



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



TO PROVIDE THE PEOPLE OF WESTERN AUSTRALIA
WITH A FAIR AND JUST CRIMINAL PROSECUTION SERVICE.

2020-21
Annual Report

Statement of compliance

For year ended 30 June 2021

Hon John Quigley LLB JP MLA

Attorney General; Minister for Electoral Affairs

In accordance with section 63 of the [Financial Management Act 2006](#), I hereby submit for your information and presentation to Parliament, the Annual Report of the Office of the Director of Public Prosecutions for Western Australia (ODPP) for the reporting period ending 30 June 2021.

The Annual Report has been prepared in accordance with the provisions of the [Financial Management Act 2006](#) and section 32 of the [Director of Public Prosecutions Act 1991](#).

The financial statements comply with Australian Accounting Standards – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board.



Amanda Forrester SC

Director of Public Prosecutions

13 September 2021

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Acknowledgment of Country

The ODPP would like to acknowledge the traditional custodians of Western Australia and pay our respects to them, their cultures, and to Elders past, present and emerging.

About this report

This report provides a comprehensive overview of our performance and services that we delivered over the past year. It details our activities against our five Corporate Goals. It also describes our functions and operations; achievements and successes; challenges we face and future opportunities; and, presents the audited financial statements and key performance indicators for the year ended 30 June 2021. It also outlines the ODPP's contribution to broader government desired outcomes and compliance with legislation and policy.

This report is consistent with the Public Sector Commission's Annual report guidelines for 2021-21 and the Department of Treasury's Illustrative Model Annual Report Tier 2 (Reduced Disclosure Requirements) Agency.

This report can be made available in alternative formats on request.

National Relay Service TTY: 13 36 77 (to assist people with hearing and voice impairment).

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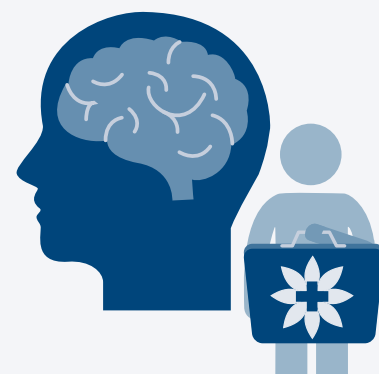
Highlights



Conclusion of Bradley Robert Edwards, one of the most complex and lengthy prosecutions in Western Australia.



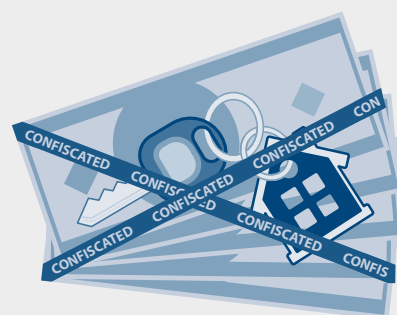
Smooth transition of responsibility for proceedings under the HRSO Act to the State Solicitor's Office.



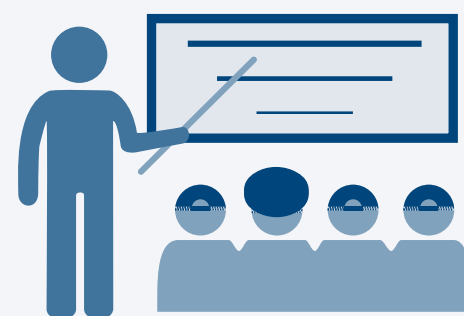
16 staff were accredited as Mental Health First Aid Officers.



Prosecuted more criminal trials than in any previous year of the last decade.



For the second year in a row, the Confiscation Proceeds Account has seen more than \$15 million paid into it.



Rolled out training to the WA Police Force regarding prosecuting new offences of Non-fatal Strangulation and Persistent Family Violence.

Executive Summary: From the Director

This is the fifth and final year of my current term as the Director of Public Prosecutions for the State of Western Australia.

Throughout my term, I and all of the staff of the Office of the Director of Public Prosecutions (ODPP) have strived to ensure that the ODPP maintains the highest possible standards in all of our areas of practice. I am confident that, despite the constraints under which we have operated in the past five years, ODPP staff have delivered consistently high-quality legal services to the community of Western Australia.

In every annual report since my appointment, I have referred to the significant pressure on the ODPP's resources from the increasing complexity and length of prosecutions, combined with the immense growth in the volume and type of evidentiary material amassed in the course of criminal investigations. Even before the pandemic caused disruption to criminal cases in the courts starting in March 2020, the adverse effects of workload stress and burnout were becoming identifiable in the staff of the ODPP. The impacts of the pandemic on the workload of the ODPP have only increased the incidence of both.

The courts' response to delays resulting from pandemic restrictions has almost exclusively been to list more hearings, and particularly more trials. In 2020-21, there were 2,385 trial days, involving 516 trials, which took place. Even taking account of the COVID-19 affected 2019-20, this was a very significant increase in trial days. Further, as at 30 June 2021, there were already 836 trials listed for the 2021-22 year. While a number may not ultimately proceed, our figures show that a very significant proportion will not be finalised until most trial preparation has already been carried out. Given that trial days are the most resource intensive of all of the ODPP's work, the number of listed trials has created real difficulties for the ODPP in the proper conduct of prosecutions.

At times, judicial resources have been provided to enable these additional hearings to be listed. Unfortunately, however, the ODPP is not always provided sufficient resources to enable us to accommodate these additional listings of the court. Importantly, while new Judges can commence a full hearing workload almost immediately, the ODPP needs to hire and train new prosecutors to undertake the additional work. There is no ready pool of experienced prosecutors to conduct this work. The result is an unavoidable lag in the ODPP's ability to respond to the increased demand. This is sometimes exacerbated by provision of resources after, rather than in advance of, predictable increases in incoming prosecutions. I am, however, pleased to say that, with the recent funding for 950 additional police, the government also provided the ODPP with commensurate funding, which enables us to plan to meet the increased demand, if not to hire and train prosecutors in advance.

Regrettably, there has been a significant decline, over a number of years, in the overall standard of briefs provided to the ODPP by the Western Australia Police Force. There are some exceptions, most notably in homicide cases, but, despite sustained efforts on our part, the ODPP has been unable to achieve improvement in this area. This leaves the ODPP in the invidious position of either absorbing additional workload to remedy deficiencies in cases, or to discontinue the cases. Given the adverse impact of the latter course on victims of crime, and the consequent potential risk to the community, ODPP staff are going to considerable additional effort to assist investigators to conduct their roles, which detracts from the ODPP staff performing their own core tasks of preparing cases for trial.

Many of the tasks of a prosecutor are not divisible. Only one person can be lead trial counsel, and there can only be one or two counsel in most trials. Witness conferences need to be conducted by State Prosecutors, both to ensure proper disclosure and continuity for witnesses and victims, as a number of Royal Commissions and other inquiries have emphasised should be prioritised. As a result, trial preparation takes many days, even for relatively short trials.

Preparation for the tasks which arise during a trial is expected to take place out of court hours. Those tasks are far more demanding and time consuming than they once were, and counsel conducting trials will generally perform many, many hours of work after hours, just to complete the trial, let alone to work on their other matters which require attention at the same time.

Unfortunately, the justice system has not evolved to account for this increased trial preparation time. Courts still sit from 10:00am-4:30pm (some judges sit even longer hours) five days a week, with an expectation that all necessary preparation will occur outside those hours, no matter how much that involves.

In the last few decades, the make-up of the legal profession's workforce has evolved. While trial counsel were once predominantly older men, the present cohort of prosecutors is made up of relatively young lawyers, with a slight majority being women. They all place significant value on spending time with their loved ones and rightly regard a sound work-life balance as being key to their wellbeing and career longevity, particularly given the increasingly graphic visual material to which they are regularly exposed.

When very long working hours are not frequent or sustained, and people have time to recover and refresh, they are less problematic. Indeed, State Prosecutors have long performed substantial unpaid overtime without complaint. However, that essential recuperation time is no longer available, with the demands for increased productivity and provision of service to the courts and defence, in combination with more complex and voluminous cases. It is the unrelenting pressure and content which elevates the danger of burnout and workplace stress. It also enhances the risk of mistakes, and ultimately potential injustice to victims and those accused of criminal offences.

I recognise that other participants in the criminal justice system are working under the same or similar pressures and that burnout and stress are also common, if not greater issues, for very many people in other professions. However, that does not reduce the significance of the issue for ODPP staff.

The staff of the ODPP are dedicated, professional, compassionate and hard-working individuals who deeply care about their jobs. Not only is it their professional obligation to do the best work they can, it is against their ethos not to do everything they can to ensure that the case is properly prepared. As such, people are too frequently having to sacrifice time with their families and friends, time to recover and to take leave, in order to continue to serve the community to the best of their ability, while attempting to meet the often unreasonable demands of a criminal justice system which is not adapting sufficiently to deal with the extraordinary changes in society and technology which we have seen in the last three decades.

I have consistently advocated for a more hybrid approach to criminal trials, involving a combination of case management by the courts, and early attention to issues which arise in criminal prosecutions. Such an approach would enable all participants in the criminal trial process time to properly consider their cases, and to address legal issues in a timely way, thus avoiding many unnecessary listings of trials. It would also minimise the trauma and inconvenience to victims and witnesses. Unfortunately, the current listings practice means that the ODPP is, by necessity, expending resources on imminent trials at the expense of giving proper attention to the early preparation and resolution of matters, when the latter is a demonstrably more efficient use of resources across the sector by many orders of magnitude.

2020 saw the completion of one of the most complex and lengthy criminal prosecutions ever conducted in WA, that of Bradley Robert Edwards. The whole of the team responsible for that prosecution conducted themselves with commendable professionalism and effort, for almost exactly three years. The lead trial counsel, Deputy Director Carmel Barbagallo SC was appointed as a Judge of the District Court in January 2021. It will be near impossible to replace her sheer capacity for work and her contribution to the ODPP over many years, and we wish her well in her new role.

In my time as Director, we have made many changes to increase productivity and to try to reduce the flow of incoming work for the ODPP staff, and we will continue our efforts in this area in 2021-22. While some of those measures have been successful, the combination of a large increase in police numbers, a number of large-scale investigations, an increase in prosecutions for corruption and organised criminal activity, and the radically increased court listings have meant that the sorts of changes which are within our power make little noticeable difference.

During the latter part of my term, we have been working towards implementing a new process by which the enormous volume of evidentiary material can be more effectively and efficiently disclosed and stored, and distilled into the ordered and confined prosecution briefs provided to the courts. This new process will require a new case management and document management system, rather than the current outdated and unsupported system presently in place, and we are well advanced in detailing the requirements for tender purposes. Resourcing will be necessary to progress this project, if it is to be successful.

I am also hopeful that in the coming year we will finally start to realise more rewards for the very strong investment we have been making in the recruiting, training, development and retention of talented and skilled professional staff, with us starting to see an increase in numbers in the senior levels across the board. This will make a real difference to us being able to meet the significant challenges of prosecuting in coming years. We very much appreciate the support of the government in making a number of additional senior positions available to us to assist in this aspect of our operations.

As ever, I wish to express my profound appreciation to all of the staff of the ODPP for their hard work and unending dedication to their roles, and for their support of the leadership group over the past year. I also would like to specifically thank those essential staff who had the responsibility of attending work through lockdowns while most staff worked from home, and also those who have gone to extraordinary efforts to keep the day-to-day operations of the ODPP running smoothly while dealing with the many issues which have flowed from our move last year.



About the ODPP

The Office of the Director of Public Prosecutions (ODPP) is the independent prosecuting authority for the State of Western Australia responsible for the prosecution of serious offences committed against state criminal law.

Mission

To provide the people of Western Australia with a fair and just criminal prosecution service.

Vision

To provide the highest quality prosecution service for the people of Western Australia.

Corporate goals

- To effectively manage criminal prosecutions.
- To provide an effective service to victims and witnesses.
- To effectively manage criminal prosecutions.
- To be a high performing organisation.
- To deliver strong corporate governance.

Values

Justice; Leadership; Excellence; Respect; Accountability; Independence; Integrity

Responsible minister

The Hon John Quigley LLB JP MLA; Attorney General; Minister for Electoral Affairs.

Ministerial directives

No ministerial directives were received during 2020-21.

Organisational structure

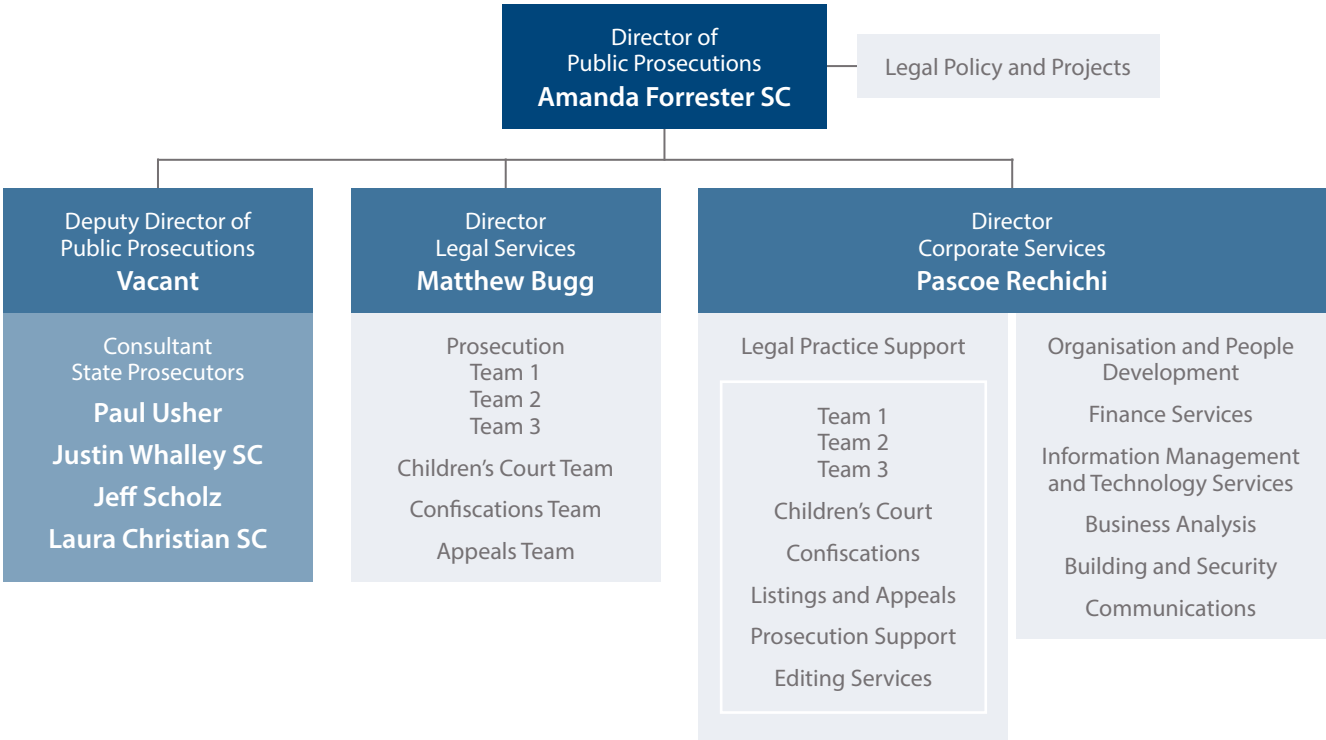
Consultant State Prosecutors

Our most senior prosecutors, Consultant State Prosecutors conduct the most complex legal matters as well as provide high level legal support and advice across the ODPP. They are also authorised to approve substantive discontinuances of whole cases and the resolution of charges.

