



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.

2021-22
Annual Report

Statement of compliance

For year ended 30 June 2022

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 2022.

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.

Robert Owen

Acting Director of Public Prosecutions

29 September 2022

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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 2022. 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 2021-22 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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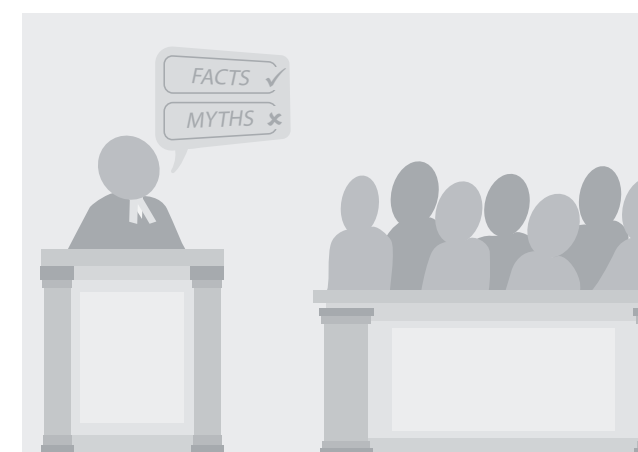
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The Office of the Director of Public Prosecutions (ODPP) is an independent Western Australian public sector agency. The ODPP was established after the **Director of Public Prosecutions Act 1991** was proclaimed. This Act provides for the appointment of a Director of Public Prosecutions who is independent of the Government in terms of legal decision making powers. The Director is the ODPP's Chief Executive Officer.

Highlights



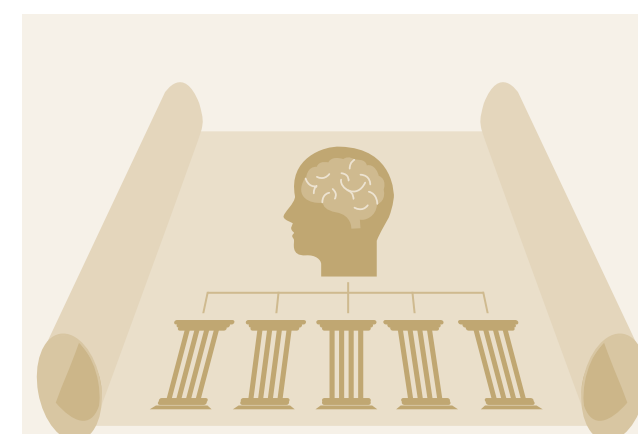
950 cases were appropriately resolved by our prosecutors that would otherwise have proceeded to a jury trial.



In implementing legislative amendments, prosecutors are routinely seeking a direction be given by trial Judges to juries addressing common misconceptions about family violence.



Of the 73.0 per cent of cases that were finalised by the accused pleading guilty, or a verdict reached at trial, 92.4 per cent resulted in a guilty outcome where the accused was sentenced.



The ODPP's Mental Health and Wellbeing Strategy and Plan 2022-2024 was launched in February 2022.

Executive Summary: From the A/Director

On 31 May 2022, Amanda Forrester SC ended her tenure as Director of Public Prosecutions, having been appointed as Justice of the Supreme Court of Western Australia. Her Honour’s six-year Directorship was a period of substantial growth for the ODPP, with increases to staff and budget, investment in systems and infrastructure, and the ODPP’s relocation to new premises in 2020. The ODPP is indebted to Her Honour’s leadership, her promotion of staff wellbeing, her commitment to criminal justice reform and her dedication to serving the community of Western Australia.

As Acting Director, I’m proud to present this report on the ODPP’s achievements in 2021-22, to reflect on the many challenges admirably met by staff during the year, and to anticipate the coming year as a period of continued improvement and productive change.

Fundamentally, the ODPP measures its success by the effectiveness of its conduct of criminal prosecutions, and its service to victims and witnesses. Our prosecutors delivered another strong performance this year, concluding 2,763 indictable cases, of which 82 per cent were finalised in the District or Supreme Courts. Likewise, our Appeals and Children’s Court teams showed resilience in capably managing a significant workload in a year featuring disruption and numerous challenges.

The number of trials now being relisted after having been vacated or adjourned in 2021-22 due to COVID-19, means the year’s slight reduction in the number of committals for trial is of little comfort to a stretched workforce. More tellingly, the proportion of matters committed for trial, as opposed to sentence, is increasing, which signifies considerably greater time and resources in preparation for court.

A major achievement this year was our progress toward procuring a replacement case management system, allowing the ODPP to release its tender in 2022-23. Having completed the extensive preparation required to submit a business case and secure a budget, the ODPP has established a Program Management Office to coordinate the procurement and change processes. Our vision is a system that better integrates the information flow between the ODPP, courts, and the Western Australia Police Force, that automates workflows currently demanding many hours of manual effort, and that provides victims and witnesses with greater access to advice and support. It is the most significant investment in the ODPP’s system to date, and will be a long-term transformation of how we do our work.

Another milestone was the launch in February 2022 of the ODPP’s Mental Health and Wellbeing Strategy and Plan. This document sets out how we propose to address the psychosocial risk factors identified as priorities by external consultants in 2019, and in our internal staff survey in 2021. The five ‘wellbeing pillars’ – preventing harm, early intervention, supporting recovery, organisational practices, promotion – are our framework for action to protect and support ODPP staff.

In November 2021, our Finance team, whose critical contribution to the ODPP’s operations too often goes unremarked, was nominated by the Office of the Auditor General as one of the top 20 (unranked) best practice entities for timeliness and quality of financial reporting and controls.

In last year’s Annual Report, the Director looked forward to the ODPP’s recruitment, development and retention of talented and skilled professionals increasing the numbers of senior prosecutors. I’m pleased to report the rewards of those efforts are now being realised. This year the establishment of Senior Consultant positions allowed for the appointment of several new Consultant State Prosecutors – highly experienced and skilled advocates who conduct complex trials and provide valuable guidance to junior prosecutors.

Toward the close of the financial year, the ODPP embarked on a major recruitment campaign to fill legal and legal support vacancies across multiple levels. While attracting and retaining qualified staff is a challenge across many sectors, we can be optimistic that our workforce planning will alleviate caseload pressure in the coming year. Another key part of that planning is the recommencement of a structured intake and development program for graduate lawyers.

