gender		Total	Gender		Total	Salary Range (Per Annum)
	Male	Female		Male	Female		
Legal Staff							
Articled Clerks	3	1	4	4	0	4	\$53,291 - \$57,860
L1LG	5	3	8	4	1	5	\$66,943 - \$74,936
L2LG	15	7	22	12	11	23	\$72,492 - \$87,242
L3LG	14	7	21	14	5	19	\$96,513 - \$103,443
L4LG	7	5	12	11	7	18	\$109,311 - \$129,639
L5LG	3	17	20	6	11	17	\$142,244
L6LG	9	9	18	9	12	21	\$157,414 - \$176,983
L7LG	0	2	2	0	1	1	\$186,219
CSP	0	4	4	0	5	5	\$230,904 - \$291,814
DLS	0	1	1	0	1	1	\$276,457
DPP	0	1	1	0	1	1	\$341,306
Legal Staff Total	56	57	113	60	55	115	
Non Legal Staff							
Trainee	3	2	5	2	1	3	\$12,311 - \$13,563
L1	8	2	10	5	3	8	\$18,993 - \$45,653
L2	24	11	35	33	13	46	\$47,082 - \$51,126
L3	28	11	39	29	12	41	\$53,291 - \$57,860
L4	10	2	12	14	4	18	\$60,006 - \$63,418
L5	1	2	3	3	5	8	\$66,752 - \$73,775
L6	2	4	6	2	3	5	\$77,679 - \$86,017
L7	1	1	2	2	1	3	\$90,727 - \$97,241
L8	1	0	1	1	0	1	\$102,876 - \$111,740
L9	0	1	1	0	1	1	\$118,003 - \$126,873
Non Legal Staff Total	78	36	114	91	43	134	
TOTAL	134	93	227	151	98	249	

POLICY SECTION

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

Ongoing Liaison

Victims of Crime Reference Group

The ODPP continued to send a representative to the Victims of Crime Reference Group (VOCRG), established in 2006 to advise Government on the needs of victims and recommend improvements to the criminal justice system. The group is chaired by former Attorney-General Cheryl Edwardes. A key achievement by the Group in 2008/2009 was the launch of a new website to assist victims.

The website is: www.victimsofcrime.wa.gov.au

Victims and Witnesses

In May 2009 the ODPP hosted the national Witness Assistance Officers' Conference, organised and run jointly by the Victim Support Service and the DPP.

Witness assistance officers from all DPP offices and Victim Support agencies around Australia discussed many issues regarding their dealings with victims of crime. DPP staff were able to attend and listen to the presentations on a number of subjects from some of the country's best and most experienced practitioners.

This was the first time such a meeting had been held in Perth.

Inter-Agency Liaison

The DPP has bi-monthly meetings with Victim Support Service and the Child Witness Service, to resolve any issues about victims and witnesses and their role in the criminal justice system. Areas for reform are also considered and discussed.

The DPP is represented on the new Child Witness Committee chaired by a District Court Judge, that meets regularly to deal with any operational and policy issues affecting child witnesses. This Committee is overseeing the drafting and implementation of the Visual Recording of Interview Protocols.

Legislative reform

Law Reform

The DPP is regularly invited to make submissions and contribute to reforms. It has made submissions to Senate Legal and Constitutional Standing Committee regarding

the Journalists' Privilege Bill, the NSW Law Reform Commission on its reference regarding Jury Directions, and the Legislative Council Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament. The Personal Property and Securities Bill 2009 has also been considered, and the DPP helped in compiling information for the National Action Plan: Violence Against Women.

The DPP liaises with the Department of Attorney General on policy, proposed legislation and Bills.

Ongoing Policy Work - Sexual Offending Practices

A draft Sexual Offences Strategy for the Office was developed for consideration, to make the prosecution process more accessible for victims and encourage reporting and early resolution of complaints.

Legal Policy Committee

The DPP Legal Policy Committee, made up of senior DPP Prosecutors, focuses on appropriate implementation of prosecution policy and legal reforms.

DISCLOSURE AND LEGAL COMPLIANCE

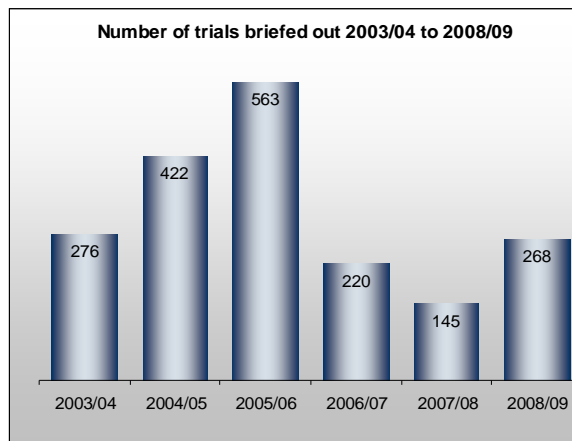
OTHER FINANCIAL DISCLOSURES

Brief Out Expenditure

The following table shows the pattern of expenditure for briefing out the conduct of trials to private barristers. The number of matters briefed out in a given year is dependant on a number of factors, such as court workload and staffing levels. The number of trials briefed out has increased from 13 per cent of the total listed number in the 2007/08 period to 24 per cent in the 2008/09 period. The increase in expenditure shown in the table below is partly due to this, but also resulted from a substantial increase in the fee rates in January 2009.

FIGURE 23: BRIEF OUT EXPENDITURE FROM 2001/02 TO 2008/09

Brief Out	Number of trial matters briefed	Expenditure
2001/02	458	\$869,635
2002/03	161	\$386,389
2003/04	276	\$604,929
2004/05	422	\$841,446
2005/06	563	\$1,267,059
2006/07	220	\$746,691
2007/08	145	\$439,977
2008/09	268	\$1,104,831



GOVERNANCE DISCLOSURES

Nil return in relation to Governance disclosures under TI 903 (viii), (ix) or (x).

PUBLIC INTEREST DISCLOSURES

In 2008/09, the Office did not receive any matters raised under the PID Act nor were any carried over from the previous financial year. The ODPP Public Interest Disclosure Internal Procedures and supporting information and documentation were published on the Intranet.

OTHER LEGAL REQUIREMENTS

Advertising

The *Electoral Act 1907* requires all public sector agencies required to publish an annual report under the *Financial Management Act 2006* or any other written law include a statement in the report detailing all expenditure incurred by, or on behalf of, the public agency during the 2008/2009 reporting period in relation to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies. Other than expenditure associated with advertising staff positions, the ODPP did not incur any expenditure in the above areas in this reporting period.

Disability Access and Inclusion Plan Outcomes

Further to the development in 2007 of the ODPP Disability Access and Inclusion Plan (DAIP) 2007-2012, the Office has progressed implementing priority strategies.

Achievements for 2008-2009 include:

- Ongoing implementation, monitoring and reviewing of the DAIP by the Compliance Management Committee;
- Created a Customer Services site on the Intranet, which includes a sub-site on Disability Awareness;
- Conducted four Disability Awareness Workshops of which 57 employees attended, bringing the total to date to 141;
- Published the Creating Accessible Events Checklist on DPPnet and informed relevant staff of the requirement to complete the checklist when organising a relevant event;
- Customised the Buildings and Facilities Checklist for conducting annual audits of ODPP premises;
- Reviewed and revised correspondence with witnesses and victims to ensure they are accessible and included a question to identify whether they have a disability, and if yes, what assistance they require;
- Published information on booking Deaf Interpreting Services on the Intranet; and
- Reviewed and revised ODPP pamphlets to make them as accessible as possible, including rewriting them in clear and concise language and adding a statement on how to obtain them in alternative formats.