Legal Services

Reflecting the legal work undertaken by the ODPP, our Legal Services directorate is team-based:

- Prosecution Teams: 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.
- Children’s Court Team: responsible for all prosecutions that 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.
- Confiscations Team: manages a range of matters including confiscation proceedings pursuant to the [Criminal Property Confiscation Act 2000](#).
- 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.



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 support and corporate services to the ODPP. The directorate has an important role in the receipt and allocation of evidentiary materials, new criminal cases and the support provided to prosecutors in managing criminal cases.

The Corporate Services directorate includes paralegal officers, legal assistants, legal practice support officers and administration officers positioned within the Legal Services Teams.

Other services provided by the directorate include financial management, human resource management, training and professional development, information management, technology services, business analytics and reporting, communications, library services and building and security services.

Enabling legislation

The ODPP was established in February 1992 under the [Director of Public Prosecutions Act 1991](#).

Legislation administered

[Director of Public Prosecutions Act 1991](#).

Changes in written law

On 26 August 2020, section 15A was inserted into the [Director of Public Prosecutions Act 1991](#) by section 118(2) of the [High Risk Serious Offenders Act 2020](#) (HRSO Act) (No. 29 of 2020). Section 15A provides that it is a function of the DPP for Western Australia to make applications and take other proceedings as authorised under section 11(2) of the HRSO Act and the Director must do so in the name of the State.

Legislation and law reform

The following important reforms introduced in 2020-21 were relevant to the ODPP's work.

Family violence

Parts of the [Family Violence Legislation Reform Act 2020](#) were phased into operation over the 2020-21 year. The key changes that affect the ODPP are summarised here.

On 6 August 2020, new penalties were introduced for threat offences under [sections 338A to 338C](#) of the Criminal Code, for deprivation of liberty under [section 333](#) and for criminal damage under [section 444](#), where these offences are committed in circumstances of aggravation. Circumstances of aggravation are defined in [section 221](#) of the Criminal Code to include where, at the time the offence was committed, the accused was in a family relationship with the victim, a child was present or where the accused was in breach of a restraining order. [Section 221](#) was amended to exclude the operation of the aggravating penalties if the accused was a child when the offence was committed and the only aggravating circumstance was that they were in a family relationship with the victim at the time, or that a child was present (or both).

On the same date, Division 1AA of the [Restraining Orders Act 1997](#) was inserted, which is intended to make it easier for victims of specified offences to obtain Family Violence Restraining Orders (FVROs) and Violence Restraining Orders (VROs).

On 1 October 2020, new Criminal Code offences commenced:

- [Section 298](#) makes suffocation and strangulation an offence. It may be charged as an alternative to [section 283](#) (attempt to unlawfully kill). This new offence is committed if a person unlawfully impedes another person's normal breathing or blood circulation (or both) either by blocking another person's nose or mouth (or both) or by applying pressure to another person's neck.

- [Section 300](#) establishes an offence of persistent family violence. A person persistently engages in family violence if they do an act of family violence on three or more occasions, each of which is on a different day. These acts must have occurred within a period not exceeding 10 years and be committed against the same person, with whom they are in a designated family relationship. This offence recognises that family violence often forms a pattern of offending against a victim, and that the persistent nature of the offending may make it difficult for a victim to recall specific details of individual acts of violence.

Prosecutions of these offences have proceeded since the provisions commenced.

[Sections 37 to 39B](#) of the [Evidence Act 1906](#), which concern evidence of family violence, its relevance and admissibility, also came into operation on 1 October 2020. These provisions are intended to make it easier for evidence, including expert evidence, of family violence to be introduced in criminal proceedings when relevant to issues before the court. This includes, but is not limited to, where self-defence against family violence is in issue.

Further, [sections 39C to 39F](#) relate to judicial directions on family violence. These directions are designed to address common stereotypes, myths and misconceptions about family violence. The directions can be utilised in criminal proceedings where there is evidence of family violence and the evidence is relevant to the determination of issues in the trial.



On 1 January 2021, provisions for the making of Serial Family Violence Offender (SFVO) Declarations commenced. A court convicting an offender of a family violence offence may declare the offender to be an SFVO if they have been convicted of at least two solely indictable prescribed offences, or three prescribed offences, provided the offences occurred on different days.

An SFVO Declaration has important consequences for bail and sentencing, including requiring the Court to consider imposing electronic monitoring on the offender before making certain sentencing orders. An SFVO Declaration also has the immediate consequence of prohibiting the offender from holding firearms licences.

Also from 1 January 2021, a court making a FVRO or a VRO must consider whether it should include a restraint prohibiting the person bound by the order from possessing explosives or an explosives licence. A person bound by such a restraint is required to surrender all explosives or explosive licences that they possess.

High-risk offenders

On 26 August 2020 the [High Risk Serious Offenders Act 2020](#) (HRSO Act) commenced, which repealed the [Dangerous Sexual Offenders Act 2006](#) and established a new regime for proceedings in respect of high-risk offenders. Under the new Act, high-risk offenders who have committed serious violent offences (not only sexual offences) may be subject to continuing detention or supervision orders.

From commencement, the DPP was given a function to make applications under the HRSO Act. After a transitional period, the State Solicitor's Office assumed primary responsibility for the administration of the State's functions in relation to high-risk offender proceedings from 1 January 2021.

Uncertain dates

Amendments to the Criminal Code in the [Criminal Law Amendment \(Uncertain Dates\) Act 2020](#) commenced on 10 December 2020. These important changes address cases where the date of an offence, or the age of a victim, is uncertain.

Until the passage of this legislation, where the date range of an alleged offence spanned a change in legislation or a significant birthday of a complainant, no charge could be prosecuted.

A person may now be charged and convicted regardless of when in a relevant period an indictable or sexual offence occurred, or regardless of the exact age of the victim at the time of a sexual offence. This is achieved by providing that the person may be charged in respect of the relevant offence with the lesser maximum statutory penalty. If it can be proved that the offence occurred at some time during the relevant period in situations where there is uncertainty as to the exact date, an accused may be convicted and sentenced in respect of the relevant lesser penalty offence. Similar provision is made for situations where there is uncertainty as to the particular age of the victim at the time of a sexual offence because of uncertainty about their date of birth.

Legislation related to COVID-19

The [COVID-19 Response and Economic Recovery Omnibus Act 2020](#) commenced on 12 September 2020, making a number of adjustments to court processes to manage the impact of COVID-19. These included providing for an accused's appearance to be effected by video- or audio-link, and for sentencing by audio-link, in appropriate circumstances. Measures to accommodate remote witnessing of documents and remote meetings are also in place during the operation of this Act.

The operation of the [Criminal Code Amendment \(COVID-19 Response\) Act 2020](#) was extended for six months from its initial expiry date of 3 April 2021 (it has since been extended again for a further six months). The significance of this for the ODPP is the continued applicability of higher penalties for aggravated assaults against public officers and threats against police officers in circumstances which expose or threaten to expose the officer to COVID-19. To date there have been no prosecutions of these offences.

Road traffic offences

A small number of amendments to the [Road Traffic Act 1974](#) commenced in the 2020-21 year, prior to the remainder of the Act commencing on 1 July 2021. On 12 October 2020, a new offence was inserted: driving a motor vehicle with a radar detector fitted to or within a vehicle ([section 81](#)). On 26 February 2021, [section 71BA](#) was inserted to empower police officers to prohibit a person from driving for 24 hours if prescribed illicit drugs are detected in a roadside oral fluid test.

Finances and outcomes

2021 Financial targets (\$000)

Total cost of services (expense limit) (sourced from Statement of Comprehensive Income)	49,676	
	53,607	
	3,931	
Net cost of services (sourced from Statement of Comprehensive Income) ⁽³⁾	49,626	
	53,354	
	3,728	
Total equity (sourced from Statement of Financial Position)	6,356	
	4,014	
	(2,342)	
Net increase / (decrease) in cash held (sourced from Statement of Cash Flows)	(894)	
	(1,487)	
	(593)	
Approved salary expense level	33,521	
	35,812	
	2,291	
Agreed borrowing limit (where applicable)	N/A	

(1) As specified in the 2020-21 State Budget Papers.

(2) Further explanations are contained in the Financial Statements Explanatory [Note 8.8](#).

(3) Changes to Treasurer's Instruction 1102 - Statements of Comprehensive Income since the 2020-21 Budget have increased the Net Cost of Services compared to previously published Budgets.

2021 Working cash targets (\$000)

Agreed working cash limit (at Budget)	2,389	
	2,414	
	25	
Agreed working cash limit (at Actuals)	2,389	
	2,573	
	184	

Agreed limit⁽¹⁾

Target/Actual

Variation⁽²⁾

(1) As specified in the 2020-21 State Budget Papers.

(2) Further explanations are contained in the Financial Statements Explanatory [Note 8.8](#).

Summary of key performance indicators

The following table summarises how we performed against each of our Key Performance Indicators in 2020-21. Further information is provided in the [Key Performance Indicators](#) section of this report.

Outcome 1: That the people of Western Australia are provided with a fair and just criminal prosecution service.

Key effectiveness indicators

Early advice to court on charges: indictment filed within three months of committal	✗	85%
		65.5%
		(20%)
Establishing a case to answer	✓	98%
		99.6%
		2%
Convictions after trial	✓	50%
		59.4%
		9%
Application for a declaration of confiscations filed within four months of the drug trafficker declaration	✗	60%
		10.7%
		(49%)

Key efficiency indicators

Service 1: Criminal Prosecutions Cost per prosecution	✗	\$15,000
		\$16,462
		\$1,462
Service 2: Confiscation of Assets Ratio of cost to return	✗	25%
		24.52%
		(0.48%)

✓ Achieved

✗ More work to do

(1) As specified in the Budget Statements.

Outcome-based management framework

In 2020-21, the ODPP contributed to the government goal of ‘Strong communities: Safe communities and support families.’ This outcome-based management framework details the relationship between our services and desired outcomes, and the government goal to which we support.

Government goal: Strong communities: Safe communities and supported families.

ODPP Desired Outcome That the people of Western Australia are provided with a fair and just criminal prosecution service.	ODPP Services 1. Criminal Prosecutions 2. Confiscation of Assets
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Changes to outcome-based management framework

The ODPP’s outcome-based management framework did not change during 2020-21.

Shared responsibilities with other agencies

The ODPP did not share any responsibilities with other agencies in 2020-21.

To effectively manage criminal prosecutions

The Office of the Director of Public Prosecutions (ODPP) is the prosecuting authority for Western Australia, responsible for the prosecution of all state criminal cases in the District and Supreme Courts. We are a critical participant in the administration of justice within Western Australia, providing an independent and effective criminal prosecution service that is both just and fair.

Prosecution activity

All criminal cases are first heard in the Magistrates Court, where the Magistrate can decide to send, or 'commit', more serious charges (indictable offences) to the District or Supreme Court for sentencing or trial. The ODPP conducts committal proceedings in the Perth and Stirling Gardens Magistrates Courts, while the Western Australia Police Force (WA Police) manages offences heard in suburban and regional Magistrates Courts.

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 delay, and 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.

For 2020-21, our prosecutors proactively and appropriately resolved 847 cases, reducing the number of committals for trial in that same period. This demonstrates the effectiveness of our early resolution efforts, and the benefits that enabling this to occur can have on the resources of the criminal justice system as a whole.

Cases committed for trial require a substantial amount of time and effort. Even if the accused pleads guilty before the start of a trial, a considerable amount of trial preparation work would have been conducted. Cases committed for sentence require less work than cases committed for trial but still demand proper attention to assessing the appropriate charges, compiling the indictment and prosecution brief, preparing for and attending sentencing hearings at court.

In 2020-21, we concluded a total of 2,762 cases, 75 per cent of which were finalised in the District or Supreme Court by sentencing or trial. Of these, 91.5 per cent resulted in a finding of guilt, either by a plea or verdict of guilty. This high sentencing rate reflects our appropriate pre-trial assessment of the evidence, effective case management and sound trial advocacy.

Inter-agency collaboration

In August and September 2020, the Director and a number of State Prosecutors delivered a series of training seminars to WA Police Prosecutors and Investigators on the new offences of non-fatal strangulation and persistent family violence, as well as other impacts of the Family Violence Legislation Reform Bill 2019, parts of which commenced in October 2020. The training aimed to provide WA Police Officers with a greater understanding of the offences and the need for them to be enacted, the matters investigations should address, what to include in prosecution briefs and how best to prosecute them in courts. The seminars were delivered at the Police Academy and are one of many instances of training provided by ODPP State Prosecutors to WA Police of all levels over the year, demonstrating sound collaboration between WA Police and the ODPP.

Staff of the ODPP are on several external committees, primarily established to promote improvements to Western Australia's criminal justice system. Committees of which our executives and senior staff are members include the: Sexual Assault Services Advisory Group, State Witness Protection Committee and the Law Council of Australia's Criminal Law Committee. Many of our prosecutors are on a range of committees for the Law Society of Western Australia as well as contributing to the work of the Legal Practice Board.

The Director, Amanda Forrester SC, is a representative on the Justice Pipeline Model Steering Committee, Witness Intermediary Steering Committee and the Justice Planning and Reform Committee, among others.

From policy development and data driven forward planning, to providing recommendations on how to protect children and other vulnerable witnesses when giving evidence in court, to evidence-based initiatives aimed at slowing the growth in the prison population, these committees take a holistic, collaborative approach to ensuring the criminal justice system is effective and efficient.

Fremantle Courthouse

In October 2020, and for the first time since the mid-2000's, District Court trials returned to the Fremantle Courthouse. This initiative was introduced to increase listing capacity and to progress as many trials as possible after the COVID-19 restriction on jury trials was lifted. The ODPP had to manage logistical issues associated with witness attendance and in establishing a base at the Courthouse for the prosecutors and paralegals to work from. Our Legal Practice Support and Information Management and Technology Services branches worked collaboratively with the court to facilitate the rapid establishment of this satellite office. Since then, a total of seven trials have been heard. Five proceeded to verdict, with the remaining two being pleas of guilty on the first day of trial.

Looking ahead:

- The ODPP continues to actively seek ways in which to reduce the number of matters that are listed for trial, while ensuring that resolutions are appropriate and reflect the public interest, which includes the interests of victims of crime.
- We will keep advocating very strongly for case management by courts, particularly in relation to longer trials, which has been shown to be very effective in resolving cases or at least reducing the issues at trial.
- The ODPP is implementing a small team whose role will be to closely examine cases identified as potentially capable of resolution and to give targeted attention to those cases in an attempt to resolve them or issues within them at an early stage, enabling other prosecutors to properly prepare and appear on their matters. It is expected this will reduce the impact on the ODPP of the extraordinary growth in listed trial days, which is increasingly overwhelming the ODPP's resources.

To provide an effective service to victims and witnesses

Victims of crime and witnesses have an important place in the criminal justice system. Without their valuable contribution, by providing evidence in court, justice cannot be done. The ODPP recognises the crucial role of victims and witnesses and we work hard to ensure they are provided with the necessary information and assistance, as well as always being treated with respect and courtesy, to ensure minimal distress throughout the prosecution process.

Video links

Restrictions introduced as a response to the COVID-19 pandemic impacted the manner in which criminal trials could be conducted. In March 2020, jury trials in criminal proceedings were suspended as a precaution to prevent the spread of COVID-19. Understandably having all of the trial participants, as well as the Judge, court staff, jury and other interested people, present in court was an aspect of the court's operations that could not continue. While jury trials recommenced on 20 July 2020, the unavailability of witnesses to give evidence in person at trial was another consequence of COVID-19 being present in other parts of the State, Australia and overseas.

Once trials proceeded, some witnesses could not attend in person, so were accommodated for through the provision of giving evidence by video link. Courts impose restrictions on the type, bandwidth and speed of video links that are suitable to guarantee a good quality connection. Unfortunately, the best technical solution is not always compatible with the equipment or technology to which a witness has access, nor with the courts' schedule and expectations as a trial progresses. Logistical issues were compounded with witnesses being in other time zones, who were under strict lockdown restrictions that prevented them from leaving their homes or required the assistance of an interpretation service, or court support.