We responded to four appeals in the High Court of Australia, of which two proceeded to a hearing, including *O’Dea v Western Australia*, which concerned complex and important questions of criminal responsibility in cases involving joint offenders.

The ODPP is committed to ensuring that victims are appropriately acknowledged, consulted and that their interest in the criminal justice process is always taken into account. In accordance with the [DPP Policy and Guidelines for Victims of Crime 2022](#), ODPP senior prosecutors completed 34 reviews of internal case decisions at the request of victims whose matter was either discontinued or significantly altered as a result of a State Prosecutor’s decision.

Finally, the Confiscations team had a record year: \$23 million was paid into the Confiscation Proceeds Account – an increase of over \$7 million on the previous high total. That such an amount of cash is redirected from criminal endeavours to local government and not-for-profit activities is a satisfying outcome.

I acknowledge it has been another challenging year for ODPP staff. Over the last few years, the former Director publicly commented on the significant increase in workload of our office which, during this reporting year, has not abated. I thank the ODPP staff for adapting to the challenging circumstances with patience and professionalism and for continuing to provide the people of Western Australia with a fair and just criminal prosecution service.

Robert Owen
Acting Director of Public Prosecutions



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 confiscations.
- To be a high performing organisation.
- To deliver strong corporate governance.

Values

Justice

- We are honest and treat others fairly and justly.
- We ensure due process in all our actions.

Integrity

- We possess and adhere to strong principles.
- We are ethical in our actions and decision making.

Excellence

- We strive to excel in our professional and personal pursuits and encourage excellence in others.
- We consistently contribute maximum effort to accomplish our objectives, pay attention to detail and communicate clearly.

Independence

- We provide an independent prosecution service.

Respect

- We value and respect the rights, safety and welfare of others.
- We treat others with fairness, courtesy, dignity and understanding.

Leadership

- We lead by example and encourage and inspire others to lead.
- We acknowledge and celebrate the achievements of others.

Accountability

- We accept responsibility for our own actions.
- We are trustworthy and follow through on commitments.

Responsible minister

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

Enabling legislation

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

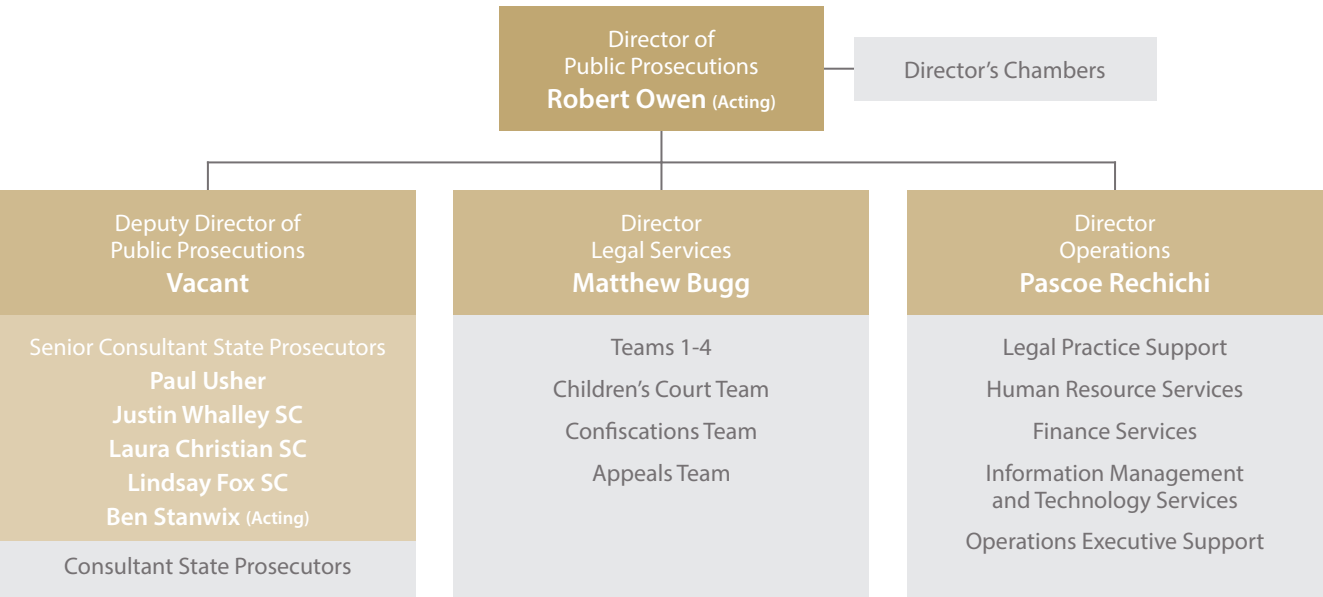
Legislation administered

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

Changes in written law

There were no changes to the [Director of Public Prosecutions Act 1991](#).

Organisational structure



Senior Consultant State Prosecutors

Our most senior prosecutors, Senior 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:

- Teams 1-4: 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.

Director's Chambers

A small number of legal and administrative staff in the Director's Chambers deliver:

- Executive and administrative support.
- Legal information functions associated with answers to compulsory notices, freedom of information requests and the release of legal information to external agencies, victims and third parties.
- Legislative reform and implementation activities, legal policy development and stakeholder engagement.
- Responses to ministerial, parliamentary, Cabinet and media enquiries, and external complaints.

Operations

The Operations directorate delivers a range of legal support services through paralegal officers, legal assistants and legal practice support officers being positioned within the Legal Services Teams.

Other services provided by the directorate include human resource management, financial management, information management, technology services, business analytics, risk management, communications, program management and building and security services.

Legislation and law reform

The ODPP contributes to the development of the criminal law and the criminal justice system in Western Australia by providing advice on proposed reforms and draft legislation. Work to implement new offences, new procedures, or other relevant changes to the law, is an ongoing part of the ODPP’s practice.

In 2021-22, the Director of Public Prosecutions made submissions to numerous inquiries and reviews, including the Law Reform Commission of Western Australia’s *Project 112: Admissibility of propensity and relationship evidence*, the Joint Standing Committee on the Corruption and Crime Commission’s inquiry, *What happens next? Beyond a finding of serious misconduct*, and others.