Compliance with Public Sector Standards and Ethical Codes

The ODPP had one identified or reported compliance issue during the financial year with regards to the WA Code of Ethics or the ODPP Code of Conduct. This arose from the Corruption and Crime Commission's Report on the Inquiry into Alleged Misconduct by Public Officers in Connection with the Investigation of the Murder of Mrs Pamela Lawrence, the Prosecution and Appeals of Mr Andrew Mallard, and Other Related Matters.

There was one claim of breach of the Recruitment, Selection and Appointment Standard, of which the claimant withdrew the claim during the Conciliation stage.

Significant action taken to monitor and ensure compliance included:

- Revision of the ODPP Code of Conduct in consultation with all employees via a survey and a workshop;
- Regular Induction workshops that include information on the Public Sector Standards and Ethical Codes and the consequences of non-compliance;
- Intranet guidance material for all employees on ethical conduct, including reporting and managing conflicts of interest; and
- Attendance at Corruption and Crime Commission workshops to enhance understanding of strategies to integrate misconduct resistance into the Office.

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

Record keeping Systems Review

The ODPP has purchased a new case management system which will be integrated with the ODPP's existing TRIM records management system. Both systems will provide the ODPP the opportunity to move in the direction of electronic records and content management. The ODPP Recordkeeping Plan and its Retention and Disposal [R & D] are being reviewed and amended Plans are due to be submitted by 31 December 2009.

Record keeping Training Program

In May 2009 an on-line Recordkeeping Awareness Training programme was implemented. All ODPP staff will have access to the on-line training in September 2009, with all staff completing the training by 31 December 2009.

Effectiveness of Record Keeping Training

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

Induction Program

An Induction Program to address employee and contractor roles and responsibilities in regard to their compliance with our Recordkeeping Plan is to be developed by December 2009. The Induction program includes Recordkeeping Awareness and recordkeeping training specifically tailored to the role of the new employee within the ODPP.

MINISTERIAL DIRECTIVES

Nil return as there was no directives made by the Attorney General during 2008/2009.

GOVERNMENT POLICY REQUIREMENTS

Corruption Prevention - The Office began reviewing the ODPP Code of Conduct in 2008. Upon finalisation, all staff will receive training in Accountable and Ethical Decision Making in the WA Public Sector. Guidance material on ethical conduct, including reporting and managing conflicts of interest, has been published on the Intranet for all employees to access.

Several staff attended Corruption and Crime Commission workshops to enhance their understanding of strategies to integrate misconduct resistance into the Office.

The ODPP in consultation with key stakeholders revised its Risk Management Plan.

Substantive Equality - As per the Public Sector Commissioners Circular 2009-23, all departments represented on the Strategic Management Council are required to set out in their annual report the progress achieved in implementing the Policy Framework for Substantive Equality. The ODPP is not represented on the Strategic Management Council and therefore not required to report on this initiative.

Occupational Safety, Health and Injury Management - The ODPP is committed to providing and maintaining a safe and healthy workplace that is free of work-related injuries and diseases, and that in the event an injury occurs, they are managed quickly and properly so that the injured worker can remain at work or return to work at the earliest appropriate time. The ODPP has documented this commitment in the ODPP Occupational Safety and Health Policy, ODPP Injury Management Policy and the ODPP Injury Management Procedures.

Progressing from the development of these policies and procedures, the Office is currently establishing a formal consultative mechanism. Progress to date has included calling for interested employees to be Safety and Health Representatives for their workplace.

The ODPP's performance against the 2008/09 annual targets⁵ are as follows:

FIGURE 24: OHS PERFORMANCE AGAINST TARGETS

Indicator	Target 2008/09	Actual
Number of fatalities	Zero (0)	0
Lost time injury/diseases (LTI/D) incidence rate.	Zero (0) or 10% reduction on previous year	2
Lost time injury severity rate	Zero (0) or 10% improvement on previous year	100

⁵ The data in Figure 24 was supplied by Risk Cover.

In 2008-09, the Office achieved the following in the identified priority areas for implementing a safe and healthy workplace in the ODPP.

Cultural Development

In recognition that in the course of providing a prosecution service, employees are exposed to graphic and stress provoking experiences, which over time can take its toll on employees' health and wellbeing, the ODPP is committed to regularly conducting Recognising & Managing Stressful Experiences Workshops. In addition to the two workshops conducted in the previous reporting period (29 attendees), two workshops were held in 2008-09, with 39 attendees. Participants are provided with meaningful and practical learning experiences and the opportunity:

- To gain a greater understanding of the short and long term impact of being exposed to stressful experiences; and
- To develop practical skills, methods, techniques and strategies to manage these stressful experiences effectively.

In addition, the Office has systematically been conducting Communicating Effectively workshops (Fundamentals; Negotiation Skills; Giving and Receiving Feedback) aimed at three levels of employees: senior managers, supervisors and employees. In the 2008-09 period 23 employees (9 percent of the workforce) attended at least one of the workshops, 27 (10 percent) attended two workshops, and 13 (5 percent) have attended all three. Six workshops have been scheduled for 2009-10.

Ergonomics and Manual Handling

Further to the success in 2007 of a similar program, an ergonomist was engaged to conduct an Ergonomic and Manual Handling Workshop (16 attendees) and undertake 21 individual worksite assessments, including the provision of advice and assistance to set up the employee's workstation to meet optimal ergonomic standards.

Accident/Incident Reporting & Injury Management

The procedures for reporting an accident/incident in the workplace and lodging a workers' compensation claim were revised and published on the Intranet. Dedicated officers in the Office were assigned the responsibility for the management of accidents/incidents and the role of "Injury Management Coordinator".

Bullying in the Workplace

Thirty seven (37) managers/supervisors attended two Managing Difficult Behaviours and Situations Workshops that was designed to empower and enhance their capability to successfully establish and manage high quality-working relationships in their teams and in the wider Office culture, including managing bullying complaints. Two workshops have been scheduled for 2009-10.

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 Children's Court. The ODPP also appears if any of those matters proceed to appeal. In addition, the ODPP initiates actions pursuant to the Criminal Property Confiscation Act and the Misuse of Drugs Act and manages committal proceedings in the Magistrates Court at the Central Law Courts, Perth, and the Stirling Gardens Magistrates Court, Perth.

ODPP Mission

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

ODPP Outputs

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

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

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

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

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

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

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.

Output 2 – Confiscations of Assets was introduced in the 2002/03 financial year. The role of the ODPP under this output is to confiscate property acquired as a result of criminal activity, property used for criminal activity and the property of a declared drug trafficker. Much of this work is conducted in close co-operation with WA Police under the *Criminal Property Confiscation Act 2000*.



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 2009

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 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

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

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

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.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
2009**

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 2009 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 2009.



COLIN MURPHY
AUDITOR GENERAL
18 September 2009



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

KEY PERFORMANCE INDICATORS

CERTIFICATION OF KEY PERFORMANCE INDICATORS

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Office of Director of Public Prosecutions' performance, and fairly represent the performance of the Office of the Director of Public Prosecutions for the financial year ended 30 June 2009.

Bruno Fiannaca SC
ACCOUNTABLE AUTHORITY
Date: 17/9/09

KEY PERFORMANCE INDICATORS

Government Goal

Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.