Consultation with victims

In 2017, the Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse included several recommendations regarding each of Australia's DPPs. In response, we published an updated [Statement of Prosecution Policy and Guidelines](#) and a new [Policy and Guidelines for Victims of Crime](#) (the Victim Guidelines). The Victim 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 Victim 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.

In 2020-21, the ODPP completed its third internal audit of compliance with the Victim Guidelines' processes for decision-making and consultation with victims and police. The internal audit involved inspection of 96 randomly selected ODPP cases by officers independent of the prosecution teams. The audit period refers to cases that had a final outcome recorded between 1 May 2020 and 30 April 2021.¹

Macro by the numbers

While many Western Australians would be aware of the trial of Bradley Robert Edwards, culminating in his conviction on 24 September 2020 of two counts of wilful murder and of offences involving serious sexual assaults on two other women, very few would comprehend the amount of work that was required, leading up to prosecuting 'the trial of the century'.

Starting with just one assigned prosecutor in December 2016, recruitment and allocation of staff and resources was a staggered, as and when needed, process. By the time the trial commenced, four prosecutors (including Carmel Barbagallo SC, the former Deputy DPP), four paralegals and one legal assistant were working on the case. The team were situated together on a secured floor, which accommodated both ODPP staff and Western Australia Police Force (WA Police) investigators. There was also an office outside of the court room, which was used for witness management and preparation.

In total, 2,896 witness statements were taken. Out of a total of 634 witnesses, 159 witnesses were called to give evidence, including experts (DNA and fibre), police officers and members of the public. Due to COVID-19 restrictions, most of the 32 interstate and international witnesses provided evidence via video link. A further 81 witness statements were read into evidence.

Most of the evidence for the trial was in electronic format and not printed, including full disclosure from the WA Police. Substantial volumes of disclosure were also received from PathWest, ChemCentre, Cellmark (UK), Forensic Science Services (UK) and the Institute of Environment Science and Research (NZ). All disclosure material was managed electronically, carefully catalogued and assessed for inclusion into the 41,982-page, 164-volume prosecution brief. A total of 30,653 items were electronically submitted (2,878 of which were tendered as exhibits), at an estimated 2.1 terabytes. The defence tendered a handful of additional items. It took one staff member (with regular assistance) more than 12 months of full time work just to submit the materials in the electronic format required by the court.

Once the disclosure process (which took many months) was complete, the matter was committed to the Supreme Court. In that court, there were 12 days of pre-trial legal argument, before a trial that ran for 95 days between 24 November 2019 and 25 June 2020 in addition to 10 days for closing addresses, with a verdict on 24 September 2020. In all, there were 11,216 pages of court transcript. The judgment was a further 619 pages.

Sentencing took place on 23 December 2020, marking three years since the offender's arrest. The offender was sentenced to life imprisonment, with a minimum term of 40 years' imprisonment.

Consultation with victims about decisions

- In 80 per cent of cases the victim, or a child victim's parent, was consulted about a significant decision that would alter the prosecution case.
- Where the victim had not been consulted, there was a legitimate reason for the lack of consultation in 58 per cent of those cases, usually that the victim was not able to be contacted despite attempts.
- In 6 per cent of cases there were insufficient records of whether the victim had been consulted for an assessment of compliance to be made.

Consultation with investigating officers about decisions

- Across all cases, in 71 per cent there were records that the investigating officer was consulted about a significant decision that would alter the prosecution case.

- In 82 per cent of cases where the victim was unable to be consulted, the investigating officer was consulted instead.

Reviews of decisions

- In 56 per cent of cases, there were records of victims being informed of their right to request that a decision be reviewed.
- In the majority of cases where the victim was not informed of these rights, the victim was either supportive of the decision (43 per cent) or they were unable to be contacted (24 per cent).
- In the audit period, there were 33 requests from victims that a decision be reviewed. Of these, five related to decisions in cases that were audited; in each of these five cases the decision was endorsed upon review.

¹ The ODPP's Annual Report for 2019-20 incorrectly stated the period of the audit that year to be 1 July 2019 to 1 June 2020. The correct period of the audit was 1 May 2019 to 30 April 2020.

To effectively manage criminal confiscations

Under the [Criminal Property Confiscation Act 2000](#) (CPC Act), the Western Australia Police Force (WA Police) and the DPP can apply, in certain circumstances, to confiscate property of offenders where criminal offending has occurred, to act as a particular deterrent. Such cases usually arise out of criminal investigations or prosecutions. Property may be confiscated if it is crime-used or crime derived property or if it is property of a person declared a drug trafficker under the [Misuse of Drugs Act 1981](#) (MD Act) as well as on other grounds.

Helping vulnerable people

Since January 2001, over \$163 million has been seized from people engaged in criminal activities and paid into the Confiscation Proceeds Account (CPA). The CPA is a special account provided for under the CPC Act, for the re-distribution of confiscated funds and proceeds of the sale of other confiscated property for a number of purposes. This financial year resulted in approximately \$15.21 million paid into the CPA, the second highest amount paid since the CPC Act's commencement (2019-20 was the highest year with \$15.29 million).

Some of the funds in the CPA are redistributed to the community through the Criminal Property Confiscation Grants Program. On behalf of the Attorney General, the Department of Justice administers the program, where local governments and not for profit groups can apply for funding for projects aimed at making the community safer, through initiatives that prevent or reduce drug related offences and misuse, support victims of crime, or aid law enforcement through community safety and crime prevention. There have been 16 rounds of the grants program, with 20 grant offers totalling \$3.21 million being announced during 2020-21. The recipients included projects run in Perth and regional and remote Western Australia that aim to help at-risk people, families and victims of crime, divert people from the criminal justice system, tackle substance abuse, boost mental health and improve school participation.

Effective partnerships

The ODPP's Confiscations Team receives cases from the Proceeds of Crime Squad (PCS), which is a dedicated squad within WA Police. This financial year has seen an increased focus from both the WA Police and the PCS in cases of significant offending by criminal networks that involves large quantities of drugs and amounts of cash.

Presently, the Confiscations Team is managing around 27 cases involving cash seizures ranging from \$500,000 to over \$13 million, with an approximate total value of \$62 million. In June 2021, the Confiscations Team obtained a declaration of confiscation in respect of about \$3.5 million in seized cash.

This financial year resulted in an increase of over 53 per cent in drug trafficker declarations made under the MD Act in criminal proceedings. Upon a declaration that a convicted person is a drug trafficker, all property relating to that person is forfeited to the State. During the reporting period, over \$3.75 million was paid into the CPA from drug traffickers' assets. As there is a time lag in selling forfeited property, there is not a direct link between the number of declarations made and the amount of monies realised in a relevant year. However, it is evident that a significant proportion of confiscated property arises from declared drug traffickers.

Optimising practices

In light of the unique characteristics of large cash seizure cases, the Confiscations Team has reviewed and adapted their practices and procedures to ensure their effectiveness. For example, additional police affidavits have been obtained to provide more information to the court about the circumstances of the seizure of the cash and the persons who were served a copy of a freezing notice.

The Confiscations Team and the PCS have recommenced regular monthly meetings to consider joint operational issues. The meetings are focussed on resolution of older cases, ongoing management of large cash seizure cases, improvement of practices and procedures and related issues. The meetings have improved the effectiveness of the working relationship between the two organisations in the conduct and management of confiscation actions.

During 2020-21, there were changes in court processes and requirements that resulted in the Confiscation Team to review and amend some of their internal practices and procedures. For example, in making certain orders for control and management of frozen property or freezing orders over property or declarations of confiscation that have been agreed between all parties, the Supreme Court required that the ODPP submit evidence in support of these consent orders. This was a change from established procedure. This has been a somewhat difficult process because, at the stage of confiscations proceedings when these orders are typically made, objectors to confiscation can be reluctant to agree to providing evidence for fear of compromising their claims. The Confiscations Team has developed new internal templates to cater for some of these changes and there has been increased liaison with the lawyers for objectors to meet the court's requirements.

Looking ahead:

- The Confiscation Team will be working towards finalising a comprehensive practice and procedure manual for confiscation matters. While the Confiscation Team has a wealth of information about what it does and how it does it, the manual will be a centralised and simplified single-source of information, which can be used as a training tool and as a reference for staff.
- The ODPP is undertaking a recruitment process for a Consultant State Prosecutor for Confiscations Team. This will be the first time in more than 20 years of the administration of the CPC Act by the ODPP that the Confiscations Team will have a dedicated Consultant State Prosecutor.



To be a high performing organisation

Adapting to respond to the pressures of our operating environment, the ODPP is able to quickly and efficiently change our practices to meet needs without impacting our service delivery. We strive to maintain a positive workplace culture, invest in our workforce, and spend time on continuously improving our core capabilities. The changing workforce, being increasingly diverse in age and gender, and cultural, linguistical and vocational backgrounds, represents opportunities and strengths for our organisational performance.

COVID-19 response

The COVID-19 pandemic, and the resulting lockdowns, caused substantial disruption to court proceedings, requiring trials to be relisted and numerous procedural adjustments. Throughout the period, resource and service demand pressures continued but our staff worked together to ensure any issues stemming from the mandated restrictions were swiftly addressed to ensure our service standards were not impacted. For essential staff working from within the office, their safety and wellbeing was a high priority. A number of initiatives were implemented to ensure risks and exposure were kept to a minimum, including supplying staff with appropriate personal protective equipment, additional touch point sanitising and providing staff with parking options, as an alternative to using public transport.

Staff who were required to work from home were supported to do so. Any challenges this posed to teams were addressed and managed efficiently and effectively. For instance, confiscation files tend to be multi volume and paper based. To enable the Confiscations Team to work away from the office, a comprehensive scanning process of all active files was undertaken in a short period of time. This was completed successfully and the Confiscations Team were able to work from home during the lockdowns with minimal disruption to service delivery.

Mental health and wellbeing

The ODPP recognises that exposure to very high workloads, stressful work situations and objectionable material can have a negative impact on our staff's mental health and wellbeing. Many of the prosecutions we conduct involve highly distressing subject matter, often with traumatised victims who require time, support and empathy. The increase in graphic and indecent digital content, which needs to be viewed in preparation for a case, is also a factor that can negatively affect the wellbeing of ODPP staff.

The subject matter, as well as the need to support victims through the criminal justice system, can be challenging and can cause workplace stress, burnout and vicarious trauma. Working in a highly pressured environment can increase the detrimental impact of this. We continue to identify ways to support our staff and to reduce their risk work related stress and psychological injury due to high workloads and exposure to traumatic material.

In November 2020, 16 staff received specialised training from Mental Health First Aid Australia. This training provided knowledge and skills to confidently and respectfully approach someone who may be experiencing mental health concerns and provide them with the appropriate support in the moment.

Hillman the support dog

As a mental health and wellbeing initiative, we enlisted the services of a support dog. Hillman started a three-month trial with the ODPP in May 2021, to assist with managing stress levels, to improve staff mood and connection, to encourage healthy work-breaks and, for those who sought it, to assist with emotional support. Hillman is a Guide Dog WA trained Labrador who has been specifically trained to comfort on demand. Hillman conducted scheduled daily floor walks and was available to be booked by staff for one-to-one sessions. The proactive strategy was supported by staff

and, when surveyed, the respondents overwhelmingly indicated that interaction with Hillman lifted morale and increased their productivity, improved the mood of the team and encouraged team interaction and support and provided an opportunity and incentive to take a short but refreshing mental break from their challenging work.

It is important to note that this initiative is not a substitute for other means of addressing the challenging circumstances facing ODPP staff, and is in addition to, not substitution for, other significant wellbeing supports being sourced and implemented.

This facilitates early intervention and supports colleagues to make use of our employee assistance program and other mental health services, as appropriate. At the completion of the training, and associated assessment, staff are accredited as Mental Health First Aid Officers for three years.

During 2020-21, a suite of mental health and employment law seminars were offered to managers and supervisors. Legal and medical experts presented a range of topics that contributed to the management group's awareness of mental health in the workplace, and provided resources to assist them in better understanding, managing and supporting staff who may have a mental health condition. Providing line managers with training and tools to support employee mental health and wellbeing was a recommendation of the Phoenix Australia – Centre for Posttraumatic Mental Health report, which reviewed the mental health related workplace risks of the ODPP.

A mental health strategy is being developed, which will provide guidance to management and staff in preventing adverse mental health outcomes. In February 2021, a workplace culture health check survey was conducted, which identified psychosocial risk factors across the different employment cohorts in the ODPP. A number of interactive workshops were then held, during June 2021, to share the results and as an opportunity to enable staff participation, gain insight and receive feedback. This consultation is an integral part of the formation of the strategy, as it ensures the mental health initiatives are fit for purpose. It is imperative we implement a strategy that serves to protect, maintain and respond to the mental health and wellbeing needs of our staff using a considered and systematic, whole-of-organisation approach.

Looking ahead:

- Finalising the mental health and wellbeing strategy is a high priority for 2021-22. The strategy will set out initiatives that are designed to identify work related psychosocial hazards and implement effective measures to control and manage them. Initiatives will focus on proactive strategies, early intervention of illness and support recovery.
- A revitalisation of our recruitment processes is underway. The purpose of this review is to ensure our recruitment and selection practices are contemporary, effective and support the current and future needs of the ODPP workforce.
- Continue developing and implementing our Workforce and Diversity Plan in line with the Public Sector Commission's [Workforce Diversification and Inclusion Strategy for WA Public Sector Employment 2020-2025](#). The key outcomes of the plan will address strategies to increase the workforce diversity and inclusivity of the ODPP to ensure people from all walks of life are empowered and have a sense of belonging and inclusion in the work environment.
- Finalise the draft Human Resources People Plan (2021-23) that will provide the framework of how we implement targeted initiatives to deliver positive outcomes and support for our workforce for the next three years.

To deliver strong corporate governance

The ODPP’s mission is to provide the people of Western Australia with a fair and just criminal prosecution services. To achieve fairness and equity it is imperative that we are at the forefront of ethical behaviour regulated through effective corporate governance. We have a high reputational risk and increased public interest in our operations, so it is essential that we have stringent internal controls and ethics embedded within all decision-making processes. A transparent set of policy, practices and processes enables us to achieve our goals, make formal decisions, control risks and assure compliance.

Internal compliance

The ODPP’s internal audit program provides assurance of the independence, accountability and governance of the ODPP’s risk management and internal control environment. Our robust audit program includes critical assessment of the risks of our operations, finance, human resource, information and other management controls, ensuring they are adequate and functioning effectively, and that we are meeting our legislative and corporate obligations. Our audit activities provide assurance around our rigorous processes and controls, enabling good governance and a greater opportunity for us to achieve our objectives.

A number of audits were carried out throughout the reporting period. Our digital transformation strategy was reviewed to confirm alignment with the State Government’s Digital Strategy. Our technology network was assessed for cybersecurity exposure. Our financial internal control audits were conducted to help mitigate the risk of fraud, and our leave management and brief out processes were also reviewed.

Responsive to change

The Final Report (2017) of the Commonwealth Royal Commission (Royal Commission) into Institutional Responses to Child Sexual Abuse contained several recommendations regarding recordkeeping and information sharing. In December 2020, the State Records Office of Western Australia released a General Retention and Disposal Authority (GRDA) for Incidents and Allegations of Child Abuse or Neglect, which was developed in response to the Royal Commission’s recommendations. The ODPP assessed the implications of this GRDA and identified changes were required to the retention schedules of records related to 118 types of prosecutable offences, which equates to 5,089 existing case files and 29 administrative files. New retention and disposal schedules have been configured in our case management system and electronic document and records management system. The implementation of the necessary retention schedule changes to existing files has commenced and is progressing.