The ODPP continued this year to respond to the impact of earlier reforms. Most prominently, following the introduction in 2020-21 of reforms to address family violence, by the [Family Violence Legislation Reform Act 2020](#):

- The ODPP conducted prosecutions of the new crimes in the Criminal Code of suffocation and strangulation (section 298) and persistent family violence (section 300).
- ODPP prosecutors applied for Serial Family Violence Offender declarations under section 124E of the [Sentencing Act 1995](#), and a decision regarding the application of section 124E was appealed.
- The ODPP routinely requests directions to be given to the jury in a trial involving evidence of family violence, under new provisions of the [Evidence Act 1906](#), to address common misconceptions about family violence.

The below reforms introduced in 2021-22 are relevant to the ODPP’s work.

Voluntary assisted dying

The commencement of the [Voluntary Assisted Dying Act 2019](#) on 1 July 2021 introduced a number of indictable and simple offences, to criminalise acts outside the scheme, and to ensure the scheme’s integrity.

Impaired driving offences

Commencing on 1 July 2021, the [Road Traffic Amendment \(Impaired Driving and Penalties\) Act 2020](#) introduced new offences for driving with both an illegal blood alcohol content level and prescribed illicit drugs in oral fluid or blood (‘polydrug offences’). There were increases to penalties across impaired driving offences under the [Road Traffic Act 1974](#), and the offence of failing to comply with a police officer’s requirement where the officer believes death, grievous bodily harm or bodily harm has been occasioned from an incident involving a vehicle, contrary to section 67, was made a standalone indictable offence.

Unlawful consorting and prohibited insignia

The new ‘unlawful consorting scheme’ commenced on 24 December 2021, introducing the indictable offence of consorting contrary to an unlawful consorting notice. Also commenced were a range of simple offences to enforce compliance with unlawful consorting notices, dispersal notices, the prohibitions on the display of insignia, and insignia removal notices.

Industrial manslaughter

The [Work Health and Safety Act 2020](#), which commenced on 31 March 2022, introduced a new crime of industrial manslaughter to Western Australia. A breach of a health and safety duty that causes a death will constitute industrial manslaughter if the person conducting the business or undertaking who owed the duty knew of, and disregarded, the likelihood of their conduct causing death or serious harm.

Legislation related to COVID-19

The temporary provisions introduced by the [COVID-19 Response and Economic Recovery Omnibus Act 2020](#), which commenced on 12 September 2020, were extended to 31 December 2022. These provisions provide 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 in place during the operation of this Act.

The operation of the [Criminal Code Amendment \(COVID-19 Response\) Act 2020](#) was extended, and is currently due to expire on 3 January 2023. 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 that expose or threaten to expose the officer to COVID-19.

Firearms

Certain changes introduced by the [Firearms Amendment Act 2022](#) commenced on 15 June 2022; the remainder of the amendments will commence in 2022-23.

Of particular relevance to the ODPP, the offence under the [Firearms Act 1973](#) of discharging a firearm to the danger of, or in a manner to cause fear to, the public or any person, is now an indictable offence.

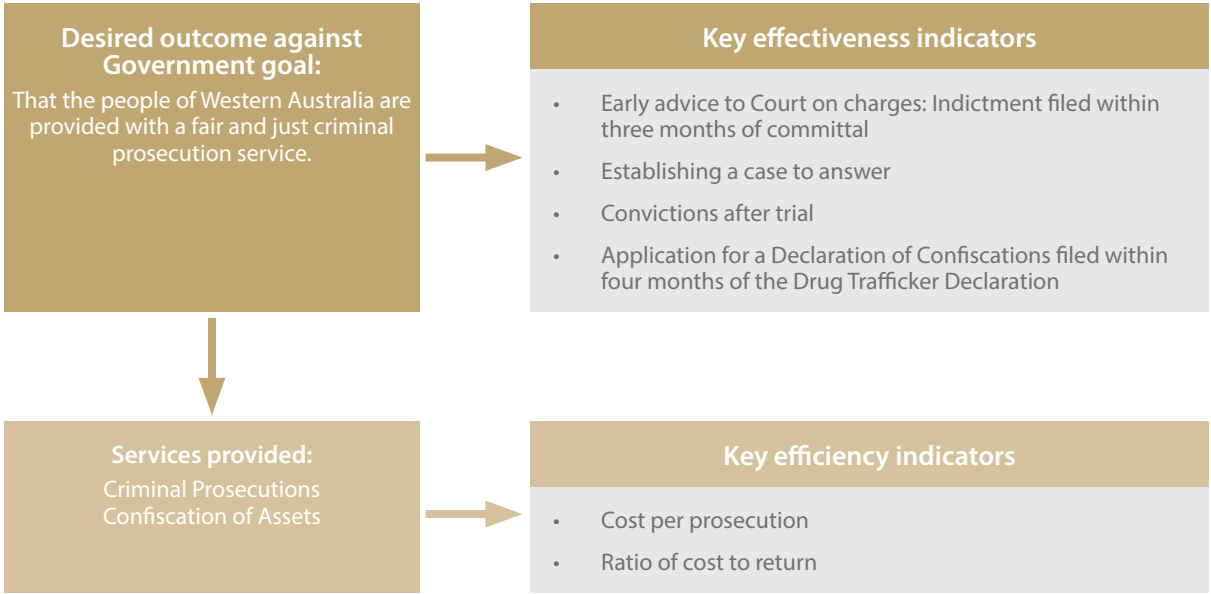


Performance management framework

Performance management is a systematic process that the ODPP uses in order to improve our effectiveness in achieving our goals. The State’s performance management framework is referred to as outcome-based management.

The State government has defined goals that guide the development of high level policies and/or priorities that support its vision. In 2021-22, the ODPP contributed to the goal of ‘Safe, Strong and Fair Communities: Supporting our local and regional communities to thrive’ through our desired outcome ‘that the people of Western Australia are provided with a fair and just criminal prosecution service.’ We deliver criminal prosecutions and confiscation of assets services, which contribute to achieving this outcome. The corresponding key indicators measure the: extent to which the ODPP is effective in providing a fair and just criminal prosecution service; and, value for money (or efficiency) we provide through evaluating the resources required to deliver our services to the community.

