



Office of the Director of Public Prosecutions  
for Western Australia



# Annual Report 2019-20



# Contents

Contact Details .....	4
Publications .....	4
Glossary of Terms .....	5
Statement of Compliance .....	6

## Part 1: Overview

Executive Summary: From the Director .....	7
Mission Statement .....	10
Operational Structure .....	11
Organisation Design .....	13
Performance Management Framework .....	14

## Part 2: Agency Achievements

Criminal Prosecutions .....	15
Children's Court .....	20
Appeals .....	22
Extraditions .....	26
Dangerous Sexual Offenders .....	27
Confiscation of Assets .....	30
Corporate Initiatives .....	33
Legislation and Law Reform .....	35
Inter-Agency Committees and Working Groups .....	37
Investing in People .....	40

## Part 3: Disclosures and Legal Compliance

Other Financial Disclosures .....	43
Governance Disclosures .....	44
Public Interest Disclosures .....	44
Other Legal Requirements .....	44
Government Policy Requirements .....	47

## Part 4: Key Performance Indicators and Financial Statements

Auditor General's Report .....	50
Key Performance Indicators .....	54
Key Effectiveness Indicators .....	56
Key Efficiency Indicators .....	60
Financial Statements .....	63

Index of Tables .....	99
Index of Charts .....	100

# Contact Details

Ground Floor, 55 St Georges Terrace  
Perth WA 6000

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

## Office hours

8:30am to 5:00pm weekdays. An after-hours answering machine can take recorded messages if the office is not attended.

# Publications

The following publications are available from the Office of the Director of Public Prosecutions ('ODPP').

## General information

- [\*Annual Report to Parliament for each financial year since 2007-08\*](#)
- [\*Statement of Prosecution Policy and Guidelines 2018\*](#)
- [\*Aboriginal Employment Strategy 2014-17\*](#)
- [\*Disability Access and Inclusion Plan 2014-19\*](#)
- [\*Policy and Guidelines for Victims of Crime 2018\*](#)

## Brochures

- [\*About the ODPP\*](#)
- [\*Information for Victims of Crime\*](#)
- [\*Witness Information\*](#)

# Further Information

This report has been produced in line with the Western Australia (WA) Public Sector Commission's [Annual reporting guidelines](#) and meets the requirement that costs are kept to a minimum for graphics, photographs, artwork and printing.

This report will be made available in alternative formats on request. For any further information on the operations of the ODPP please visit our website at [www.dpp.wa.gov.au](http://www.dpp.wa.gov.au) or contact us via any means outlined above.

# Glossary of Terms

<b>Accused</b>	The person alleged in a prosecution notice or indictment to have committed an offence.
<b>Brief out</b>	The process whereby the ODPP contracts external counsel to attend a hearing on behalf of the ODPP. Most brief out counsel are independent, self-employed barristers.
<b>Committal</b>	The process whereby a case is forwarded from the Magistrates Court to the Supreme or District Court.
<b>Extradition</b>	The process of retrieving an accused who has left the State to return to WA to answer charges.
<b>Hung Jury</b>	A jury which is unable to reach a verdict. The matter may be re-tried at another time before another jury.
<b>Indictment</b>	The written charge of an indictable offence presented in the Supreme or District Court so that the person is tried by that Court.
<b>Mistrial</b>	A trial which is aborted by an order of a judge because of some legal or procedural irregularity. The matter may need to be re-tried at a later date.
<b>Prosecution Notice</b>	A formal document setting out the charge against the accused which commences a prosecution case in the Magistrates Court. Usually the notice is issued by the WA Police Force ('WA Police').
<b>Sentence</b>	The penalty imposed by the Court for an offence.
<b>Summons</b>	A document advising a witness of the time, date and location of a trial and requiring the witness to attend and give evidence.
<b>Trial</b>	A Court hearing where factual and legal issues are examined before a Judge and jury (or in some cases, a Judge alone) to determine whether an accused is guilty or not guilty.

# Statement of Compliance

In accordance with section 61 of the [Financial Management Act 2006](#) and section 32 of the [Director of Public Prosecutions Act 1991](#) I hereby submit for the information of the Attorney General and presentation to Parliament, the Report of the Office of the Director of Public Prosecutions for the period ending 30 June 2020.

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

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



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

9 September 2020

# Part 1: Overview

## Executive Summary: From the Director



**Amanda Forrester SC**  
Director of Public Prosecutions

In any other year, the issues faced by the ODPP in 2019-20 would be described as 'very challenging'. In a year in which the COVID-19 pandemic caused havoc in the criminal justice system, it would be tempting to use stronger adjectives. However, I also recognise that, by comparison to other parts of the public sector and particularly the wider community, the ODPP has also been fortunate in a number of respects.

In the course of the reporting period, the ODPP saw a further significant increase in new cases, with 8% growth (160 additional cases) over the year. However, there was

also a marked increase in the number of matters which the ODPP resolved prior to committal, and a clear reduction in the number of matters committed for trial overall.

While not necessarily related to COVID-19, in the last year the ODPP resolved more of its new metropolitan cases, originally destined for trial, prior to committal than in any of the previous 4 years, with 929 being resolved, either by discontinuance or plea of guilty. There was a commensurate drop in committals for trial. This demonstrated that the ODPP's commitment to early review, assessment and, where possible, resolution of cases is paying real dividends. It is telling that, despite there being 226 fewer trial outcomes in 2019-20, and even with the restrictions brought about by the pandemic, the ODPP disposed of 41 more cases overall than in the previous year.

The ODPP has been advocating for some time for the District Court to amend its practice of over listing criminal trials and to increase emphasis on case management and, where possible, early resolution of matters committed for trial. Between March and July 2020, the District Court trialled criminal case conferencing in the District Court for the first time. It was the experience of the ODPP that these conferences were very effective and we will continue to press for them to be used in the future.

The ODPP also continues to work with the WA Police Force in an attempt to improve the quality and format of the evidentiary material produced pre-

committal pursuant to their disclosure obligations under the Criminal Procedure Act 2004. The vast increase in the use of technology and document collection by investigative agencies has exponentially increased the volume and complexity of many prosecution cases, without a commensurate increase in brief quality, and much of the increased workload has fallen on the ODPP. This has not been reflected in resourcing of the ODPP.

In that context, the expected influx of very substantial prosecutions relating to corruption and organised crime enterprises poses a very high risk to the ODPP's ability to manage its case load. It is to be anticipated that, in the absence of resourcing to accommodate such cases, there will be some reduction in the quality of service the ODPP will be able to provide to the courts, victims and the WA Police Force, in order for the ODPP to be able to manage that work.

Recent provision for more District Court judges has exacerbated this issue. While the ODPP has received some additional funding in recent years, that is in relation to its increased inflow of cases, and it has not fully covered even that. There has been no provision for the additional number of court days and associated preparation days which inevitably flow from increased judicial numbers, particularly in combination with the over listing practice.

As a result of all of these issues, the ODPP is experiencing growing instances of burnout, workplace stress and the consequent effects on productivity which continue to cause me grave concern.

On a more positive note, the government's strong commitment to the ODPP's digital transformation program, both financially and from the Office of Digital Government, proved to be invaluable in enabling the ODPP to successfully manage the COVID-19 restrictions and their impact on our core functions.

This program is an ongoing one and is essential to making the preliminary changes necessary for the ODPP to start moving towards easily navigable electronic briefs and trials, which will in turn enable increased ability to manage its case load.

The ODPP was due to move its primary business address at the end of May 2020 and was using the opportunity to upgrade its technology and continue its progress towards digital files and full remote access. We had already moved to enable remote, secure access to all systems. When the pandemic arrived, other elements of the program were accelerated. Many State Prosecutors were able to work from home almost immediately, and the court's implementation of video link and audio link proceedings facilitated that further. The ODPP switched its plan to a focus on laptops, thus enabling

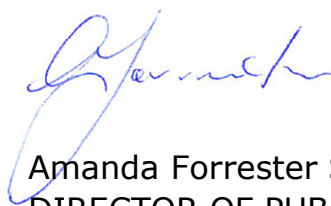
more staff to work from home. That enabled essential on-premises staff to have more space to enable distancing and access to parking.

Thanks to the enormous efforts of our Technology and Information Management staff, WA Police were able to start delivering briefs to the ODPP in electronic formats, and they were able to be uploaded and accessed remotely by the staff to enable them to continue working unabated. Staff were also able to communicate via video link, which ensured they remained connected to their colleagues and could access the necessary supervision, as well as enabling them to continue to prepare their matters, including by conferencing witnesses remotely.

It must also be acknowledged that we found the other agencies in the criminal justice system to be extremely willing to collaborate with us to find ways in which we could work more efficiently as a whole. Together, we looked for solutions to enable proper conduct of matters while recognising and, where possible, accommodating the difficulties faced by the most vulnerable people in the criminal justice system in a safe and compassionate manner. I very much hope that continues, and my experience so far leads me to anticipate that it will.

As referred to above, the ODPP moved to new business premises at the end of May 2020. The accommodation project worked to a very tight time frame, and fortunately COVID-19 did not substantially impact it, except to delay the supply of some equipment. The new premises are clean, contemporary and suitable for a modern prosecuting agency, and are designed to maximise collaboration and ensure a collegiate working environment. I am indebted to all of the people who worked so hard on making the project a success.

Our results for the last year show the extraordinary dedication displayed by all of the staff of the ODPP towards their particular roles in the criminal justice process. It is a testament to that dedication and professionalism that, in spite of their ever-growing workload, the traumatic and often abhorrent material to which they are regularly exposed and the unrelenting pressure of the court system, overlaid by the pandemic and the issues it caused, they have continued to operate at the levels that they have, and achieved the results that they have. I continue to be extremely proud of their efforts and to be leading an organisation of such calibre into 2020-2021.



Amanda Forrester SC  
DIRECTOR OF PUBLIC PROSECUTIONS

# Mission Statement



## Vision

To provide the highest quality prosecution service for the people of WA.

## Values

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



# Operational Structure

The ODPP was created in February 1992 following the enactment of the [Director of Public Prosecutions Act 1991](#) (the DPP Act). Ms Amanda Forrester SC is the Director of Public Prosecutions (DPP). Pursuant to the DPP Act, the DPP reports to the WA Attorney General, the Hon. John Quigley MLA, and to the Western Australian Parliament.

The position of Deputy Director of Public Prosecutions ('Deputy DPP') is held by Ms Carmel Barbagallo SC.

## Consultant State Prosecutors

The ODPP's four Consultant State Prosecutors are the most senior prosecutors. In addition to conducting the most complex legal matters, the Consultant State Prosecutors provide high level legal support and advice across the ODPP and are authorised to approve substantive discontinuances of whole cases and the resolution of charges. Our Consultant State Prosecutors are:

- Ms Laura Christian SC
- Mr Justin Whalley SC
- Mr Paul Usher
- Mr Jeff Scholz.

## Legal Practice Teams

The ODPP's legal practice is team-based, reflecting the legal work undertaken by the ODPP. The legal practice is led by the Director Legal Services, Mr Matthew Bugg.

### Prosecution Teams

Three teams are responsible for all prosecutions in the Supreme and District Courts throughout the State and take over prosecutions before committal in the Perth and Stirling Gardens Magistrates Courts. Each prosecution team has approximately 30 State Prosecutors. The State Prosecutors within each team are divided into work groups, each of which is headed by a Senior State Prosecutor who, apart from having their own significant and complex trial and case load, supervises and signs indictments for criminal matters allocated to the team.



### Children's Court Team

This team is responsible for all prosecutions which come before the President of the Children's Court (wherever they are to be heard in the State) and all cases before Magistrates sitting in the Children's Court at Perth, which includes the significant majority of Children's Court criminal trials in the Perth metropolitan area.

## Appeals Team

Headed by Mr Jeff Scholz the Appeals Team manages all aspects of the ODPP's appellate practice, including:



- all appeals brought by the State or an accused in the Court of Appeal or High Court, and
- single Judge appeals from decisions in some classes of Magistrates Court cases.

## Dangerous Sexual Offenders Team

A team of prosecutors who manage all work required of the ODPP under the [\*Dangerous Sexual Offenders Act 2006\*](#).

## Confiscations Team

The Confiscations Team lead by a Senior State Prosecutor and Practice Manager, Mr Ian Jones who acts as solicitor and counsel in civil litigation. The team manages a range of matters including confiscation proceedings pursuant to the [\*Criminal Property Confiscation Act 2000\*](#).

## Legal Policy and Projects



Legal policy and projects are responsible for:

- co-ordinating legal policy development within the ODPP,
- monitoring legislative developments, and
- co-ordinating, reviewing and preparing legislative reform proposals and submissions on behalf of the DPP and assisting in the provision of advice to the Attorney General and external bodies on the operation of criminal law.

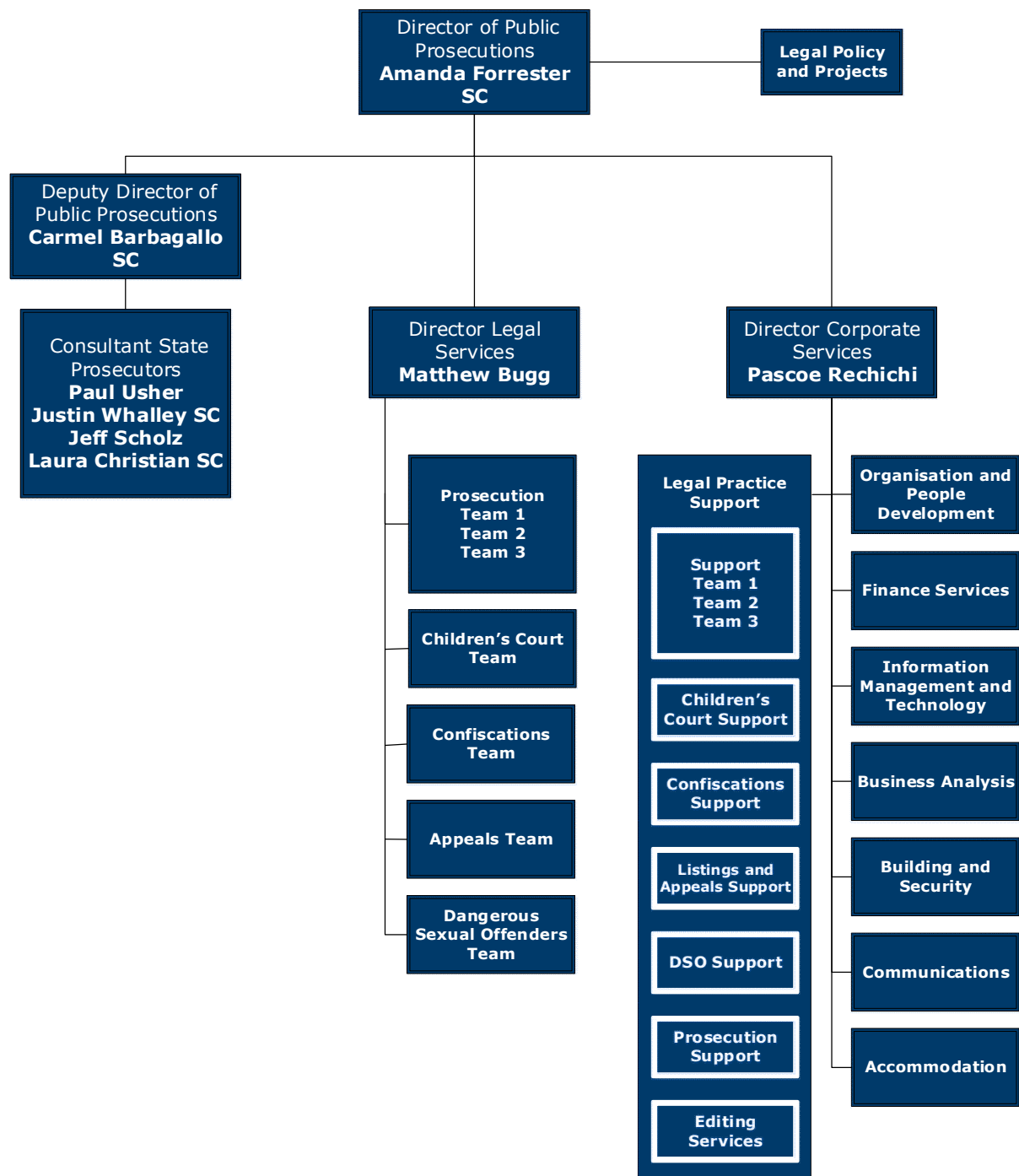
## Corporate Services

The Corporate Services directorate delivers a range of legal and corporate support services to the legal practice and ensures that the ODPP meets its corporate responsibilities as a public sector agency.

Corporate Services includes paralegals, legal assistants, legal practice support officers and administration officers in the legal practice teams and has an important role in the receipt and allocation of new criminal cases and the co-ordination of all Court appearances by ODPP prosecutors.

Other services provided by the directorate include financial management, human resource management, training and professional development, information management, technology services, planning services, risk and audit services, business improvement, communications and building and security services.

# Organisation Design



# Performance Management Framework

The delivery of services of the ODPP is guided by the following performance management framework.

<b>GOVERNMENT GOAL</b> Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	
<b>AGENCY LEVEL GOVERNMENT DESIRED OUTCOME</b> To provide the people of WA with a fair and just criminal prosecution service.	
KEY EFFECTIVENESS INDICATORS	Measurement Parameters
<b>Service 1 – Criminal Prosecutions</b>	
1. Early advice to Court on charges. (Target 85%)	Percentage of new cases committed to the Supreme and District Courts where an indictment is filed within 90 days of the date of committal.
2. Establishing a case to answer. (Target 98%)	Percentage of trials which proceed where the outcome is determined by a jury or Judge alone because the State was able to demonstrate a case to answer.
3. Convictions after trial. (Target 50%)	Percentage of trial outcomes resulting in a conviction against the accused for one or more of the charges indicted.
<b>Service 2 – Confiscation of Assets</b>	
4. Timely lodgement of applications for Declarations of Confiscation in relation to drug trafficker matters. (Target 60%)	Percentage of applications for a Declaration of Confiscation filed within four months of the drug trafficker declaration.
KEY EFFICIENCY INDICATORS	Measurement Parameters
<b>Service 1 – Criminal Prosecutions</b>	
1. Cost per prosecution. (Target \$15,000)	The raw average cost per matter, expressed as the total cost of service of criminal prosecutions divided by the number of new indictable prosecutions received.
<b>Service 2 – Confiscation of Assets</b>	
2. Ratio of cost to return. (Target 25%)	The total cost of service of confiscation of assets divided by the payments made to the Confiscation Proceeds Account for the same year, expressed as a percentage.