Desired Outcome

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

Key Effectiveness Indicators

Effectiveness Indicator No 1: Early advice to Court on charges

Relationship to Desired Outcome

The timely resolution of cases contributes significantly to fair and just outcomes for all stakeholders, including accused persons, victims and the Court. A case cannot progress within the Court system until the charges (as formalised in the indictment) have been lodged, so timely lodgement of this document by the ODPP is a key factor in achieving a fair and just outcome.

Performance Outcome 2008/09

In 2008/09 the Office of the Director of Public Prosecutions received 2357 cases. In the case of 19.0 per cent of prosecutions (442 cases), the indictment was filed with the court within 42 days from the date of committal.

Trends Over Time

Year	Indictment document filed within 42 days of committal
2008/2009	19%
Year	Indictment document filed at least five working days before the first appearance of the accused
2007/2008	54.8%
2006/2007	53.0%
2005/2006	40.6%

KPI Target 2008/2009	KPI Result 2008/2009
70%	19%

Explanations for variations between the target and actual performance

The method of calculating this performance indicator has changed since 1st July 2008. The sharp decrease in the proportion of indictments lodged on time is directly related to the change in the measurement of "timeliness". Prior to the change, timeliness was measured by counting where an indictment was filed 5 or more working days before the first appearance.

According to the new counting rules indictment timeliness is defined as an indictment filed within 42 days (6 weeks) from the date of committal for new cases committed to the District and Supreme Courts. Although the new performance measure is significantly harder to achieve, ambitious targets were maintained while further assessment is undertaken on appropriate performance targets.

In the case of regional matters, the receipt of the committal documents by the ODPP may be delayed, affecting the attainment of the 42 day target. Circuit matters accounted for 27% (633) cases received by the ODPP in 2008/09.

The performance result for the period 1st July 2008 to 30th June 2009 shows an improvement in indictment timeliness of 10% overall. The proportion of indictments filed within 42 days from the date of committal was 23% in June 2009 and the measure has been improving steadily throughout the financial year.

Effectiveness Indicator No 2: Establishing a case to answer.

Relationship to Desired Outcome

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

Performance Outcome 2008/09

There have been seven (1%) reported Judge directed acquittals this year out of a total of 1125 listed trials, resulting in 99.3% of matters having a case to answer.

Trends Over Time

Year	Case to answer
2008/2009	99.3%
2007/2008	99.3%
2006/2007	98.8%
2005/2006	98.0%

KPI Target 2008/2009	KPI Result 2008/2009
98%	99.3%

Effectiveness Indicator No 3: Convictions after trial

Relationship to Desired Outcome

For cases contested at trial, it is the role of the ODPP to fairly and effectively present the evidence in the case to the Court and the jury. While it is not the role of the ODPP to secure a conviction at any cost, monitoring and measuring the percentage of convictions after trial to some degree confirms the propriety and therefore fairness of the original decision to prosecute.

Performance Outcome 2008/09

In 2008/09 38% (429) of listed trials were resolved by jury. Of these, 61.8% (265) resulted in a conviction against one or more of the charges listed in the indictment. The conviction rate is calculated by dividing the total number of convictions (265) by the sum of the total number of convictions plus the total number of acquittals (including Judge directed acquittals). This calculation has differed slightly from previous years. Using the method of calculation prior to the March 2008 KPI review, the conviction rate would have been 56%.

Trends Over Time

Year	Convictions after jury trial
2008/2009	61.8%
Year	Convictions after trial
2007/2008	55.0%
2006/2007	48.2%
2005/2006	53.0%

Effectiveness Indicator No 4: Satisfaction with the service provided to victims

Relationship to Desired Outcome

In providing a fair and just prosecution service, victims' needs for information, inclusion and support must be met, and victims should always be treated with dignity and respect. This KPI will measure the extent to which victims are satisfied that they have been treated in a fair and just manner.

Performance Outcome 2008/09

Baseline results included for the 2008/09 financial year did not come from a survey administered by the ODPP. Rather, survey results have been taken from a study conducted by the Centre for Criminological Research and Evaluation, School of Social and Political Sciences, University of Melbourne. The one hundred respondents interviewed comprised victims and witnesses of crime from Western Australia and the survey included questions evaluating the performance of the ODPP in meeting the special needs of this client group.

A similar survey has been designed for implementation in the 2009/10 financial year. This survey has been developed by the ODPP and will be administered over the internet as well as over the phone to victims. The survey will continue to utilise the results of the 2008/09 questionnaire developed by the University of Melbourne as a baseline measure of performance.

The 47 participants who indicated that they had dealt with the prosecution were asked to rate their satisfaction with the prosecution on a 5 point scale, from 0 (*Not at all satisfied*) to 4 (*Very satisfied*). In the baseline figures taken from this survey "Prosecution" included both the Police and the ODPP prosecutors. Of the 47 respondents only 38 had contact with the ODPP prosecutors. Future surveys will only ask questions of respondents who had contact with the ODPP.

Year	Very Satisfied	Satisfied	Somewhat satisfied	A little satisfied	Not at all satisfied
2008/2009	16	6	9	6	10

Effectiveness Indicator No 5: Satisfaction with the service provided by the Office as assessed by Courts and Defence Counsel

Relationship to Desired Outcome

As key stakeholders of the ODPP, the Judiciary and Defence Counsel are able to provide valuable feedback on the degree to which the Office is providing a fair and just prosecution service to the State.

Performance Outcome 2008/09

The ODPP prosecutes most matters in the Supreme, District and Central Law Courts. As an initial step, a survey of members of the Western Australian Judiciary was conducted to evaluate the satisfaction of Judges and Justices with the performance of the ODPP for the 2008/09 financial year.

The Judiciary were asked to evaluate the performance of the ODPP in relation to case preparation and case presentation in Court. These dual aspects of our work, if performed in an effective and timely manner, enable the delivery of a fair and just prosecution service and the efficient utilisation of Court time and resources.

Out of the 40 questionnaires sent to all Justices and Judges of the Supreme and District Courts in Western Australia in early July 2009, one complete response and one partial response was received. This sample is too small to draw conclusions for results against this indicator. Reasons provided by the Judiciary for not participating in the survey were that the survey was not considered appropriate, it was deemed unhelpful to comment on cases, the Judge had not sat on any criminal matters in 2008/09, and that the response, if provided, would be too subjective.

For 2009/10 the ODPP will also consider surveying both Western Australia Police and Defence Counsel annually, following the development of two additional surveys for these stakeholder groups. It is hoped this strategy will improve the response rate for the survey of stakeholders and professional peers. Otherwise, the usefulness of this indicator will need to be reviewed in future years.

Effectiveness Indicator No 6: Timely Lodgement of Applications for Confiscation in relation to Declared Drug Trafficker matters

Relationship to Desired Outcome

Timely resolution of a case contributes significantly to fair and just outcomes for all stakeholders including the community, innocent third parties and declared drug traffickers. The majority of confiscation cases relate to drug traffickers and such matters cannot progress to conclusion until an application for a Declaration of Confiscation is filed with a court by the ODPP. Drug trafficker declarations and the applications for confiscation of assets which arise from these form over 80% of the work of the Confiscations Unit and are therefore the most relevant area for assessing effectiveness.

Performance Outcome 2008/09

In 2008/09, 50 declarations for confiscations were filed. Of these, 10 (20%) were filed within 3 months of the Drug Trafficker Declaration. The greatest number of applications for confiscations filed during 2008/09 was reported in August 2008 and the greatest proportion filed within 3 months of the Drug Trafficker Declaration was recorded in December 2008 (67%).