In August 2020, the State Government released the Western Australian Information Classification Policy (Policy). The aim of this policy is to provide a common language for government agencies to identify risks and apply appropriate security controls to protect, store and share their information assets. The ODPP, in conjunction with other agencies in the criminal justice system, raised issues regarding the Policy, which had not adequately considered the highly sensitive information that is exchanged in relation to criminal matters and other investigative activities.

Dangerous sexual offenders

On 26 August 2020, the [High Risk Serious Offenders Act 2020](#) (HRSO Act) came into force. This legislation is designed to protect Western Australians from sexual and violent offenders by providing for the continual detention or supervision of those deemed likely to pose an unacceptable risk to the community. The HRSO Act repealed the [Dangerous Sexual Offenders Act 2006](#) (DSO Act). Under the DSO Act, the ODPP managed the conduct of 52 matters, the greatest number since the commencement of that Act.

After a transitional period, from 1 January 2021 the State Solicitor’s Office (SSO) assumed primary responsibility for the administration of the State’s functions in relation to conducting proceedings in respect of high risk serious offenders. To ensure a successful and smooth transition, a Senior State Prosecutor transferred to the SSO and a paralegal was seconded to the SSO for six months. In addition, the Department of Justice, the SSO and the ODPP committed to sharing information, including the ODPP’s records relating to high risk serious offenders, through the secure platform, Objective Connect. Use of the platform allows information to be securely disclosed between the agencies where the disclosure is necessary for the assessment or management of high risk serious offenders.

Looking ahead:

- Implementation of changes arising from the introduction of the eCourts program for criminal matters in the District and Supreme courts.
- Progress initiatives for enhanced data exchange with Western Australia Police Force to improve the way police briefs are received, logged and monitored.
- Upgrading the ODPP’s business systems to address dated bespoke and complicated manual/systems operating arrangements, reducing duplication and strengthening data quality outcomes.



Significant issues impacting the ODPP

The results from this reporting period illustrate the dedication of our staff, in spite of the ever-growing workload, unrelenting pressure of the criminal justice system, and challenges posed by the COVID-19 pandemic and associated disruptions.

The Office of the Director of Public Prosecutions (ODPP) has experienced increasing workloads over the past five reporting periods. However, the 2019-20 and 2020-21 reporting data show markedly different situations, predominantly due to the COVID-19 pandemic and the actions taken by the State Government to protect the Western Australia community from harm of infection.

The most apparent outcome of the various lockdowns associated with COVID-19 on the criminal justice system, is the backlog of jury trials in the District and Supreme Courts. Over a thousand jury trials were originally listed for 2019-20, but only 33 percent proceeded. Understandably, jury trials were an aspect of the court's operations that could not proceed during lockdown and social distancing restrictions. With the length of lockdowns being uncertain, the Courts were forced to exercise caution over listing matters.

While the ODPP has experienced a small drop in the number of new prosecutions received in 2020-21 (3,015 cases down from 3,074 cases), this is a somewhat misleading statistic, as it does not reflect the volume of cases turning over in the Magistrates Court awaiting committal. Lockdowns and movement restrictions have impacted on these proceedings, as well, resulting in delays. Furthermore, police officers responsible for preparing the briefs of evidence, which are required for cases to progress, have had additional essential duties to maintain the security of Western Australia's interstate and regional borders.

It is our expectation that the ODPP will face several challenges as a result of the unusual year that was 2020-21:

- The release of a backlog of new cases awaiting committal from the Magistrates Court;
- Listings processes to reduce the backlog of trials in the District and Supreme Courts; and
- A greater number of active cases on hand that will require management through the year and into the next.

We are aware of these challenges and are doing our best to adapt and prepare our business to deal with them.

Unfortunately, the uncertainty caused by the high levels of infection across Australia has not made it possible to suitably address reducing the backlog. The measures taken by the criminal justice system in response to the disruption caused by the COVID-19 pandemic have largely involved increased listing of criminal trials and associated hearings.

During 2020-21, there were 2,385 trial days for the 516 trials that resulted in conviction, acquittal, hung jury or mistrial, compared to 1,423 trial days and 348 trials for 2019-20. The numbers for both years were affected to some extent by COVID-19 restrictions on jury trials, which were unable to proceed between 16 March and July 2020, but the increase in 2020-21 was still very marked.

This has placed, and will continue to place, considerable additional pressure on the staff of the ODPP. This pressure is relentless and unsustainable. Unfortunately, it is not foreshadowed to diminish in the medium term, with 836 trials already scheduled for the 2021-22 year.

Additionally, further reforms to the criminal law in Western Australia are likely to have a measurable impact on our workload. The full impact of the new family violence offences that commenced in 2020-21 is yet to be felt. The new offences accompanying the voluntary assisted dying scheme and industrial manslaughter offences will either commence, or are expected to commence, in 2021-22. While they are unlikely to result in numerous prosecutions, any that are commenced will be complex and resource intensive.

Other significant reforms to the criminal justice system are also anticipated, without appropriate resourcing being provided or foreshadowed. Some will place significant burdens on the ODPP, with a likely adverse impact on the provision and quality of service to the courts.

While the number of new cases heard in the Perth and Stirling Gardens Magistrates Courts is a leading indicator of our workload, the measure does not factor in the complexity and length of the case. The number of complex prosecutions, particularly murder cases, is increasing. Complex prosecutions require specialised brief-preparation processes to support the volume and sophistication of the evidence. Complex cases also take longer to prepare and prosecute, with the number of trials lasting longer than 10 working days more than doubling (from 16 to 35) in 2020-21. This is a significant increase, especially when most of our trials (71.3 per cent) are completed in five days or less.

This has led to many of our more senior and experienced prosecutors being put under an overwhelming amount of stress on a regular basis. While we are pleased that six graduate lawyers started their careers with us this year, it does take a considerable number of years to gain the knowledge and skills to handle these more complex cases. Sadly, this sustained pressure on our senior legal staff is reflective in the cohort's turnover rate being almost 50 per cent higher than our overall legal staff turnover rate. This means we are losing valuable knowledge and resources which are impossible to replace promptly and adds further strain on our workforce.

A challenge we faced this financial year was securing critical funding required to enable us to deliver on the significant increase in demand for prosecutorial services. While the ODPP has received some additional funding, the amount does not fully accommodate nor alleviate the increased influx of cases.

New recruits do not generally have the experience or skill required to immediately conduct trials, or carry out complex file management, which is the bulk of the ODPP's work.

It is inevitable that, in the continued absence of the necessary resourcing, there will be some reduction in the quality of service the ODPP will be able to offer to the courts, victims and the Western Australia Police Force (WA Police), in order for the ODPP to be able to manage its work. As a result of these issues, the ODPP is, and will continue, experiencing growing instances of burnout, workplace stress and the consequent effects on productivity.

The ODPP is reliant on other agencies that work within the criminal justice system, such as the Proceeds of Crime Squad (PCS). The PCS has undergone changes in structure and staffing. The tenure policy of WA Police applies to PCS, and this has led to police officers moving into and out of the PCS over short periods. Confiscation work is a specialist area of law enforcement, and it takes time to acquire the experience and knowledge necessary to be effective in the area. These issues are increasing the incidence of error in the conduct of cases, in turn creating unnecessary work for the Confiscations Team.

The criminal justice system has also seen an increase in the use of technology, which the ODPP has continued to respond to. A significant challenge we are facing is the growing volume of digital evidentiary materials disclosed to us by the WA Police. Changes made to the process for receiving disclosure materials, in response to COVID-19, has also added to this. We are currently receiving and managing an average of seven terabytes of new digital materials every month. This large amount of data has impacted the performance of our business systems, with enhancements already implemented or planned for.

Digitisation, automation and data collaboration are other key initiatives which the ODPP is progressing, in line with the State Government's Digital Strategy. Investment in the readiness of the ODPP to support digitisation of records, service automation, workflow management and data exchange are key outcomes of these initiatives, to provide a better prosecution service for the State.

Other disclosures

The Office of the Director of Public Prosecutions (ODPP) demonstrates our core values of integrity and accountability through effective governance, internal controls and external oversight of our operations.

Unauthorised use of credit card

Staff of the ODPP are issued with corporate credit cards to facilitate the operations of the ODPP and to only be used in accordance with all corporate policies. While credit cardholders are aware of their obligations, five employees inadvertently utilised their corporate card in transactions that were not for ODPP business purposes. The matters were not referred for disciplinary action.

	2021 \$
Aggregate amount of personal use expenditure for the reporting period	221
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	116
Aggregate amount of personal use expenditure settled after the period (after 5 working days)	105
Aggregate amount of personal use expenditure remaining unpaid at the end of the reporting period	-
Number of referrals for disciplinary action instigated by the notifiable authority during the reporting period	-

Expenditure on advertising

Section 175ZE of the [Electoral Act 1907](#) requires public agencies to report details of expenditure to organisations providing services in relation to advertising, market research, polling, direct mail and media advertising. The ODPP did not incur expenditure of this nature.

Pricing policies of services provided

There were no pricing policies of services provided during 2020-21.

Capital works

Capital project incomplete

No capital projects were incomplete as of 30 June 2021.

Capital project completed

The ODPP has completed the 2020-21 Desktop Devices project as provided for in the Asset Investment Plan of the 2020-21 Budget Papers. The project enables the ODPP’s ability to increase dependency on modern and responsive software technologies and to maintain an agile and mobile workforce while facilitating the appropriate application for case management, legal research, digital evidence and email.

Act of grace payments

The ODPP did not make any act of grace payments in 2020-21.

Insurance policy

An insurance policy has been taken out to indemnify the Director against professional liability under sections 13 and 14 of the [Statutory Corporations \(Liability of Directors\) Act 1996](#). The amount of the insurance premium paid for in 2020-21 was \$7,587.

Freedom of information

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

Staff profile

Full-time equivalents	2020	2021
Full-time		
• permanent	206	218
• fixed-term contract	30	29
Part-time		
• permanent	27.3	29.7
• fixed-term contract	2.6	0.6
On secondment	2	2
	267.9	279.3

Industrial Relations

All staff at the ODPP are employed under the conditions and entitlements set out in the Public Service Award 1992 and the Public Sector CSA Agreement 2019. The Director, Deputy Director, Director of Legal Services and Consultant State Prosecutors’ salaries and allowances are determined by the Salaries and Allowances Tribunal, as established by the [Salaries and Allowances Act 1975](#).

Workers' Compensation

While the incidence of workplace injury at the ODPP is relatively low, we continually seek improvements to provide staff with a safe and healthy workplace that is free of work-related injuries and diseases. The ODPP has a proactive approach in addressing emerging risks of psychological injury to staff through exposure to objectionable material and high levels of workload and stress. In conjunction with the development of a mental health and wellbeing strategy, all staff are strongly encouraged to attend training and information sessions that deal with preventing adverse mental health outcomes, such as a tailor-made workshop on the issues and risks surrounding vicarious trauma and how to best mitigate against this.

The ODPP is committed to assisting injured and/or ill employees to return to work as soon as medically appropriate. This includes the provision of alternate duties to assist an employee to stay at work or integrate them back into the workplace, developing a return to work program, or referring the employee to an approved vocational rehabilitation provider. In 2020-21, there was one compensation claim recorded, with the employee expected to return to full duties by the end of 2021.

Compliance with public sector standards and ethical codes

The ODPP has policies, procedures and processes that support the application and compliance of:

- [Commissioner's Instruction No. 7: Code of Ethics](#)
- [Commissioner's Instruction No. 8: Codes of conduct and integrity training](#)
- [Public Interest Disclosure Act 2003](#)
- [s31\(1\) Public Sector Management Act 1994](#)

During the reporting period, there was: no evidence of non-compliance with the Public Sector Code of Ethics or ODPP’s Code of Conduct; no public interest disclosures about the ODPP’s activities; and, no lodgement of Breach of Standard Claims.

WA Multicultural Policy Framework

In February 2020, the Western Australian Multicultural Policy Framework was endorsed by Cabinet. This framework provides a guide to multicultural policy priorities for public sector agencies. Currently, the ODPP does not have a Multicultural Policy Framework. Over the past 12 months priority focus has been on supporting staff through office relocation and the impacts of COVID-19. The ODPP recognises the importance of ensuring our workplace is reflective of a multicultural society, is welcoming and inclusive, so are progressing the development of the Framework.

Substantive equality

Substantive equality builds upon the Government’s approach towards equality of opportunity for all Western Australians. The Policy Framework for Substantive Equality (the Policy Framework) is the guiding mechanism for agencies when it comes to addressing all forms of systemic discrimination in service delivery. The ODPP is not listed in the schedule of departments, as per [Public Sector Commissioner’s Circular 2015-01 Implementation of the Policy Framework for Substantive Equality](#). Therefore, we are 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 Western Australia when developing or reviewing policies and procedures.

Disability access and inclusion plan

The ODPP is committed to providing all people with the same opportunities and access to our facilities, services, information and employment.

Our Disability Access and Inclusion Plan (DAIP) outcomes assist us to plan and implement improvements that facilitate this objective. These outcomes help to increase independence, opportunities and inclusion for people with disability in the community. Our current DAIP covers the period of 2019 to 2024 and addresses the requirements of Schedule 3 of the [Disability Services Regulations 2004](#). During its development, disability advocacy groups were invited to take part in a focus group and provided feedback from their lived experiences about the plan. The DAIP is available on our website, and alternative formats are available on request.

To assist with the execution of our DAIP, annual Implementation Plans are developed. Guided by staff consultation, the Implementation Plans are an internal working document that provides the ODPP with the ability to effect real change year-on-year regarding access and inclusion. Our DAIP and Implementation Plans are available on our intranet, with staff being made aware of their responsibilities in assisting us in achieving the identified outcomes. Our brief-out counsel, who carry out prosecution services on our behalf, are also made aware of the ODPP’s DAIP when they are engaged by us.

Facilities

In June 2020, the ODPP relocated, with our new premises located closer to the heart of the CBD. Within easy access to public transport, including having a Transperth bus stop and taxi rank right outside, people have a variety of ways to reach our offices. Once here, people can easily locate our building with an oversized building number located on our street frontage.

Our entryway is accessible, as is our ground floor reception area. There are concierges available in the foyer to provide further assistance to visitors, if they require it, as well as to escort them to other locations within the building. Additionally, our customer service areas all have certified counter induction loop systems installed to cater for people with moderate to profound hearing loss.

Within our facilities there are many features that aid access and movement. For instance, high use doors are fitted with push buttons or swipe card capabilities for automatic opening and closing. Open plan office spaces have wide, clear pathways that allow for free movement. Additionally, there is braille signage outside of all bathrooms, and every floor has a Universal Access Toilet.

Services and information

People of all abilities receive the same high-quality service from the staff at the ODPP. To equip our staff with the necessary skills, regular disability awareness workshops are conducted. This training, which is designed and delivered by a local disability consultant, enables staff to liaise with people with a disability in an equitable manner that is sensitive to their needs. The workshops are well received, with 87 per cent of staff having completed the training. Planning is underway to develop a workshop that is specific to managers and team leaders.

Additional training is provided to staff working in public facing roles. These teams are highly competent and experienced in providing excellent customer service and use appropriate techniques when dealing with people, or handling complaints. Our complaints handling procedure acknowledges that people with disabilities may require additional assistance to make a complaint. Staff are advised to be sensitive and seek assistance from a senior manager when required. People can lodge a complaint in person or via post, email or phone. An electronic feedback form is also located on our website.

In December 2020, we moved our website to the all-of-government platform, [WA.gov.au](#). The website has been designed for usability and meets the Government of Western Australia’s accessibility standards. This ensures that people can access our information in a format that is appropriate to their needs. People can also request information to be provided in alternative formats as well.