## Part 2: Agency Achievements

### Criminal Prosecutions

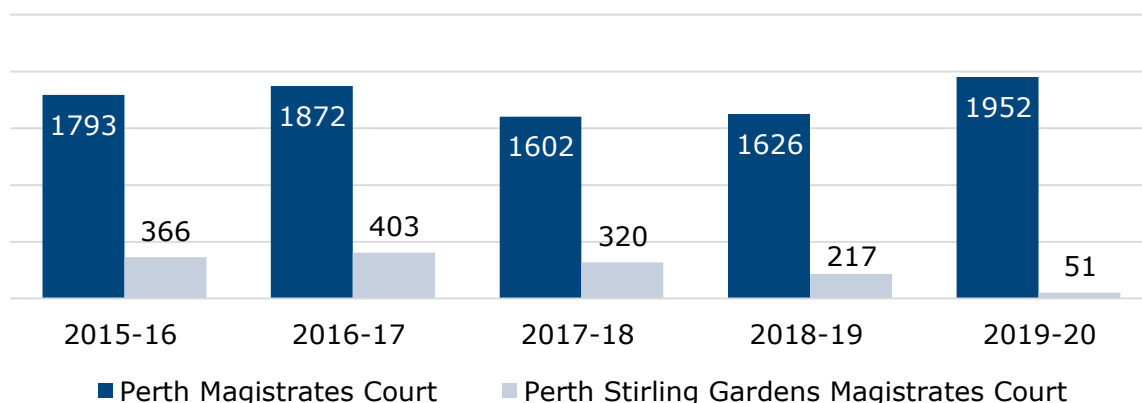
#### New Cases

The ODPP takes over the prosecution of indictable offences as they move from the Magistrates Court, where all charges are first heard, to the District and Supreme Courts in a process called committal. The most serious indictable offences, such as murder and manslaughter, must first be listed in Stirling Gardens Magistrates Court.

The number of new cases heard in Perth and Stirling Gardens Magistrates Courts is a leading indicator of the ODPP's workload, as illustrated in Chart 1, below. 2019-20 saw a substantial decrease in the number of new cases heard before the Stirling Gardens Magistrates Court for the second year in a row. However, this does not represent a decrease in most serious indictable offences. Instead, 2019-20 is the first full year since the commencement of the *Court Jurisdiction Legislation Amendment Act 2018*. The Act, which commenced on 1 January 2019, reduced the number of serious indictable offences which can only be heard in the Supreme Court.

**Chart 1**

New Cases Heard in Perth Magistrates and Perth Stirling Gardens Magistrates Courts | 2015-16 to 2019-20



#### Committals

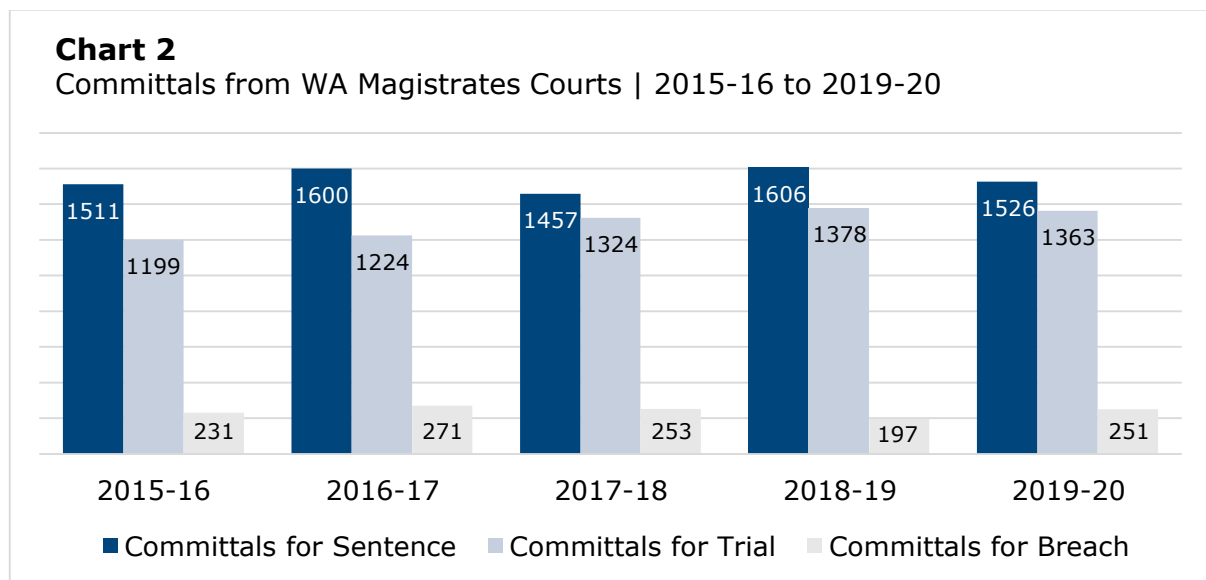
When an accused pleads guilty to indictable charges at, or prior to, the committal hearing in the Magistrates Court, the accused will be committed for sentence to the Supreme or District Court, depending on the charges.

If an accused pleads not guilty, the matter will be committed for trial.

For the ODPP, a case committed for sentence requires a lot less work than a case committed for trial. Committals for sentence generally require finalisation of the Statement of Material Facts, watching the Electronic Record of Interview, assessing the appropriateness of the charge, drafting an indictment, and preparing and appearing at a Sentence Mention Hearing and Sentencing Hearing.

The time and effort required for a case committed for trial is substantial. Even if the accused pleads guilty before the trial begins, the case will still generally require a protracted disclosure process, a complete case assessment, brief preparation, interviewing witnesses, meetings regarding forensic evidence and exhibit organisation, along with many other tasks that form part of trial preparation.

Chart 2, below, shows the number and types of committals from Perth Magistrates Courts. The overall number of committals in 2019-20 remained broadly consistent with previous years. Committals for sentence outnumbered committals for trial, which, as noted above, require significantly more ODPP time and resources to complete.



## Pre-Committal

As mentioned in the previous section, the ODPP takes over the prosecution of indictable offences as they move from the Magistrates Court, where all charges are first heard, to the District and Supreme Courts. In Perth Magistrates Court, State Prosecutors take over the management of indictable prosecutions prior to committal. In all other Magistrates Courts, they are managed by WA Police until after the charges are committed.

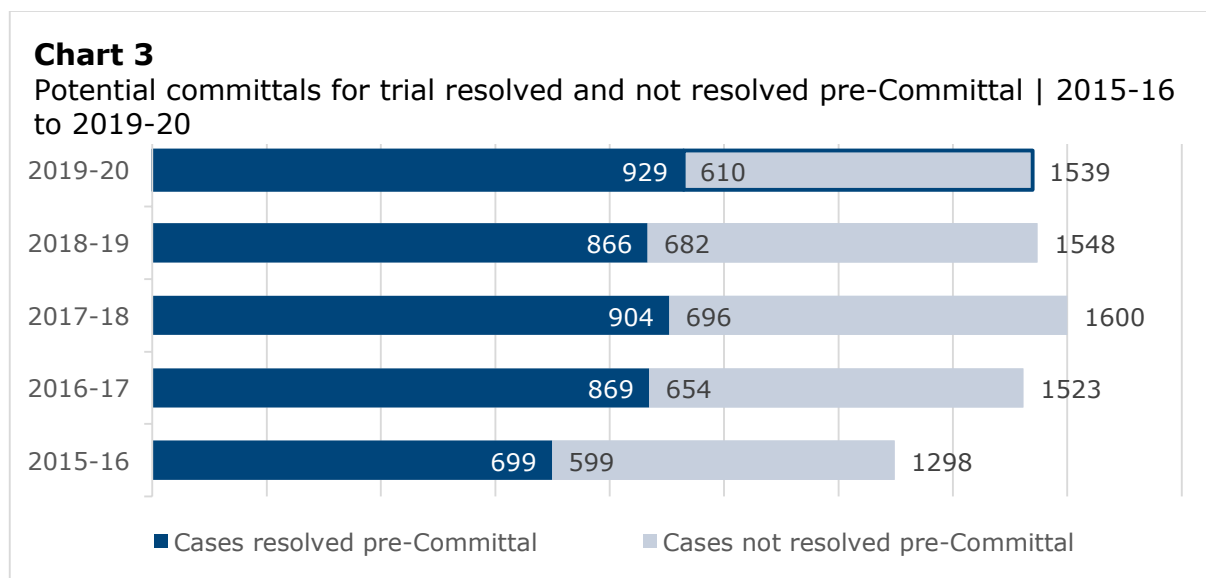
Resolving matters before they become committals for trial saves the WA Police, the ODPP and the Courts time and resources, and, importantly, spares victims of crime and witnesses the ordeal of having to attend Court

and give evidence. Early resolution of a case may also reduce the amount of time an accused in custody spends on remand, and the amount of public money spent on providing legal representation.

Chart 3 shows the number of potential committals for trial of which the ODPP had conduct in prior to Perth Magistrates Court before committal to the District or Supreme Court and how many of those the ODPP was able to prevent being committed for trial. Committals for trial may be resolved before committal in one of three ways:

- The accused pleads guilty to an appropriate offence and is committed for sentencing in the District or Supreme Court;
- The ODPP determines the evidence does not support the current charges and either files more appropriate charges for resolution by guilty plea or trial in the Magistrates Court;
- The ODPP determines that there is no evidence and discontinues the charges altogether.

In 2019-20, State Prosecutors were able to proactively and appropriately resolve more cases than in any of the previous 4 years, and ensure the lowest number of committals for trial in each year in that same period, demonstrating the effectiveness of its early resolution efforts, and the impact that enabling this to occur can have on the resources of the criminal justice system as a whole.

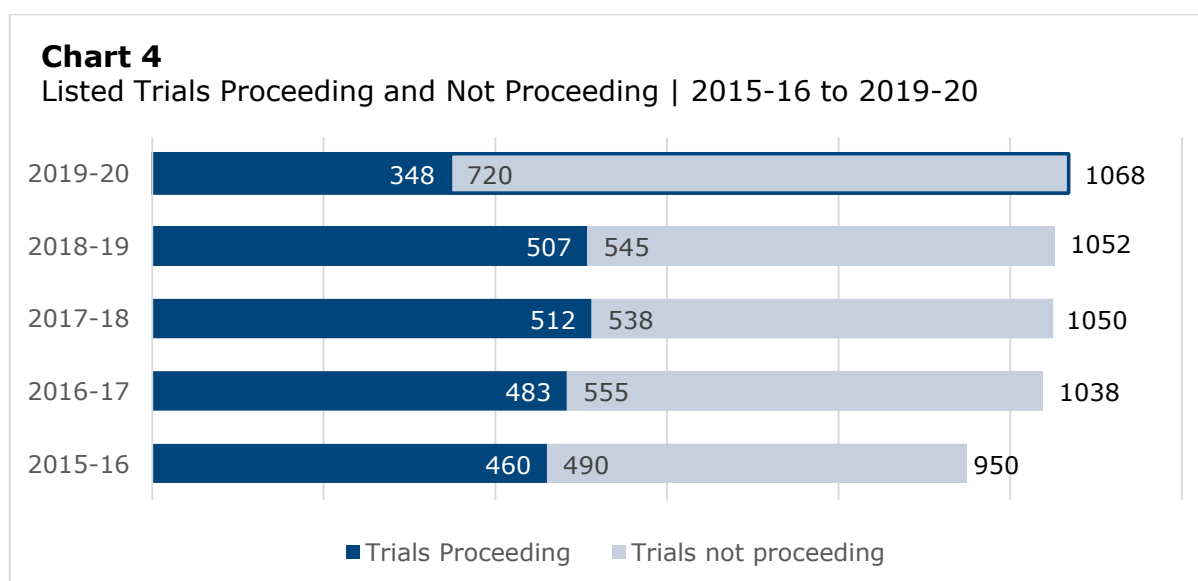


## Trials

### Trials Proceeding and Not Proceeding of Trials Listed

When a matter is listed for trial, it receives a court date. In previous years, about half of trials listed have proceeded (see Chart 4, below). The primary reason for a trial not proceeding is the accused pleading guilty, on or before the day of the trial's commencement.

In 2019-20, only about one third of matters listed proceeded to trial. The decrease in listed trials proceeding was mostly attributable to the suspension of jury trials in WA from March to July 2020, part of the response to the COVID-19 pandemic. The suspended trials are expected to be re-listed.



### Trial Outcomes

Most trials result in the accused being convicted of one or more of the charges brought against them. The decrease in the number of listed trials proceeding led to a significant decrease in the number of convictions and acquittals after trial as well. In addition, 2019-20 resulted in four reserve decisions in judge-alone trials. These trials will be decided in 2020-21.

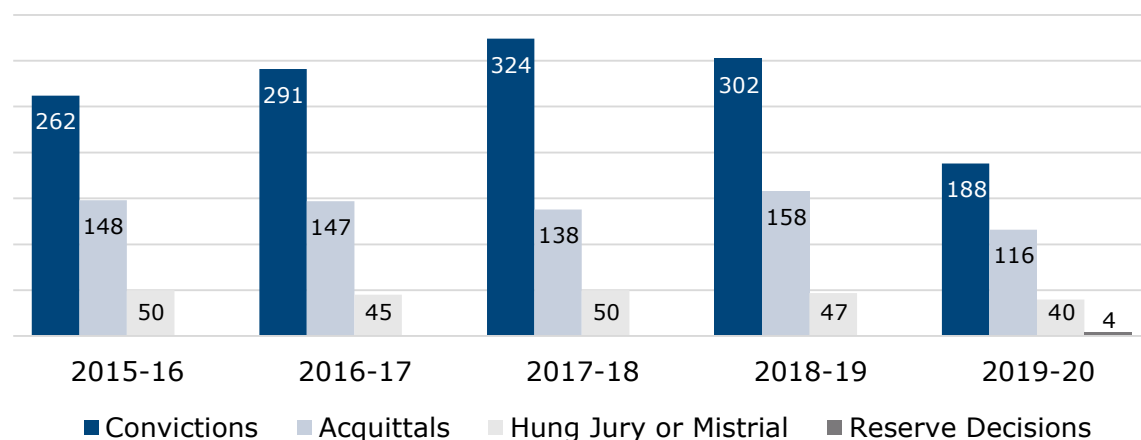
Chart 5 illustrates the number of trials which resulted in an:

- accused being convicted on at least one charge,
- acquittal, and
- either a mistrial or hung jury (in most cases a further trial is required before a fresh jury).

Chart 5 also shows the year's reserve decisions mentioned above.

**Chart 5**

Trial Outcomes | 2015-16 to 2019-20



## Disposition of Cases

Despite the decrease in the number of convictions after trial, a large majority of cases prosecuted resulted in a conviction and sentence in 2019-20, consistent with previous reporting periods. It is notable that, despite the very substantial reduction in criminal trials during the reporting period, the ODPP still managed to dispose of more cases than in the previous reporting period, showing that productivity and highly effective case management was maintained during the COVID-19 restrictions.

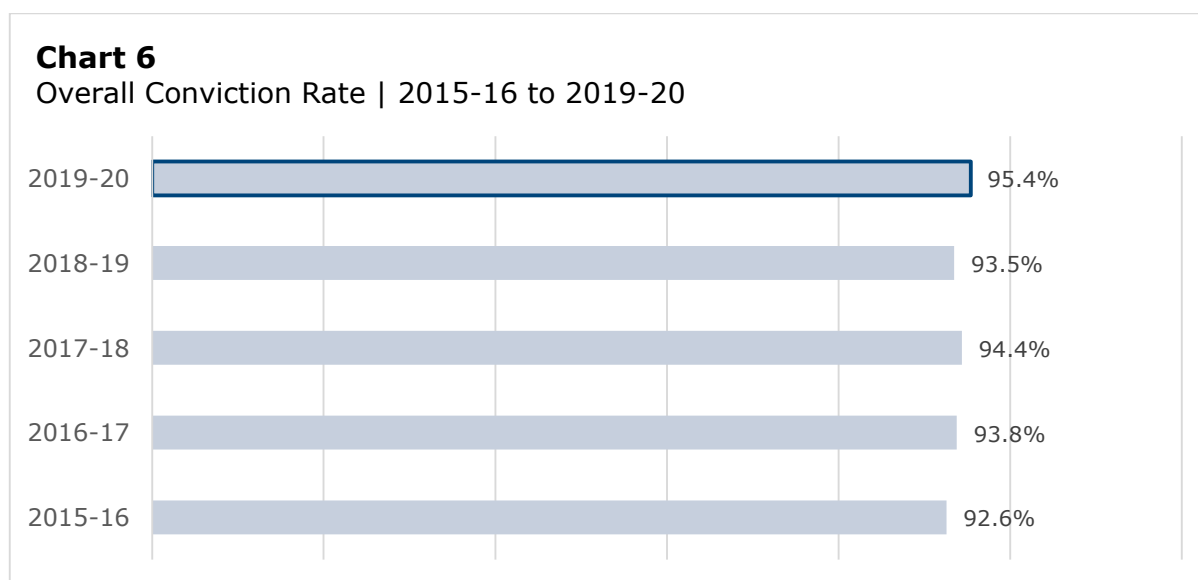
**Table 1**

Supreme and District Courts Disposition of Cases | 2015-16 to 2019-20

	2015-16	2016-17	2017-18	2018-19	2019-20
Convicted and Sentenced	1,652	1,920	2,361	2,195	2,077
Acquitted	133	126	139	152	99
Discontinued	410	461	403	266	406
Remitted to Magistrates Court	329	391	335	158	232
<b>TOTAL</b>	<b>2,524</b>	<b>2,898</b>	<b>3,238</b>	<b>2,771</b>	<b>2,812</b>

## Overall Conviction Rate

Excluding matters discontinued or remitted to the Magistrates Court, the overall conviction rate for ODPP-prosecuted cases in the Supreme and District Courts was 95.4% in 2019-20, reflecting appropriate pre-trial assessment of the evidence and sound trial advocacy.



## Children's Court

The ODPP has responsibility for prosecuting all cases before the Perth Children's Court, which hears criminal matters involving young people (aged 10 to 17 years) who are accused of committing offences.

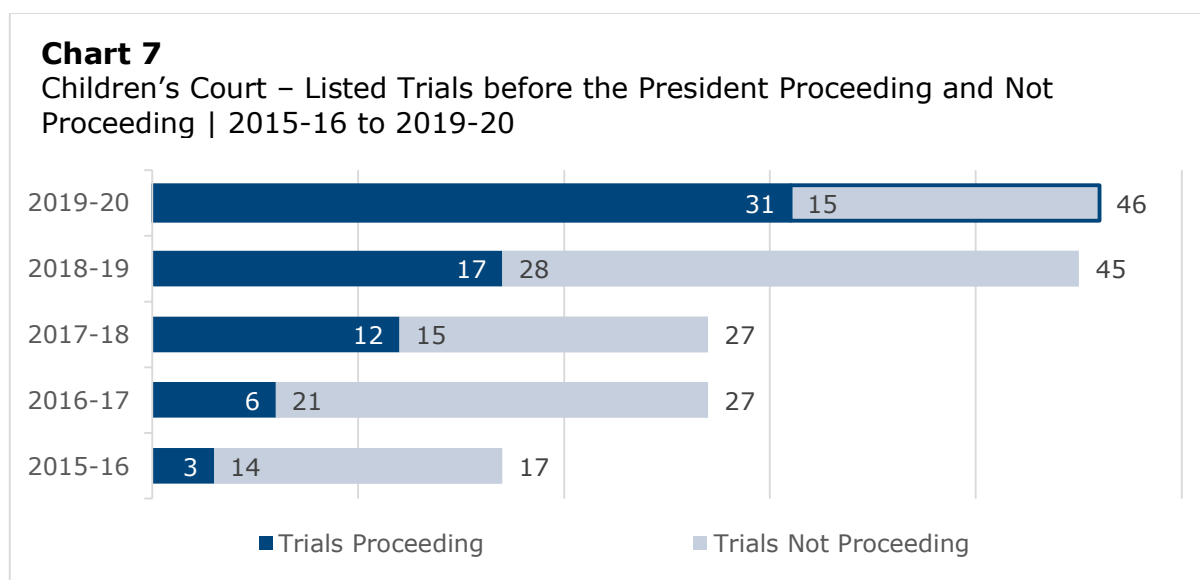
### Cases before the President

The President of the Children's Court hears cases in which children are accused of committing the most serious offences. During 2019-20, the ODPP prosecuted a wide variety of serious criminal offences committed by children, ranging from stealing, burglary and sexual assault through to murder.