In previous years, the ODPP measured the percentage of applications for a freezing order that were successful. Since the beginning of the *Criminal Property Confiscation Act 2000*, the Court has been satisfied that a Freezing Order should be made in relation to every application by the ODPP, and the usefulness of this indicator was questionable on that basis.

Trends Over Time

Year	Application for a Declaration of Confiscations filed within 3 months of the Drug Trafficker Declaration
2008/2009	20%
Year	Successful Applications for Freezing Orders
2007/2008	100%
2006/2007	100%
2005/2006	100%
2004/2005	N/A (Nil applications)

KPI Target 2008/2009	KPI Result 2008/2009
100%	20%

Explanations for variations between the target and actual performance

The ability of the ODPP to meet the performance target for this indicator is affected by a number of factors, including the progress of the Police investigation conducted to establish the ownership of the property, the tracking of the Court process, provision of proof that a Drug Trafficker declaration has been made (this is sometimes obtained from the Court and sometimes from Police), and negotiation with respect to claimed interests in relation to the property to be confiscated. A delay in any of these processes will result in a delay in the filing of the application for a Declaration of Confiscations with the Court.

In 2008/09, the ODPP Confiscations unit recruited additional staff and has been working through a number of cases which had built up over previous years. It is expected that in the next reporting period the unit will deliver a substantial improvement in the timeliness of lodging applications for a Declaration of Confiscations.

However, in view of the large number of external factors which influence the timeliness of such applications, the ODPP will need to revise the target for this performance indicator in future years.

Effectiveness Indicator No 7: Timely resolution of Drug Trafficker confiscations

Relationship to Desired Outcome

Timely resolution of a case contributes significantly to fair and just outcomes for all stakeholders. Until confiscation proceedings are concluded, recovery of confiscated property for the benefit of the State and the people of Western Australia cannot occur, while innocent third parties cannot deal with their property freely.

Performance Outcome 2008/09

Twenty-two out of 42 (52%) Drug Trafficker matters were resolved within 12 months of the Drug Trafficker Declaration in 2008/09.

Year	Resolution of Drug Trafficker matter within 12 months of the Drug Trafficker Declaration
2008/2009	52%

KPI Target 2008/2009	KPI Result 2008/2009
75%	52%

Explanations for variations between the target and actual performance

Timely resolution of Drug Trafficker confiscation matters is dependent on a number of external factors, most notably the ability to negotiate an agreement with respect to claimed interests. Some negotiations can be complex and time consuming. In some instances further investigations are required at the conclusion of the criminal process, as it would have been inappropriate to conduct these earlier.

In concluding the matter quickly, the ODPP is often reliant on further Police investigations providing strong evidence which will either support the State claim or reject the third party claim. Given the Office's dependency on external factors, the target for this performance indicator will also be reviewed for 2009/10.

Key Efficiency Indicators

Service 1: Criminal Prosecutions

Efficiency Indicator 1: 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" for criminal prosecutions.

Performance Outcome 2008/09

The total expenditure on criminal prosecutions for the financial year 2008/09 was \$30,593,439. There were a total of 2357 cases received by the Office in 2008/09. With the above qualifications in relation to providing such a calculation, the average cost per criminal prosecution in 2008/09 was approximately \$12,980.

Trends Over Time

Year	Cost Per Matter
2008/2009	\$12,980
2007/2008	\$11,254
2006/2007	\$10,931
2005/2006	\$8,531
2004/2005	\$6,543

KPI Target 2008/2009	KPI Result 2008/2009
\$11,500	\$12,980

Explanations for variations between the target and actual performance

The ODPP incurred additional costs in the 2008/09 financial year which significantly increased overall expenditure, but which are unlikely to recur in future years. These include the purchase of the new Case Management System.

There were also significant increases in salaries and related staff costs and increased services and supplies expenditure, particularly relating to brief out expenses. These increased costs are incorporated in the 2009/10 performance target.

Service 2: Confiscation of Assets

Efficiency Indicator No 2: Ratio of Cost to Return

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. 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 confiscations matter reflective of the practice of the section and a ratio of cost to return may be more illustrative.

Performance Outcome 2008/09

In 2008/09 122 declarations for confiscations have been filed. Receipts for the financial year 2008/09 totalled \$7,837,417. The total cost of the confiscations function in 2008/09 was \$3,143,202. The ratio of cost to return is therefore 40.1% (\$3,143,202 \ \$7,837,417).

KPI Target 2008/2009	KPI Result 2008/2009: cost as a percentage of return.
22%	40.1%

Explanations for variations between the target and actual performance

Timely resolution of Drug Trafficker confiscation matters and other matters by the Confiscations unit is largely dependent on the timely conclusion of negotiations with interested parties. If these are lengthy in nature, the cost of the confiscation process increases accordingly.

It is hoped that future reporting years will deliver an improvement in this performance measure.

FINANCIAL STATEMENTS

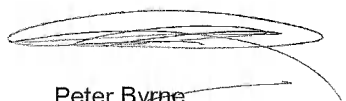


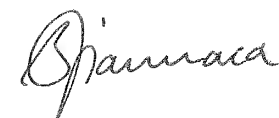
DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009

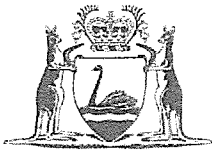
The accompanying financial statements of the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009.

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


Peter Byrne
Chief Finance Officer
Date: 15/9/09


Bruno Fiannaca SC
Accountable Authority
Date: 15/9/09

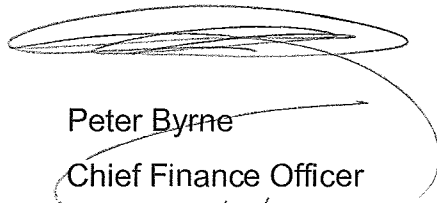




**CERTIFICATION OF FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009**

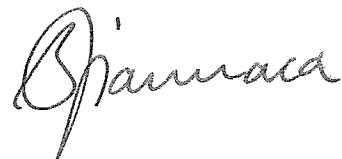
The accompanying financial statements of the Office of the Director of Public Prosecutions have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009.

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



Peter Byrne
Chief Finance Officer

Date: 15/9/09



Bruno Fiannaca SC
Accountable Authority

Date: 15/9/09



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Income Statement*for the year ended 30 June 2009*

	Note	2009 \$	2008 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	24,029,671	20,439,139
Supplies and services	7	4,997,195	4,195,823
Depreciation and amortisation expense	8	566,270	638,858
Accommodation expenses	9	2,307,326	1,814,021
Loss on disposal of non-current assets	11	6,093	22,080
Other expenses	10	1,830,086	1,617,512
Total cost of services		<u>33,736,641</u>	<u>28,727,433</u>
Income			
Revenue			
Other revenue	12	81,437	144,021
Total income other than income from State Government		<u>81,437</u>	<u>144,021</u>
NET COST OF SERVICES		<u>33,655,204</u>	<u>28,583,412</u>
INCOME FROM STATE GOVERNMENT			
Service Appropriation	13	26,824,000	25,817,000
Contribution from Confiscation Proceeds Account		3,099,985	2,303,822
Resources received free of charge		1,258,965	1,533,049
Total income from State Government		<u>31,182,950</u>	<u>29,653,871</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		(2,472,254)	1,070,459