Employment

The ODPP is an equal employment opportunity employer. We encourage Indigenous Australians, young people, people with disabilities, people from culturally diverse backgrounds and women, to apply for positions with us. Our recruitment process accommodates people with disability by ensuring interview facilities are fully accessible and additional time and/or resources are provided, as required.

In August 2019, a public sector trainee with a disability commenced with the ODPP. He has since successfully completed his studies and has recently secured a permanent position with the ODPP. We also have a visually impaired member of staff. The majority of floors within our tenancy have identical layouts and design, which assist him and his guide dog to navigate. We have also catered for his needs at various points through his employment with us, including adjusting his workload by collating his court sessions to minimise the number of journeys between the office and the court.



Staff development

As part of our commitment to fostering a learning environment, the ODPP offers our staff numerous learning and development opportunities.

Throughout 2020-21 workshops, seminars and information sessions were presented by our own experienced prosecutors or external speakers on a range of legal and non-legal topics. All staff are encouraged to attend these development sessions, as they are an excellent way to broaden their knowledge, skills and capabilities.

We assist our prosecutors to fulfil their continuing professional development obligations through holding regular continuing legal education (CLE) seminars. Most CLEs are recorded, providing a good resource for future reference. In 2020-21, over 35 CLE sessions focussed on specific areas of the law, while a further 10 sessions focussed on the use of information technology in a legal setting. Additionally, with the demand for video-conferencing rising, a number of sessions were held demonstrating the best use of Webex technology.

Workshops on topics such as anxiety, domestic violence and disability awareness were presented by people with lived experience of the relevant subject-matter and aimed to give staff an enlightening insight into each area. Additional information sessions relating to cultural awareness and mental health were offered throughout the year, including topics such as the Noongar culture and language, awareness about the challenges of language when communicating with Aboriginal people, the importance of mental health, and managing change. Health and safety training focussed on the issues surrounding the management of mental health in the workplace, with a suite of presentations by subject-matter experts, including employment lawyers and a consultant psychiatrist.

In July 2020, over 50 mid-level state prosecutors attended an in-house specialist advocacy course, which was designed and run by experienced prosecutors, and focussed on the issues surrounding the prosecution of sexual offences. In January 2021, almost 30 junior prosecutors participated in an intensive two-day junior advocacy course, again run in-house. This practical and theoretical training program was designed and facilitated by more senior prosecutors, giving our junior prosecutors an opportunity to develop their skills in criminal prosecutions in a safe and supportive environment. Staff who have legal qualifications but are not currently employed as lawyers also attended the presentations.

We continued to provide support for staff in their management and leadership development. In 2020-21 this focussed on better equipping our managers and leaders to operate within a public sector environment and included a governance session aimed at members of committees as well as workshops on managing change and building and leading high-performing teams.

The ODPP supports eligible staff who are undertaking self-education through offering a variety of study assistance options, including study leave and partial reimbursement of fees. In 2020-21, we supported 10 staff through our study assistance scheme to start or continue their studies. Three paralegal staff completed their compulsory period of legal work experience under the supervision of a senior prosecutor, enabling them to complete their Practical Legal Training. Additionally, throughout the year, the ODPP has provided opportunities for prosecutors to attend external seminars and workshops conducted by organisations such as the Law Society of WA, Criminal Lawyers Association, the Piddington Society and Legal Aid WA.

Recordkeeping

We recognise records form our corporate memory and, as such, facilitate responsible decision-making, effective policy development, accountability and transparency of governance.

We are committed to information management practices that are of a professional standard and comply with the [State Records Act 2000](#) and the [State Records Commission set of standards](#). Our primary means of providing evidence of compliance with the relevant legislation and implementation of best practice relating to information management is our Recordkeeping Plan.

Our Recordkeeping Plan sets out which records are to be created and how these are to be kept. It also provides an accurate reflection of our information management program, including information regarding our electronic document and records management system (EDRMS), disposal arrangements, policies, practices and processes. The ODPP's Recordkeeping Plan and Retention and Disposal Schedule were approved by the State Records Commission in 2017. A review of both will be undertaken in 2022.

All staff at the ODPP are responsible for ensuring that they are aware of, and comply with, our information management standards, policies and procedures. Staff awareness of their roles and responsibilities is included in our induction program. All new and returning employees (who have been absent from the ODPP for a period greater than 12 months) complete this program. Individualised practical training is also provided to staff, which is tailored to their specific roles and prior information management experience.

At the conclusion of each induction session, participants are required to indicate that they understand their information management responsibilities and agree to abide by our recordkeeping plan. Feedback is sought from all attendees regarding the quality of the induction and how it could be improved. In response to feedback about our induction program, and to provide greater efficiency and effectiveness in its delivery, an online information management awareness module is being developed with implementation planned for early 2022.

Improvements in information management handling practices have resulted in a greater awareness of information management responsibilities across the ODPP, particularly with the application of the ODPP Information Security Classification Policy. This policy is available on our intranet, along with information about various other aspects of our information management program. The information is reviewed on a regular basis to ensure accuracy and currency. Staff are made aware when changes are made, as well as having any issues highlighted or particular information management matters brought to their attention. Information management staff are also on hand to provide assistance in addressing any specific topics of concern.

The efficiency and effectiveness of our EDRMS has been evaluated and is reviewed from time to time in accordance with the relevant guidelines. The timeframes taken for file close off and exhibit disposals indicate that the system is practical and functional. Our onsite file storage areas are reviewed on a quarterly basis.

The ODPP currently operates a hybrid information management environment; in that, our administrative and ministerial files are captured electronically while our prosecution and legal case files are a mixture of electronic and hardcopy. Our case management system, Justware, manages our legal case files. Justware is integrated with our EDRMS (CM9). The ODPP continues to explore ways to improve our practices to receive, capture, classify, manage and secure documents electronically through our case management system and EDRMS. Active steps are being taken to reduce the need to manage physical administrative records, in accordance with the State Records Office guidelines.

Managing the growing number of evidentiary and case materials in electronic format continues to be a significant challenge for the ODPP and other agencies in the criminal justice system. We continue to work with the Western Australia Police Force and other justice agencies on initiatives in this critical area.

Complaints handling

As part of our commitment to provide the highest quality prosecution service to the people of Western Australia, the ODPP welcomes feedback from its stakeholders, including as victims of crime, witnesses and other participants in the criminal justice system.

Over the 2020-21 financial year, the ODPP received a total of 10 external complaints relating to ODPP matters and staff, all of which were resolved.

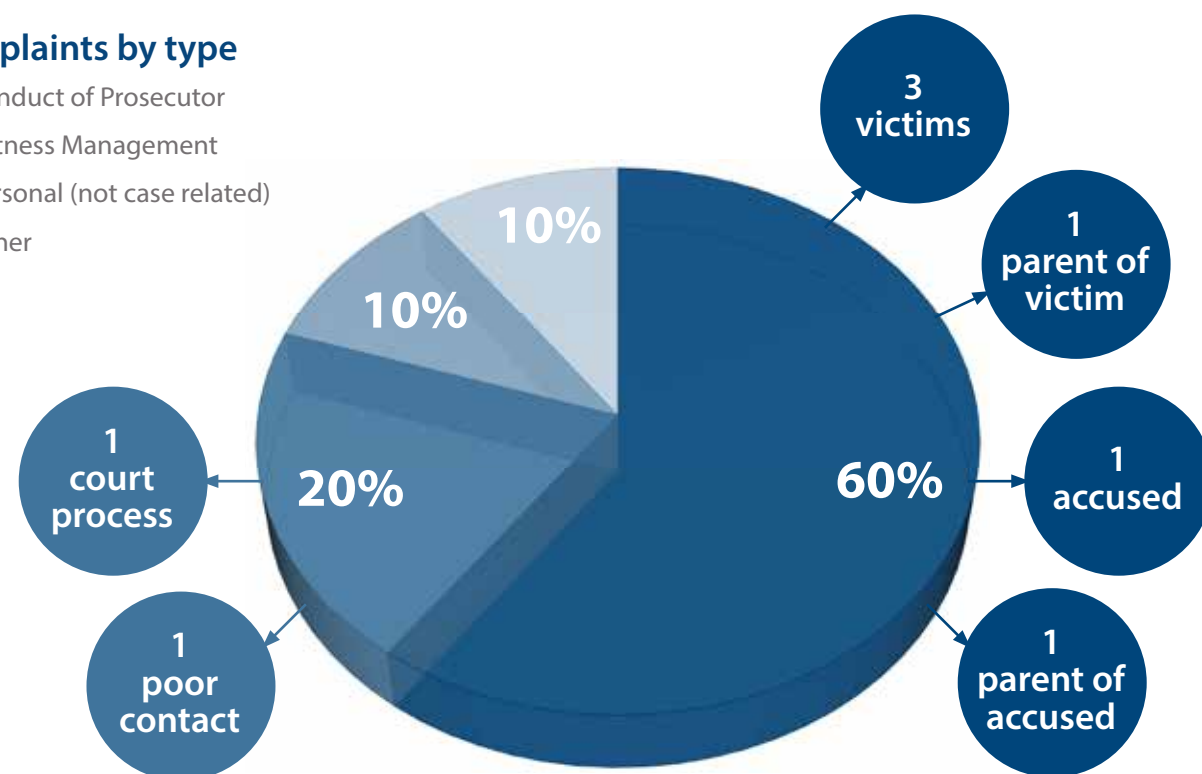
Of the 10 complaints, six pertained to the conduct of State Prosecutors in court proceedings and/or decisions made by the State. The concerns raised by victims or their parents included dissatisfaction with the outcome of proceedings and misunderstandings about evidentiary requirements. Complaints were also received from an accused and the parent of an accused regarding the adversarial nature of questioning in court.

Two complaints were received from witnesses called to give evidence at unrelated trials regarding witness preparation prior to court attendances and the lack of communication. The matters resulted in improvements being implemented in the management of witnesses and communication practices by the ODPP.

Further, the ODPP received one complaint from an accused who was arrested for breaching their bail by failing to report as required. One complaint was also received about the conduct of a State Prosecutor in a personal matter.

Complaints by type

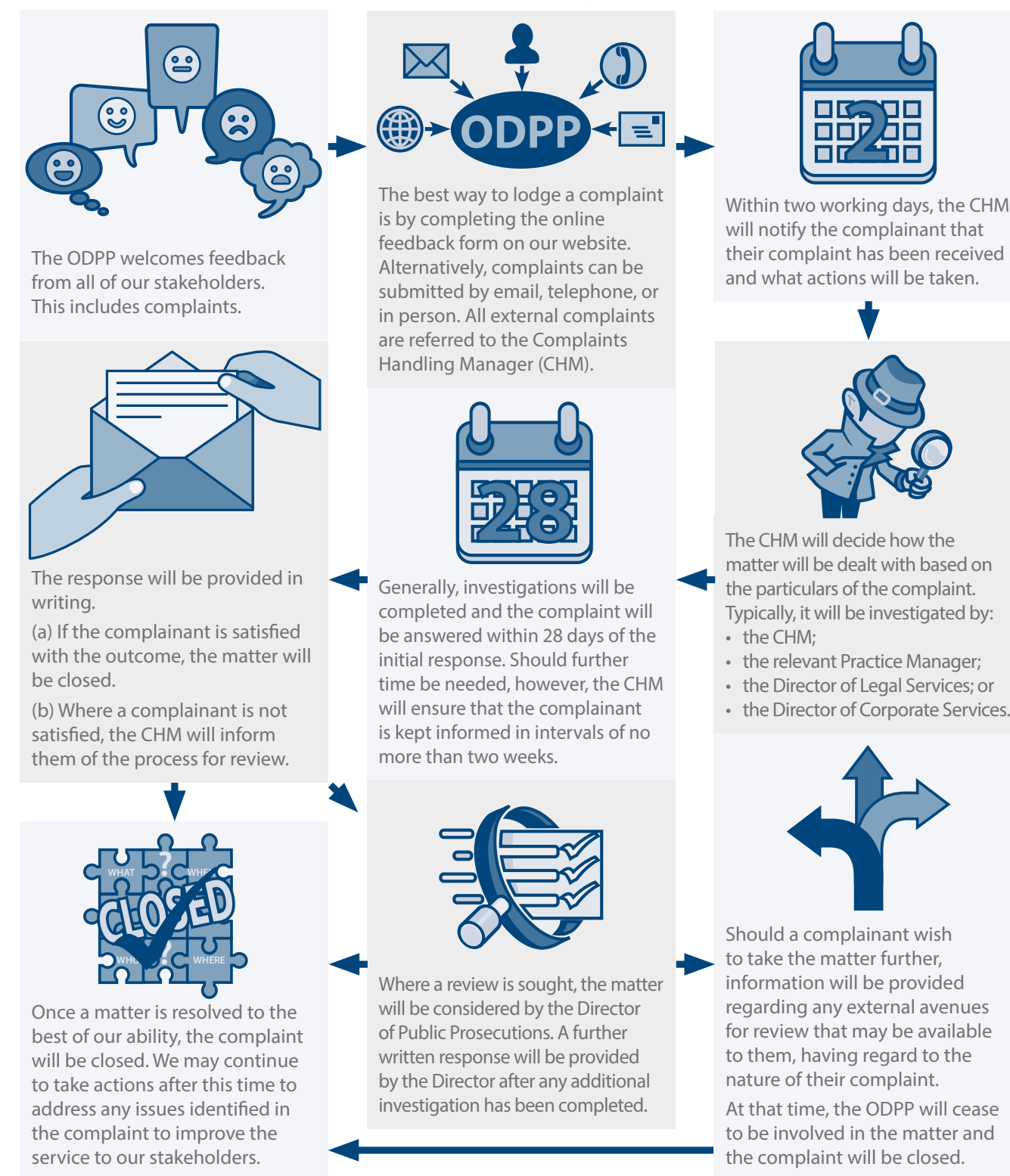
- Conduct of Prosecutor
- Witness Management
- Personal (not case related)
- Other



In May 2021, we reviewed our external Complaints Handling Policy and Procedures to better reflect the high standard of service we aim to provide to the community.

To that end, we have implemented a centralised complaints management process and allocated a Complaints Handling Manager, who is part of the Director's Executive Chambers.

How external complaints are to be dealt with by the ODPP



Occupational safety, health and injury management

The ODPP is working to ensure our staff have a safe and healthy workplace, and one that is free from work-related injuries and diseases. This commitment is supported by senior management, executives and the Director.

This financial year saw the appointment of more Safety and Health Representatives (SHR) at the ODPP. SHRs play an important role, as they are a vital link between management and employees in identifying and resolving safety and health issues. The establishment of these additional SHRs was initiated and supported by executive. An internal nomination and electoral process was run at the end of 2020, with the successful candidates completing their training in May 2021.

Staff have been made aware of who the SHRs are and how to contact them, as well as their own responsibilities when it comes to reporting workplace hazards, incidents or accidents. The assistance and support of staff help the SHRs to ensure that we have a safe and healthy workplace. Our Building and Security Services branch receive and respond to issues relating to our working environment.

Some of the first activities the SHRs are undertaking are: a review of all occupational safety and health (OSH) policies, procedures and practices to ensure they are correct and current; establishing an OSH committee that has representation from across the organisation with executive acting in an advisory capacity; and, conducting an audit of our workplace health and safety management system using the criteria set out in [AS/NZS ISO 45001:2018, Occupational health and safety management systems – Requirements with guidance](#).

The ODPP is committed to providing an effective injury management process, one that adheres to the requirements of the [Workers’ Compensation and Injury Management Act 1981](#) and, in the event of a work-related injury or illness, assists employees to return to work as soon as medically appropriate.

Our Workers’ Compensation and Injury Management Policy and Procedure outline a structured systemic approach to injury management to ensure employees can remain or return to work in a managed and safe way. This includes the development of individual return to work programs, in accordance with the prescribed medical information from treating experts.