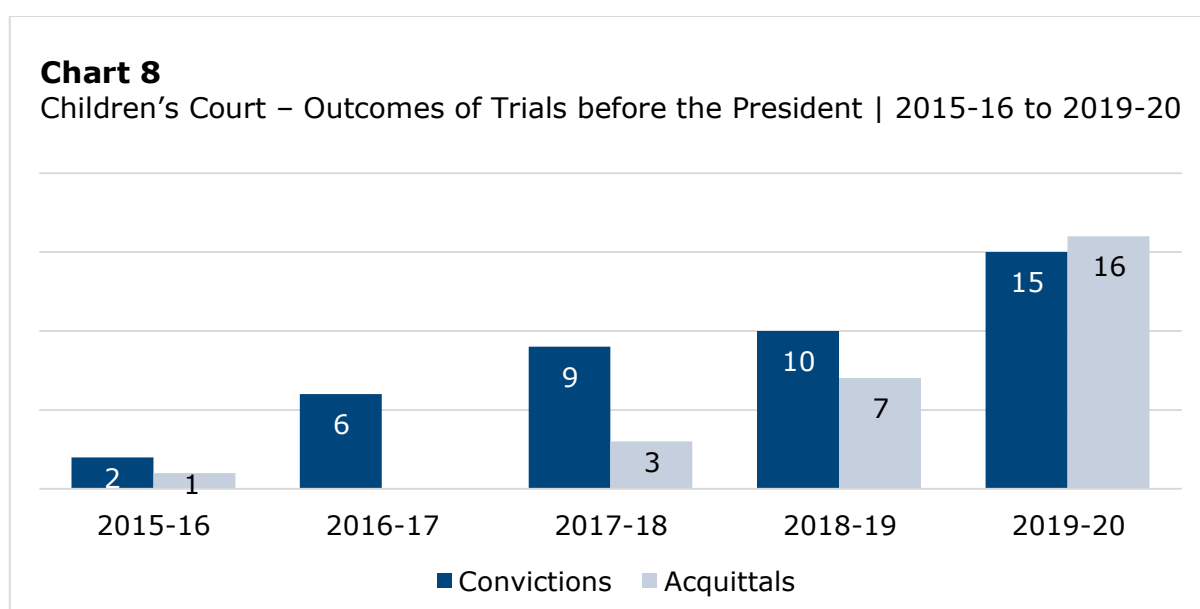
When a child pleads not guilty to a serious offence, the case may proceed to a trial before the President, sitting without a jury. Consistent with other jurisdictions, the main reason a trial listed in the Children's Court does not proceed is the accused changing their plea to guilty before the trial.

As illustrated in Chart 7, 2019-20 the number of listed trials before the President proceeding increased by 14. This is attributed to earlier attention to the review and analysis of cases within the Children's Court team. The adoption of an early resolution practice results in matters resolving without the need for a trial. This resulted in fewer late pleas of guilty, and fewer

adjournments or discontinuances close to trial, which ensured listing dates were used more efficiently.



Of the 31 trials before the President that proceeded, nearly half resulted in a conviction of the accused on one or more charges.

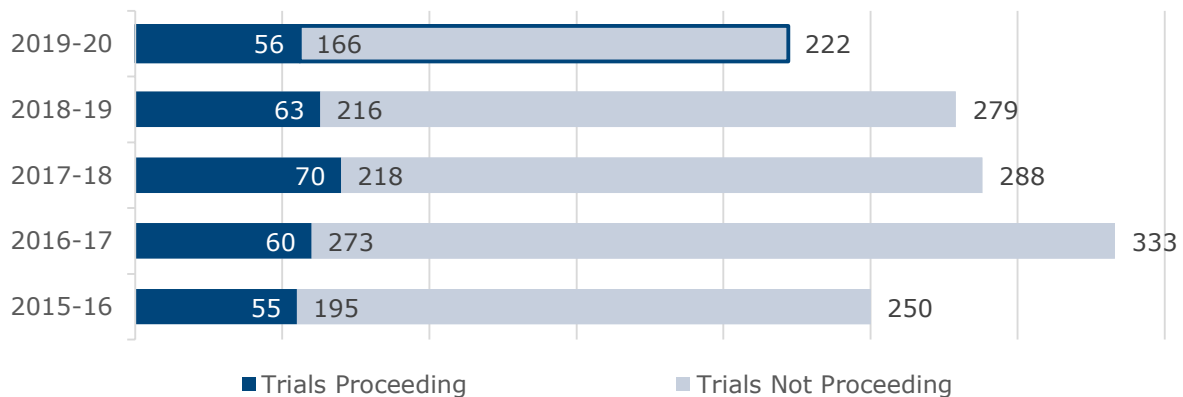


## Cases before Magistrates

Magistrates in the Perth Children's Court hear cases involving children accused of less serious criminal offences. The below chart shows the number of Children's Court Magistrates Trials listed that did and did not proceed. Similar to trials before the President, Magistrates Trials did not see a substantial decrease in the number of trials proceeding, despite COVID-19. Again, this is due to the early resolution practice and proactive management and review of cases.

**Chart 9**

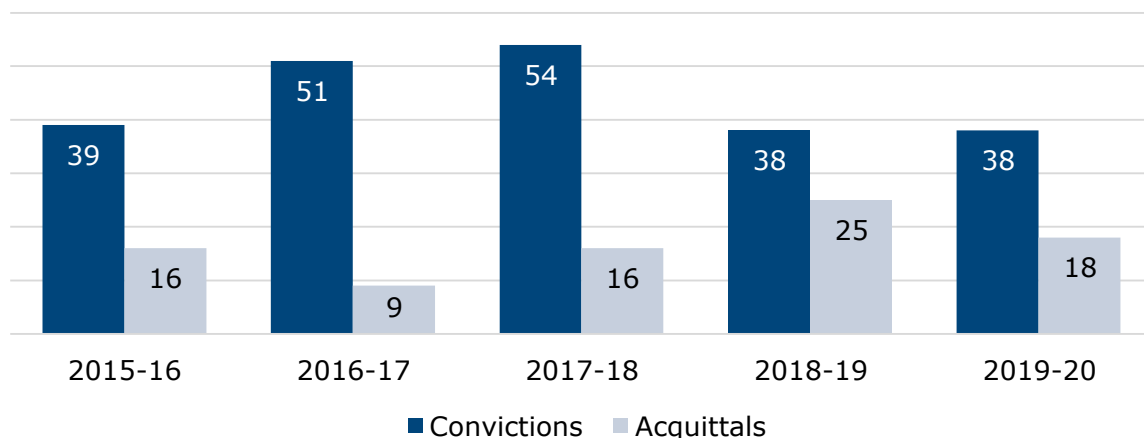
Children's Court – Listed Trials before Magistrates Proceeding and Not Proceeding | 2015-16 to 2019-20



Of the 56 Magistrates trials that proceeded in 2019-20, a clear majority resulted in the conviction of the accused on one or more charges, consistent with previous years.

**Chart 10**

Children's Court – Outcomes of Trials before Magistrates | 2015-16 to 2019-20



## Appeals

An offender has the right to appeal against their conviction or the severity of the sentence imposed on them by a judge of the Supreme or District Court.

The State also has the right to appeal against the sentence imposed on an offender, and, in certain circumstances, against an acquittal of offender.

The vast majority of appeals – around 95% – are lodged by offenders appealing against their sentence, with fewer filing appeals against their conviction.

If the Court of Appeal determines that the appeal is reasonably arguable, leave will be granted, and the appeal can then proceed to a hearing. In many cases, the issue of leave is referred to the hearing of the appeal. The role of the ODPP, as the respondent on behalf of the State, is to assist the Court of Appeal by drafting and filing legal submissions and appearing as counsel for the State at the hearing of the appeal.

After hearing legal arguments from counsel for the appellant and the respondent, the Court of Appeal (which usually comprises three Supreme Court Justices) will either allow the appeal or dismiss it. If the appeal is allowed, the Court of Appeal may overturn the conviction or reduce the sentence originally imposed. In the case of a successful State appeal, the matter may be remitted for a retrial or the sentence increased. If the appeal is dismissed, the trial outcome or original sentence will stand.

Appeals are recorded in three categories:

- before the Court of Appeal in WA,
- before a single Judge,
- before the High Court of Australia.

## Appeals to the Court of Appeal

In 2019-20, 178 new appeals involving the ODPP as either the appellant or the respondent were commenced in the Court of Appeal (Table 2) with 182 concluded (Table 3).

**Table 2**

Appeals to the Court of Appeal Commenced | 2015-16 to 2019-20

		2015-16	2016-17	2017-18	2018-19	2019-20
STATE APPEALS	Acquittal	0	0	0	0	0
	Sentence	7	10	8	7	21
	Decision or Order	0	3	2	1	1
	<b>Total</b>	<b>7</b>	<b>13</b>	<b>10</b>	<b>8</b>	<b>22</b>
ACCUSED APPEALS	Conviction	58	61	63	72	64
	Sentence	137	125	136	116	83
	Decision or Order	8	10	7	11	9
	<b>Total</b>	<b>203</b>	<b>196</b>	<b>206</b>	<b>199</b>	<b>156</b>
<b>TOTAL APPEALS LODGED</b>		<b>210</b>	<b>209</b>	<b>216</b>	<b>207</b>	<b>178</b>

**Table 3**

Court of Appeal Outcomes | 2015-16 to 2019-20

		2015-16	2016-17	2017-18	2018-19	2019-20
STATE APPEALS	Allowed	6	6	4	9	5
	Dismissed	1	1	4	3	3
	Discontinued	0	1	0	3	0
	No Appeal Recommended	0	11	22	3	0
	<b>Total</b>	<b>7</b>	<b>19</b>	<b>30</b>	<b>18</b>	<b>8</b>
ACCUSED APPEALS	Allowed	20	32	26	32	35
	Dismissed	99	115	121	98	89
	Discontinued	50	49	53	56	50
	<b>Total</b>	<b>169</b>	<b>196</b>	<b>200</b>	<b>186</b>	<b>174</b>
<b>TOTAL APPEALS FINALISED</b>		<b>176</b>	<b>215</b>	<b>230</b>	<b>204</b>	<b>182</b>

## Single Judge Appeals

Decisions made in a court of summary jurisdiction may be appealed to a single Judge of the Supreme Court sitting in the General Division. A single Judge appeal may be filed in the Court's civil or criminal jurisdiction.

Examples of decisions that may be appealed to a include decisions from a:

- Magistrate of the Magistrates Court of WA
- Magistrate of the Children's Court of WA
- Justice of the Peace
- Member of the State Administrative Tribunal ('SAT').

During 2019-20 the ODPP received 55 new single Judge appeals lodged by appellants in the Supreme Court. Over the same period, 53 single Judge appeals were completed. Of these, 22 were allowed with 33 being either dismissed or discontinued.

Table 4 shows the types of single Judge appeals lodged by the State and by accused.

**Table 4**

Single Judge Appeals Commenced | 2015-16 to 2019-20

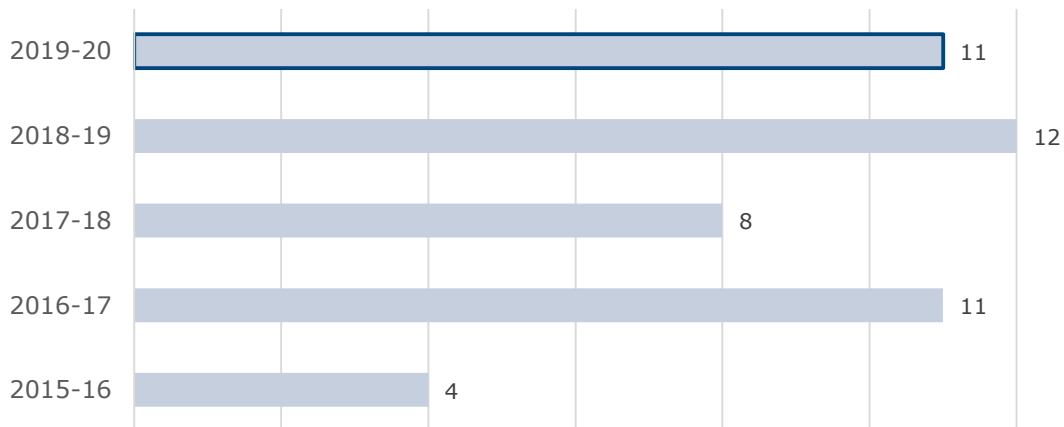
		2015-16	2016-17	2017-18	2018-19	2019-20
<b>STATE APPEALS</b>	Acquittal	0	0	0	1	0
	Sentence	0	0	0	0	1
	Decision or Order	0	1	2	1	0
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>ACCUSED APPEALS</b>	Conviction	9	8	10	12	15
	Sentence	18	25	20	43	33
	Decision or Order	5	4	4	11	6
	<b>Total</b>	<b>32</b>	<b>37</b>	<b>34</b>	<b>66</b>	<b>54</b>
<b>TOTAL APPEALS LODGED</b>		<b>32</b>	<b>38</b>	<b>36</b>	<b>68</b>	<b>55</b>

## High Court Appeals

High Court appeals involving the ODPP arise from appeals initiated against decisions made in the WA Court of Appeal where one of the parties applies for leave to appeal. The State of WA, through the ODPP, very rarely lodges an appeal to the High Court. There were 11 High Court appeals lodged by offenders in 2019-20.

**Chart 11**

High Court Appeals Commenced | 2015-16 to 2019-20



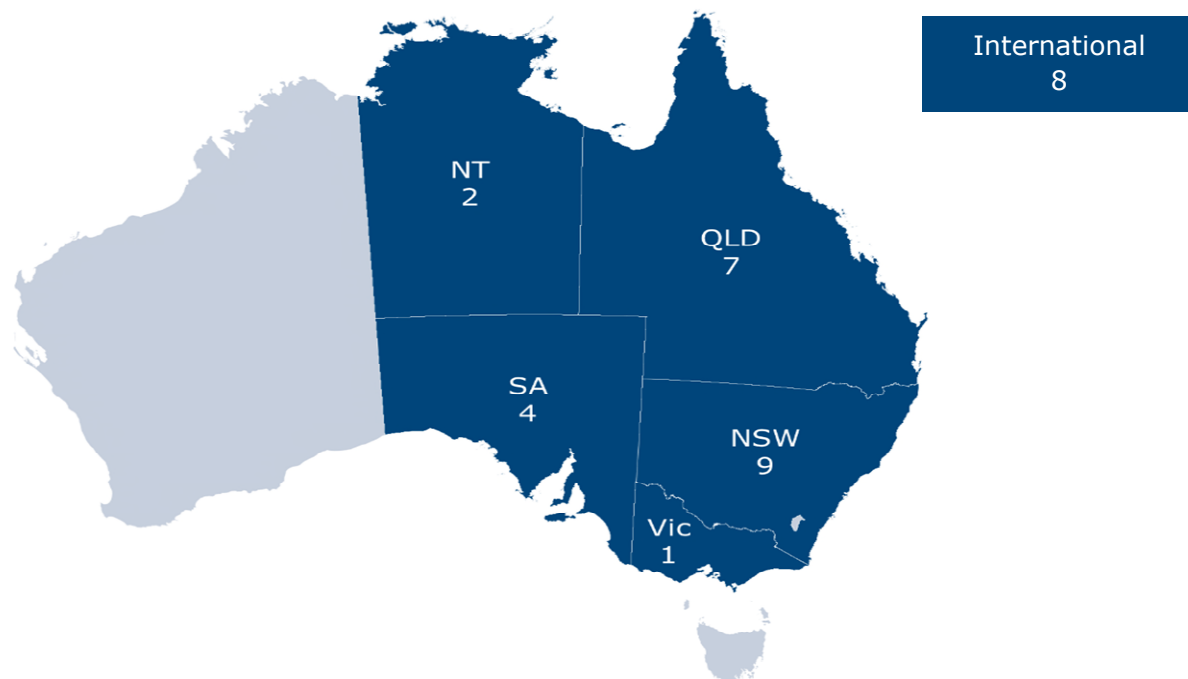
Nine High Court Appeals were completed in 2019-20. All were filed by the offenders - resulted in five allowed, one dismissed and three refused.

## Extraditions

During 2019-20, 31 applications were received by the ODPP from the WA Police seeking to extradite people from other of jurisdictions.

**Chart 12**

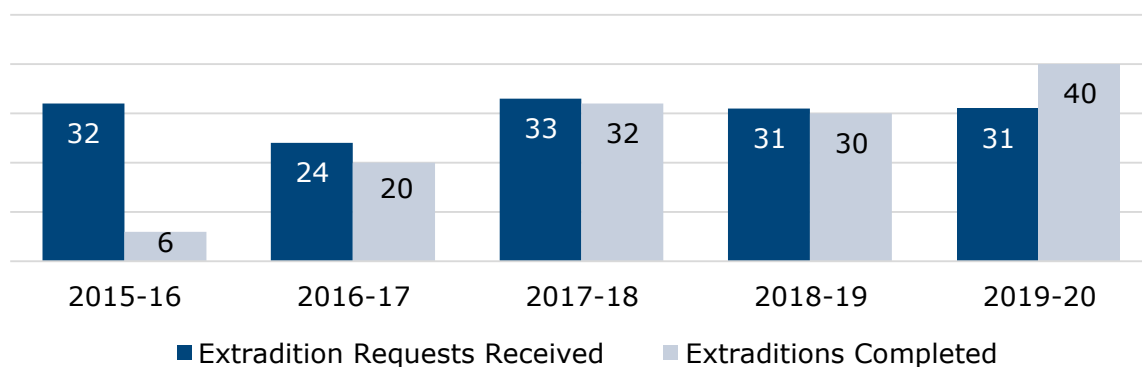
Extradition Applications by Location | 2019-20



During 2019-20, the ODPP closed 40 cases involving applications for extradition.

**Chart 13**

Extradition Applications | 2014-15 to 2019-20



## Dangerous Sexual Offenders

The ODPP's workload in relation to Dangerous Sexual Offenders ('DSOs') continues to grow. This includes:

- consideration of new referrals from the DSO Review Committee ('DSORC'),
- lodgement of new applications,
- appearances at the hearing of new applications,
- reviews of continuing detention orders, and
- the commencement and conduct of contravention proceedings.