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 2009

	Note	2009 \$	2008 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23(a)	3,101,996	4,848,536
Receivables	15	254,437	147,263
Amounts receivable for services	16	1,823,000	1,673,000
Other current assets	17	26,002	13,985
Total Current Assets		<u>5,205,435</u>	<u>6,682,784</u>
Non-Current Assets			
Restricted cash and cash equivalents	14	304,723	200,000
Amounts receivable for services	16	-	-
Property, plant and equipment	18	5,235,086	4,904,406
Total Non-Current Assets		<u>5,539,809</u>	<u>5,104,406</u>
TOTAL ASSETS		<u>10,745,244</u>	<u>11,787,190</u>
LIABILITIES			
Current Liabilities			
Payables	20	745,882	1,257,084
Provisions	21	4,345,982	2,365,753
Total Current Liabilities		<u>5,091,864</u>	<u>3,622,837</u>
Non-Current Liabilities			
Provisions	21	1,676,246	1,714,965
Total Non-Current Liabilities		<u>1,676,246</u>	<u>1,714,965</u>
TOTAL LIABILITIES		<u>6,768,110</u>	<u>5,337,802</u>
Net Assets		3,977,135	6,449,388
EQUITY	22		
Contributed equity		6,972,760	6,972,760
Accumulated surplus / (deficiency)		(2,995,625)	(523,371)
Total Equity		<u>3,977,135</u>	<u>6,449,389</u>
TOTAL LIABILITIES AND EQUITY		<u>10,745,245</u>	<u>11,787,191</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 2009

	Note	2009 \$	2008 \$
Balance of equity at start of period		1,070,459	(958,684)
CONTRIBUTED EQUITY			
Balance at start of period	22	6,972,760	6,314,760
Capital contribution	22	-	658,000
Distribution to owners		-	-
Balance at end of period		<u>6,972,760</u>	<u>6,972,760</u>
ACCUMULATED SURPLUS			
Balance at start of period	22	(523,371)	(1,176,704)
Change in accounting policy (a)			(417,126)
Restated balance at start of period		<u>(523,371)</u>	<u>(1,593,830)</u>
Surplus/(deficit) for the period		<u>(2,472,254)</u>	<u>1,070,459</u>
Balance at end of period		<u>(2,995,625)</u>	<u>(523,371)</u>
Balance of equity at end of period		<u>3,977,135</u>	<u>6,449,389</u>
Total income and expense for the period (b)		(2,472,254)	1,070,459

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

(a) The ODPP Asset Capitalisation Threshold was increased to \$5,000 in accordance with TII101 with effect 1 July 2008. The change in accounting policy was applied retrospectively by adjusting the opening balance of the accumulated surplus/(deficiency) by the written down value of the assets with a purchase cost below \$5,000.

(b) The aggregate net amount attributable to each category of equity is a deficit of \$2,472,254 (2008: surplus \$1,070,459).



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Cash Flow Statement

for the year ended 30 June 2009

	Note	2009 \$	2008 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		26,891,000	25,466,000
Contribution from Confiscation Proceeds Account		3,099,985	2,303,822
Capital contributions		-	658,000
Holding account drawdowns		(217,000)	148,000
Net cash provided by State Government		<u>29,773,985</u>	<u>28,575,822</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits expense		(20,379,338)	(17,756,649)
Supplies and services		(10,108,720)	(7,720,601)
GST payments on purchases		(810,156)	(470,567)
Receipts			
Receipts from services (a)		(895)	87,837
GST receipts on sales		32,922	7,492
GST receipts from taxation authority		753,427	659,344
Net cash provided by/(used in) operating activities	23(b)	<u>(30,512,761)</u>	<u>(25,193,144)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		-	-
Purchase of non-current physical assets		(903,043)	(766,520)
Net cash provided by/(used in) investing activities		<u>(903,043)</u>	<u>(766,520)</u>
Net increase/(decrease) in cash and cash equivalents		(1,641,818)	2,616,158
Cash and cash equivalents at the beginning of period		<u>5,048,537</u>	<u>2,432,379</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	23(a)	<u>3,406,719</u>	<u>5,048,537</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 2009

	Criminal Prosecutions		Confiscation of Assets		TOTAL	
	2009	2008	2009	2008	2009	2008
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses from ordinary activities						
Employee Benefits Expenses	21,553,871	18,577,279	2,475,800	1,861,860	24,029,671	20,439,139
Supplies and services	4,572,865	3,939,533	424,330	256,290	4,997,195	4,195,823
Depreciation and amortisation expense	522,965	589,807	43,305	49,051	566,270	638,858
Accommodation expenses	2,172,847	1,708,854	134,479	105,167	2,307,326	1,814,021
Loss on disposal of non-current assets	5,621	22,063	472	17	6,093	22,080
Other expenses	1,765,270	1,574,639	64,817	42,873	1,830,086	1,617,512
Total cost of services	30,593,439	26,412,175	3,143,202	2,315,258	33,736,641	28,727,433
Income						
Other revenue	81,437	144,021	-	-	81,437	144,021
Total income other than income from State Government	81,437	144,021	-	-	81,437	144,021
NET COST OF SERVICES	30,512,002	26,268,154	3,143,202	2,315,258	33,655,204	28,583,412
INCOME FROM STATE GOVERNMENT						
Service appropriation	26,824,000	25,817,000	-	-	26,824,000	25,817,000
Contribution from Confiscation Proceeds Account	(0)	-	3,099,985	2,303,822	3,099,985	2,303,822
Resources received free of charge	1,258,965	1,533,049	-	-	1,258,965	1,533,049
Total income from State Government	28,082,965	27,350,049	3,099,985	2,303,822	31,182,950	29,653,871
Surplus/(deficit) for the period	(2,429,037)	1,081,895	(43,217)	(11,436)	(2,472,255)	1,070,459

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



Schedule of Assets and Liabilities by Service
for the year ended 30 June 2009

	Criminal Prosecutions		Confiscation of Assets		TOTAL	
	2009	2008	2009	2008	2009	2008
	\$	\$	\$	\$	\$	\$
ASSETS						
Current Assets	4,906,643	6,299,192	298,792	383,592	5,205,435	6,682,784
Non - Current Assets	5,221,825	4,811,413	317,985	292,993	5,539,810	5,104,406
Total assets	10,128,468	11,110,605	616,777	676,585	10,745,245	11,787,190
LIABILITIES						
Current liabilities	4,692,153	3,392,425	399,711	230,412	5,091,864	3,622,837
Non-current liabilities	1,544,661	1,605,893	131,585	109,072	1,676,246	1,714,965
Total liabilities	6,236,813	4,998,318	531,297	339,484	6,768,110	5,337,802
NET ASSETS	3,891,654	6,112,288	85,480	337,100	3,977,135	6,449,388