Our outcome-based management framework defined:



Changes to outcome-based management framework

The ODPP’s outcome-based management framework did not change during 2021-22.

Shared responsibilities with other agencies

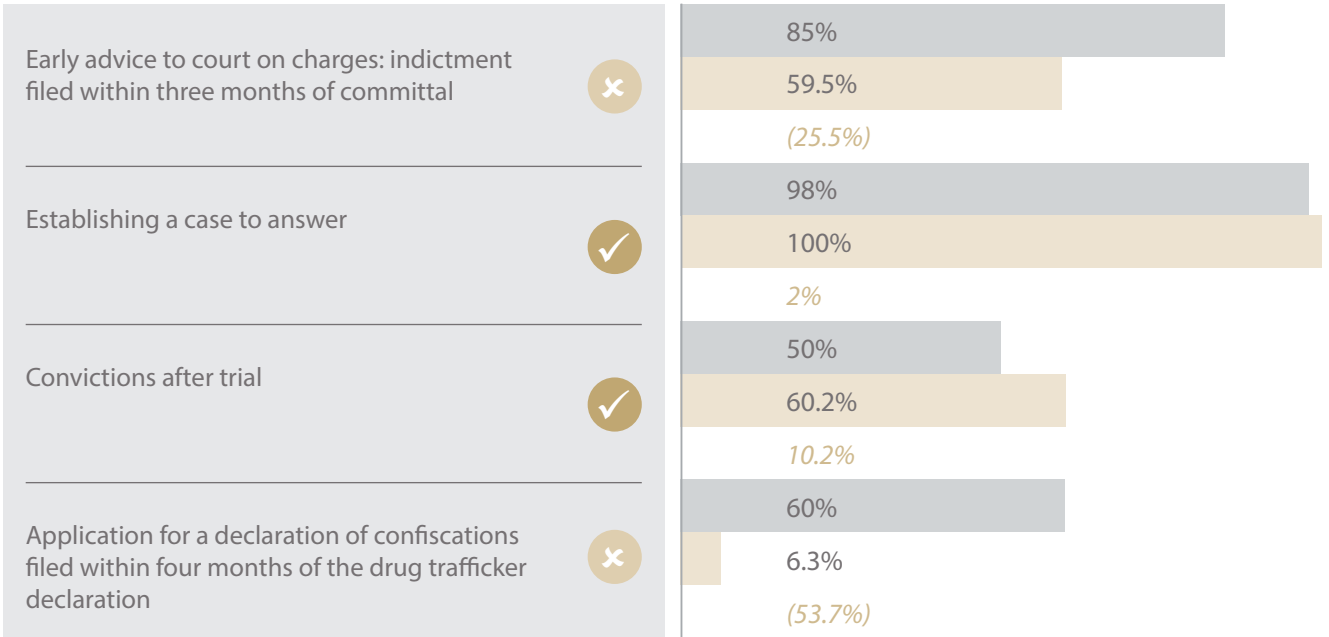
The ODPP did not share any responsibilities with other agencies in 2021-22.

Summary of key performance indicators

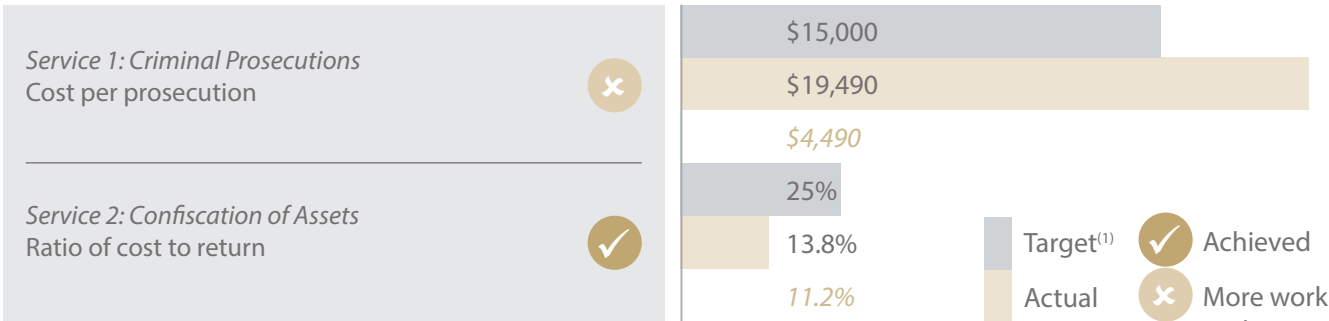
The following table summarises how we performed against each of our Key Performance Indicators in 2021-22. Further information is provided in the [Key Performance Indicators](#) section of this report.

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

Key effectiveness indicators



Key efficiency indicators



(1) As specified in the Budget Statements.



Within Western Australia's criminal justice system, the investigation and prosecution of offences are separate and distinct functions. The decision to prosecute is at least as important as the decision to charge, but takes into account factors beyond those that influence an investigator. The role of a prosecutor is not to obtain a conviction at all costs, but to act as a minister of justice. A prosecutor represents the community as a whole and acts in accordance with the public interest.

Corporate Goal: To effectively manage criminal prosecutions

The Office of the Director of Public Prosecutions (ODPP) prosecutes the most serious criminal matters (indictable offences) in Western Australia. These matters include homicide, culpable driving, armed robbery, drug trafficking, serious sex offences, organised crime and serious assaults.

Prosecution handling

The ODPP is responsible for conducting prosecutions on behalf of the State and people of Western Australia. The ODPP is not an investigative agency.

Prosecutions usually begin with an accused being charged with an offence on prosecution notice and proceedings in the Magistrates Court. For charges of indictable offences and some either way offences, if the prosecution continues, the charge will be committed for trial or sentence to a superior court with jurisdiction to deal with it. For most cases that is the District Court of Western Australia. For such cases heard in the Perth Magistrates Court the ODPP will usually take over the prosecution just before the stage that charges are committed. For such cases heard elsewhere in Western Australia, the ODPP will usually take over the prosecution immediately after the charges are committed. When the ODPP takes over prosecution cases they are assigned case managers who have responsibility for assessing and recommending whether the cases should proceed further. Decisions about whether cases should be prosecuted further in a superior court jurisdiction are made by senior prosecutors with authorisation from the DPP to perform that responsibility. The assessment and decision about whether a prosecution should proceed involves consideration of many potentially relevant factors, such as: the rights and interests of victims, the rights of the accused and the public interest. Cases will be discontinued if there is insufficient evidence or if a prosecution is not in the public's interest.