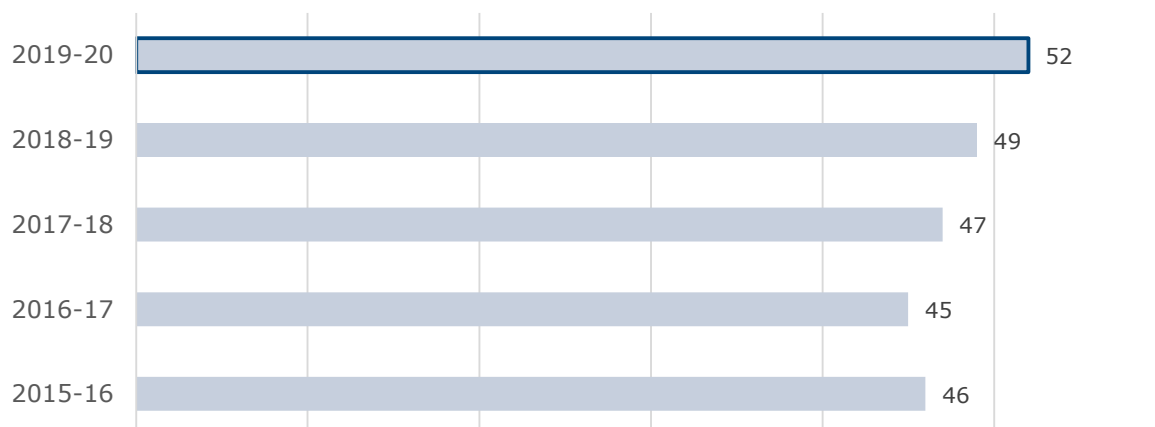
At the end of 2019-20, 52 offenders were the subject of either a continuing detention or supervision order made by the Supreme Court under the [Dangerous Sexual Offenders Act 2006](#) (WA) ('the DSO Act'). (See Chart 14.) This is an increase of three since the previous reporting period and an increase of 49 since 2006-07, the first full year of operation of the DSO Act.

When the *High Risk Serious Offenders Act 2020* ('the HRSO Act') comes into force on 26 August 2020, the DSO Act will be repealed and the number of offenders subject to new orders under the DSO Act will cease. However, offenders who may potentially have been declared DSOs under the DSO Act will come within the ambit of the HRSO Act.

Only two offenders are expected to complete their supervision orders in 2020-21. Both offenders have already been re-referred for consideration of an application for a further supervision order.

**Chart 14**

Offenders Subject to Ongoing Orders | 2015-16 to 2019-20

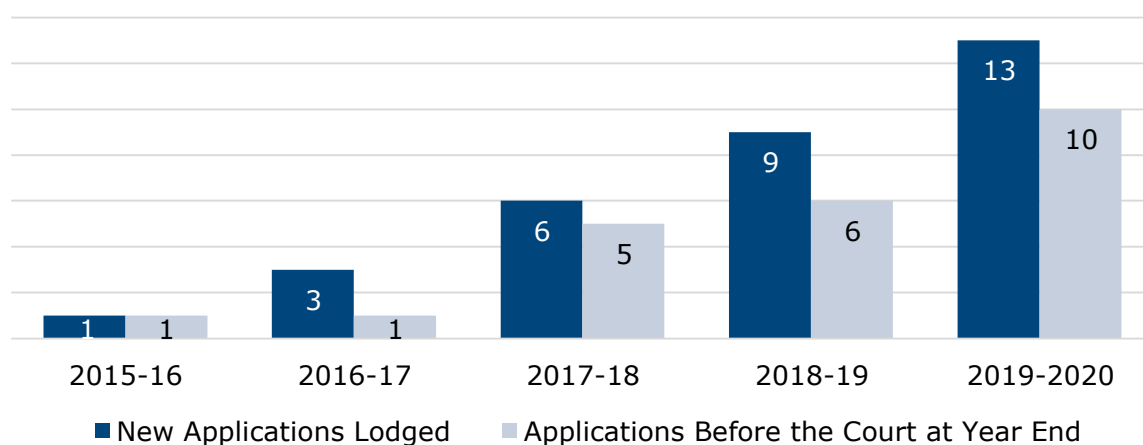


## New Applications 2019-20

During 2019-20, the ODPP received 10 new referrals from the DSORC. Two new juvenile referrals were received from Youth Justice Services.

After careful consideration of the matters, the ODPP made two new applications to the Supreme Court, in addition to 11 which had been referred in the previous reporting periods, bringing the total number of new applications in 2019-20 to 13.

At the end of this reporting period, a total of 10 applications are before the Court and 10 matters remained under review.

**Chart 15***Dangerous Sexual Offenders Act Applications | 2015-16 to 2019-20*

The ODPP declined to proceed in relation to two referrals as it was assessed that there were no reasonable prospects of the Supreme Court finding that the offender represented a serious danger to the community.

In addition, two offenders referred by DSORC were sentenced to terms of imprisonment which precluded the ODPP from making applications under the DSO Act during the relevant period.

## **Ongoing Management of Earlier Applications and Orders**

The Supreme Court can order that dangerous sexual offenders be subject to community supervision (with conditions such as electronic monitoring or a curfew) or ongoing detention in prison if satisfied that there is an unacceptable risk that, if the person was not subject to an order, the person would commit a serious sexual offence.

### **Supervision Orders**

At the start of 2019-20, 25 offenders were the subject of supervision orders made by the Supreme Court.

Three of these supervision orders expired during the year. One offender remains on an interim supervision order, awaiting the outcome of Division 2 proceedings on the application for a further supervision order. Two offenders were placed on further supervision orders for three and five years.

At the end of the previous reporting period, another application for a further supervision order, made in relation to an offender whose previous supervision order expired in the 2017-18 period, was waiting for a reserved judgment to be delivered. As of 30 June 2020, this offender was subject to an interim supervision order.

Three offenders subject to supervision orders were in custody for contraventions or further offending. Pursuant to section 23 of the Act, Contravention proceedings have begun in the Supreme Court in relation to those three offenders.

Three offenders were placed on a supervision order following a periodic review of their continuing detention order. The duration of the supervision orders ranged between 5 and 10 years.

26 offenders were subject to a supervision order at the end of 2019-20, with 22 being supervised in the community and 4 in custody for contraventions or further offending.

### **Continuing Detention Orders**

At the start of 2019-20, 24 offenders were held in custody subject to continuing detention orders.

One offender subject to a continuing detention order died during 2019-20.

The detention orders of eight offenders were reviewed and in five cases the Court expressly declined to rescind their detention orders. Judgment in one review hearing is reserved, with the offender remaining in custody.

Four additional offenders were placed on continuing detention orders under section 17 of the DSO Act following Division 2 hearings.

At the end of 2019-20 there were 26 offenders subject to a continuing detention order.

## **Appeal Matters**

No appeals under the DSO Act were decided in 2019-20.

One new appeal, filed by a DSO in person, was filed in the reporting period and is anticipated to be listed for hearing this year. The grounds in the Appeal Notice allege that the judge who heard the case erred in making a continuing detention order because he did not take into account the actual number of counselling sessions in which the DSO had engaged.

## **Legislative Developments**

As noted above, it is anticipated that the HRSO Act will come into force at the end of August 2020. After a transitional period, the State Solicitor's Office will assume primary responsibility for the administration of the State's functions in relation conducting proceedings in respect of high risk serious offenders.

Under the repeal and transitional provisions of the HRSO Act, any application to a court made under a provision of the repealed Act which has not been finally determined by the commencement day continues and may be determined under the HRSO Act.

## **Confiscation of Assets**

### **Freezing Notices and Freezing Orders**

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

Table 5 illustrates the Notices and Orders obtained in the past five years.

**Table 5**

Freezing Notices and Orders Obtained | 2015-16 to 2019-20

NOTICES AND ORDERS OBTAINED	2015-16	2016-17	2017-18	2018-19	2019-20
Freezing Notices	186	170	183	198	203
Freezing Orders	14	7	5	7	4
<b>TOTAL</b>	<b>200</b>	<b>177</b>	<b>188</b>	<b>205</b>	<b>207</b>

## Objections to Freezing Notices and Orders

Third parties who claim to have an interest in property frozen under a Freezing Notice or Order may object to the confiscation of that property. Generally, objections must be lodged within 28 days and the party objecting must establish that the property was not crime-derived, not used for criminal activity, and was not the property of the person subject to the investigation or prosecution.

Most objections are made by mortgagees, spouses, or parties claiming a beneficial interest in the property. A single Freezing Notice or Order may give rise to a number of objections from a variety of parties.

During 2019-20, the ODPP received 147 objections and finalised 136, a decrease from the previous reporting period's 198. The decrease may be partly attributable to the suspension of court hearings in WA from March to July 2020, part of the response to the COVID-19 pandemic.

**Table 6**

Objections to Freezing Notices and Orders | 2015-16 to 2019-20

	2015-16	2016-17	2017-18	2018-19	2019-20
<b>Received</b>	217	170	147	135	147
Dismissed	93	47	84	89	84
Successful	97	98	71	96	44
No Determination	33	12	34	13	8
<b>Total Finalised</b>	<b>223</b>	<b>157</b>	<b>189</b>	<b>198</b>	<b>136</b>

## Declared Drug Traffickers

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

Upon a declaration that a convicted person is a drug trafficker, all property owned by that person is forfeited to the State. In 2019-20, 167 people were declared to be drug traffickers and \$6.05 million was paid into the Confiscation Proceeds Account ('the Account') from assets stripped from declared drug traffickers.

Table 7 summarises the number of drug trafficker declarations made and the amounts paid to the Account over the past five years. 2019-20 saw an increase in the amount paid to the Account, from \$4.43m the previous reporting period to \$6.05m. Given the time-lag in realising forfeited property there is a timing difference between the number of declarations made in any reporting year and the amount of funds realised in that year.

**Table 7**

Drug Trafficker Declarations and Payments to the Account | 2015-16 to 2019-20

	2015-16	2016-17	2017-18	2018-19	2019-20
Declarations Made	95	136	171	163	167
<b>PAID TO ACCOUNT</b>	\$7.69m	\$6.47m	\$5.07m	\$4.43m	\$6.05m

## Crime-Used and Crime-Derived Property

Where property is frozen on crime-used or crime-derived grounds and any objections are resolved, the DPP may apply to the court for a Declaration of Confiscation, which in essence means that the property is forfeited to the State.

Table 8 illustrates that 74 Declarations of Confiscation were made either on crime-used or crime-derived grounds in 2019-20. The increase in proceeds to the Account in 2019-20 is attributed to a number of large cash seizures, focussed attention on the part of the ODPP, and some increased resources within the Proceeds of Crime Squad of the WA Police.

**Table 8**

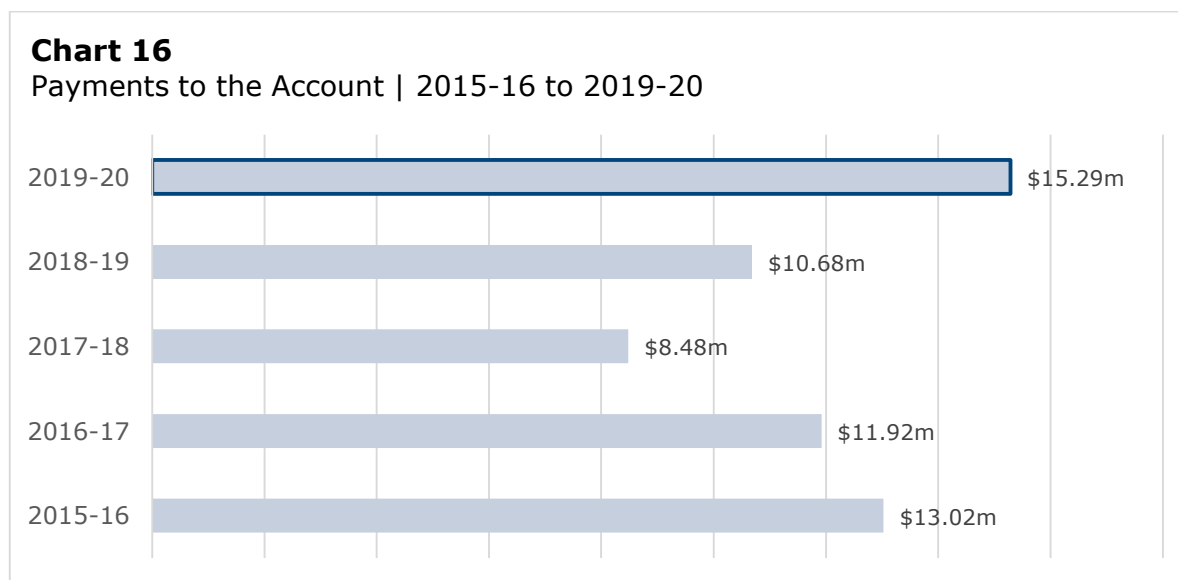
Crime-Used or Crime-Derived and Payments to the Account | 2015-16 to 2019-20

	2015-16	2016-17	2017-18	2018-19	2019-20
Declarations Made	45	62	49	46	74
<b>PAID TO ACCOUNT</b>	\$5.26m	\$5.38m	\$3.29m	\$6.25m	\$9.24m

## Overview of Payments to the Account

Since January 2001 over \$148 million has been stripped from people engaged in criminal activities and paid into the Account.

Chart 16 shows the total amount derived from all confiscation actions taken by the ODPP and paid into the Account over the past five years.



The Attorney General has the authority under the Act to make grants from the Account for specified purposes. Grants may include funding the development and delivery of programs to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs or to provide support services and assistance to victims of crime.

The Department of Justice manages the Account, at the direction of the Attorney General, and assists with the community grants program by advertising and assessing applications from eligible organisations and community groups.

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

## Corporate Initiatives

The ODPP has evolved from a small to medium-sized State government department in a relatively short period of time. In doing so, the ODPP's Corporate Services has changed its focus in financial and people services and invested in information management, technology and legal support needs. During the reporting period there had been increased resources in the paralegal support area to address increased workload pressures and the increased case complexity.

These changes have placed higher expectations on the Corporate Services management team to introduce improved reporting against service measures, introduce staff rotation and development challenges, people planning, financial and risk management planning and the development of management skills more generally.

In previous reporting periods, the ODPP focussed on budget repair to enable capacity to be available to deliver business priorities. These priorities included:

- securing investment for digital infrastructure solutions and systems, and
- responding to the increased prosecution service demands.

Some of the key initiatives spearheaded during 2019-2020 are outlined below.

## **COVID-19 Response**

Like the rest of Australia, from March 2020, the ODPP dedicated resources to the impact of the COVID-19 pandemic. In March, WA Courts suspended all jury trials. In order to enable compliance with distancing requirements, protect vulnerable ODPP staff and reduce increasing anxiety, the ODPP permitted all staff who could perform their duties from home without disrupting ODPP services to do so.

Between March and July 2020, the ODPP gradually increased the number of staff able to work from home by the provision of equipment as it became available, and refining work practices and technology to facilitate the maximum take-up of remote working arrangements.

For staff who remained in the office, the ODPP introduced measures to make it safe to do so. These measures included improved cleaning services to regularly sanitise touchpoints throughout the day, relocating staff to allow for as much distancing as possible and providing alternative transport options.

It is a testament to the sustained efforts all of the ODPP staff that productivity and efficiency was maintained at or above the already high levels throughout this period, thus minimising the impact of the pandemic restrictions on court backlogs.

## **New Accommodation**

A major initiative in 2019-20 was the relocation of the ODPP's office accommodation and the digitisation in the systems infrastructure.

The ODPP relocated to 55 St Georges Terrace, Perth in late May 2020. The impact of COVID-19 made this project even more challenging for all involved.

The relocation involved making significant improvements in network capabilities, the office layout and design features and an improved digital communications capability.

The relocation provided the ODPP the opportunity to embrace and operationalise change, and where available, to harmonise service delivery to achieve servicing benefits. For example,

- Trial teams are now on one floor - which enhances collaboration and the exchange of information in a more collegiate environment;
- All of the ODPP's operations have been brought under one roof;
- An appropriate training and education facility is now available;
- Shared facilities has enabled responsible team gatherings and briefings.

## Systems Transformation

During 2019-20 the ODPP invested in digital transformation by transitioning to consumption-based infrastructure services.

The benefits of this investment include:

- Capitalise on the cloud *as a service* offering and become more responsive to evolving business and system(s) needs;
- The introduction of Disaster Recovery capability;
- A reduced dependency on limited critical skilled resources at the ODPP; and
- Continued progression and support of the whole of government investment pathway towards digital infrastructure, sharing data and compatibility across government.

The majority of systems infrastructure is now serviced, managed and delivered by cloud-based, third party providers. This includes the Finance, Human Resources, case management services, file/document management systems, the Intranet, email and telephony services and network connectivity services. All ODPP systems are accessible to staff anywhere anytime and this has resulted in increased investment and skills in data security and data access controls.

## Legislation and Law Reform

Important legislative reforms since 1 July 2019 affecting the work undertaken by the ODPP Western Australia include the following:

The [Transport \(Road Passenger Services\) Act 2018](#) amended parts of the *Criminal Code* and the *Road Traffic Act 1974* from 1 and 2 July 2019, respectively.

- In the *Criminal Code*, the amendment Act broadened Grievous Bodily Harm against the driver of a “taxi” or “omnibus” to a driver of a “passenger transport vehicle”.
- In the *Road Traffic Act 1974*, in reference to driving with a Blood Alcohol Content in excess of 0.02%, the amendment Act replaced drivers of a “taxi” or “omnibus” with drivers of vehicles transporting passengers for hire or reward.

The [\*Road Traffic Amendment \(Blood Alcohol Content\) Act 2019\*](#) commenced on 12 September 2019. The Act amended the *Road Traffic Act 1974* in relation to how blood alcohol content is calculated at a material time for alcohol related driving offences.

The [\*Terrorism \(Preventative Detention\) Amendment Act 2019\*](#) amended the *Terrorism (Preventative Detention) Act 2006* on 9 October 2019. The changes included:

- amending the basis upon which a preventative detention order can be applied for, and made, from being that a “terrorist act is imminent and expected to occur within 14 days” to “a terrorist act is capable of being carried out and could occur within the next 14 days”;
- providing preventative detention orders for detainees whose names are not able to be specified, but where there is sufficient identifying information enabling the person to be identified;
- extending the scope of authorised contacts for detainees – providing the ability to have contact with an approved religious or spiritual advisor; and
- clarifying the requirements regarding the provision of reasonable assistance to detainees who are under the age of 18 or incapable of managing their own affairs in exercising their entitlement to contact authorised persons, as prescribed by Part 6 of the Act.

The [\*Bail Amendment \(Persons Linked to Terrorism\) Act 2019\*](#) commenced on 1 January 2020. The Act introduced a presumption against bail applying to persons with links to terrorism. (A person has links to terrorism if they are charged with, or have been convicted of, a terrorism offence, or are the subject of an interim control order or confirmed control order made under the Commonwealth Criminal Code, or have been the subject of a confirmed control order within the last 10 years).

The [\*Criminal Code Amendment \(COVID-19 Response\) Act 2020\*](#) commenced on 4 April 2020. For a period of 12 months only, the amendment Act has amended the *Criminal Code* to introduce a maximum penalty of 7 years’ imprisonment for threats to injure, endanger or harm certain categories of persons by exposing them to COVID-19.

The new provisions reflect the seriousness of offending against public officers and certain other officers delivering frontline services, including police officers, doctors and nurses, ambulance workers, bus drivers, and prison officers, where an offender has COVID-19, or makes a statement or does any other act to create a belief, suspicion or fear that they have COVID-19.