	2009 Estimate \$	2009 Actual \$	Variance \$	2009 Actual \$	2008 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 68 Net amount appropriated to deliver services	24,226,000	24,533,000	(307,000)	24,533,000	23,700,000	833,000
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	2,268,000	2,291,000	(23,000)	2,291,000	2,117,000	174,000
Total appropriations provided to deliver services	<u>26,494,000</u>	<u>26,824,000</u>	<u>(330,000)</u>	<u>26,824,000</u>	<u>25,817,000</u>	<u>1,007,000</u>
CAPITAL						
- Transfer of asset from another agency	-	-	-	-	-	-
Item 141 Capital Contribution	365,000	-	365,000	-	658,000	(658,000)
ADMINISTERED TRANSACTIONS						
Administered Grants and Transfer Payments	100,000	284,981	(184,981)	284,981	205,581	79,400
GRAND TOTAL	<u>26,959,000</u>	<u>27,108,981</u>	<u>(149,981)</u>	<u>27,108,981</u>	<u>26,680,581</u>	<u>428,400</u>
Details of Expenses by Service						
Criminal Prosecutions	27,862,000	30,593,439	(2,731,439)	30,593,439	26,412,175	4,181,264
Confiscation of Assets	1,535,000	3,143,202	(1,608,202)	3,143,202	2,315,258	827,944
Total Cost of Services	29,397,000	33,736,641	(4,339,641)	33,736,641	28,727,433	5,009,208
Less total income	(1,760,000)	(3,181,422)	1,421,422	(3,181,422)	(2,447,843)	(733,579)
Net Cost of Services	27,637,000	30,555,219	(2,918,219)	30,555,219	26,279,590	4,275,629
Adjustment (a)	(1,143,000)	(3,731,219)	2,588,219	(3,731,219)	(462,590)	(3,268,629)
Total appropriations provided to deliver services	<u>26,494,000</u>	<u>26,824,000</u>	<u>(330,000)</u>	<u>26,824,000</u>	<u>25,817,000</u>	<u>1,007,000</u>
Capital Expenditure						
Purchase of non-current physical assets	365	903,043	(902,678)	903,043	766,250	136,793
Adjustments for other funding sources	364,635	(903,043)	1,267,678	(903,043)	(108,250)	(794,793)
Capital Contribution (appropriation)	<u>365,000</u>	<u>-</u>	<u>365,000</u>	<u>-</u>	<u>658,000</u>	<u>(658,000)</u>
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income	100,000	284,981	(184,981)	284,981	205,581	79,400

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

Note 26 'Explanatory Statements' provides details of any significant variations between estimates and actual results for 2009 and between the actual results for 2008 and 2009

1 Office of the Director of Public Prosecutions mission and funding

The mission of the Office of the Director of Public Prosecutions (the "ODPP" for the purpose of these notes) is to provide the people of Western Australia with a fair and just criminal prosecution service.

The ODPP 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 ODPP controls resources to carry on its functions.

2 Australian equivalents to International Financial Reporting Standards

The ODPP's financial statements for the year ended 30 June 2009 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 ODPP has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The ODPP cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the ODPP for the annual reporting period ended 30 June 2009.

3 Summary of significant accounting policies

(a) General statement

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

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

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

(b) Basis of preparation

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

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

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

(c) Reporting entity

The reporting entity comprises the ODPP 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'.

(e) **Income**

Revenue recognition

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

Sale of goods

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

Rendering of services

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

Interest

Revenue is recognised as the interest accrues.

Service Appropriations

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

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the ODPP. In accordance with the determination specified in the 2008-2009 Budget Statements, the ODPP retained \$81,437 in 2009 (\$138,093 in 2008) from the Executive vehicle scheme and miscellaneous revenue.

Grants, donations, gifts and other non-reciprocal contributions

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

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

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

Gains

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



(f) Property, plant and equipment

Capitalisation/Expensing of assets

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

Initial recognition and measurement

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

Subsequent measurement

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

Derecognition

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

Depreciation

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

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

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

(g) Impairment of Assets

Property, plant and equipment assets are tested for any indication of impairment at each balance sheet date. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the ODPP 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.

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

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

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

(h) Leases

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



(i) **Financial instruments**

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

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

These have been disaggregated into the following classes:

Financial Assets

Cash and cash equivalents

Restricted cash and cash equivalents

Receivables.

Amounts receivable for services

Financial Liabilities

Payables

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

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

(j) **Cash and cash equivalents**

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

(k) **Accrued salaries**

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

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

(l) **Amounts receivable for services (holding account)**

The ODPP receives appropriation 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.

(m) **Receivables**

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

(n) **Payables**

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



(o) Provisions

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

Provisions - employee benefits

Annual leave and long service leave

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

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price Waterhouse Coopers in 2009 has determined that the liability measured using the short hand method is not materially different from the liability measured using the present value of expected future payments.

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

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

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

Provisions - other

Employment on-costs

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

(p) Superannuation expense

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

Defined benefit plans - For 2007-08, the change in the unfunded employer's liability (i.e. current service cost and actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the GSS Scheme; and

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



Defined benefit plans - For 2007-08, the movements (i.e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer, a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

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

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

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

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

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

(r) Comparative figures

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

4 Services of the ODPP

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

The two key services of the ODPP are:

Service 1: Criminal Prosecutions

The ODPP 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 ODPP's published statements of prosecution policy and guidelines.

Service 2: Confiscation of Assets

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



5 Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The ODPP has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the ODPP:

- (i) Review of AAS 29 'Financial Reporting by Governments Departments' and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 29 and AAS 31:

AASB 1004 'Contributions';

AASB 1050 'Administered Items';

AASB 1051 'Land Under Roads';

AASB 1052 'Disaggregated Disclosures';

AASB 2007-09 'Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB137]; and

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

The existing requirements in AAS 29 and AAS 31 have been transferred to the above and new revised topic-based Standards and Interpretation. These requirements remain substantively changed. AASB 1050, AASB 1051 and AASB 1052 do not apply to Statutory Authorities. The other Standards and Interpretation make some modifications to disclosures and provide additional guidance otherwise there is no financial impact.

Voluntary changes in Accounting Policy

The ODPP Asset Capitalisation Threshold has been increased to \$5,000 in accordance with TI 1101 with effect 1 July 2008. The change in accounting policy was applied retrospectively by adjusting the opening balance of accumulated surplus/(deficiency) by the written down value of all assets with a purchase cost of less than \$5,000. The written down value of the assets was \$0.417m.

Future impact of Australian Accounting Standards not yet operative

The ODPP 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 ODPP has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the ODPP but are not yet effective. Where applicable, the ODPP plans to apply these Standards and Interpretations from their application date:

Title	Operative for reporting periods beginning on or after
AASB 101 'Presentation of Financial Statements' (September 2007). This standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The ODPP does not expect any financial impact when the Standard is first applied	1 January 2009

6 Employee benefits expenses

	2009 \$	2008 \$
Wages and salaries (a)	17,760,335	16,572,680
Annual and long service leave (b)	4,401,279	2,209,290
Superannuation - defined contribution plan (c)	1,868,057	1,657,169
Superannuation - defined benefit plans (d)(e)(f)	-	-
	<u>24,029,671</u>	<u>20,439,139</u>

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

(b) Includes a superannuation contribution component

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

(d) An equivalent notional income is also recognised (see note 13 'Income from State Government'). Commencing in 2008-09, the reporting of notional superannuation expense and equivalent notional income has been discontinued.

(e) Advice from GESB indicates that this liability has not changed from the previous reporting period and therefore no adjustment is required for 2008/09.

(f) Defined benefit plans include Pension Scheme and Gold State (pre-transfer benefit)

Employment on-costs such as workers' compensation insurance are included at Note 10 "Other Expenses". The employment on-costs liability is included at note 21 "Provisions".

	2009 \$	2008 \$
7 Supplies and services		
Consumables	640,890	495,393
Consultants and contractors (a)	3,662,235	3,061,904
Communication expenses	186,701	155,746
Electricity and water	99,297	68,957
Staff travel and accommodation	350,171	377,695
Insurance	57,902	36,128
	<u>4,997,195</u>	<u>4,195,823</u>

(a) Includes Services received free of charge totalling \$1,258,965 (2008 - \$1,533,049). See Note 13.