If a decision is made to proceed, the prosecution will commence in a superior court jurisdiction by presenting to that court an indictment, which contains the charges of offences alleged to have been committed by an accused.

Senior paralegal staff play a significant role in drafting indictments in less complex and uncontested matters, under the supervision of Senior State Prosecutors. After an indictment is presented in the District or Supreme Court, the accused will usually enter either a plea of guilty (and is sentenced) or not guilty (and the case goes to trial).

Of the cases completed in 2021-22, 73.0 per cent were finalised by the accused pleading guilty or a verdict being reached at trial. Of these cases, 92.4 per cent resulted in a guilty outcome where the accused was sentenced.

Appropriate resolutions

The [DPP Statement of Prosecution Policy and Guidelines](#) (DPP Statement) is issued by the Director of Public Prosecutions pursuant to section 24 of the [Director of Public Prosecutions Act](#) (1991) as a statement of guidelines intended to be followed in the performance of the Director's prosecutions function. The DPP Statement incorporates factors that will and will not be considered when exercising prosecutorial discretion in deciding to proceed with, or resolve, a prosecution.

ODPP prosecutors assess each case to determine whether there is sufficient evidence to support the charge(s) (that is, whether a *prima facie* case exists). Even if a *prima facie* case is established a prosecution should only continue if there are reasonable prospects of conviction and if the prosecution is in the public interest.

The DPP Statement includes various factors that might be considered in determining the public interest in a prosecution, including the circumstances of the alleged offence, the circumstances of the accused, the degree of culpability, the views of the victims and the investigating officers, and the likely sentence in the event of a guilty verdict.

The likely length and expense of a trial is also assessed to see if it will be disproportionate to the seriousness of the alleged offending. Considerable expense and time are required for the preparation and presentation of prosecution cases at trial. Therefore, appropriate efforts should be made to receive guilty pleas as early as possible in the prosecution process. This will not only save the Western Australia Police Force (WA Police), ODPP and courts time and resources, but it also spares victims of crime and witnesses the need to attend court and give evidence. The early resolution of a case also provides certainty of outcome for participants within the criminal justice system, while achieving a fair and just prosecution service in an efficient way.

In 2021-22, prosecutors appropriately resolved 950 cases that, were it not for prosecutors’ proactive assessment and liaison with stakeholders, otherwise would have proceeded to a jury trial. Although this demonstrates a good application of exercising prosecutorial discretion, in accordance with the DPP Statement, we are striving to become even more effective and efficient in achieving these types of appropriate outcomes.

While prosecutors should pursue appropriate resolution of prosecutions as early as possible, there are many reasons why this may not always be achievable. To further the efforts of early case resolution, a small team was established within the Legal Services directorate in 2021-22 with an initial task of focussing on identifying cases listed for trial that have a good prospect of resolution without the need for trial proceedings and working towards achieving that outcome. While this team is still small and in its very early stages of operation it has contributed significantly to a reduction in the number of cases listed for and awaiting lengthy, expensive trial proceedings. Because of these results expansion of this team is a major part of plans for the development of Legal Services in the next several years.

Increasing early resolution capabilities will continue to be a focus during 2022-23, beginning with the introduction of the Consultant State Prosecutor (Practice and Prosecutor Development), who will play an integral leadership role in the expansion of the new team. A staged recruitment of a number of new junior prosecutors into this team is also planned. This will enable a more consistent approach to their induction, while their development will focus on topics such as public interest, exercising prosecutorial discretion and case management.

Complex cases

The ODPP continues to see a sustained increase in major crime and complex prosecutions originating from the WA Police and the Corruption and Crime Commission.

Murder, corruption and systemic fraud trials are of high public interest; they also take longer to prosecute. In 2021-22, 24 trials lasted 10 working days or more. This is a significant number, when most of our trials (84 per cent) are completed in five days or less.

The very nature of complex trials lends them to have a high amount of sophisticated evidence, which requires specialised brief-preparation processes and a large number of witnesses. This in turn means they take longer to prepare. So even if a complex case is resolved in less than 10 days, a large amount of time has already been spent doing trial preparation and witness management. This considerable amount of work would have occurred for the following cases originally deemed complex, but ended in less than 10 days:

- 14 trials that were vacated within two weeks of the trial start date.
- 8 trials that were adjourned or discontinued on the first day of the trial.
- 14 trials that were originally listed for more than ten days but were finalised ahead of schedule.

As such, the level of support required from prosecutors managing large and complex cases has increased. To facilitate this, the ODPP has established a rotation of experienced sentencing paralegals, and introduced an office manager type role, at the District Court Building. Paralegals are now able to be engaged for the duration of the trial, in addition to being available to support prosecutors throughout the trial preparation process. This has seen an increase in the number of experienced paralegals needed to provide this support to senior prosecutors, as well as the identification (and training) of new skills such as project management to support complex cases and trials.

Looking ahead:

- The ODPP will progress an initiative regarding the early resolution of Children’s Court matters heard in Perth. This will improve the provision of prosecutorial advice for regional Children’s Court matters, reduce the time young people spend in custody, and deliver benefits across the criminal justice system.
- The [Criminal Appeals Amendment Act 2022](#) will commence on a date to be proclaimed in 2022-23, introducing a right of second and subsequent appeal in some cases where ‘fresh’ or ‘new’ evidence becomes available. The commencement of these laws will have a significant impact on the ODPP’s appellate practice and workload.

Corporate Goal: To provide an effective service to victims and witnesses

Justice cannot be done without the valuable contribution that victims and witnesses provide to the criminal justice process. We recognise the crucial yet unique role of victims and witnesses, and we ensure they are supported throughout the prosecution process.