The [\*Family Violence Legislation Reform \(COVID-19 Response\) Act 2020\*](#) commenced on 7 April 2020. Amending the *Sentencing Act 1995*, the *Sentence Administration Act 2003*, the *Bail Act 1982* and the *Restraining Orders Act 1997*, the amendment Act implements reforms to assist the justice system's response to family violence in the context of the spread of the COVID-19. The changes included:

- allowing the court to impose a requirement that an offender be subject to electronic monitoring under Conditional Suspended Imprisonment Orders and Intensive Supervision Orders;
- permitting a judicial officer to include, as a home detention bail condition, a direction that an accused be subject to electronic monitoring;
- improving access to restraining orders, including enabling restraining order applications to be lodged online;
- creating a separate offence for breach of a family violence restraining order, increasing the penalty to \$10,000 from \$6,000 and extending the limitation period for prosecuting breach of restraining order offences to two years; and
- allowing the Family Court and Children's Court to issue interim restraining orders on an ex-parte basis, in the same way the Magistrates Court is permitted to do so.

## Inter-Agency Committees and Working Groups

The ODPP participates in a range of external committees principally established to promote improvements to the criminal justice system in WA.

**Table 9**  
External Committee Representation | 2019-20

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
Justice Pipeline Model Steering Committee	Provide strategic direction on the development of the justice	Amanda Forrester SC DPP

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
	pipeline model and its implementation.	
Justice Pipeline Model Project Working Group	Report on tasks designed to develop and deliver a justice pipeline model consistent with the strategic direction provided by the Justice Pipeline Model Steering Committee.	Matthew Bugg <i>Director Legal Services</i>  Pascoe Rechichi <i>Director Corporate Services</i>
Witness Intermediary Steering Committee	Oversee and assist with the development of a witness intermediary service in WA.	Amanda Forrester SC <i>DPP</i>
Justice Planning and Reform Committee	Provide strategic direction on the development of the sector-wide reform plan and its implementation.	Amanda Forrester SC <i>DPP</i>
Confiscation Proceeds Account Committee	Provide advice to the Attorney General on the allocation of grants from confiscated funds.	Zoe Jenkins <i>State Prosecutor</i>
ODPP, VSS and CWS Liaison Committee	Improve services to witnesses and victims and crime and enhance inter-agency communication.	Julian Williams <i>Manager Legal Practice Support</i>
PathWest/WAPOL/ODPP Joint Consultative Committee	Facilitate communication and issue resolution between the agencies in areas of mutual interest.	Matthew Bugg <i>Director Legal Services</i>  Justin Whalley SC <i>Consultant State Prosecutor</i>
Sexual Assault Services Advisory Group	Improve processes for victims of crime and enhance inter-agency communication in sexual assault matters.	Katrin Robinson <i>Senior State Prosecutor</i>
State Witness Protection Committee	Consider applications for witnesses to be admitted to State Witness Protection Plans.	James Mactaggart <i>Senior State Prosecutor</i>

COMMITTEE	PURPOSE	ODPP REPRESENTATIVE
Law Council of Australia's Criminal Law Committee	Review all national and State Bills as well as State legislation. Advise on policy papers affecting criminal law and procedure in Australia.	David Davidson <i>Senior State Prosecutor</i>

## Law Society of WA

Many lawyers from the ODPP contributed positively to the Law Society of WA during 2019-20 through membership on a range of committees.

**Table 10**

Law Society Committee Representation | 2019-20

COMMITTEE	ODPP REPRESENTATIVE
Costs Committee	David Davidson, <i>Senior State Prosecutor</i>
Criminal Law Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i> Ryan Arndt, <i>State Prosecutor</i> Kate Gregory, <i>State Prosecutor</i>
In-house and Government Lawyers Committee	David Davidson, <i>Senior State Prosecutor</i>
Mental Health and Wellbeing Committee	David Davidson, <i>Senior State Prosecutor (Convenor)</i>
Education Committee	Ryan Arndt, <i>State Prosecutor</i>

## Legal Practice Board

The ODPP's contribution to the work of the Legal Practice Board in 2019-20 was as follows.

**Table 11**

Legal Practice Board Representation | 2019-20

COMMITTEE	ODPP REPRESENTATIVE
Professional Affairs Committee	Amanda Forrester SC, <i>DPP</i>
Admissions and Registrations Committee	Robert Wilson, <i>Senior State Prosecutor</i>
Legal Practitioners Complaints Committee	Robert Wilson, <i>Senior State Prosecutor</i>

## Investing in People

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

The ODPP commissioned a report by the Phoenix Australia Centre for Post-traumatic Mental Health (the 'Report'), which was delivered to staff. The Report made a number of recommendations, which have been prioritised and their implementation is in progress.

The arrival of COVID-19 in Australia in March 2020 resulted in the majority of staff working from home. In order to support staff, the ODPP's Employee Assistance provider, Access Wellbeing Services, hosted online information sessions for staff.

The Sexual Assault Resource Centre (SARC) continued to deliver Vicarious Trauma workshops in 2019-20. The workshops have a focus on assisting staff to recognise the risk factors, build vicarious tolerance and develop personal strategies/techniques for dampening the impact of trauma stories.

Speakers with lived experience gave presentations to staff as part of a Skin Cancer Awareness talk, R U OK Day and Mental Health week.

The ODPP offered a varied set of in-house Continuing Legal Education seminars (CLEs) delivered by experienced ODPP prosecutors, supplemented with presentations by a range of external speakers and agencies.

At some CLEs, legal staff from other government departments were welcomed to attend to extend their knowledge. ODPP staff were invited to events held by other government departments, thus maximising public sector legal learning opportunities.

In addition, in-house CLEs are video-recorded, enabling staff to view the recordings.

With a majority of legal staff working from home, CLEs were delivered via online platforms (Skype/MS Teams). This option will continue to be offered where appropriate to facilitate the attendance of staff at training events.

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

- The International Association of Prosecutors ('IAP') Conference.
- The Association of Crown Prosecutors Conference ('AACP') which took place in Perth in 2019, and which was very successfully organised by a committee of state prosecutors and support staff.

- Seminars and workshops delivered by external organisations including Pathwest, the Law Society of WA, Criminal Lawyers Association, the Piddington Society and Legal Aid WA.

Other key development activities during the year included:

- Advocacy Courses

During 2019-20 a junior advocacy course was designed and facilitated in-house. The efforts undertaken by a small number of State Prosecutors succeeded in developing the skills and capabilities of around 30 junior State Prosecutors.

- Cross-cultural Awareness and Disability Awareness workshops

These workshops are facilitated by people with lived experience and aim to give staff an enlightening insight into each area.

- International Women's Day event

Staff received an impassioned address by Ms Violet Arrey at a gathering raising awareness of the struggles of women the world over and honouring their achievements.

- NAIDOC week

Staff attended a walking tour of Elizabeth Quay, hearing dreamtime stories, learning more about the Wadjuk tribe, and seeing the various sculptures including "First Contact" and the Spanda. A local Aboriginal artist guided staff through the creation of three large canvases, which were later stretched ready for display in the ODPP premises.

The ODPP's monthly 'In the Loop' Newsletter continued to keep staff on long term leave connected with the ODPP by providing them with information on workplace issues, changes, legislation updates, upcoming training events and other relevant news items. This was particularly useful in the time surrounding the office move.

The ODPP's Management Development Program (MDP) for 2019-20 ran from August 2019 until training was suspended with the advent of COVID - 19 limitations. This program assists management with managing business, people, finances, processes, governance and risk within a public sector context. Workshops formed a key part of the development program including sessions on Leading Change, Having Hard Conversations, Emotionally Intelligent Leadership and Proactive Conflict Management.

The ODPP continues to support the employment of public sector trainees. A trainee from the Public Sector Commission's Disability stream has been with the ODPP since August 2019 and has had insight into the processes of Corporate Services and the support functions at the ODPP.

Three newly admitted lawyers were recruited Legal Officers in February 2020. They have each joined one of the ODPP trial teams, providing them

with the opportunity to commence their career in criminal law and to gain experience and develop skills as a prosecutor.

Staff have received support through the ODPP's Study Assistance scheme to start or continue their studies. Support has been offered in the form of paid time off work to study and/or partial reimbursement of their fees.

Human Resource staff have received refresher training in ergonomics and workstation assessment, in order to assist staff to ensure their new office/workstation furniture is set up correctly. Representatives from Worksafe have presented to staff on the importance of having a proactive approach to workplace safety and health.

**Table 12**

Training and Development Initiatives | 2019-20

NAIDOC week events – canvas painting and walking tour of Elizabeth Quay.
Advocacy training (practical advocacy courses, arranged in-house (for junior prosecutors) and externally (Law Society)).
Presentations by external experts in DNA, forensics, police procedures, witness services.
Continuing legal education seminars delivered by in-house experts.
Legal seminars and presentations (including the Association of Australia Crown Prosecutors' annual conference, events organised by the Piddington Society, the Law Society, and Legal Aid WA).
ODPP information sessions including GESB superannuation presentations, Maxxia, and information on new processes and policies.
IT training or information sessions, including the use of Power PDF to prepare prosecution briefs, presenting online via Skype and use of new technology.
Public sector mandatory training, including Accountable and Ethical Decision making, Disability Awareness, Cross-cultural awareness and Bullying and Harassment.
Leadership & Management training, including workshops from IPAA (including Leading Change, Proactive Conflict Management), Emotionally Intelligent Management, Situational Management.
Support for staff including mental health awareness, lived experience presentations for RU OK? Day, Mental Health week, Skin Cancer Awareness, and EAP presentations and three Vicarious Trauma workshops.
Support for new paralegal and legal staff, including Indictment training modules and training in the use of legal research tools.
Focused support for individual/small groups of staff, including MS Visio and Power BI, Ergonomic workstation assessment, Articulate Storyline, ITIL, advanced business-writing and Mentoring co-workers with disabilities.

# Part 3: Disclosures and Legal Compliance

## Ministerial Directives

No directives were made by the Attorney General during 2019-20.

## Other Financial Disclosures

### Brief-out Expenditure

The ODPP briefs some court work to private barristers or solicitors. The number of trials briefed in any year is dependent on several factors, principally Court listings and the availability of in-house ODPP prosecutors.

The briefing expenditure in 2019-20 reflects the fact that jury trials were suspended during the COVID-19 pandemic. Briefed trials were adjourned and circuit sittings cancelled as the State went into lockdown, further reducing the frequency of brief outs.

During 2019-20, the ODPP used the services of twenty five private barristers for a total of 253 bookings that resulted in 470 court days invoiced at an average cost of \$2,140 per day.

**Table 13**

Brief-out Expenditure | 2015-16 to 2019-20

BRIEF-OUT EXPENDITURE	2015-16	2016-17	2017-18	2018-19	2019-20
Court Appearances Booked	231	269	317	293	253
Average Cost Per Booking	\$5,555	\$6,240	\$6,263	\$6,118	\$3,976
<b>TOTAL COST</b>	<b>\$1.3M</b>	<b>\$1.7M</b>	<b>\$2.0M</b>	<b>\$1.8M</b>	<b>\$1.0M</b>
Total Court Days Invoiced	600	746	880	797	470
Average Cost per Court Day	\$2,139	\$2,250	\$2,256	\$2,241	\$2,140

## Ex Gratia Payments

No ex gratia payments were made during 2019-20.

## Unauthorised Use of Credit Cards

During 2019-20, there were three incidents where employees inadvertently utilised the corporate credit card for personal use.

**Table 14**

Unauthorised Use of Credit Cards | 2019-20

UNAUTHORISED USE OF CREDIT CARDS	2019-20 (TOTAL ACTUAL)
Personal use expenditure settled within five working days	\$55.71

## Governance Disclosures

No disclosures are required under *Treasurer's Instruction 903(14) Agency Annual Report, Governance Disclosures* in 2019-20.

## Public Interest Disclosures

The ODPP did not receive any disclosures under the [Public Interest Disclosure Act 2003](#) in 2019-20.

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

## Other Legal Requirements

### Decision making and consultation audit results

#### Compliance with Policies for Decision Making and Consultation

In 2017 the Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse included the following recommendations –

- 41 – Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.
- 42 – Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision making and consultation with victims and police.

43 – Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports

In 2018 the ODPP published an updated Statement of Prosecution Policy and Guidelines and a new Policy and Guidelines for Victims of Crime (the Guidelines). The Guidelines commenced on 1 September 2018 and include policies for consultation with victims and police, provision of information after decisions are made, and a process pursuant to which a victim can seek a review of a decision made by the ODPP.

Under the Guidelines, a decision is reviewable at the request of a victim if the effect of the decision is to significantly alter the prosecution case in relation to that victim.

The first auditable and reportable period in relation to victim reviews and compliance with policies for consultation with victims and police and information as to the Victim Review process arose in the 2018-19 financial year. The 2019/2020 financial year is the second auditable period for the ODPP.

An internal audit was undertaken of 107 randomly selected ODPP cases which had a final outcome recorded between 1 July 2019 and 1 June 2020.

The documents on the files recorded that:

- In 70 (65%) of cases, the investigating officer was consulted prior to a decision being made;
- In 47 (44%) of cases, victims were consulted prior to a decision being made;
- In 23 (21%) of cases, victims were not contactable prior to a decision being made;
- In 43 (40%) of cases victims were informed of a right of review at the time of being informed about the decision being made

The number of cases in which victims were consulted, or informed of a right of review at the time of being informed about a decision being made in a prosecution, are attributable to a number of factors, which include –

- On being consulted about a decision, or being informed of a decision having been made, the victim indicated that they were happy with the decision, in which case the prosecutor did not advise them of a right of review;
- cases audited involved discontinuance of a charge while proceeding with other substantive similar charges, in which case prosecutors did not appear to consider the decision to be one which significantly altered the prosecution case and thus was not reviewable;

- the person responsible for the conduct of the matter relied upon the investigating officer or some other person to consult with/inform the victim. This is particularly common when the matter is resolved at a very early stage and the ODPP staff member has not had the opportunity to build a rapport with the victim; and
- Potential issues with record keeping of records of consultations.

## **Victim Reviews**

Victims requested a review of a substantive decision made in only 13 prosecution cases in the reporting period.

Of these, 1 case was included in the randomly selected audit data set of cases.

## **Advertising**

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

Other than expenditure associated with advertising staff positions, the ODPP did not incur any expenditure in the above areas in 2019-20.

## **Disability Access and Inclusion Plan (DAIP)**

The DAIP is available to members of the public through the ODPP's web site and to all staff through the ODPP Intranet. In 2019 the ODPP finalised the 2019-24 DAIP. The 2019-24 DAIP was a result of consultation with staff and with disability advocates from a variety of representative groups.

Following the relocation of the ODPP's offices to 55 St Georges Terrace, an annual DAIP Implementation Plan has been drafted allowing the ODPP to set regular, relevant targets to address all of the outcomes.

## **Public Sector Standards and Ethical Codes**

The ODPP had no compliance issues during the financial year with regard to the [Western Australian Public Sector Code of Ethics](#) and the *DPP Code of Conduct*.

The ODPP received no claims for breaches of the Public Sector Standards in 2019-2020.

## Information Management Framework

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

The ODPP's *Recordkeeping Plan* was approved by the State Records Commission in October 2017 and the ODPP's *Retention and Disposal Schedule* was approved in March 2017.

The ODPP continues to provide recordkeeping awareness training to all staff members through the ODPP's Induction Program and other information available on the ODPP's Intranet. The Induction Program includes recordkeeping awareness and training specifically tailored to the role of each new staff member joining the ODPP. Improvements in information management handling practices have resulted in a greater awareness of records management responsibilities across the ODPP, particularly with the application of the ODPP Information Classification Policy.

The ODPP continues to explore ways to improve its practices to classify, capture, manage and secure documents electronically through its case management system and its electronic document records management system.

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

## Freedom of Information

The ODPP is an 'Exempt Agency' under Schedule 2 of the [Freedom of Information Act 1992](#).

## Government Policy Requirements

### Substantive Equality

Public Sector Commissioner's [Circular 01 of 2015](#) provides that all departments represented on the Strategic Management Council are required to report on their progress in implementing the *Policy Framework for Substantive Equality*.

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

## **Occupational Safety, Health and Injury Management**

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

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

The ODPP is proactively address the emerging risks of psychological injury to staff through exposure to objectional material and high levels of workload and stress. A mental health strategy is being developed to provide guidance to management and staff in preventing adverse mental health outcomes.

The ODPP has documented this commitment in the ODPP *Occupational Safety and Health Policy*, the *Injury Management Policy* and the *Injury Management Procedures*. The ODPP complies with the [Code of Practice: Occupational Safety and Health in Western Australia 2007](#) and all relevant legislation.

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

ODPP's induction program provides guidance and training on safe manual handling practices.

Custom made trolleys have recently been manufactured to transport materials to and from the courts. Further, the ODPP will soon acquire an appropriately fitted vehicle to transport the custom made trolleys (and other materials) to and from the courts.

As a result of COVID-19, the ODPP have employed a daily cleaner who cleans (amongst other things) high area touch points. Hand sanitiser dispensers are widely available throughout the office. Further, the ODPP

has provided staff with appropriate guidelines and communication in relation to good health and hygiene practices, including necessary cleaning materials to self-clean office equipment and ODPP vehicles when required. ODPP vehicles which are being used on a daily basis for business purposes are cleaned regularly.

# *Part 4: Key Performance Indicators and Financial Statements*

## Auditor General's Report



Auditor General

### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

#### Report on the financial statements

#### ***Opinion***

I have audited the financial statements of the Office of the Director of Public Prosecutions which comprise the Statement of Financial Position as at 30 June 2020, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, and Summary of Consolidated Account Appropriations for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Office of the Director of Public Prosecutions for the year ended 30 June 2020 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

#### ***Basis for opinion***

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

#### ***Responsibility of the Director for the financial statements***

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

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

### ***Auditor's responsibility for the audit of the financial statements***

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website at [https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of my auditor's report.

## **Report on controls**

### ***Opinion***

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

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

In my opinion, in all material respects, the controls exercised by the Office of the Director of Public Prosecutions are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2020.

### ***The Director's responsibilities***

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

### ***Auditor General's responsibilities***

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

obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and were implemented as designed.

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

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

### ***Limitations of controls***

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

## **Report on the key performance indicators**

### ***Opinion***

I have undertaken a reasonable assurance engagement on the key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2020. The key performance indicators are the Under Treasurer approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to assist users to assess the agency's performance and fairly represent indicated performance for the year ended 30 June 2020.

### ***The Director's responsibility for the key performance indicators***

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

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

### ***Auditor General's responsibility***

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements*

*Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

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

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

**My independence and quality control relating to the reports on controls and key performance indicators**

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

**Matters relating to the electronic publication of the audited financial statements and key performance indicators**

This auditor's report relates to the financial statements and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2020 included on the Office's website. The Office's management is responsible for the integrity of the Office's website. This audit does not provide assurance on the integrity of the Office's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version of the financial statements and key performance indicators.

SANDRA LABUSCHAGNE  
DEPUTY AUDITOR GENERAL  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
27 August 2020



Office of the 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 performance of the Office of the Director of Public Prosecutions and fairly represent the performance of the Office of the Director of Public Prosecutions for the financial year ended 30 June 2020.

A handwritten signature in blue ink, appearing to read 'Amanda Forrester'.

---

**Amanda Forrester SC**

Accountable Authority

11 August 2020

A handwritten signature in black ink, appearing to read 'Leighton Beeck'.

---

**Leighton Beeck CPA**

Chief Finance Officer

11 August 2020

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

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

A challenge for the ODPP is to develop meaningful performance indicators which reflect the key activities over which the ODPP has some degree of control.