8 Depreciation and amortisation expense

Depreciation		
Leasehold improvements	507,040	457,141
Equipment	58,856	181,717
IT Systems Developed	374	
Total depreciation	<u>566,270</u>	<u>638,858</u>
Total depreciation and amortisation	<u>566,270</u>	<u>638,858</u>

9 Accommodation expense

Building rental operating lease expense	<u>2,307,326</u>	<u>1,814,021</u>
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10 Other expenses

Witness expenses	805,324	843,644
Equipment and vehicles operating lease expense	281,057	254,283
Building and equipment repairs and maintenance	119,389	22,848
Other expenses (a)	624,316	496,737
Employment on-costs (b)		
	<u>1,830,086</u>	<u>1,617,512</u>

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

(b) Includes workers' compensation insurance and other employment on-costs. The on-cost liability associated with the recognition of annual and long service leave liability is included at note 21 "Provisions". Superannuation contributions accrued as part of the provisions for leave are not included in the employment on-costs

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

<u>Cost on disposal of non-current assets</u>		
Office equipment	(6,093)	(22,080)
Leasehold Improvements	-	-
<u>Proceeds from disposal of non-current assets</u>		
Office equipment	-	-
Leasehold improvements	-	-
Net gain/(loss)	<u>(6,093)</u>	<u>(22,080)</u>

12 Other revenues

Contributions to motor vehicle scheme	36,372	28,735
Other revenue	45,065	115,286
	<u>81,437</u>	<u>144,021</u>



	2009 \$	2008 \$
13 Income from State Government		
Appropriation revenue received during the year:		
Service appropriations (i)	26,824,000	25,817,000
Contribution from Confiscation Proceeds Account (ii)	3,099,985	2,303,822
	<u>29,923,985</u>	<u>28,120,822</u>
The following liabilities have been assumed by the Treasurer during the financial year: (iii)		
- Superannuation	<u>-</u>	<u>-</u>
Resources received free of charge (iv)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	1,258,965	1,485,549
- State Solicitor's Office		16,754
Department of Housing and Works		
- property management services (notional management fee based on lease payments)		3,246
Valuer General's Office		
- valuation services		27,500
	<u>1,258,965</u>	<u>1,533,049</u>
Total income from State Government	<u>31,182,950</u>	<u>29,653,871</u>

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

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

(iii) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State scheme. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

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

14 Restricted cash and cash equivalents

Non-Current		
Accrued salaries suspense account (i)	304,723	200,000
	<u>304,723</u>	<u>200,000</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.



	2009 \$	2008 \$
15 Receivables		
Current receivables	159,595	74,006
Allowance for impairment of receivables	(3,530)	(273)
GST receivable	98,373	73,530
	<u>254,437</u>	<u>147,263</u>

Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of year	273	-
Doubtful debts expense recognised in the income statement	3,530	273
Amounts written off during the year	(273)	-
Amount recovered during the year	-	-
Balance at end of year	<u>3,530</u>	<u>273</u>

The ODPP does not hold any collateral as security or other credit enhancements relating to receivables

16 Amounts receivable for services

Current	1,823,000	1,673,000
Non-Current	-	-
	<u>1,823,000</u>	<u>1,673,000</u>

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

17 Other assets

Prepayments	<u>26,002</u>	<u>13,985</u>
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	2009 \$	2008 \$
18 Property, plant and equipment		
Leasehold improvements		
At cost	5,060,461	5,035,768
Accumulated amortisation	(964,181)	(457,141)
	<u>4,096,280</u>	<u>4,578,627</u>
Office Equipment and Computers		
At cost	524,619	423,343
Accumulated depreciation (a)	(174,379)	(121,159)
	<u>350,240</u>	<u>302,184</u>
Work in progress		
At cost	788,566	23,595
	<u>5,235,086</u>	<u>4,904,406</u>

(a) Reflects a voluntary change in Accounting Policy to increase the asset capitalisation threshold to \$5,000. This is also reflected in the 2007-08 figures.

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	4,578,627	-
Additions	24,694	5,035,768
Disposals	-	-
Depreciation	(507,040)	(457,141)
Carrying amount at end of year	<u>4,096,281</u>	<u>4,578,627</u>
Office Equipment and Computers		
Carrying amount at start of year	302,184	690,799
Additions	113,378	232,308
Correction of prior period error		(417,126)
Disposals	(6,093)	(22,080)
Depreciation	(59,230)	(181,717)
Carrying amount at end of year (a)	<u>350,239</u>	<u>302,184</u>
Work in progress		
Carrying amount at start of year	23,595	4,525,151
Transferred to Leasehold Improvements	(24,694)	(4,501,556)
Additions	789,665	
Transferred to Office Equipment and Computers		
Carrying amount at end of year	<u>788,566</u>	<u>23,595</u>
Property, plant and equipment total	<u>5,235,086</u>	<u>4,904,406</u>

(a) An amount of \$47,655 remained in the Asset clearing account at 30 June 2009.

19 Impairment of assets

There were no indications of impairment to property, plant and equipment at 30 June 2009.

The ODPP held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there are no intangible assets available for use.

All surplus assets at 30 June 2009 have either been classified as assets held for sale or written-off.

20 Payables

Current		
Trade payables	670,794	820,813
Accrued salaries and wages (i)	75,088	436,271
Total	<u>745,882</u>	<u>1,257,084</u>

(i) The last pay day of the 2008/09 financial year was on 25 June 2009. A salary accrual of three working days, amounting to \$160,139, was required to be taken up. (2007/08, two working days of pay accrued.) Salary reimbursements for ODPP staff on secondment to other Agencies has not been received at 30 June 2009. An amount of \$85,051 was accrued to represent this outstanding payment.

	2009 S	2008 S
21 Provisions		
<u>Current</u>		
<u>Employee benefits provision</u>		
Annual leave (a)	2,342,380	1,106,975
Long service leave (b)	1,682,750	1,062,069
Superannuation on-cost	316,827	173,174
	<u>4,341,957</u>	<u>2,342,218</u>
<u>Other provisions</u>		
Employment on-cost		
Carrying amount at start of year	23,535	61,599
Additional provisions recognised		-
Payments/other sacrifices of economic benefits	(19,510)	(38,064)
Carrying amount at end of year	<u>4,025</u>	<u>23,535</u>
	<u>4,345,982</u>	<u>2,365,753</u>
<u>Non-current</u>		
<u>Employee benefits provision</u>		
Long service leave (b)	1,575,420	1,586,482
Superannuation on-cost	99,251	109,862
	<u>1,674,671</u>	<u>1,696,344</u>
<u>Other Provisions</u>		
Other employee costs		
Carrying amount at start of year	18,621	39,130
Additional provisions recognised	-	-
Payments/other sacrifices of economic benefits	(17,046)	(20,509)
Carrying amount at end of year	<u>1,575</u>	<u>18,621</u>
	<u>1,676,246</u>	<u>1,714,965</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. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the balance sheet date	1,349,284	-
More than 12 months after the balance sheet date	993,094	-
	<u>2,342,378</u>	<u>-</u>

(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. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the balance sheet date	782,664	-
More than 12 months after the balance sheet date	2,475,507	-
	<u>3,258,171</u>	<u>-</u>

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

22 Equity

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

Contributed equity

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

(a) Capital contributions (appropriations) have been designated as contributions by owners in Treasurer's Instruction T1 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and are credited directly to equity.