The ODPP introduced a range of OSH initiatives for the 2020-21 financial year. To reduce the risk of manual handling injury, when transporting court materials, a variety of custom made trolleys, and a fit for purpose vehicle were secured. Additionally, the staff who are responsible for moving large amounts of court materials were provided with a refresher on correct manual handling techniques. And, to encourage staff to reduce their sedentary time, all workstations are equipped with sit-stand functionality.



Measures	Results			Targets	Comments about targets
	Base year*	Prior year	Current reporting year		
Number of fatalities	0	0	0	0	The ODPP has had 0 fatalities.
Lost time injury and disease incidence rate**	0.39	0.37	0.33	0 or 10% reduction in incidence rate	While the incidence of lost time injuries at the ODPP is low, we are continually looking at improving practices.
Lost time injury and severity rate	100%	0%	0%	0 or 10% reduction in severity rate	This severity rate relates to one employee being off work for an extended period of time.
Percentage of injured workers returned to work					
(i) within 13 weeks	0%	100%	0%		
(ii) within 26 weeks	0%	100%	0%	Greater than or equal to 80%	The current employee is close to returning to work in a full capacity.
Percentage of managers trained in occupational safety, health and injury management responsibilities, including refresher training within 3 years	3%	12%	3%	Greater than or equal to 80%	A review of OSH training will be undertaken during 2021-22.

* The performance reporting examines a three-year trend and, as such, the comparison base year is to be two years prior to the current reporting year.

**Results relate to injured workers whose accident date occurred during the respective reporting year and who returned to their pre-injury duties and hours.

COVID-19 saw the continuation of staff being provided with appropriate personal protective equipment for their role. During lockdowns, staff were supported to work from home. Additional touch point sanitising continued to occur throughout our buildings as well as the regular sanitising and cleaning of ODPP operational vehicles.

Improvements have been made in the safety and security of staff who work in public facing roles. Staff working in our reception areas are protected by purpose designed counters. A dedicated room safeguards the receipt of police disclosure and evidence drop off. Specifically designed public interview rooms have also been provided, which have live CCTV monitoring, duress alarms and emergency exit doors.

National Strategic Plan for Asbestos Awareness and Management 2019-2023

The [National Strategic Plan for Asbestos Awareness and Management 2019-2023](#) aims to eliminate asbestos-related diseases in Australia by preventing exposure to asbestos fibres. All state and local government organisations are required to report on their progress in achieving Western Australia’s targets in relation to asbestos awareness, management and removal.

The ODPP does not own any buildings, land or infrastructure. We have completed the WA NSP 2019-2023 reports as required.



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Disclosures and Legal Compliance

Financial statements

Certification of financial statements

For the reporting period ended 30 June 2021

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 2021 and the financial position as at 30 June 2021.

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.


Leighton Beeck FCPA
Chief Finance Officer
9 September 2021


Amanda Forrester SC
Accountable Authority
9 September 2021



Auditor General

INDEPENDENT AUDITOR'S OPINION
2021

Office of the Director of Public Prosecutions

To the Parliament of Western Australia

Report on the audit of the financial statements

Opinion

I have audited the financial statements of the Office of the Director of Public Prosecutions (Office) which comprise:

- the Statement of Financial Position at 30 June 2021, and the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended
- 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 2021 and the financial position at the end of that period
- in accordance with Australian Accounting Standards, the Financial Management Act 2006 and the Treasurer's Instructions.

Basis for opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my report.

I am independent of the Office in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional & Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (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.

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7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500

Responsibilities of the Director for the financial statements

The Director is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as they determine 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 entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- 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 responsibilities 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. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf.

Report on the audit of 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 2021.

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 involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an 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 in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance 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 audit of 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 2021. 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 Office's performance and fairly represent indicated performance for the year ended 30 June 2021.

The Director's responsibilities 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 responsibilities

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.

Other information

Those charged with governance are responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2021, but not the financial statements, key performance indicators and my auditor's report.

My opinions do not cover the other information and, accordingly, I do not express any form of assurance conclusion thereon.

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

This auditor's report relates to the financial statements, controls and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2021 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, controls 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, controls or key performance indicators. If users of the financial statements, controls 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, controls and key performance indicators.



Sandra Labuschagne
Deputy Auditor General
Delegate of the Auditor General for Western Australia
Perth, Western Australia
10 September 2021

Statement of comprehensive income

For the year ended 30 June 2021

	Notes	2021 (\$'000)	2020 (\$'000)
COST OF SERVICES			
Expenses			
Employee benefits expense	2.1(a)	39,558	36,901
Supplies and services	2.2	5,555	4,451
Depreciation and amortisation expense	4.1.1, 4.2, 4.3.1	650	790
Accommodation expenses	2.2	4,796	4,654
Other expenses	2.2	3,048	2,100
Total cost of services		53,607	48,896
Income			
Other Income	3.2	253	670
Total Income		253	670
Total income other than income from State Government		253	670
NET COST OF SERVICES		53,354	48,226
Income from State Government			
Service Appropriation	3.1	43,643	41,705
Contribution from Confiscation Proceeds Account	3.1	7,164	7,234
Services received free of charge	3.1	793	696
Total income from State Government		51,600	49,635
(DEFICIT) / SURPLUS FOR THE PERIOD		(1,754)	1,409
OTHER COMPREHENSIVE INCOME		-	-
TOTAL (DEFICIT) /COMPREHENSIVE INCOME FOR THE PERIOD		(1,754)	1,409

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

Statement of financial position

For the year ended 30 June 2021

	Notes	2021 (\$'000)	2020 (\$'000)
ASSETS			
Current Assets			
Cash and cash equivalents	6.3	2,039	5,611
Restricted cash and cash equivalents	6.3	1,924	-
Receivables	5.1	2,235	2,442
Amounts receivable for services	5.2	1,000	1,000
Other current assets	5.3	951	180
Total Current Assets		8,149	9,233
Non-Current Assets			
Restricted cash and cash equivalents	6.3	690	529
Amounts receivable for services	5.2	5,583	4,766
Plant and equipment	4.1	977	880
Right-of-use assets	4.2	278	296
Intangible assets	4.3	339	702
Total Non-Current Assets		7,867	7,173
TOTAL ASSETS		16,016	16,406
LIABILITIES			
Current Liabilities			
Payables	5.4	1,524	1,365
Lease Liabilities	6.1	101	136
Employee related provisions	2.1(b)	7,641	6,736
Other Provisions	5.5	-	126
Total Current Liabilities		9,266	8,363
Non-Current Liabilities			
Lease Liabilities	6.1	201	182
Employee related provisions	2.1(b)	2,535	2,093
Total Non-Current Liabilities		2,736	2,275
TOTAL LIABILITIES		12,002	10,638
NET ASSETS		4,014	5,768
EQUITY			
Contributed Equity	8.6	7,138	7,138
Accumulated surplus/(deficit)		(3,124)	(1,370)
TOTAL EQUITY		4,014	5,768

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

Statement of changes in equity

For the year ended 30 June 2021

	Notes	Contributed Equity (\$000)	Reserves (\$000)	Accumulated surplus/ (deficit) (\$000)	Total Equity (\$000)
Balance at 1 July 2019		7,138	-	(2,779)	4,359
Surplus/(deficit)		-	-	1,409	1,409
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	1,409	1,409
Balance at 30 June 2020	8.6	7,138	-	(1,370)	5,768
Balance at 1 July 2020		7,138	-	(1,370)	5,768
Surplus/(deficit)		-	-	(1,754)	(1,754)
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	(1,754)	(1,754)
Balance at 30 June 2021	8.6	7,138	-	(3,124)	4,014

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

Statement of cash flows

For the year ended 30 June 2021

	Notes	2021 (\$000)	2020 (\$000)
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		42,426	40,805
Contributions from Confiscation Proceeds Account		7,606	5,812
Holding account drawdowns		400	187
Net cash provided by State Government		50,432	46,804
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(37,607)	(35,833)
Supplies and services		(13,699)	(10,762)
GST payments on purchases		(1,345)	(1,129)
Receipts			
Receipts from services		253	670
GST receipts on sales		10	9
GST receipts from taxation authority		1,026	838
Net cash provided by/(used in) operating activities		(51,362)	(46,206)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current assets		(409)	(1,171)
Net cash provided by/(used in) investing activities		(409)	(1,171)
CASH FLOWS FROM FINANCING ACTIVITIES			
Payments			
Principal elements of lease payments		(149)	(161)
Net cash provided by/(used in) financing activities		(149)	(161)
Net increase/(decrease) in cash and cash equivalents		(1,487)	(735)
Cash and cash equivalents at the beginning of the period		6,140	6,875
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	6.3	4,653	6,140

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

Summary of consolidated account appropriations and income estimates

For the year ended 30 June 2021

	2021 Estimate (\$000)	2021 Actual (\$000)	Variance (\$000)	2020 Estimate (\$000)	2020 Actual (\$000)	Variance (\$000)
<i>Delivery Services</i>						
Item 67 Net amount appropriated to deliver services	39,407	39,880	473	37,745	38,390	645
Amount Authorised by Other Statutes						
• Salaries and Allowances Act 1975	3,763	3,763	-	3,315	3,315	-
Total appropriations provided to deliver services	43,170	43,643	473	41,060	41,705	645
<i>Capital</i>						
Capital appropriations	146	-	(146)	2,567	-	(2,567)
GRAND TOTAL	43,316	43,643	327	43,627	41,705	(1,922)

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

Notes to the financial statements

1. Basis of preparation

The Office is a WA Government entity and is controlled by the State of Western Australia, 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 9 September 2021.

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.

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.

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	2021 (\$000)	2020 (\$000)
Employee benefits expenses	2.1(a)	39,558	36,901
Employee related provisions	2.1(b)	10,176	8,829
Other expenditure	2.2	13,399	11,205

2.1(a) Employee benefits expenses

	2021 (\$000)	2020 (\$000)
Short-term employee benefits ^(a)	36,253	33,821
Termination benefits	-	-
Superannuation – defined contribution plans ^(b)	3,305	3,080
Total employee benefits expenses	39,558	36,901
Add: AASB 16 Non-monetary benefits ^(c)	142	169
Less: Employee Contributions	(91)	(80)
Net employee benefits	39,609	36,990

(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.

	2021 (\$000)	2020 (\$000)
Current		
<i>Employee benefits provisions</i>		
Annual leave ^(a)	3,528	3,043
Long service leave ^(b)	4,027	3,564
Deferred salary scheme ^(c)	72	117
	7,627	6,724
<i>Other provisions</i>		
Employment on-costs ^(d)	14	12
Total current employee related provisions	7,641	6,736
Non-current		
<i>Employee benefits provisions</i>		
Long service leave ^(b)	2,530	2,089
<i>Other provisions</i>		
Employment on-costs ^(d)	5	4
Total non-current employee related provisions	2,535	2,093
Total employee related provisions	10,176	8,829

(a) **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.

(b) **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.

(c) **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.

(d) **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'.

	2021 (\$000)	2020 (\$000)
Employment on-costs provision		
Carrying amount at start of period	16	15
Additional/(reversals of) provisions recognised	3	1
Carrying amount at end of the period	19	16

Financial Statements

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

	2021 (\$000)	2020 (\$000)
Supplies and services		
Communications	279	234
Consultants and contractors	3,301	2,101
Consumables	1,018	1,221
Travel	317	290
Other	640	605
Total supplies and services expenses	5,555	4,451
Accommodation expenses		
Rental ^(a)	4,445	4,043
Repairs and maintenance	351	611
Total accommodation expenses	4,796	4,654
Other		
Witness expenses	647	658
Vehicle maintenance	105	98
Litigation costs	148	202
External brief out expense	2,019	869
Impairment losses	17	136
Other expenses ^(b)	112	137
Total other expenses	3,048	2,100
Total other expenditure	13,399	11,205

(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:

- Short-term leases with a lease term of 12 months or less;
- Low-value leases with an underlying value of \$5,000 or less; and
- 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	2021 (\$000)	2020 (\$000)
Income from State Government	3.1	51,600	49,635
Other Revenue	3.2	253	670

3.1 Income from State Government

	2021 (\$000)	2020 (\$000)
Appropriation received during the period:		
Service appropriations ^(a)	43,643	41,705
Contributions from Confiscation Proceeds Account ^(b)	7,164	7,234
	50,807	48,939
Services received free of charge from other State government agencies during the period ^(c)		
Department of Justice - Corporate and Solicitor services	645	653
Finance - Building and Management Works	77	13
Landgate - Valuation services	71	30
Total services received	793	696
Total income from State Government	51,600	49,635

(a) **Service Appropriations** are recognised as income 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.

(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) **Resources received free of charge** from other public sector entities are recognised as income (and assets or expenses) equivalent to the fair value of the assets, or the fair value of those services that can be reliably determined and which would have been purchased if not donated.

3.2 Other Income

	2021 (\$000)	2020 (\$000)
Contributions to motor vehicle scheme	91	80
Workers' compensation	60	135
Recoup	83	442
Other income	19	13
	253	670

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	2021 (\$000)	2020 (\$000)
Plant and equipment	4.1	977	880
Right-of-use assets	4.2	278	296
Intangibles	4.3	339	702
Total key assets		1,593	1,878

4.1 Plant and equipment

Plant and Equipment Asset Reconciliation Year Ended 30 June 2021	Leasehold improvements (\$000)	Computer hardware (\$000)	Office equipment (\$000)	Total (\$000)
1 July 2020				
Gross carrying amount	107	909	421	1,437
Accumulated depreciation	(85)	(290)	(182)	(557)
Accumulated Impairment Loss	-	-	-	-
Carrying amount at start of period	22	619	239	880
Additions	-	388	21	409
Impairment losses	-	(14)	(3)	(17)
Depreciation	(5)	(213)	(77)	(295)
Carrying amount at 30 June 2021	17	780	180	977
Gross carrying amount	107	1,297	442	1,846
Accumulated depreciation	(90)	(503)	(259)	(852)
Accumulated Impairment losses	-	(14)	(3)	(17)

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 cost or significantly less than fair value, 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).

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.

4.1.1 Depreciation and impairment

	Notes	2021 (\$000)	2020 (\$000)
<i>Depreciation</i>			
Leasehold improvements	4.1	5	266
Computer hardware	4.1	231	218
Office equipment	4.1	77	109
Total depreciation for the period		313	593

As at 30 June 2021 there were \$35,044 in impairment losses to property, plant and equipment or infrastructure. \$17,674 related to surface pro assets which were damaged and replaced under warranty with the impairment loss representing the cost of the replacement consistent with AASB116. The remainder of impairment losses 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 2021 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:

Asset	Useful life (years)
Leasehold improvements	7 to 13 years
Computer equipment	3 to 4 years
Office equipment	3 to 5 years
Software ^(a)	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.

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.

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

	2021 (\$000)	2020 (\$000)
Right-of-use assets		
Vehicles	278	296
Net carrying amount at end of period	278	296

Additions to right-of-use assets during the 2021 financial year were \$135,778 (2020: \$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:

	2021 (\$000)	2020 (\$000)
Vehicles	142	168
Total right-of-use asset depreciation	142	168
Lease interest expense (see note 6.2)	9	9

The total cash outflow for leases in 2021 was \$275,490 (2020: \$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.