#### Relationship to Government Goals

GOVERNMENT GOAL	ODPP DESIRED OUTCOME	ODPP SERVICES
Strong Communities: Safe communities and supported families.	That people of Western Australia are provided with a fair and just criminal prosecution service.	1. Criminal Prosecutions 2. Confiscation of Assets

## Service 1 – Criminal Prosecutions

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

An indictment is the formal document commencing a prosecution in the superior court which advises the court, and the accused, of the charges laid. Without the indictment, the case cannot proceed through the District or Supreme Court.

The work of prosecuting is primarily conducted by State Prosecutors, who have the task of:

- Analysing briefs of evidence which have been prepared by the WA Police;
- Assessing the appropriateness of the charges on the basis of the available evidence;
- Determining whether the prosecution ought to proceed, and if so;

- The precise charges to be prosecuted.

Senior paralegal staff also play a significant role in preparing files and drafting indictments in less complex matters under the supervision of Senior State Prosecutors.

Once the indictment is presented to the relevant court, State Prosecutors represent the State in court on every appearance by an accused, whether it is a proceeding for bail, plea, trial, sentence, or appeal.

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

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

## Service 2 – Confiscation of Assets

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

# Key Effectiveness Indicators

## Service 1 – Criminal Prosecutions

### 1). Early Advice to Court on Charges: Indictment filed within three months of committal

#### *Relationship to Desired Outcome*

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

The overall rate is calculated by dividing the number of indictments that are filed on-time by the total number of indictments that are due during the year.

### *Performance Outcome 2019-20*

In 2019-20, there were 2880 committals to the Supreme or District Court. Following case reviews, 169 of these matters were either remitted to the Magistrates Court to be dealt with summarily, or wholly discontinued, such that no charges remained against the accused. The remaining 2711 matters were committed to the District and Supreme Court and the indictment was due during this reporting period. 1886 (or 69.6%) were filed with the court within three months of the date of committal.

KPI Target 2019-20	KPI Result 2019-20
85.0%	69.6%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Indictment Filed Within three months of committal	71.8%	69.0%	68.3%	70.8%	69.6%
Indictments Due	2,273	2,560	2,557	2,740	2711
<b>Average days to file Indictment</b>	78	80	83	77	81

### *Explanation between the target and actual performance*

The number of indictments due decreased by 29 in 2019-20 to 2,711 a reduction of 1.0%.

An average of 81 days from committal to indictment is within the 90-day performance indicator.

In order to file an indictment, a Prosecutor must have all of the evidence before them to properly review whether sufficient to support the charges and determine prosecution is in the public interest.

Delays in this process may be caused by investigative process, obtaining evidence, plea offers from the accused, or complex briefs which take significant period of time to consider.

In country matters the indictment filed timeliness rate is lower than Metro cases. In metropolitan cases the ODPP is very close to the 85% target.

## 2). Establishing a case to answer

### *Relationship to Desired Outcome*

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

Establishing a Case to Answer is determined by dividing the number of Completed Trials that do not have a Judge Directed Acquittal by the number of Completed Trials.

### *Performance Outcome 2019-20*

There were no Judge directed acquittals in 2019-20 from 348 trials which proceeded, resulting in all accused having a case to answer.

KPI Target 2019-20	KPI Result 2019-20
98.0%	100.0%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Establishing Case to Answer	99.8%	99.4%	100.0%	100.0%	100.0%

### *Explanation between the target and actual performance*

The target has been exceeded. The ODPP's case assessment process is robust and has been effective in identifying unsuitable cases at an early stage, resulting in appropriate action.

## 3). Convictions after Trial

### *Relationship to Desired Outcome*

In cases in which an accused pleads not guilty, a trial is required. It is the role of the ODPP to fairly and effectively present the evidence in the case to the court and the jury. It is not the role of the ODPP to secure a conviction at any cost. Monitoring and measuring the percentage of convictions after trial assists the ODPP to assess the fairness of its decisions to prosecute.

Convictions After Trial is calculated by dividing the number of trials resulting in a conviction by the total number of trials that have either a conviction or an acquittal result.

#### *Performance Outcome 2019-20*

In 2019-20 348 trials proceeded before a jury or a judge alone in the District and Supreme Court. Of these, 16 (or 4.6%) resulted in a hung jury, 24 (or 6.9%) resulted in a mistrial and 6 (or 1.7%) were judge alone trials with reserved verdicts not disclosed at the time of publication.

The remaining 302 trials delivered either a conviction or acquittal. Of these, 188 (or 62.3%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2019-20	KPI Result 2019-20
50.0%	62.3%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Convictions After Trial	63.9%	66.4%	70.1%	65.7%	62.3%

#### *Explanation between the target and actual performance*

The target was exceeded in 2019-20, reflecting the thorough and consistent approach of the ODPP in properly assessing and preparing matters prior for trial and in effectively preparing and prosecuting trials.

## **Service 2 – Confiscation of Assets**

### **Application for a Declaration of Confiscations filed within four months of the Drug Trafficker Declaration**

#### *Relationship to Desired Outcome*

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

The outcome is calculated by dividing the number of applications filed within 4 months by the total number of applications filed.

#### *Performance Outcome*

In 2019-20, 59 declarations for confiscations were filed. Of these, 10 (or 16.9%) were filed within four months of the drug trafficker declaration.

KPI Target 2019-20	KPI Result 2019-20
60%	16.9%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Number of Declarations Filed	38	39	20	32	59
<b>Number of Declarations filed within four months</b>	<b>12</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>10</b>
Percentage Applications filed within four months	31.6%	28.2%	5.0%	6.3%	16.9%

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

The ODPP manages a high number of drug trafficking declarations which involve confiscated land. The preparation of applications for confiscation in these matters is a particularly complex process and has been especially so in respect of the matters received in 2019-20.

Factors which contribute to delays in the preparation and filing of declarations for confiscation include the:

- progress of police investigations to establish ownership of the property;
- tracking of associated criminal charges and assets; and
- resolution of issues with third parties who may claim interest in seized property.

## Key Efficiency Indicators

### Service 1 – Criminal Prosecutions

#### Cost per Prosecution

##### *Relationship to Desired Outcome*

Criminal prosecutions vary in the type of offence, complexity and length. Some matters may be concluded within a short time upon an early plea of guilty. Others requiring a trial, and perhaps an appeal, may not be

concluded for a number of years and can be very demanding of resources. Further, as a Consolidated Fund agency with no capacity to levy fees or charges for its services, the ODPP does not capture resources and costs applied to each prosecution outcome. Given these factors, it is difficult to provide an accurate and meaningful cost per prosecution. The figure below has been determined by dividing the number of new indictable cases by the ODPP's total cost of services for criminal prosecutions.

#### *Performance Outcome 2019-20*

The ODPP's total cost of service for criminal prosecutions in 2019-20 was \$45.408 million. A total of 3,074 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2019-20 was \$14,771.

KPI Target 2019-20	KPI Result 2019-20
\$15,000	\$14,771

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Cost Per Prosecution	\$12,429	\$12,035	\$14,178	\$14,377	\$14,771
<b>Indictable Prosecutions</b>	<b>2,985</b>	<b>3,155</b>	<b>2,872</b>	<b>3,018</b>	<b>3,074</b>

#### *Explanation between the target and actual performance*

The ODPP continues to be able to demonstrate that it can efficiently deliver criminal prosecutions.

## **Service 2 – Confiscation of Assets**

### **Ratio of Cost to Return**

#### *Relationship to Desired Outcome*

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

which can take a number of years and can therefore be very demanding of resources.

The total cost of service of confiscation of assets divided by the payments made to the Confiscation Proceeds Account for the same year, expressed as a percentage.

#### *Performance Outcome 2019-20*

In 2019-20, the ODPP's Confiscations services outcomes delivered payments of \$15.419 million to the Confiscation Proceeds Account (administered by the Department of Justice). The total cost of service for the confiscations function in the reporting year was \$3.489 million. The ratio of cost to return was therefore 22.6%.

KPI Target 2019-20	KPI Result 2019-20
25.0%	22.6%

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2015-16	2016-17	2017-18	2018-19	2019-20
Delivered Payments to Confiscations Proceeds Account	\$13.06m	\$11.92m	\$8.482m	\$10.681m	\$15.419m
<b>Total Cost of Services for Confiscations Function</b>	<b>\$3.04m</b>	<b>\$2.80m</b>	<b>\$3.091m</b>	<b>\$3.435m</b>	<b>\$3.489m</b>
Cost as a Percentage of Return	23.30%	23.50%	36.40%	32.16%	22.6%

#### *Explanation between the target and actual performance*

The target was met in 2019-20 due to a significant increase in receipts reducing the cost percentage ratio when compared to the total cost of services. Criminal property confiscations receipts to the proceeds account were \$4.7 million or 44% higher than 2018-19. This is due to more criminal monies confiscated by the WA Police and the ODPP during the period and an increase in the value of assets seized. This included securing a number of unique high value acquisitions.



Office of the Director of Public Prosecutions  
for Western Australia

# Financial Statements

## Disclosures and Legal Compliance

### Financial statements

#### Certification of financial statements

#### For the reporting period ended 30 June 2020

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 reporting period ended 30 June 2020 and the financial position as at 30 June 2020.

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

A handwritten signature in black ink, appearing to read 'Leighton Beeck'.

Leighton Beeck CPA  
Chief Finance Officer  
11 August 2020

A handwritten signature in blue ink, appearing to read 'Amanda Forrester'.

Amanda Forrester SC  
Accountable Authority  
11 August 2020

# Office of the Director of Public Prosecutions

## Statement of Comprehensive Income

For the year ended 30 June 2020

	Notes	2020 (\$'000)	2019 (\$'000)
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	2.1 (a)	36,901	34,052
Supplies and services	2.2	4,451	4,915
Depreciation and amortisation expense	4.1.1, 4.2, 4.3.1	790	726
Accommodation expenses	2.2	4,654	4,017
Other expenses	2.2	2,100	3,113
<b>Total cost of services</b>		<b>48,896</b>	<b>46,823</b>
<b>Revenue and Income</b>			
Other revenue	3.2	670	155
<b>Total Revenue</b>		<b>670</b>	<b>155</b>
<b>Total income other than income from State Government</b>		<b>670</b>	<b>155</b>
<b>NET COST OF SERVICES</b>		<b>48,226</b>	<b>46,668</b>
<b>Income from State Government</b>			
Service Appropriation	3.1	41,705	40,345
Contribution from Confiscation Proceeds Account	3.1	7,234	5,804
Services received free of charge	3.1	696	970
<b>Total income from State Government</b>		<b>49,635</b>	<b>47,119</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>1,409</b>	<b>450</b>
<b>OTHER COMPREHENSIVE INCOME</b>		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>1,409</b>	<b>450</b>

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

## Office of the Director of Public Prosecutions

### Statement of Financial Position

As at 30 June 2020

	Note	2020 (\$000)	2019 (\$000)
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	6.3	5,611	6,494
Receivables	5.1	2,442	772
Amounts receivable for services	5.2	1,000	1,000
Other current assets	5.3	180	145
<b>Total Current Assets</b>		<b>9,233</b>	<b>8,411</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	6.3	529	381
Amounts receivable for services	5.2	4,766	4,053
Plant and equipment	4.1	880	1,103
Right-of-use assets	4.2	296	-
Intangible assets	4.3	702	61
<b>Total Non-Current Assets</b>		<b>7,173</b>	<b>5,598</b>
<b>TOTAL ASSETS</b>		<b>16,406</b>	<b>14,009</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	5.4	1,365	1,484
Lease Liabilities	6.1	136	-
Employee related provisions	2.1(b)	6,736	6,006
Other Provisions	5.5	126	61
<b>Total Current Liabilities</b>		<b>8,363</b>	<b>7,551</b>
<b>Non-Current Liabilities</b>			
Lease Liabilities	6.1	182	-
Employee related provisions	2.1(b)	2,093	2,099
<b>Total Non-Current Liabilities</b>		<b>2,275</b>	<b>2,099</b>
<b>TOTAL LIABILITIES</b>		<b>10,638</b>	<b>9,650</b>
<b>NET ASSETS</b>		<b>5,768</b>	<b>4,359</b>
<b>EQUITY</b>			
Contributed Equity	8.6	7,138	7,138
Accumulated surplus/(deficit)		(1,370)	(2,779)
<b>TOTAL EQUITY</b>		<b>5,768</b>	<b>4,359</b>

The Statement of Financial Position 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 2020

	Note	Contributed Equity (\$000)	Reserves (\$000)	Accumulated surplus/(deficit) (\$000)	Total Equity (\$000)
<b>Balance at 1 July 2018</b>	8.6	7,138	-	(3,229)	3,909
Surplus/(deficit)		-	-	450	450
Other comprehensive income		-	-	-	-
Total comprehensive income for the period		-	-	450	450
<b>Balance at 30 June 2019</b>		<b>7,138</b>	<b>-</b>	<b>(2,779)</b>	<b>4,359</b>
<b>Balance at 1 July 2019</b>		<b>7,138</b>	<b>-</b>	<b>(2,779)</b>	<b>4,359</b>
Surplus/(deficit)		-	-	1,409	1,409
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	1,409	1,409
<b>Balance at 30 June 2020</b>	8.6	<b>7,138</b>	<b>-</b>	<b>(1,370)</b>	<b>5,768</b>

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

## Office of the Director of Public Prosecutions

### Statement of Cash Flows

For the year ended 30 June 2020

	Note	2020 (\$000)	2019 (\$000)
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		40,805	39,693
Contributions from Confiscation Proceeds Account		5,812	5,300
Holding account drawdowns		187	1,000
<b>Net cash provided by State Government</b>		<b>46,804</b>	<b>45,993</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(35,833)	(33,713)
Supplies and services		(10,923)	(10,948)
GST payments on purchases		(1,129)	(1,050)
<b>Receipts</b>			
Receipts from services		670	155
GST receipts on sales		9	13
GST receipts from taxation authority		838	1,037
<b>Net cash provided by/(used in) operating activities</b>		<b>(46,368)</b>	<b>(44,506)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(1,171)	(440)
<b>Net cash provided by/(used in) investing activities</b>		<b>(1,171)</b>	<b>(440)</b>
Net increase/(decrease) in cash and cash equivalents		(735)	1,047
Cash and cash equivalents at the beginning of the period		6,875	5,828
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	6.3	<b>6,140</b>	<b>6,875</b>

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

## Office of the Director of Public Prosecutions

### Summary of Consolidated Account Appropriations

For the year ended 30 June 2020

	2020	2020		2019	2019	
	Estimate	Actual	Variance	Estimate	Actual	Variance
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)
<u>Delivery Services</u>						
Item 49 Net amount appropriated to deliver services	37,745	38,390	645	36,046	36,605	559
Amount Authorised by Other Statutes						
- <i>Salaries and Allowances Act 1975</i>	3,315	3,315	-	3,740	3,740	-
<b>Total appropriations provided to deliver services</b>	<b>41,060</b>	<b>41,705</b>	<b>645</b>	<b>39,786</b>	<b>40,345</b>	<b>559</b>
<u>Capital</u>						
Capital appropriations	2,567	-	(2,567)	-	-	-
<u>Administered Transactions</u>						
Administered Grants and Transfer Payments	-	-	-	-	-	-
<b>Total Administered Transactions</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL</b>	<b>43,627</b>	<b>41,705</b>	<b>(1,922)</b>	<b>39,786</b>	<b>40,345</b>	<b>559</b>

# Notes to the Financial Statements

## 1). Basis of preparation

The Office is a WA Government entity and is controlled by the State of WA, which is the ultimate parent. The Office is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Accountable Authority of the Office on 14 August 2020.

### *Statement of compliance*

These general purpose financial statements are prepared in accordance with:

- 1) The Financial Management Act 2006 (**FMA**)
- 2) The Treasurer's Instructions (**TIs**)
- 3) Australian Accounting Standards (**AASs**) – Reduced Disclosure Requirements
- 4) Where appropriate, those **AAS** paragraphs applicable for not-for-profit entities have been applied.

The *Financial Management Act 2006* and the Treasurer's Instructions take precedence over AASs. Several AASs are modified by TIs to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

### *Basis of preparation*

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest thousand dollars (\$'000).

### *Judgements and estimates*

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Significant judgements and estimates have been made to meet the requirements of the new standard AASB 16.

AASB 16: Key judgements to be made for AASB 16 include identifying leases within contracts, determination whether there is reasonable certainty around exercising extension and termination options, identifying whether payments are variable or fixed in substance and determining the stand-alone selling prices for lease and non-lease components.

Estimation uncertainty that may arise is the estimation of the lease term, determination of the appropriate discount rate to discount the lease payments and assessing whether the right-of-use asset needs to be impaired.

AASB 15: Key judgements include determining the timing of revenue from contracts with customers in terms of timing of satisfaction of performance obligations and determining the transaction price and the amounts allocated to performance obligations.

Estimation uncertainty include determining the transaction prices (estimating variable consideration, adjusting the consideration for the time value of money and measuring non-cash considerations), allocating the transaction price, including estimating stand-alone selling prices and allocating discounts and variable consideration.

AASB 1058: Key judgements include determining the timing in the satisfaction of obligations and judgements used in determining whether funds are restricted.

Refer to Note 8.2 for the impact of the initial adoption and the practical expedients applied in the initial recognition.

### *Contributed equity*

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

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

## **2). Use of funding**

### *Expenses incurred in the delivery of services*

This section provides additional information about how the office's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the office in achieving its objectives and the relevant notes are:

	Notes	2020 (\$000)	2019 (\$000)
Employee benefits expenses	2.1(a)	36,901	34,052
Employee related provisions	2.1(b)	8,829	8,105
Other expenditure	2.2	11,205	12,045

### 2.1(a) Employee benefits expenses

	2020 (\$000)	2019 (\$000)
Short-term employee benefits <sup>(a)</sup>	33,821	30,957
Termination benefits	-	158
Superannuation – defined contribution plans <sup>(b)</sup>	3,080	2,937
<b>Total employee benefits expenses</b>	<b>36,901</b>	<b>34,052</b>
Add: AASB 16 Non-monetary benefits <sup>(c)</sup>	169	-
Less: Employee Contributions	(80)	-
<b>Net employee benefits</b>	<b>89</b>	<b>-</b>

(a) Include wages, salaries and social contributions, paid annual leave and paid sick leave, profit-sharing and bonuses; and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees.

(b) Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employees Superannuation Board Schemes (GESBs) and other eligible funds.

(c) Additional non-monetary benefits include the provision of vehicle and housing benefits measured at cost in accordance with the application of AASB 16.

**Short-term employee benefits:** Include wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, profit-sharing and bonuses; and nonmonetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

**Termination benefits:** Payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the office is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

**Superannuation:** The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds.

**AASB 16 Non-monetary benefits:** Non-monetary employee benefits, that are employee benefits expenses, predominantly relate to the provision of Vehicle and Housing benefits are measured at the cost incurred by the office.