Consultation with victims

In 2021, the ODPP completed its third internal audit of compliance with procedures for decision-making and consultation with victims and police, as set out in the [DPP Policy and Guidelines for Victims of Crime](#). The Guidelines govern the process by which a victim can request a decision made by the ODPP be reviewed, if it is a decision that significantly alters the prosecution case. The completion of the audit, and the publication of audit results, implements several recommendations of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. The results of last year’s audit were published in the ODPP’s 2020-21 Annual Report.

In 2021-22, the ODPP reviewed the [DPP Policy and Guidelines for Victims of Crime](#), along with the [DPP Statement of Prosecution Policy and Guidelines](#). New versions of both documents were issued to be effective from 1 July 2022, by which changes were made to the victim review process. Since the ODPP first established a victim review process, our experience demonstrated the two different review types provided for in the previous version of the Guidelines were not necessary. The new Guidelines simplify the process, which is for a single type of review, and expands the officers who may review decisions, with the aim of ensuring the ODPP can meet the timeframes contemplated in the Guidelines.

The ODPP deferred the timing of its fourth audit of victim consultation processes in order to measure the outcomes of the changes in 2022-23, and also to better align the timing of the annual audit. The next audit will be completed early in 2023 and the results will be reported in the 2022-23 Annual Report.

Victim and witness support

Despite the challenges presented by the pandemic, we have continued to consult extensively with victims and witnesses this year. Victim and witness consultation is essential to the provision of a quality prosecution service to the Western Australian public. The ODPP, along with the Western Australian Police Force, provides support and information to victims of crime and witnesses about the prosecution and court processes. We recognise that victims and witnesses often require professional support, and so we will refer them to the Victim Support Service and/or Child Witness Service, which are delivered through the Department of Justice. These services perform an important role in the criminal justice system through the provision of counselling, information and general support to victims. Additionally, they assist victims with the preparation and submission of their victim impact statements.

As was the case for the prior two years, the pandemic resulted in an additional layer of distress and uncertainty for many victims and witnesses. Over the past 12 months, we continued to provide quality support to victims and witnesses, including helping them navigate the impact of the pandemic, mandates and lockdowns on their cases. Assistance was provided through several different platforms, mostly through phone and video conferencing if in person was not an option.

Courts also issued various COVID-19 directions for court users and visitors, which required prosecutors and legal support staff to obtain information relating to the vaccination status from witnesses and their willingness to take a rapid antigen test.

Corporate Goal: To effectively manage criminal confiscations

In certain circumstances, property may be confiscated if it is acquired as a result of, or used for, criminal activity under the [Criminal Property Confiscation Act 2000](#) (CPC Act), or if it is the property of a person declared a drug trafficker under the [Misuse of Drugs Act 1981](#) (MD Act), as well as other grounds.

Confiscation proceeds

All funds and proceeds collected from confiscation action, under the CPC Act, are paid into the Confiscation Proceeds Account (CPA). Since January 2001, almost \$200 million has been seized and paid into the CPA from people engaged in criminal activities. Funds in the CPA are re-distributed at the direction of the Attorney General, such as through the Criminal Property Confiscation Grants Program. This program facilitates payments from the CPA to local governments and not-for-profit groups who have applied for funding for approved purposes.

In 2021-22, a record \$23 million was paid into the CPA from the work of the ODPP's Confiscations Team. This is a significant increase on the previous record of \$15.29 million paid in 2019-20. The increase is partly due to the Western Australia Police Force (WA Police) seizing large cash amounts smuggled across the State's closed border in 2020 and 2021. A further \$4.7 million was paid into the CPA by the Crime and Corruption Commission.

This reporting period has seen the continuation of both the Proceeds of Crime Squad (PCS) and the WA Police dealing with cases of significant offending by criminal networks that involve large quantities of drugs and amounts of cash. Presently, the Confiscations Team is managing 28 matters involving cash seizures with an approximate total value of \$59 million.

Evidence and affidavits

The PCS, a dedicated squad within the WA Police, refers cases to the ODPP's Confiscations Team. The PCS instigate confiscation action usually by obtaining a freezing notice for property connected with illegal activity under the CPC and MD Acts. The ODPP is provided with the evidence that supports the confiscation action, which the PCS has obtained during their investigation.

A comprehensive review of the nature of the evidence to be relied on to support an application for a declaration of confiscation is now complete. Applications are now significantly more detailed and labour intensive but prepared to withstand anticipated further scrutiny of confiscation matters by the courts.

The ODPP and PCS continue to strengthen their working relationship by having regular monthly meetings to discuss operational matters. The Confiscations Team will also be assisting the PCS with its expansion of its paralegal cohort, by providing training to the paralegals. This will further improve joint operations and compliance with procedures.

Team restructure

A significant change to the Confiscations Team was the creation of the Consultant State Prosecutor, Confiscations position, in September 2021. This is the first time in more than 20 years of the administration of the CPC Act by the ODPP that the Confiscations Team has had a dedicated Consultant. Having significant long-standing expertise in confiscations law, the Consultant supervises the legal work of the team, mentor's junior lawyers and appears as counsel on instructions from confiscation lawyers. The presence of the Consultant has strengthened the team's capacity to conduct complex litigation.

Additionally, a senior paralegal position was established in the Confiscations Team, to assist in the training and supervision of confiscation paralegals, among other things.

Looking ahead:

- A special project with a dedicated staff member has commenced to complete a comprehensive practice and procedure manual for confiscation matters. A wealth of information has been accumulated over the past 21 years of the Confiscations Team's existence. The manual will centralise and simplify all of this material into one source, which can be used as both a training tool and a reference for staff.
- The Confiscations Team will conduct training for PCS in respect to the revised affidavits that are sworn by PCS officers and paralegals, with further training emphasising the need for compliance with procedures to ensure proper presentation of confiscation cases to the court. The PCS intend to record all training sessions, as a resource for new officers and paralegals joining the PCS.
- The operational structure of the team will be reviewed in the first half of the financial year with possible further recruitment of both lawyers and paralegals with a view, amongst other things, of ensuring succession planning.

Corporate Goal: To be a high performing organisation

The ODPP is improving core capabilities and investing in our workforce that will lead to increased growth and drive operational performance.

System improvements

This financial year resulted in significant progress towards the release of the tender for our Change and System Replacement Program (Program), the largest procurement initiative the ODPP has embarked on. The Program Management Office was established to assist in the transformation of our legal practice over the next three to five years, which will result in the delivery of an integrated prosecutorial, appeal and confiscation solution.