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 2021	Licences (\$000)	Computer Software (\$000)	Total (\$000)
1 July 2020			
Gross carrying amount	48	682	730
Accumulated amortisation	(22)	(7)	(29)
Accumulated impairment losses	-	-	-
Carrying amount at start of period	26	675	702
Gross Carrying Amount	26	675	702
Additions	-	-	-
Works in progress written off	-	(167)	(167)
Amortisation expense	(22)	(174)	(196)
Carrying amount at 30 June 2021	4	334	339
Gross carrying amount	48	515	563
Accumulated amortisation	(44)	(180)	(224)

Initial recognition

Intangible assets are initially recognised at cost. For assets acquired at no cost or significantly less than fair value, 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:

- the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- an intention to complete the intangible asset, and use or sell it;
- the ability to use or sell the intangible asset;
- the intangible asset will generate probable future economic benefit;
- the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- 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

	2021 (\$000)	2020 (\$000)
Licences	22	22
Computer software	174	7
Total amortisation for the period	196	29

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.

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:

	Notes	2021 (\$000)	2020 (\$000)
Receivables	5.1	2,235	2,442
Amounts receivable for services	5.2	6,583	5,766
Other current assets	5.3	951	180
Payables	5.4	1,524	1,365
Other provisions	5.5	-	126

5.1 Receivables

	2021 (\$000)	2020 (\$000)
<i>Current</i>		
Receivables	2,236	2,004
GST Receivable	(1)	438
Total current	2,235	2,442
Total receivables	2,235	2,442

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)

	2021 (\$000)	2020 (\$000)
Current	1,000	1,000
Non-Current	5,583	4,766
	6,583	5,766

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

	2021 (\$000)	2020 (\$000)
<i>Current</i>		
Prepayments	951	180
Total current	951	180

5.4 Payables

	2021 (\$000)	2020 (\$000)
<i>Current</i>		
Trade payables	292	118
Accrued expenses	699	833
Accrued salaries	529	402
Other current liabilities	3	12
Total current	1,524	1,365

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

	Notes	2021 (\$000)	2020 (\$000)
<i>Current</i>			
Restoration provision	5.5.1	-	126
Total current		-	126

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 had 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.

5.5.1 Movement in provisions

	Notes	2021 (\$000)	2020 (\$000)
<i>Restoration provisions</i>			
Carrying amount at start of period		126	61
Additional/(reversals of) provisions recognised		(126)	65
Unwinding of the discount		-	-
Carrying amount at end of period		-	126

6. Financing

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

	Notes
Lease liabilities	6.1
Finance Costs	6.2
Cash and cash equivalents	6.3
Commitments	6.4

6.1 Lease liabilities

	2021 (\$000)	2020 (\$000)
Current	101	136
Non Current	201	182
	302	318

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

	2021 (\$000)	2020 (\$000)
Finance costs		
Lease interest expense ^(a)	9	9
Balance at end of period	9	9

(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

	2021 (\$000)	2020 (\$000)
Cash advances	2	2
Cash and cash equivalents	2,037	5,609
Restricted cash and cash equivalents		
• Accrued salaries suspense account ^(a)	690	529
• Asset investment plan account ^(b)	1,924	-
Balance at end of period	4,653	6,140

(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.

(b) Funds held for purchase of property, plant & equipments.

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

	2021 (\$000)	2020 (\$000)
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	69	33
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	69	33

The totals presented for capital commitments are GST inclusive.

7. Financial instruments and contingencies

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

	Notes
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:

	2021 (\$000)	2020 (\$000)
<i>Financial Assets</i>		
Cash and cash equivalents	2,039	5,611
Restricted cash and cash equivalents	2,614	529
Financial assets at amortised cost (a)	8,819	7,770
Total financial assets	13,472	13,910
<i>Financial Liabilities</i>		
Financial liabilities at amortised cost (a)	1,524	1,365
Total financial liability	1,524	1,365

(a) Financial assets and financial liabilities 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 2021.

8. Other disclosures

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

	Notes
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

AASB 1059 Service Concession Agreements: Grantors

AASB 1059 introduces the accounting treatment for assets in service concession arrangements from the perspective of public sector grantors. The standard defines a service concession arrangement and provide guidance on the recognition and measurement requirements.

Determining whether an arrangement is a service concession requires significant judgement and should be assessed on an asset by asset basis. There is no one size fits all approach and the characteristics of each potential service concession arrangement should be considered.

The adoption of AASB 1059 has no impact on the office's financial statements as ODPP does not hold any service concession asset agreements.



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(\$)	2021 (\$000)	2020 (\$000)
200,001 - 210,000	-	1
210,001 - 220,000	-	-
220,001 - 230,000	1	-
230,001 - 240,000	-	-
250,001 - 260,000	-	-
310,001 - 320,000	1	-
320,001 - 330,000	-	-
330,001 - 340,000	-	-
350,001 - 360,000	-	1
360,001 - 370,000	-	1
370,001 - 380,000	1	1
380,001 - 390,000	-	1
400,001 - 410,000	-	-
410,001 - 420,000	2	1
420,001 - 430,000	1	-
440,001 - 450,000	-	-
470,001 - 480,000	1	-
490,001 - 500,000	-	1
560,001 - 570,000	-	-
570,001 - 580,000	-	1
580,001 - 590,000	-	-
590,001 - 600,000	-	-
600,001 - 610,000	1	-
	2021 (\$000)	2020 (\$000)
Short-term employee benefits	2,820	2,672
Post-employment benefits	446	510
Other long-term benefits	(3)	(7)
Termination benefits	-	-
Total compensation of senior officers	3,263	3,175

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:

	2021 (\$000)	2020 (\$000)
Auditing the accounts, financial statements, controls, and key performance indicators	44	44

8.6 Equity

	2021 (\$000)	2020 (\$000)
Contributed Equity		
Balance at start of period	7,138	7,138
Contributions by owners	-	-
Capital appropriation	-	-
Total contributions by owners	-	-
Distribution to owners	-	-
Balance at end of period	7,138	7,138

8.7 Supplementary financial information

(a) Write-offs

During the financial year, \$2,344 (2020: \$nil) was written off as bad debts under the authority of the Accountable Authority.

(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 2021, and between the actual results for 2021 and 2020 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

	Variance Notes (\$000)	Estimate 2021 (\$000)	Actual 2021 (\$000)	Actual 2020 (\$000)	Variance between estimate and actual (\$000)	
Expenses						
Employee benefits expense	1.1,2.1	37,146	39,558	36,901	2,412	2,657
Supplies and services	2.2	2,794	5,555	4,451	2,761	1,104
Depreciation and amortisation expense		1,217	650	790	(567)	(140)
Accommodation expenses		4,254	4,796	4,654	542	142
Finance and interest costs		13	-	-	(13)	-
Other expenses	2.3	4,252	3,048	2,100	(1,204)	948
Total cost of services		49,676	53,607	48,896	3,931	4,711
Income						
Other revenue		50	253	670	203	(417)
Total Revenue		50	253	670	203	(417)
Total income other than income from State Government		50	253	670	203	(417)
NET COST OF SERVICES		49,626	53,354	48,226	3,728	5,128
Income from State Government						
Service Appropriation	1.2	43,475	43,643	41,705	168	1,938
Contribution from Confiscation Proceeds Account	2.4	5,600	7,164	7,234	1,564	(69)
Services received free of charge		793	793	696	0	97
Total income from State Government		49,868	51,600	49,635	1,732	1,966
SURPLUS/(DEFICIT) FOR THE PERIOD		242	(1,754)	1,409	(1,996)	(3,162)
OTHER COMPREHENSIVE INCOME						
		-	-	-	-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		242	(1,754)	1,409	(1,996)	(3,162)

8.8.2 Statement of financial position variances

	Variance Notes (\$000)	Estimate 2021 (\$000)	Actual 2021 (\$000)	Actual 2020 (\$000)	Variance between estimate and actual (\$000)	
					actual results 2021 and 2020 (\$000)	
ASSETS						
Current Assets						
Cash and cash equivalents	1.3 , 2.5	4,717	2,039	5,611	(2,678)	(3,571)
Restricted cash and cash equivalents		-	1,924	-	1,924	1,924
Receivables		2,442	2,235	2,442	(207)	(207)
Amounts receivable for services		1,000	1,000	1,000	-	-
Other current assets		180	951	180	771	771
Total Current Assets		8,339	8,149	9,233	(190)	(1,083)
Non-Current Assets						
Restricted cash and cash equivalents	1.4 , 2.6	529	690	529	161	161
Amounts receivable for services		5,624	5,583	4,766	(41)	817
Plant and equipment		663	977	880	314	97
Right-of-use assets		-	278	296	278	(18)
Intangible assets	2.7	1,799	339	702	(1,460)	(363)
Total Non-Current Assets		8,615	7,867	7,173	(748)	694
TOTAL ASSETS		16,954	16,016	16,406	(938)	(389)
LIABILITIES						
Current Liabilities						
Payables		649	1,524	1,365	875	159
Lease Liabilities		-	101	136	101	(35)
Employee related provisions		6,902	7,641	6,736	739	905
Other Provisions		508	-	126	(508)	(126)
Total Current Liabilities		8,059	9,266	8,363	1,207	903
Non-Current Liabilities						
Lease Liabilities		-	201	182	201	19
Provisions		2,129	2,535	2,093	406	442
Borrowings and leases		410	-	-	(410)	-
Total Non-Current Liabilities		2,539	2,736	2,275	197	461
TOTAL LIABILITIES		10,598	12,002	10,638	1,404	1,364
NET ASSETS		6,356	4,014	5,768	(2,342)	(1,753)
EQUITY						
Contributed Equity		7,284	7,138	7,138	(146)	-
Accumulated surplus/(deficit)		(1,128)	(3,124)	(1,370)	(1,996)	(1,754)
Other		200	-	-	(200)	-
TOTAL EQUITY		6,356	4,014	5,768	(2,342)	(1,754)

8.8.3 Statement of cash flows variances

	Variance Notes (\$000)	Estimate 2021 (\$000)	Actual 2021 (\$000)	Actual 2020 (\$000)	Variance between estimate and actual (\$000)	
					actual results 2021 and 2020 (\$000)	
CASH FLOWS FROM STATE GOVERNMENT						
Service appropriations	1.2	42,209	42,426	40,805	217	1,621
Contributions from Confiscation Proceeds Account	1.5 , 2.8	5,600	7,606	5,812	2,006	1,794
Capital appropriation		146	-	-	(146)	-
Holding account drawdowns		408	400	187	(8)	213
Net cash provided by State Government		48,363	50,432	46,804	2,069	3,628
Utilised as follows:						
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee benefits	1.1	(37,146)	(37,607)	(35,833)	(461)	(1,774)
Supplies and services	1.6 , 2.9	(10,473)	(13,699)	(10,762)	(3,226)	(2,937)
Finance and interest costs		(159)	-	-	159	-
GST payments on purchases		(840)	(1,345)	(1,130)	(505)	(216)
Receipts						
Receipts from services		50	253	670	203	(417)
GST receipts on sales		-	10	10	10	1
GST receipts from taxation authority		834	1,026	838	192	188
Net cash provided by/(used in) operating activities		(47,734)	(51,361)	(46,207)	(3,627)	(5,155)
CASH FLOWS FROM INVESTING ACTIVITIES						
Payments						
Purchase of non-current physical assets	1.7 , 2.10	(1,523)	(409)	(1,171)	1,114	762
Net cash provided by/(used in) investing activities		(1,523)	(409)	(1,171)	1,114	762
CASH FLOWS FROM FINANCING ACTIVITIES						
Payments						
Repayment of borrowings and leases		-	(149)	(161)	(149)	12
Net cash provided by/(used in) financing activities		-	(149)	(161)	(149)	12
Net increase/(decrease) in cash and cash equivalents		(894)	(1,487)	(735)	(593)	(752)
Cash and cash equivalents at the beginning of the period		6,140	6,140	6,875	-	(735)
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD		5,246	4,653	6,140	(593)	(1,487)

*Major Variance Narratives (Controlled Operations)***Variances between actual results for 2021 and 2020**

- 1.1 Increase in the significant workload demands for prosecution services to cater for the backlog of cases caused by the COVID-19 lockdown periods and the complexity of caseloads have resulted in an increase in employee benefits expense.
- 1.2 Increase due to the additional funding required for the Cost Demand Model funding for prosecution teams to meet workload demands.
- 1.3 Decrease due to the recognition of \$1.924m in current restricted cash for critical Asset Investment Program works and the increase in demand as mentioned in 1.1.
- 1.4 Increase due to the recognition of \$1.924m for the critical Asset Investment Program works.
- 1.5 Distributions from the Confiscations Fund for the 2019-20 period totalling \$1.8m for exceeded target collections contributed.
- 1.6 Supplies and Services cash movement due to an increase in ICT System Maintenance expenses associated with the movement to Office of the Digital Government's Digital WA Strategy.
- 1.7 Purchase of non-current physical assets decrease due to a timing difference in the Asset Investment Program.

Variances between estimate and actual for 2021

- 2.1 Increase due to the increase in demand for prosecution services to cater for the backlog of cases caused by the COVID-19 lockdown periods, the increase in the complexity of caseloads and an increase in annual leave and long service leave derived from the actuarial assessment.
- 2.2 Increase due to costs associated with the movement to the Office of Digital Government's Digital WA Strategy.
- 2.3 Distributions from the Confiscations Fund for the 2020-21 period totalling \$1.8m for exceeded target collections contributed.
- 2.4 Decrease due to the recognition of \$1.924m in current restricted cash for critical Asset Investment Program works and the increase in demand as mentioned in 2.1.
- 2.5 Increase due to the recognition of \$1.924m for the critical Asset Investment Program works.
- 2.6 Decrease due to the timing of the Asset Investment Program and delay in critical works due to Budget Process timings.
- 2.7 Distributions from the Confiscations Fund for the 2020-21 period totalling \$1.8m for exceeded target collections contributed.
- 2.8 Supplies and Services cash movement due to an increase in ICT System Maintenance expenses associated with the movement to Office of the Digital Government's Digital WA Strategy.
- 2.9 Decrease due to the Asset Investment Program works as mentioned in 2.6.
- 2.10 Decrease due to timing of projects within the Asset Investment Program.

Key Performance Indicators



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Certification of Key Performance Indicators

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the 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 2021.

Amanda Forrester SC
Accountable Authority
9 September 2021

Leighton Beeck FCPA
Chief Finance Officer
9 September 2021



Audited key performance indicators for the year ended 30 June 2021

The Office of the Director of Public Prosecutions (ODPP) prosecutes serious criminal offences in the Supreme Court, District Court, and before the Perth Children’s Court. The ODPP manages committal proceedings in the Perth Magistrates Court and also appears in all 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 Western Australia Police Force (WA Police).

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: Strong communities: Safe communities and supported families.

ODPP Desired Outcome	ODPP Services
That the 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 WA Police.
- Indicting the appropriate charges on the basis of that evidence; and
- Assessing whether the prosecution is in the public interest.

Senior paralegal staff play a significant role in preparing files and drafting indictments in less complex and uncontested 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

Key effectiveness indicators provide information on the extent to which agency level government desired outcomes have been achieved through the funding and production of agreed services.