## 2.1(b) Employee related provisions

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

	2020 (\$000)	2019 (\$000)
<b>Current</b>		
<u>Employee benefits provisions</u>		
Annual leave <sup>(a)</sup>	3,043	2,532
Long service leave <sup>(b)</sup>	3,564	3,386
Deferred salary scheme <sup>(c)</sup>	117	77
	<b>6,724</b>	<b>5,995</b>
<u>Other provisions</u>		
Employment on-costs <sup>(d)</sup>	12	11
<b>Total current employee related provisions</b>	<b>6,736</b>	<b>6,006</b>
<b>Non-current</b>		
<u>Employee benefits provisions</u>		
Long service leave <sup>(b)</sup>	2,089	2,095
<u>Other provisions</u>		
Employment on-costs <sup>(d)</sup>	4	4
<b>Total non-current employee related provisions</b>	<b>2,093</b>	<b>2,099</b>
<b>Total employee related provisions</b>	<b>8,829</b>	<b>8,105</b>

**Annual leave liabilities:** Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

**Long service leave liabilities:** Unconditional long service leave provisions are classified as **current** liabilities as the office does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as **non-current** liabilities because the office has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The provision for long service leave are calculated at present value as the office does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

**Deferred salary scheme liabilities:** Classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

**Employment on-costs:** 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.

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, Note 2.2 (apart from the unwinding of the discount (finance cost))' and are not included as part of the office's 'employee benefits expense'. The related liability is included in 'Employment on costs provision'.

	<b>2020</b>	<b>2019</b>
	(\$000)	(\$000)
<b>Employment on-costs provision</b>		
Carrying amount at start of period	15	15
Additional/(reversals of) provisions recognised	1	-
<b>Carrying amount at end of the period</b>	<b>16</b>	<b>15</b>

#### *Key sources of estimation uncertainty – long service leave*

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

Several estimates and assumptions are used in calculating the office's long service leave provision. These include:

- Expected future salary rates
- Discount rates
- Employee retention rates; and
- Expected future payments

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

## **2.2 Other expenditure**

	<b>2020</b>	<b>2019</b>
	(\$000)	(\$000)
<b>Supplies and services</b>		
Communications	234	163
Consultants and contractors	2,101	3,172
Consumables	1,221	847
Travel	290	324
Other	605	409
<b>Total supplies and services expenses</b>	<b>4,451</b>	<b>4,915</b>
<b>Accommodation expenses</b>		
Rental (a)	4,043	3,794
Repairs and maintenance	611	223
<b>Total accommodation expenses</b>	<b>4,654</b>	<b>4,017</b>
<b>Other</b>		
Witness expenses	658	695

Vehicle maintenance	98	258
Litigation costs	202	282
External brief out expense	869	1,666
Impairment losses	136	-
Other expenses (b)	137	212
<b>Total other expenses</b>	<b>2,100</b>	<b>3,113</b>
<b>Total other expenditure</b>	<b>11,205</b>	<b>12,045</b>

(a) Included within rental costs are variable lease payments and low value leases of up to \$5,000. This excludes AASB 16 leases with another wholly-owned public sector entity lessor agency. Refer to note 4.2 for short-term and low value leases expense.

(b) Includes workers' compensation insurance, audit fees and lease interest expenses.

### **Supplies and services:**

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

### **Rental expenses** include:

- i) Short-term leases with a lease term of 12 months or less;
- ii) Low-value leases with an underlying value of \$5,000 or less; and
- iii) Variable lease payments, recognised in the period in which the event or condition that triggers those payments occurs.

**Repairs, maintenance and cleaning costs** are recognised as expenses as incurred.

**Other operating expenses** generally represent the day-to-day running costs incurred in normal operations.

**Expected credit losses** is an allowance of trade receivables and is measured at the lifetime expected credit losses at each reporting date. The office has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment. Please refer to note 5.1. Movement in the allowance for impairment of trade receivables.

**Employee on-cost** includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liabilities is included at Note 2.1(b) Employee related provisions. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

## **3). Our funding sources**

### *How we obtain our funding*

This section provides additional information about how the office obtained its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding.

	Notes	2020 (\$000)	2019 (\$000)
Income from State Government	3.1	49,635	47,119
Other Revenue	3.2	670	155

### 3.1 Income from State Government

	2020 (\$000)	2019 (\$000)
Appropriation received during the period:		
Service appropriations (a)	41,705	40,345
Contributions from Confiscation Proceeds Account (b)	7,234	5,804
	<b>48,939</b>	<b>46,149</b>
Services received free of charge from other State government agencies during the period (c)		
Department of Justice - Corporate and Solicitor	653	928
Finance - Building and Management Works	13	12
Landgate - Valuation services	30	30
<b>Total services received</b>	<b>696</b>	<b>970</b>
<b>Total income from State Government</b>	<b>49,635</b>	<b>47,119</b>

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

Service appropriations fund the net cost of services delivered. Appropriation revenue comprises the following:

- Cash component; and
- A receivable (asset).

The receivable (holding account – note 5.2) comprises the following:

- The budgeted depreciation expense for the year; and
- Any agreed increase in leave liabilities during the year.

(b) At the direction of the Attorney General, money is paid out of the Confiscation Proceeds Account to the office for reimbursement of costs associated with administering the Criminal Property Confiscation Act 2000 and briefing Criminal trials. As this WA Government Grant does not have sufficiently specific performance obligations, it is recognised as revenue under AASB 1058 when receivable.

(c) Services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured as if purchased and not donated. Contribution of assets or services in the nature of contributions by owners, are recognised direct to entity. The application of AASB 15 and AASB 1058 from 1 July 2019 has had no impact on the treatment of income from State Government.

### 3.2 Other Revenue

	2020 (\$000)	2019 (\$000)
Contributions to motor vehicle scheme	80	59
Workers' compensation	135	71
Recoup	442	25
Other revenue	13	-
	<b>670</b>	<b>155</b>

### 4). Key assets

*Assets the Agency utilises for economic benefit or service potential*

This section includes information regarding the key assets the agency utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

	Notes	2020 (\$000)	2019 (\$000)
Plant and equipment	4.1	880	1,103
Right-of-use assets	4.2	296	-
Intangibles	4.3	702	61
<b>Total key assets</b>		<b>1,878</b>	<b>1,164</b>

### 4.1 Plant and Equipment

Plant and Equipment Asset Reconciliation	Leasehold improvements	Computer hardware	Office equipment	Total
Year Ended 30 June 2020 1 July 2019	(\$000)	(\$000)	(\$000)	(\$000)
Gross carrying amount	5,211	1,164	535	6,910
Accumulated depreciation	(4,923)	(562)	(322)	(5,807)
Accumulated Impairment Loss	-	-	-	-
<b>Carrying amount at start of period</b>	<b>288</b>	<b>602</b>	<b>213</b>	<b>1,103</b>
Additions	-	338	168	506
Impairment losses	-	(103)	(33)	(136)
Depreciation	(266)	(218)	(109)	(593)
<b>Carrying amount at 30 June 2020</b>	<b>22</b>	<b>619</b>	<b>239</b>	<b>880</b>
Gross carrying amount	107	909	421	1,437
Accumulated depreciation	(85)	(290)	(182)	(557)

### *Initial recognition*

Items of property, plant and equipment and infrastructure, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment and infrastructure costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Assets transferred as part of a machinery of government change are transferred at their fair value.

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

**Significant assumptions and judgements:** The most significant assumptions and judgements in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated economic life. Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

#### **4.1.1 Depreciation and impairment**

	<b>Notes</b>	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Depreciation			
Leasehold improvements	4.1	266	401
Computer hardware	4.1	218	175
Office equipment	4.1	109	115
<b>Total depreciation for the period</b>		<b>593</b>	<b>691</b>

As at 30 June 2020 there was \$136,294 in impairment losses to property, plant and equipment or infrastructure which occurred as a result of assets being stood down from operations due to the organisational change in the relocation of premises.

All surplus assets at 30 June 2020 have either been classified as assets held for sale or have been written-off.

Please refer to note 4.3 for guidance in relation to the impairment assessment that has been performed for intangible assets.

### *Finite useful lives*

All infrastructure, property, plant and equipment having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

<b>Asset</b>	<b>Useful life: years</b>
Leasehold improvements	7 to 13 years
Computer equipment	3 to 4 years
Office equipment	3 to 5 years
Software <sup>(a)</sup>	3 to 5 years

*(a) Software that is integral to the operation of any related hardware.*

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

Works of art, which are considered to have an indefinite life, are not depreciated. Depreciation is not recognised in respect of these assets because their service potential has not, in any material sense, been consumed during the reporting period.

### *Impairment*

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the office is a not-for-profit agency, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation

reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from declining replacement costs.

## 4.2 Right-of-use assets

	Notes	2020 (\$000)	2019 (\$000)
<b>Right-of-use assets</b>			
Vehicles		296	-
<b>Net carrying amount at 30 June 2020</b>		<b>296</b>	<b>-</b>

Additions to right-of-use assets during the 2020 financial year were \$71,289.

### *Initial recognition*

Right-of-use assets are measured at cost including the following:

- the amount of the initial measurement of lease liability
- any lease payments made at or before the commencement date less any lease incentives received
- any initial direct costs, and
- restoration costs, including dismantling and removing the underlying asset

This includes all leased assets other than investment property ROU assets, which are measured in accordance with AASB 140 'Investment Property'.

The office has elected not to recognise right-of-use assets and lease liabilities for short-term leases (with a lease term of 12 months or less) and low value leases (with an underlying value of \$5,000 or less). Lease payments associated with these leases are expensed over a straight-line basis over the lease term.

### *Subsequent Measurement*

The cost model is applied for subsequent measurement of right-of-use assets, requiring the asset to be carried at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of lease liability.

### *Depreciation and impairment of right-of-use assets*

Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the underlying assets.

If ownership of the leased asset transfers to the office at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right-of-use assets are tested for impairment when an indication of impairment is identified. The policy in connection with testing for impairment is outlined in note 4.1.1

The following amounts relating to leases have been recognised in the statement of comprehensive income:

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Vehicles	168	-
<b>Total right-of-use asset depreciation</b>	<b>168</b>	<b>-</b>
Lease interest expense (see note 6.2)	9	-

The total cash outflow for leases in 2020 was \$279,647.

The office has leases for vehicles and office accommodations.

The office has also entered into a Memorandum of Understanding Agreements (MOU) with the Department of Finance for the leasing of office accommodation. These are not recognised under AASB 16 because of substitution rights held by the Department of Finance and are accounted for as an expense as incurred.

Up to 30 June 2019, the office classified leases as either finance leases or operating leases. From 1 July 2019, at 1 July 2019, the office recognises leases as right-of-use assets and associated lease liabilities in the Statement of Financial Position.

The corresponding lease liabilities in relation to these right-of-use assets have been disclosed in note 6.1.

### 4.3 Intangible assets

#### Licences and Computer Software Asset Reconciliation Year ended 30 June 2020

	<b>Licences</b> (\$000)	<b>Computer Software</b> (\$000)	<b>Total</b> (\$000)
<b>1 July 2019</b>			
Gross carrying amount	280	667	947
Accumulated amortisation	(232)	(654)	(887)
Accumulated impairment losses	-	-	-
<b>Carrying amount at start of period</b>	<b>48</b>	<b>13</b>	<b>61</b>
Additions	-	503	503
Works in progress	-	167	167
Amortisation expense	(22)	(7)	(29)
<b>Carrying amount at 30 June 2020</b>	<b>26</b>	<b>676</b>	<b>702</b>
Gross carrying amount	795	691	1,486
Accumulated amortisation	(769)	(15)	(784)

#### *Initial recognition*

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

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- (a) the technical feasibility of completing the intangible asset so that it will be available for use or sale;

- (b) an intention to complete the intangible asset, and use or sell it;
- (c) the ability to use or sell the intangible asset;
- (d) the intangible asset will generate probable future economic benefit;
- (e) the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- (f) the ability to measure reliably the expenditure attributable to the intangible asset during its development.

Costs incurred in the research phase of a project are immediately expensed.

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more that comply with the recognition criteria as per AASB 138.57 (as noted below), are capitalised.

Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

#### *Subsequent measurement*

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

### **4.3.1 Amortisation and impairment**

#### **Charge for the period**

	<b>2020</b>	<b>2019</b>
	(\$000)	(\$000)
Licences	22	29
Computer software	7	6
<b>Total amortisation for the period</b>	<b>29</b>	<b>35</b>

As at 30 June 2020 there were no indications of

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

Amortisation of finite life intangible assets is calculated on a straight line basis at rates that allocate the asset's value over its estimated useful life. All intangible assets controlled by the office have a finite useful life and zero residual value. Estimated useful lives are reviewed annually.

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

Licences	3 to 5 years
Software (a)	3 to 5 years

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

#### *Impairment of intangible assets*

Intangible assets with finite useful lives are tested for impairment annually or when an indication of impairment is identified.

As at 30 June 2020 there were no indications of impairment to intangible assets. The policy in connection with testing for impairment is outlined in note 4.1.1.

## **5). Other assets and liabilities**

This section sets out those assets and liabilities that arose from the office's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	<b>Notes</b>	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Receivables	5.1	2,442	772
Amounts receivable for services	5.2	5,766	5,053
Other current assets	5.3	180	145
Payables	5.4	1,365	1,484
Other provisions	5.5	126	61

### 5.1 Receivables

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Current		
Receivables	2,004	638
GST Receivable	438	134
<b>Total current</b>	<b>2,442</b>	<b>772</b>
<b>Total receivables</b>	<b>2,442</b>	<b>772</b>

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are considered not impaired because they are current in nature (i.e. there is no expected credit loss due to the nature of the account).

### 5.2 Amounts receivable for services (Holding Account)

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Current	1,000	1,000
Non-Current	4,766	4,053
	<b>5,766</b>	<b>5,053</b>

Amounts receivable for services represent 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.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the Holding Account).

### 5.3 Other assets

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
<u>Current</u>		
Prepayments	180	145

<b>Total current</b>	<b>180</b>	<b>145</b>
<b>5.4 Payables</b>	<b>2020</b>	<b>2019</b>
	(\$000)	(\$000)
<u>Current</u>		
Trade payables	118	251
Accrued expenses	833	944
Accrued salaries	402	123
Other current liabilities	12	166
<b>Total current</b>	<b>1,365</b>	<b>1,484</b>

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

Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The office considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (See Note 6.3 'Cash and cash equivalents') consists of amounts paid annually, from office appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

## 5.5 Other provisions

		<b>2020</b>	<b>2019</b>
		(\$000)	(\$000)
<u>Current</u>			
Restoration provision	5.5.1	126	61
<b>Total current</b>		<b>126</b>	<b>61</b>

### 5.5.1 Make-good (Restoration) provisions

Some leased premises are required to be restored to their original condition at the end of their respective lease terms. A provision needs to be recognised for the present value of the estimated expenditure required to remove any leasehold improvements or right-of-use assets and are amortised over the shorter of the lease term and the useful life of the assets.

Under the previous lease agreement, the office has a legal or constructive obligation to restore the previously tenanted area of International House, 26 St George's Terrace, Perth WA 6000. Under the current lease agreement at 55 St George's Terrace, Perth WA 6000, the constructive obligation to restore the tenanted area is provided for by the Department of Finance.

A provision for remediation is recognised when:

- there is a present obligation as a result of transitioning and storage activities undertaken;
- it is probable that an outflow of economic benefits will be required to settle the obligation; and
- the amount of the provision can be measured reliably.

The estimated future obligations include the costs of removing facilities and restoring the affected areas.

The provision for future remediation costs is the best estimate of the present value of the expenditure required to settle the remediation obligation at the reporting date (based on current legal and other requirements and technology). Future remediation costs are reviewed annually and any changes in the estimate are reflected in the present value of the remediation provision at each reporting date.

### 5.5.2 Movement in provisions

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
<u>Restoration provisions</u>		
Carrying amount at start of period	61	-
Additional/(reversals of) provisions recognised	65	61
Unwinding of the discount	-	-
<b>Carrying amount at end of period</b>	<b>126</b>	<b>61</b>

## 6. Financing

This section sets out the material balances and disclosures associated with the financing and cashflows of the office.

	<b>Notes</b>
Lease liabilities	6.1
Finance Costs	6.2
Cash and cash equivalents	6.3
Commitments	6.4

### 6.1 Lease liabilities

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
Current	136	-
Non Current	182	-
	<b>318</b>	<b>-</b>

The office measures a lease liability, at the commencement date, at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, the office uses the incremental borrowing rate provided by Western Australia Treasury Corporation.

Lease payments included by the office as part of the present value calculation of lease liability include:

- Fixed payments (including in-substance fixed payments), less any lease incentives receivable;
- Variable lease payments that depend on an index or a rate initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable by the lessee under residual value guarantees;
- The exercise price of purchase options (where these are reasonably certain to be exercised);
- Payments for penalties for terminating a lease, where the lease term reflects the office exercising an option to terminate the lease.

The interest on the lease liability is recognised in profit or loss over the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period. Lease liabilities do not include any future changes in variable lease payments (that depend on an index or rate) until they take effect, in which case the lease liability is reassessed and adjusted against the right-of-use asset.

Periods covered by extension or termination options are only included in the lease term by the office if the lease is reasonably certain to be extended (or not terminated).

Variable lease payments, not included in the measurement of lease liability, that are dependent on sales are recognised by the office in profit or loss in the period in which the condition that triggers those payments occurs.

This section should be read in conjunction with note 4.2.

### *Subsequent Measurement*

Lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and remeasuring the carrying amount at amortised cost, subject to adjustments to reflect any reassessment or lease modifications.

## **6.2 Finance costs**

	<b>Notes</b>	<b>2020</b>	<b>2019</b>
		<b>(\$000)</b>	<b>(\$000)</b>
<b>Finance costs</b>			
Lease interest expense (a)		9	-
<b>Balance at end of period</b>		<b>9</b>	<b>-</b>

(a) Lease interest expenses is included as part of "other expenses" in note 2.2.

Finance cost includes the interest component of lease liability repayments, and the increase in financial liabilities and non-employee provisions due to the unwinding of discounts to reflect the passage of time.

## 6.3 Cash and cash equivalents

	Notes	2020 (\$000)	2019 (\$000)
Cash advances		2	2
Cash and cash equivalents		5,609	6,492
Restricted cash and cash equivalents			
- Accrued salaries suspense account <sup>(a)</sup>		529	381
<b>Balance at end of period</b>		<b>6,140</b>	<b>6,875</b>

**Notes**

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

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

## 6.4 Commitments

### 6.4.1 Capital commitments

	2020 (\$000)	2019 (\$000)
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are		
Within 1 year	33	-
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	<b>33</b>	<b>-</b>

The totals presented for capital commitments are GST inclusive.

### 6.4.2 Other expenditure commitments

	2020 (\$000)	2019 (\$000)
Other expenditure commitments contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:		
Within 1 year	164	69
Later than 1 year and not later than 5 years	372	-
Later than 5 years	-	-
	<b>536</b>	<b>69</b>

The totals presented for other expenditure commitments are GST inclusive.

## 7). Financial instruments and Contingencies

	Note
Financial Instruments	7.1
Contingent assets and liabilities	7.2

### 7.1 Financial instruments

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

	<b>2020</b> (\$000)	<b>2019</b> (\$000)
<u>Financial Assets</u>		
Cash and cash equivalents	5,611	6,494
Restricted cash and cash equivalents	529	381
Loans and receivables <sup>(a)</sup>	7,770	5,691
<b>Total financial assets</b>	<b>13,910</b>	<b>12,566</b>
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	1,365	1,484
<b>Total financial liability</b>	<b>1,365</b>	<b>1,484</b>

(a) The amount of Loans and receivables/Financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

## 7.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at nominal value.

The office had no contingent assets and liabilities at 30 June 2020.