In addition to defining the future prosecution design, the Program will replace or upgrade the aging systems, and automate the associated manual inputs, that the ODPP currently uses to manage its workflows. The impact of the changes will be felt across the criminal justice system, through improved information and data sharing with justice partners and with the ODPP's many external stakeholders, including victims and witnesses of crime.

In the meantime, the ODPP's Information Management and Technology Services branch continues to maintain our current case management system, including developing updates to reports and templates, investigating performance issues, and maintaining relationships with the vendor. A capability to support assisted loading of witness details was developed, as was a solution to automate the loading of investigating officer details. In final stages of testing is a new interface with the court management system, providing a new mechanism for the automated feed of hearing outcomes for updating the ODPP case status.

Paralegal staffing changes

During 2021-22, the ODPP's indictment paralegals were co-located to better manage the workflow, reporting, consistency of output and development of these staff members. This paralegal group prepares about a third of the total cases managed by the ODPP. The overall quality and consistency of case preparation by this group will be improved by the addition of a quality control review process before the material is passed to a State Prosecutor for approval.

Changes to the criminal justice system and court processes has had impacts on our operating practice. Along with increased demands on prosecutors, growth in the legal support division meant that more management support was needed to ensure the appropriate level of leadership, planning and support functions were being carried out. The structural changes resulted in an increase in legal support and management positions. The past year saw significant progress in business priorities and process improvement, specifically around the level and amount of support available for complex case management and presentation, and the management of witness proofing and court attendance.

Mental health and wellbeing

In 2021-22 the ODPP continued to address the impact on staff from their exposure to objectionable material. This year, one particular focus was on staff exposure to child exploitation material. The ODPP engaged with the Western Australia Police Force (WA Police) on measures to reduce the need for this material to be viewed at multiple points in the process of investigating and prosecuting child exploitation material offences.

In February 2022, 12 prosecutors were selected as appropriate participants in a 'Graduated Exposure to Child Exploitation Material' course, delivered by WA Police and customised for the ODPP. The purpose of the course was to facilitate the exposure of junior prosecutors to child exploitation material in a supported way, with guidance on protective strategies, psychological support and debriefing processes.

The ODPP has progressed the development of new procedures for the handling of child exploitation material, designed to reduce the risk of harm from repeated exposure to it, along with a suite of resources and ongoing training. The finalisation of the procedures and resources is planned for 2022-23, within the framework of the ODPP's overarching mental health strategy.

In February 2022, the ODPP's Mental Health and Wellbeing Strategy and Plan 2022-2024 was launched. The Plan sets out how we will be responding to the psychosocial risk factors identified as top areas for action by the Phoenix Review (2019) and the Workplace Culture Health Check Staff Survey (2021). Five wellbeing pillars have been identified (preventing harm, early intervention, supporting recovery, organisational practices, and promotion), along with corresponding key strategies and programs.

To proactively support the wellbeing and mental health of our staff, the ODPP has partnerships with psychological service providers. These services, along with our employee assistance program provider, offer a variety of support and service options to the ODPP workforce.

Looking ahead:

- Progressing the Change and System Replacement Program tender.
- As the ODPP continues to grow, it will be necessary to secure additional office space.
- Our witness facility floor will be re-designed to accommodate more interview rooms. A further three secure, fit-for-purpose and acoustically sound rooms will be created.
- A number of wellness initiatives will be rolled out for the remainder of 2022 and into early 2023, as part of our corporate wellness program.
- Further work will be conducted to address culture, staff wellness and workload issues, as identified in feedback provided as part of the staff perception survey.



Corporate Goal: To deliver strong corporate governance

The ODPP lives our values of accountability and integrity through our corporate governance. Having strong internal controls, sound practices and transparent policies, enables us to achieve our mission, while managing risks, making ethical decisions, and assuring compliance.

Systems and solutions

In 2021-22, a solution was developed in-house that collected information regarding working practices from selected prosecution and legal support staff members. This information was collected from October 2021 until March 2022, and demonstrates the work effort that goes into file management, preparation, support and advocacy of the matters dealt with by the ODPP. While this capture of activity-based data was used to initially support the ODPP’s case in budget submissions, it has also provided other valuable insights, such as illustrating essential trends in our workloads.

The ODPP is continuing a programme to improve cyber security resilience and response capabilities. A new internet gateway with improved firewall capabilities was implemented during 2021-22, as well as upgrading the password policy in line with the whole-of-government authentication guidelines.

A new information security policy is currently under development that will establish the ODPP information security management system to be in line with, and in support of, the Western Australian Cyber Security Policy. The ODPP is progressing achieving the minimum maturity requirements of this policy, and in line with Office of Digital Government guidelines.

In addition to the daily monitoring and response to the alerts generated by the ODPP’s cyber security suite of tools and capabilities, the ODPP responded to 139 cyber security alerts generated by the whole-of-government cyber security team, of which 83 required explicit response action. Cyber security capabilities will continue to be a focus during 2022-23.

Governance of information

The General Retention and Disposal Authority (GRDA) for Incidents and Allegations of Child Abuse or Neglect was issued by the State Records Office in response to the final report of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (December 2017). This report contained several recommendations concerning recordkeeping by institutions (including government organisations) that provide services to, or otherwise interact with, children. The ODPP’s response to the GRDA was completed during 2021-22 with adjustments to the file retention settings in relation to 118 offence types. The modified settings were then applied to 5,089 legal case files and 29 administrative files.

The ODPP’s Information Security Classification Policy was reviewed and updated during 2021-22, with the revised policy incorporating the classifications from the Western Australian Information Classification Policy. The ODPP collaborated with criminal justice sector stakeholder agencies to highlight the particular information classification needs related to the extremely sensitive information dealt with in criminal matters.

The operational implementation of the ODPP policy has commenced, with the adoption of information sensitivity labels being applied to emails.

During the financial year, steps were also taken to reduce the risk of disclosure of evidentiary materials not being correctly captured within the ODPP systems. Continuing improvements in information governance will be a focus in 2022-23, including a refresh of the ODPP Recordkeeping Plan.