Service 1 – Criminal Prosecutions

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

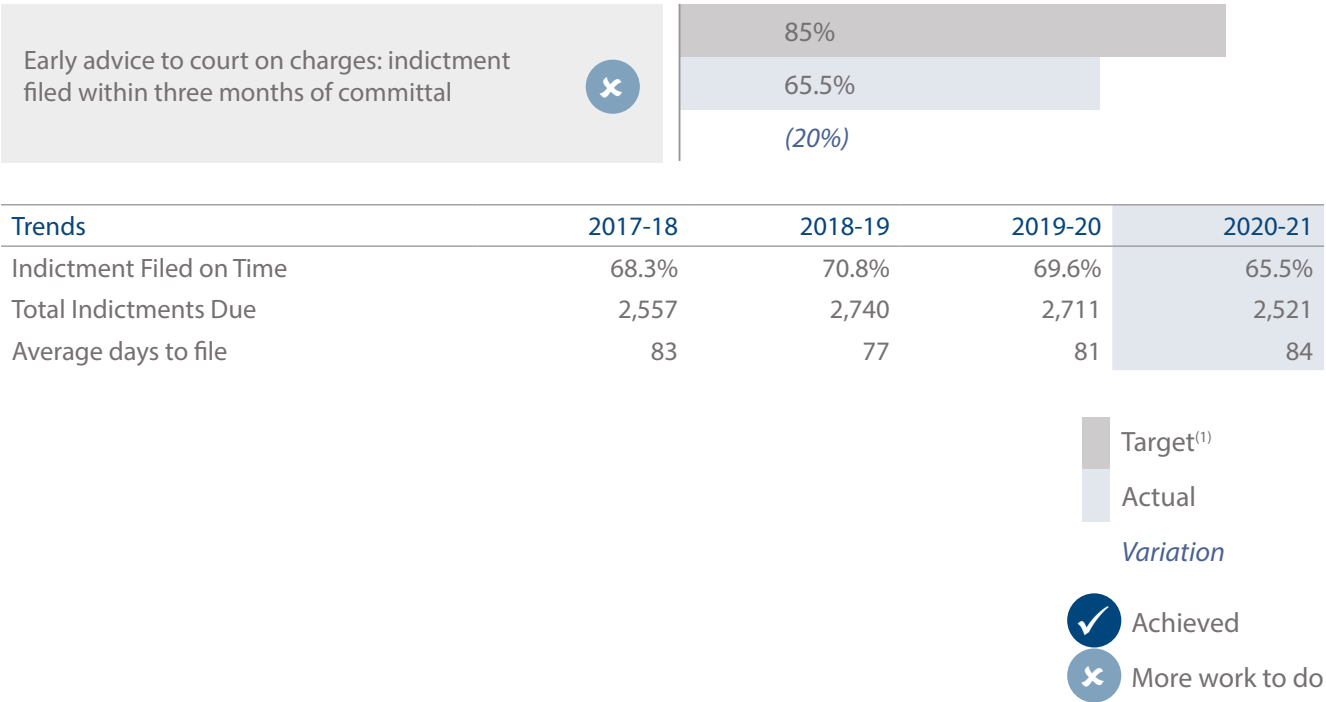
Relationship to Desired Outcome

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 filed, making this 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. An indictment becomes due 90 days after committal of an accused and the charges they face from the Magistrates Court to the Supreme or District Court.

Performance Outcome 2020-21

In 2020-21, there were 2,685 committals to the Supreme or District Court. Following case reviews, 164 of these matters were either remitted back to the Magistrates Court to be dealt with summarily, or wholly discontinued, prior to an indictment being filed. The remaining 2,521 committals resulted in an indictment being due during this reporting period. A total of 1,650 (or 65.5%) were filed with the court within three months of the date of committal.



Explanation between the target and actual performance

The number of indictments due decreased by 190 in 2020-21 to 2,521, a 7% reduction. This reduction is due to the impact of COVID-19 lockdowns on WA Police priorities and Court processes which have delayed the processing of cases to committal stage and caused the adjournment of committal hearings. The processing of this backlog of committals will present a challenge for the ODPP in 2021-22.

An average of 84 days for all indictments filed is within the 90-day performance indicator.

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

Several factors have led to delays in the filing of indictments in 2020-21, including:

- COVID-19 lockdowns that have impacted ODPP productivity, causing delays and backlogs.
- Negotiation of plea offers received from the accused.
- Further charges or co-accused awaiting committal.
- An increase in the volume of material received from WA Police in digital format which has taken additional time to upload, sort and assess.

2). Establishing a case to answer

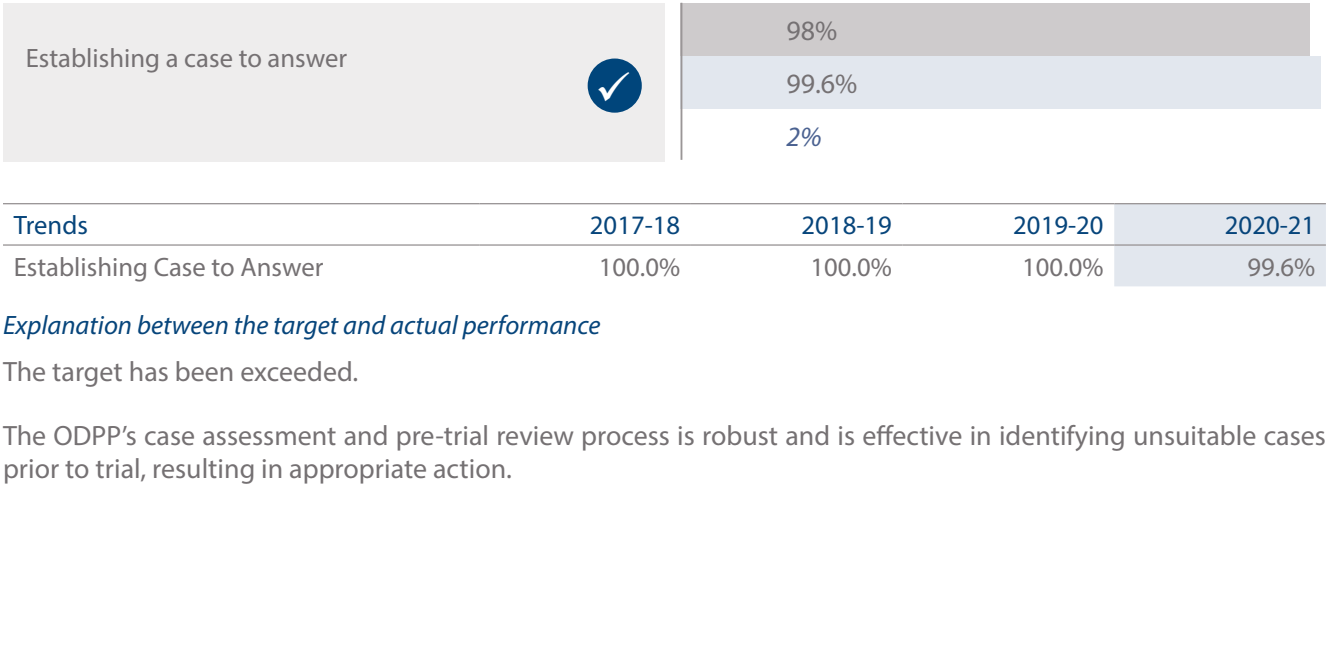
Relationship to Desired Outcome

A fair and just prosecution service must establish its case against an accused person. Failure to establish a case to answer will cause the Judge to stop a trial early and acquit the accused person of all charges.

Establishing a case to answer is determined by dividing the number of completed trials that do not have a Judge directed acquittal recorded against all charges, by the number of completed trials.

Performance Outcome 2020-21

There were two Judge directed acquittals in 2020-21 from 516 trials which proceeded, resulting in 514 (99.6%) of trials proceeding with a case to answer.



Key Performance Indicators

3). Convictions after Trial

Relationship to Desired Outcome

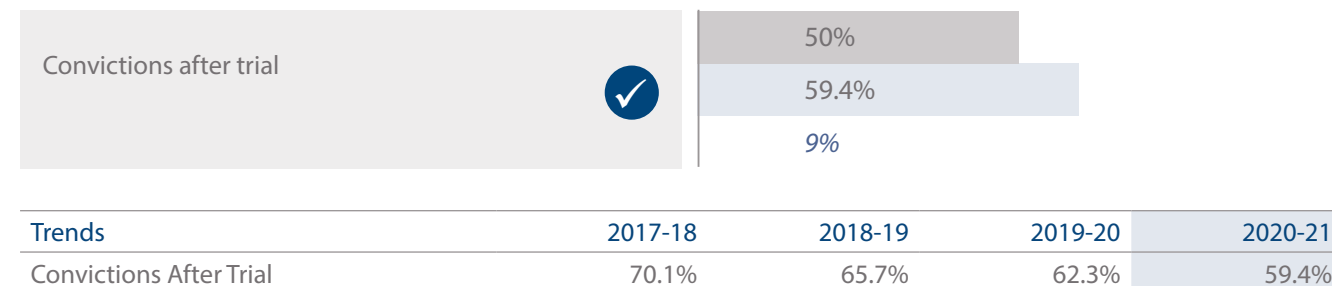
When an accused person pleads not guilty, it is the role of the ODPP to fairly and effectively present the evidence to the court and the jury at a trial. Monitoring trial outcomes helps the ODPP to assess the fairness of its decisions to prosecute.

This service is calculated by dividing the number of trials resulting in a conviction by the total number of trials that have achieved a verdict.

Performance Outcome 2020-21

In 2020-21, 516 trials proceeded before a jury or a judge alone in the District and Supreme Court. Of these, 18 (or 3.5%) resulted in a hung jury and 42 (or 8.1%) resulted in a mistrial.

The remaining 456 trials achieved either a conviction or acquittal verdict. Of these, 271 (or 59.4%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.



Explanation between the target and actual performance

The target was exceeded in 2020-21, reflecting the consistent approach of the ODPP in assessing and preparing matters prior for trial and in effectively preparing and prosecuting trials.

Service 2 – Confiscation of Assets

Declaration of Confiscations filed within four months

Relationship to Desired Outcome

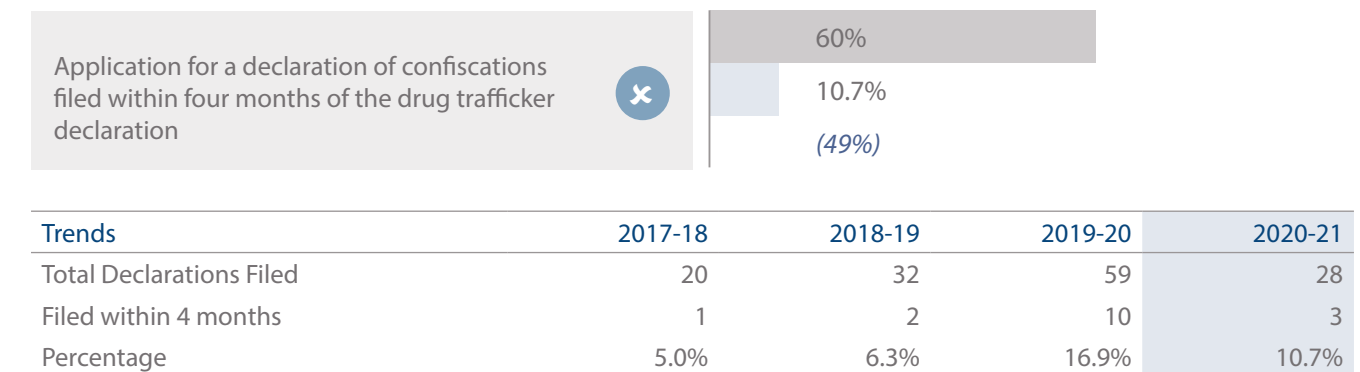
The timely resolution of a confiscations case contributes to fair and just legal outcome. Confiscation cases relating to drug traffickers cannot be completed until an application for a Declaration of Confiscation is filed with a court.

This service calculates the number of applications filed within four months as a percentage of total applications filed.

Performance Outcome 2020-21

In 2020-21, 28 applications were filed.

Three (or 10.7%) were filed within four months.



Explanation between the target and actual performance

The ODPP manages drug trafficking declarations which involve confiscated land. The preparation of applications for confiscation in these matters is a complex process.

Factors which have contributed to delays in the preparation and filing of applications in 2020-21 include the:

- progress of police enquiries to establish ownership of the property,
- tracking of associated criminal charges and assets, and
- resolution of claims for interest in seized property by other parties.

Key efficiency indicators

Key efficiency indicators generally relate services to the level of resource inputs required to deliver them. This can include a per unit cost, an aggregated cost per unit, or productivity indicators being used.

Service 1 – Criminal Prosecutions

Cost per Prosecution

Relationship to Desired Outcome

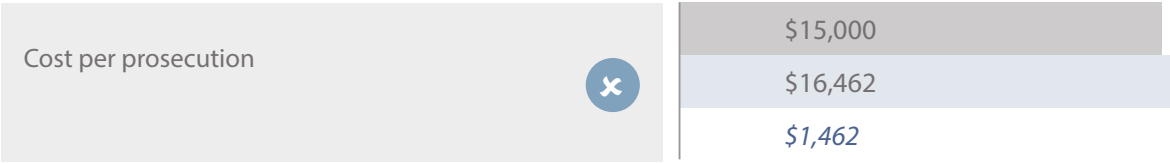
Criminal prosecutions vary in the type of offence, complexity, and length. Some matters may be concluded within a short time upon an early plea of guilty. Others requiring a trial, and perhaps an appeal, may not be concluded for several years.

This service is measured by dividing the number of new indictable cases by the total cost of services for criminal prosecutions.

Performance Outcome 2020-21

The ODPP's total cost of service for criminal prosecutions in 2020-21 was \$49,633 million. A total of 3,015 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2020-21 was \$16,462.



Trends	2017-18	2018-19	2019-20	2020-21
Cost Per Prosecution	\$14,178	\$14,377	\$14,771	\$16,462
Indictable Prosecutions	2,872	3,018	3,074	3,015

Explanation between the target and actual performance

The ODPP exceeded the target for 2020-21 due to:

- The lower numbers of indictable cases received in the period, which equated to 59 less than 2019-20, resulting from interruptions to WA Police, ODPP and Court business activities during the COVID-19 lockdown period(s).
- A backlog of cases caused by the COVID-19 lockdown period has meant that the ODPP is carrying a high number of cases in progress.
 - o 2,949 active cases in June 2020, and 3,200 in June 2021.
 - o The ODPP has contracted out services (brief outs) to cover increased court sittings, particularly in the regions, to manage this backlog.

- An increase in case management complexity as the ODPP continues to migrate to digital evidence.
 - o without the necessary systems support requirements.
 - o with an increase in court trial days from 1,883 in 2019-20, to 2,867 in 2020-21.
 - o with the increase in the volume of evidentiary materials presented in this way (the ODPP created a digital evidence storage capability in August 2020 and has since uploaded 90 terabytes of material received since that date).

Service 2 – Confiscation of Assets

Ratio of Cost to Return

Relationship to Desired Outcome

Confiscation proceedings vary as to the type of application, the nature and value of the property and the complexity and length of time required to resolve them. Some proceedings can be dealt with relatively quickly, whilst some proceedings are, by virtue of the factual matrix or the type of application, complex in nature. Proceedings may take considerable time to be resolved, including trial and appeal.

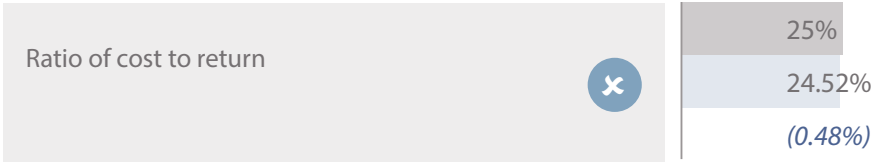
This outcome measures the total cost of service of confiscation of assets divided by the payments made to the Confiscation Proceeds Account (CPA), expressed as a percentage.

Performance Outcome 2020-21

In 2020-21, the ODPP's Confiscations services delivered payments of \$15.214 million to the CPA.

The total cost of service for the confiscations function in the reporting year was \$3.730 million.

The ratio of cost to return was therefore 24.52%.



Trends	2017-18	2018-19	2019-20	2020-21
Payments to the CPA	\$8.482m	\$10.681m	\$15.419m	\$15.214m
Total Cost of Services	\$3.091m	\$3.435m	\$3.489m	\$3.730m
Ratio of cost to return	36.40%	32.16%	22.6%	24.52%

Explanation between the target and actual performance

The target was below target in 2020-21 due to an increase in confiscations activity and associated costs.