Accumulated surplus /deficit

Balance at the start of the year	-	(1,176,704)
Change in accounting policy		(417,126)
Restated balance at start of year	(523,371)	(1,593,830)
Result for the period	(2,472,254)	1,070,459
Balance at the end of the year	<u>(2,995,625)</u>	<u>(523,371)</u>



	2009 S	2008 S
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:		
Cash advances	500	500
Cash and cash equivalents	3,101,496	4,848,036
Restricted cash and cash equivalents (Refer Note 14)	304,723	200,000
	<u>3,406,719</u>	<u>5,048,536</u>
(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities		
Net cost of services	(33,655,204)	(28,583,412)
Non-cash items:		
Depreciation and amortisation expense	566,270	638,858
Resources received free of charge	1,258,965	1,533,049
Net (gain)/loss on sale of property and equipment	6,093	22,080
<u>(Increase)/decrease in assets:</u>		
Current receivables	(82,332)	(56,183)
Other current assets	(12,018)	(8,477)
<u>Increase/(decrease) in liabilities:</u>		
Current payables	(151,054)	215,504
Current provisions	1,980,228	133,533
Other current liabilities	(361,183)	369,553
Non-current provisions	(38,719)	346,083
Change in GST in receivables/payables	(23,808)	196,268
Net cash provided by/(used in) operating activities	<u>(30,512,761)</u>	<u>(25,193,144)</u>

24 Commitments for expenditure

Lease commitments

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

Within 1 year	2,656,432	2,393,141
Later than 1 year and not later than 5 years	11,203,346	10,045,123
Later than 5 years	20,226,361	21,707,468
	<u>34,086,139</u>	<u>34,145,732</u>

Representing:

Non-cancellable operating lease - accommodation	33,801,591	34,145,732
Non-cancellable operating lease - motor vehicles	284,548	

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



25 Explanatory statement

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

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

(i) Significant variances between estimate and actual for 2009 - Total appropriation to deliver services:

Total appropriation provided to deliver services for the year	2009	2009	Variance
	Estimate	Actual	
	\$	\$	
	26,494,000	26,824,000	330,000

Additional funding was provided for wage rises awarded in the G4 and SAT negotiations. ODPP also received a Section 25 funding transfer from WA Police for the transfer of Prosecution responsibilities to the ODPP Childrens' Court Team.

Significant variances between estimate and actual for 2008 - Details of expenses by service:	2009	2009	Variance
	Estimate	Actual	
	\$	\$	
Confiscation of assets	1,535,000	3,099,985	1,564,985

The Attorney General has provided additional funding to cover the costs of the Confiscation Team of ODPP as the workload is expected to rise. This increase will occur because WA Police have been provided additional funding to focus on organised crime and instigating comprehensive financial investigations of unexplained wealth.

(ii) Significant variances between actual results for 2009 and 2008 - Total appropriation to deliver services:

Total appropriations provided to deliver services for the year	2009	2008	Variance
	\$	\$	
	26,824,000	25,817,000	1,007,000

Increased funding for outgoing financial years was approved in 2005 to enable ODPP to restructure and align its expenditure to the government approved resource model. Additional funding was also provided in 2008-09 to cover salary increases granted by the SAT and successfully negotiated for G4. A Section 25 transfer also occurred from WA Police.

Total income	3,181,422	2,447,843	733,579
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The Attorney General has provided additional funding to cover the costs of the Confiscation Team of ODPP as the expected number of cases handled is expected to rise.

Criminal Prosecutions	30,593,439	26,412,175	4,181,264
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The increase reflects rising remuneration rates for employees and Section 25 transfer from WA Police, as well as a higher notional cost for services provided free of charge by the Department of the Attorney General.

	2009	2008	Variance
	\$	\$	\$
Confiscation of Assets	3,143,202	2,315,258	827,944

The Attorney General has provided additional funding to cover the costs of the Confiscation Team of ODPP as the workload is expected to rise.

Significant variances between estimate and actuals for 2009 - Capital contribution:

No Capital contribution was received in 2008-09

Significant variances between actuals for 2009 and 2008 - Capital contribution:

Capital contribution	-	658,000	(658,000)
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The capital contribution provided in 2007-08 was to enable the ODPP to upgrade its case management and record keeping systems. The project did not commence until late in 2007-08. The new system has been purchased and implementation commenced. Completion date is estimated as January 2010.



26 Financial instruments

(a) Financial risk management objectives and policies

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

Credit risk

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

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

Credit risk associated with the ODPP's financial assets is minimal because the main receivable is the amount receivable for services (holding account). For receivables other than government, the ODPP trades only with recognised, creditworthy third parties. The ODPP 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 ODPP's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Provision for impairment of financial assets is calculated based on objective evidence such as observable data indicating changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 23c Financial Instruments Disclosures.

Liquidity risk

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

The ODPP 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

Market risk

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

(b) Categories of financial instruments

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

	2009	2008
	\$	\$
Financial assets		
Cash and cash equivalent	3,101,996	4,848,536
Restricted cash and cash equivalents	304,723	200,000
Loans and receivables(a)	1,982,595	1,747,006
Financial Liabilities		
Financial liabilities measured at amortised cost	745,882	1,257,084

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

(c) Financial instrument disclosures

Credit risk, liquidity risk and interest rate risk exposures

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

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

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

	Weighted average interest rate	Carrying amount	Variable interest rate	Non-interest bearing	Up to 3 months	Contractual Maturity Dates			Impaired financial asset	Total
						3-12 months	2 to 5 years	Over 5 years		
2009	%	\$	\$	\$	\$	\$	\$	\$	\$	\$
Financial assets										
Cash and cash equivalent				3,101,996						3,101,996
Restricted cash and cash equivalents				304,723						304,723
Receivables (a)				159,595						159,595
Amounts receivable for services				1,823,000						1,823,000
Total financial assets		-	-	5,389,314		-	-	-	-	5,389,314
Financial liabilities										
Payables				745,882						745,882
Total financial liabilities		-	-	745,882		-	-	-	-	745,882

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

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

Interest rate sensitivity analysis

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

Net fair values

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

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:

\$	2009	2008
50,000 - 60,000	0	0
130,001 - 140,000	0	1
140,001 - 150,000	1	0
150,001 - 160,000	0	0
160,001 - 170,000	0	0
180,001 - 190,000	0	0
240,000 - 250,000	0	1
250,000 - 260,000	2	1
270,001 - 280,000	0	1
280,000 - 290,000	0	0
290,001 - 300,000	0	0
320,000 - 330,000	1	1
330,000 - 340,000	1	1
340,000 - 350,000	0	1
360,000 - 370,000	0	0
380,000 - 390,000	0	1
390,000 - 400,000	1	0

The total remuneration of senior officers is:	<u>\$1,716,997</u>	<u>\$2,300,154</u>
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The total remuneration includes the superannuation expense incurred by the ODPP 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>\$24,900</u>	<u>\$23,700</u>
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29 Supplementary financial information

Write offs

During the financial year nil amounts were written off under the authority of the Minister (2008: nil).

There were no Pecuniary (Administered) penalty orders written off during the financial year (2008, 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 (2008, nil).

Gifts of public property

There were no gifts of public property by the ODPP during the financial year (2008, nil).

Capital commitments.

Capital commitments at 30 June 2009 were \$201,473 (at 30 June 2008, \$0).

Events occurring after the balance sheet date

No material events have occurred after 30 June 2009

Contingent liabilities and contingent assets

There were no contingent liabilities at the end of the financial year (2008, nil).

Related bodies

The ODPP had no related bodies during the financial year (2008, nil).

Affiliated bodies

The ODPP had no affiliated bodies during the financial year (2008, nil).

30 Administered expenses and revenues	2009	2008
	\$	\$
Expenses		
Transfer payments to Consolidated Fund	284,981	205,581
Total administered expenses	<u>284,981</u>	<u>205,581</u>
Income		
Misuse of Drugs Act	284,981	204,406
Petty Session forfeitures	-	1,175
Total administered revenues	<u>284,981</u>	<u>205,581</u>

There are no administered assets or liabilities