## 8). Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	<b>Notes</b>
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Remuneration of auditors	8.5
Equity	8.6
Supplementary financial information	8.7
Explanatory statement	8.8

### 8.1 Events occurring after the end of the reporting period

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

### 8.2 Initial application of Australian Accounting Standards

#### (a) AASB 15 Revenue from Contract with Customers and AASB 1058 Income of Not-for-Profit Entities

AASB 15 Revenue from Contracts with Customers replaces AASB 118 Revenue and AASB 111 Construction Contracts for annual reporting periods on or after 1 January 2019. Under the new model, an entity shall recognise revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service to a customer and is based upon the transfer of control rather than transfer of risks and rewards.

AASB 15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from the contracts with customers. Revenue is recognised by applying the following five steps:

- Identifying contracts with customers
- Identifying separate performance obligations
- Determining the transaction price of the contract
- Allocating the transaction price to each of the performance obligations
- Recognising revenue when or as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and any discounts or rebates in the contract price are allocated to the separate elements.

In addition, income other than from contracts with customers are subject to AASB 1058 Income of Not-for-Profit Entities. Income recognition under AASB 1058 depends on whether such a transaction gives rise to liabilities or a contribution by owners related to an asset (such as cash or another asset) recognised by the office.

The adoption of AASB 15 and AASB 1058 has no impact on the office's revenue. Revenue is recognised as either income from state government or government grant funding. There are no performance obligations which transfers the control of a good or service between the state government and the office.

## **(b) AASB 16 Leases**

AASB 16 *Leases* supersedes AASB 117 Leases and related Interpretations. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of both lessees and lessors.

The office applies AASB 16 Leases from 1 July 2019 using the modified retrospective approach. As permitted under the specific transition provisions, comparatives are not restated. The cumulative effect of initially applying this Standard is recognised as an adjustment to the opening balance of accumulated surplus/(deficit).

The main changes introduced by this Standard include identification of lease within a contract and a new lease accounting model for lessees that require lessees to recognise all leases (operating and finance leases) on the Statement of Financial Position as right-of-use assets and lease liabilities, except for short term leases (lease terms of 12 months or less at commencement date) and low-value assets

(where the underlying asset is valued less than \$5,000). The operating lease and finance lease distinction for lessees no longer exists.

Under AASB 16, the office takes into consideration all operating leases that were off balance sheet under AASB 117 and recognises:

- (a) right of use assets and lease liabilities in the Statement of Financial Position, initially measured at the present value of future lease payments, discounted using the incremental borrowing rate (2.5%) on 1 July 2019;
- (b) depreciation of right-of-use assets and interest on lease liabilities in the Statement of Comprehensive Income; and
- (c) the total amount of cash paid as principal amount, which is presented in the cash flows from financing activities, and interest paid, which is presented in the cash flows from operating activities, in the Statement of Cash Flows.

In relation to leased vehicles that were previously classified as finance leases, their carrying amount before transition is used as the carrying amount of the right-of-use assets and the lease liabilities as of 1 July 2019.

The office measures concessionary leases that are of low value terms and conditions at cost at inception. There is no financial impact as the office is not in possession of any concessionary leases at the date of transition.

The right-of-use assets are assessed for impairment at the date of transition and the office has not identified any impairments to its right-of-use assets.

On transition, the office has elected to apply the following practical expedients in the assessment of their leases that were previously classified as operating leases under AASB 117:

- (a) A single discount rate has been applied to a portfolio of leases with reasonably similar characteristics;
- (b) The office has relied on its assessment of whether existing leases were onerous in applying AASB 137 Provisions, Contingent Liabilities and Contingent Assets immediately before the date of initial application as an alternative to performing an impairment review. The office has adjusted the ROU asset at 1 July 2019 by the amount of any provisions included for onerous leases recognised in the statement of financial position at 30 June 2019;
- (c) Where the lease term at initial application ended within 12 months, the office has accounted for these as short-term leases;
- (d) Initial direct costs have been excluded from the measurement of the right-of-use asset;
- (e) Hindsight has been used to determine if the contracts contained options to extend or terminate the lease.

The office has not reassessed whether existing contracts are, or contained a lease at 1 July 2019. The requirements of paragraphs 9-11 of AASB 16 are applied to contracts that came into existence post 1 July 2019.

#### **a. Measurement of lease liabilities**

Operating Lease Commitments disclosed as at 30 June 2019	3,034
(Less): leasing of office accommodation <sup>(a)</sup>	<u>2,625</u>
Revised operating lease commitments at 30 June 2019	<u><u>409</u></u>
Discounted using incremental borrowing rate at date of initial application <sup>(b)</sup>	393
Lease liability recognised at 1 July 2019	<u><u>393</u></u>
Current lease liabilities	144
Non-current lease liabilities	249

(a) The leasing of office accommodation with the Department of Finance was classified as an operating lease as at 30 June 2019 however not recognised as a lease liability under AASB 16. Refer to Note 4.2.

(b) The WATC incremental borrowing rate was used for the purposes of calculating the lease transition opening balance.

### 8.3 Key management personnel

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

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the office for the reporting period are presented within the following bands:

Compensation Band(\$)	2020	2019
200,001 - 210,000	1	-
230,001 - 240,000	-	1
250,001 - 260,000	-	1
310,001 - 320,000	-	-
320,001 - 330,000	-	-
330,001 - 340,000	-	-
350,001 - 360,000	1	1
360,001 - 370,000	1	-
370,001 - 380,000	1	1
380,001 - 390,000	1	1
400,001 - 410,000	-	-
410,001 - 420,000	1	1
420,001 - 430,000	-	1
440,001 - 450,000	-	1
490,000 - 500,000	1	-
560,001 - 570,000	-	1
570,001 - 580,000	1	-
	<b>2020</b>	<b>2019</b>
	<b>(\$000)</b>	<b>(\$000)</b>
<b>Total compensation of senior officers</b>	<u>3,175</u>	<u>3,449</u>

Total compensation includes the superannuation expense incurred by the office in respect of senior officers.

## 8.4 Related party transactions

The office is a wholly owned and controlled entity of the State of Western Australia.

Related parties of the office include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly-owned public sector entities);
- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

## Material transactions with related parties

Outside of normal citizen type transactions with the office, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

## 8.5 Remuneration of auditors

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

	2020 (\$000)	2019 (\$000)
Auditing the accounts, financial statements, controls, and key performance indicators	44	44

## 8.6 Equity

	2020 (\$000)	2019 (\$000)
<b><u>Contributed Equity</u></b>		
Balance at start of period	7,138	7,138
<i>Contributions by owners</i>	-	-
Capital appropriation	-	-
<b>Total contributions by owners</b>	-	-
Distribution to owners	-	-
<b>Balance at end of period</b>	<b>7,138</b>	<b>7,138</b>

## 8.7 Supplementary financial information

### (a) Write-offs

During the financial year, no write offs occurred.

### (b) Losses through theft, defaults and other causes

During the financial year, no losses occurred due to theft, defaults and other causes.

**(c) Gifts of public property**

During the financial year, no gifts of public property occurred.

### 8.8 Explanatory statement (Controlled Operations)

All variances between estimates (original budget) and actual results for 2020, and between the actual results for 2020 and 2019 are shown below. Narratives are provided for selected major variances, which are greater than 10% and \$1 million for the Statements of Comprehensive Income, Cash Flows and the Statement of Financial Position.

#### 8.8.1 Statement of Comprehensive Income Variances

8.8.1 Statement of Comprehensive Income Variances					Variance between	
	Variance Note	Estimate 2020 (\$'000)	Actual 2020 (\$'000)	Actual 2019 (\$'000)	estimate and Actual (\$'000)	actual results 2020 and 2019 (\$'000)
<b>Statement of Comprehensive Income</b>						
Expenses						
Employee benefits expense		35,635	36,901	34,052	1,266	2,849
Supplies and services	2.1	2,664	4,451	4,915	1,787	(464)
Depreciation and amortisation expense	2.2	3,544	790	726	(2,754)	64
Accommodation expenses	2.3	967	4,654	4,017	3,687	637
Finance and interest costs		361	-	-	(361)	-
Other expenses	1.1, 2.4	3,997	2,100	3,113	(1,897)	(1,013)
Total cost of services		<b>47,168</b>	<b>48,896</b>	<b>46,824</b>	<b>1,728</b>	<b>2,073</b>
Income						
Revenue						
Other revenue		50	670	155	620	515
Total Revenue		<b>50</b>	<b>670</b>	<b>155</b>	<b>620</b>	<b>515</b>
Total income other than income from State Government		<b>50</b>	<b>670</b>	<b>155</b>	<b>620</b>	<b>515</b>
NET COST OF SERVICES		<b>47,118</b>	<b>48,226</b>	<b>46,668</b>	<b>1,108</b>	<b>1,558</b>
Income from State Government						
Service Appropriation		41,060	41,705	40,345	645	1,360
Contribution from Confiscation Proceeds Account	1.2, 2.5	5,300	7,234	5,804	1,934	1,430
Services received free of charge		1,000	696	970	(304)	(274)
Total income from State Government		<b>47,360</b>	<b>49,635</b>	<b>47,119</b>	<b>2,275</b>	<b>2,516</b>
SURPLUS/(DEFICIT) FOR THE PERIOD		<b>242</b>	<b>1,409</b>	<b>450</b>	<b>1,167</b>	<b>958</b>
OTHER COMPREHENSIVE INCOME						
		-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>242</b>	<b>1,409</b>	<b>450</b>	<b>1,167</b>	<b>958</b>

### 8.8.2 Statement of Financial Position

#### ASSETS

##### Current Assets

Cash and cash equivalents		4,879	5,611	6,494	732	(883)
Receivables	1.3, 2.6	167	2,442	772	2,275	1,670
Amounts receivable for services		500	1,000	1,000	500	-
Other current assets		-	180	145	180	35
<b>Total Current Assets</b>		<b>5,546</b>	<b>9,233</b>	<b>8,411</b>	<b>3,687</b>	<b>822</b>

##### Non-Current Assets

Restricted cash and cash equivalents		220	529	381	309	148
Amounts receivable for services	2.7	7,729	4,766	4,053	(2,963)	713
Plant and equipment	2.8	9,917	880	1,103	(9,037)	(223)
Right-of-use assets		-	296	-	296	296
Intangible assets		780	702	61	(78)	641
<b>Total Non-Current Assets</b>		<b>18,646</b>	<b>7,174</b>	<b>5,598</b>	<b>(11,473)</b>	<b>1,575</b>
<b>TOTAL ASSETS</b>		<b>24,192</b>	<b>16,406</b>	<b>14,009</b>	<b>(7,786)</b>	<b>2,397</b>

#### LIABILITIES

##### Current Liabilities

Payables		621	1,365	1,484	744	(119)
Lease Liabilities		-	136	-	136	136
Employee related provisions		6,480	6,736	6,006	256	730
Other Provisions		-	126	61	126	65
<b>Total Current Liabilities</b>		<b>7,101</b>	<b>8,363</b>	<b>7,551</b>	<b>1,262</b>	<b>812</b>

##### Non-Current Liabilities

Lease Liabilities		-	182	-	182	182
Provisions		1,633	2,093	2,099	460	(6)
Borrowings and leases	2.9	8,840	-	-	(8,840)	-
<b>Total Non-Current Liabilities</b>		<b>10,473</b>	<b>2,275</b>	<b>2,099</b>	<b>(8,198)</b>	<b>176</b>
<b>TOTAL LIABILITIES</b>		<b>17,574</b>	<b>10,638</b>	<b>9,650</b>	<b>(6,936)</b>	<b>988</b>

#### NET ASSETS

##### EQUITY

Contributed Equity		9,160	7,138	7,138	(2,022)	-
--------------------	--	-------	-------	-------	---------	---

Accumulated surplus/(deficit)	(2,742)	(1,370)	(2,779)	1,372	1,409
Other	200	-	-	(200)	-
<b>TOTAL EQUITY</b>	<b>6,618</b>	<b>5,768</b>	<b>4,359</b>	<b>(850)</b>	<b>1,409</b>

## 8.8 Explanatory statement (Controlled Operations) continued

	Variance Note	Original Estimate 2020 (\$000)	Actual 2020	Actual 2019 (\$000)	Variance between estimate and Actual (\$000)	actual results for 2019 and 2019 (\$000)
<b>Statement of Cash Flows</b>						
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
Service appropriations		37,460	40,805	39,693	3,345	1,112
Contributions from Confiscation Proceeds Account		5,300	5,812	5,300	512	512
Capital appropriation	2.10	2,567	-	-	(2,567)	-
Holding account drawdowns		500	187	1,000	(313)	(813)
<b>Net cash provided by State Government</b>		<b>45,827</b>	<b>46,804</b>	<b>45,993</b>	<b>977</b>	<b>811</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits		(35,635)	(35,833)	(33,713)	(198)	(2,120)
Supplies and services	2.11	(6,587)	(10,923)	(10,948)	(4,336)	25
Finance and interest costs		(361)	-	-	361	-
GST payments on purchases		(840)	(1,129)	(1,050)	(289)	(79)
<b>Receipts</b>						
Receipts from services		50	670	155	620	515
GST receipts on sales		-	9	13	9	(4)
GST receipts from taxation authority		834	838	1,037	4	(199)
<b>Net cash provided by/(used in) operating activities</b>		<b>(42,539)</b>	<b>(46,368)</b>	<b>(44,506)</b>	<b>(3,829)</b>	<b>(1,862)</b>

**CASH FLOWS FROM INVESTING ACTIVITIES****Payments**

Purchase of non-current physical assets

2.12 (2,250) (1,171) (440) 1,079 (731)

**Net cash provided by/(used in) investing activities****(2,250) (1,171) (440) 1,079 (731)**

Net increase/(decrease) in cash and cash equivalents

(1,529) (735) 1,047 795 (1,782)

Cash and cash equivalents at the beginning of the period

6,628 6,875 5,828 247 1,047

**CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD****5,099 6,140 6,875 1,042 (735)**

## Major Variance Narratives (Controlled Operations)

### *Variances between actual results for 2020 and 2019*

1.1 Decrease due to reduction in legal brief out costs (\$797k) required for regional circuits and trials impacted by COVID-19.

1.2 Distributions from the Confiscations Fund for the period totalling \$1.926m for exceeded target collections contributed. In 2019 the target was exceed \$0.504m.

1.3 Increase in accrued revenue mainly due to the \$1.926m relating to the additional Confiscations Fund revenue.

### *Variances between estimate and actual for 2020*

2.1 Increase due to an increase in services and contracts expenses (\$439k), consumable items (\$439k) and administration expenses (\$231k) to finalise the GovNext Digitalisation Program and support the Accommodation relocation program. Riskcover insurance premiums (\$191k) increased due to workers compensation adjustments from previous years and other minor increases in goods and services costs.

2.2 Decrease due to the change accounting treatment for the accommodation lease under AASB 16 from depreciation in the original estimate to accommodation expense in the actuals.

2.3 Increase due to the change accounting treatment for the accommodation lease under AASB 16 from depreciation in the original estimate to accommodation expense in the actuals and additional expenditure associated with the Accommodation relocation program.

2.4 Decrease in other expenses due to reduction in legal brief out costs (\$791k) required for regional circuits and a reduction in witness expenses (\$799k) due to COVID-19 travel restriction impacts.

2.5 Distributions from the Confiscations Fund for the period totalling \$1.926m for exceeded target collections contributed.

2.6 Increase due to the accrued revenue relating to the Confiscations Fund additional revenue (\$1.926m).

2.7 Decrease due to the reversal of the recognition of GOA AASB 16 in the original estimate from the right of use asset accounting treatment and equity contributions.

2.8 Decrease due to the change accounting treatment for the Government of Accommodation lease under AASB 16 to reverse the initial recognition of the right of use asset back to accommodation expense.

2.9 Decrease due to the change accounting treatment for the Government of Accommodation lease under AASB 16 to reverse the initial recognition of the right of use asset.

2.10 Decrease due to the change accounting treatment for the Government of Accommodation lease under AASB 16 to reverse the corresponding Treasury allocation from capital to service appropriations.

2.11 Supplies and Services cash movement includes the accommodation lease accounting treatment change (\$4.654m) offset by a reduction in witness expenses and legal brief out costs.

2.12 Decrease from budget due to the capital carryover request of \$764k from 2019-20 to 2020-21 and repositioning of the capital to supplies and services for the transition of EDRMS and Legal Practice Management systems to cloud based technology.

# Index of Tables

<b>1</b>	Supreme and District Courts Disposition of Cases   2015-16 to 2019-20 .....	20
<b>2</b>	Appeals to the Court of Appeal Commenced   2015-16 to 2019-20 .....	25
<b>3</b>	Court of Appeal Outcomes   2015-16 to 2019-20 .....	26
<b>4</b>	Single Judge Appeals Commenced   2015-16 to 2019-20 .....	27
<b>5</b>	Freezing Notices and Orders Obtained   2015-16 to 2019-20 .....	33
<b>6</b>	Objections to Freezing Notices and Orders   2015-16 to 2019-20 .....	33
<b>7</b>	Drug Trafficker Declarations and Payments to the Account   2014-15 to 2019-20 .....	34
<b>8</b>	Crime-Used or Crime-Derived and Payments to the Account   2015-16 to 2019-20 .....	34
<b>9</b>	External Committee Representation   2019-20 .....	39
<b>10</b>	Law Society Committee Representation   2019-20 .....	41
<b>11</b>	Legal Practice Board Representation   2019-20 .....	41
<b>12</b>	Training and Development Initiatives   2019-20 .....	44
<b>13</b>	Brief-out Expenditure   2015-16 to 2019-20 .....	46
<b>14</b>	Unauthorised Use of Credit Cards   2019-20 .....	47

# Index of Charts

<b>1</b>	New Cases Heard in Perth Magistrates and Perth Stirling Gardens Magistrates Courts   2015-16 to 2019-20 .....	16
<b>2</b>	Committals from WA Magistrates Courts   2015-16 to 2019-20 .....	17
<b>3</b>	Potential committals for trial resolved and not resolved pre-Committal   2015-16 to 2019-20 .....	18
<b>4</b>	Listed Trials Proceeding and Not Proceeding   2015-16 to 2019-20 .....	19
<b>5</b>	Trial Outcomes   2015-16 to 2019-20 .....	20
<b>6</b>	Overall Conviction Rate   2015-16 to 2019-20 .....	21
<b>7</b>	Children's Court – Listed Trials before the President Proceeding and Not Proceeding   2015-16 to 2019-20 .....	22
<b>8</b>	Children's Court – Outcomes of Trials before the President   2015-16 to 2019-20 .....	22
<b>9</b>	Children's Court – Listed Trials before Magistrates Proceeding and Not Proceeding   2015-16 to 2019-20 .....	23
<b>10</b>	Children's Court – Outcomes of Trials before Magistrates   2015-16 to 2019-20 .....	23
<b>11</b>	High Court Appeals Commenced   2015-16 to 2019-20 .....	28
<b>12</b>	Extradition Applications by Location   2019-20 .....	28
<b>13</b>	Extradition Applications   2014-15 to 2019-20 .....	29
<b>14</b>	Offenders Subject to Ongoing Orders   2015-16 to 2019-20 .....	30
<b>15</b>	<i>Dangerous Sexual Offenders Act</i> Applications   2015-16 to 2019-20 .....	30
<b>16</b>	Payments to the Account   2015-16 to 2019-20 .....	35

**|Web: [www.dpp.wa.gov.au](http://www.dpp.wa.gov.au)**

**|Phone: (08) 9425 3999 (1800 264 144 free call)**

**|Email: [dpp@dpp.wa.gov.au](mailto:dpp@dpp.wa.gov.au)**