Inter-agency consultation and agreements

In 2021-22 the ODPP worked with a number of stakeholders to finalise agreements regarding the conduct of prosecutions or the provision of information relevant to prosecutions. A memorandum of understanding (MOU) was reached with the following agencies:

- Corruption and Crime Commission (CCC) and the State Solicitor’s Office (SSO), regarding the referral of prosecutions arising from CCC investigations. This MOU governs the procedures for matters to be referred by the CCC to the SSO and the ODPP, the standards for briefs of evidence, relevant timeframes, and arrangements for ongoing liaison and monitoring of the prosecution process.
- Department of Communities, to facilitate the provision of information about offences or alleged offences that may be relevant to the performance by the Department of its functions under the [Working with Children \(Criminal Record Checking\) Act 2004](#) and the [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#).
- Office of Criminal Injuries Compensation, to establish a framework for the ODPP to share information to support the Office’s Assessors to make decisions under the [Criminal Injuries Compensation Act 2003](#).

Additionally, the ODPP is trialling a six-month pilot program with PathWest regarding their scientists being sent a Notice of Requirement to Attend Court rather than a witness summons. This follows the successful implementation of a similar arrangement with the Western Australia Police Force (WA Police), which has been operating for several years. PathWest and the ODPP will review the agreement in December 2022.

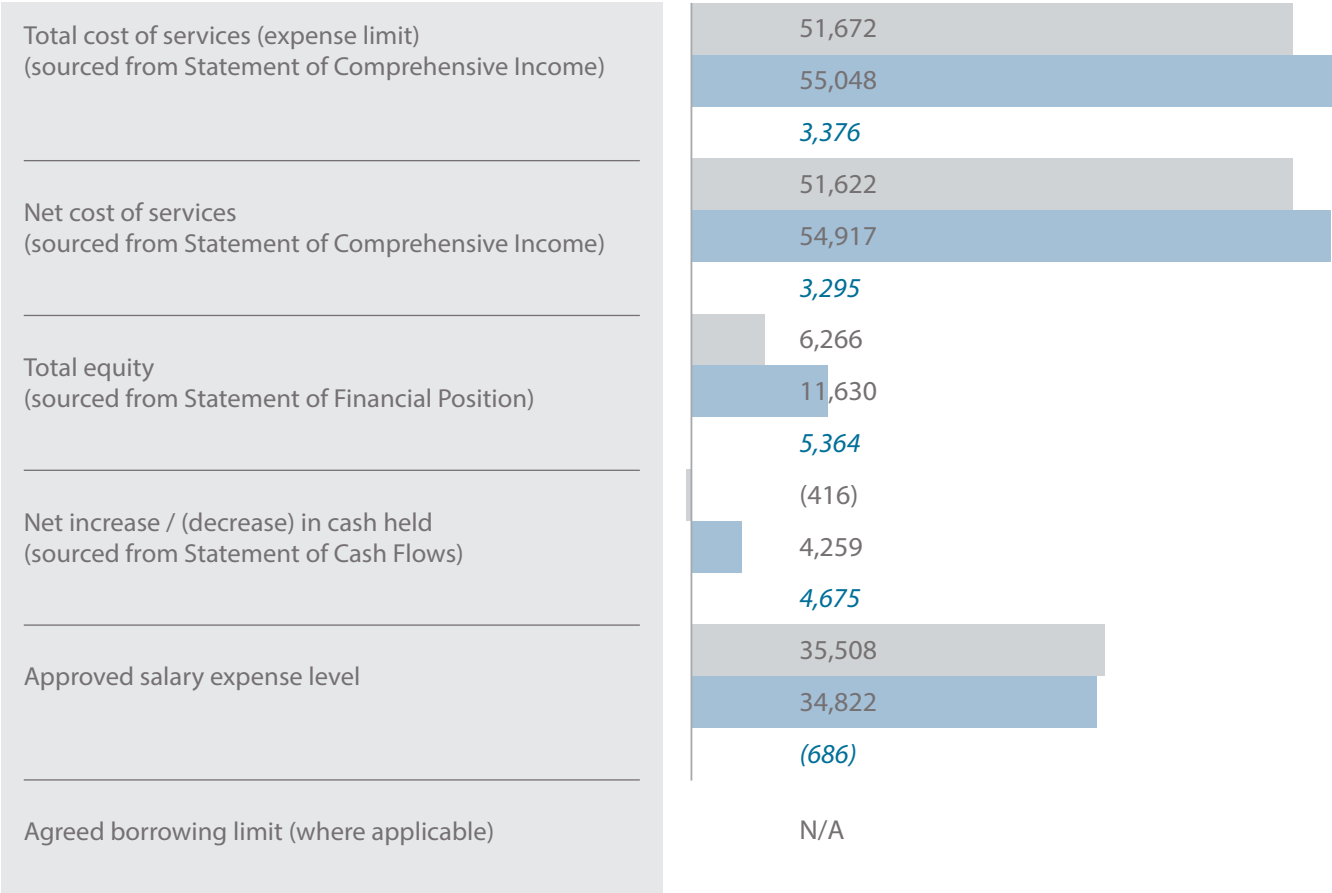
The Director of Public Prosecutions and nominated senior prosecutors continue to represent the ODPP on various external committees formed to facilitate inter-agency collaboration and consultation on aspects of the criminal justice system in Western Australia. The Director is a member of the Justice Pipeline Model Steering Committee, the Victims of Crime Reference Group, the Forensic Biology Advisory Council, the Family Violence Working Group, amongst others. Several staff contribute to committees for the Law Society of Western Australia, and to the work of the Legal Practice Board.

Looking ahead:

- Continuing relationships with key criminal justice agencies including the Department of Justice, WA Police, Legal Aid WA, SSO and the CCC to harness effective budgetary, procurement, data exchange and broader governance outcomes.
- From 1 July 2022, Western Australia will adopt the Legal Profession Uniform Law (with modifications), making the regulation of legal practice in this State consistent with other jurisdictions operating under the Uniform Law. This has several implications for the ODPP’s legal practitioners and our legal education programs, one new requirement being for government lawyers to hold practising certificates. The ODPP is working with the Legal Practice Board of Western Australia to prepare for the new scheme and to continue to equip our state prosecutors with a high standard of ongoing professional development.

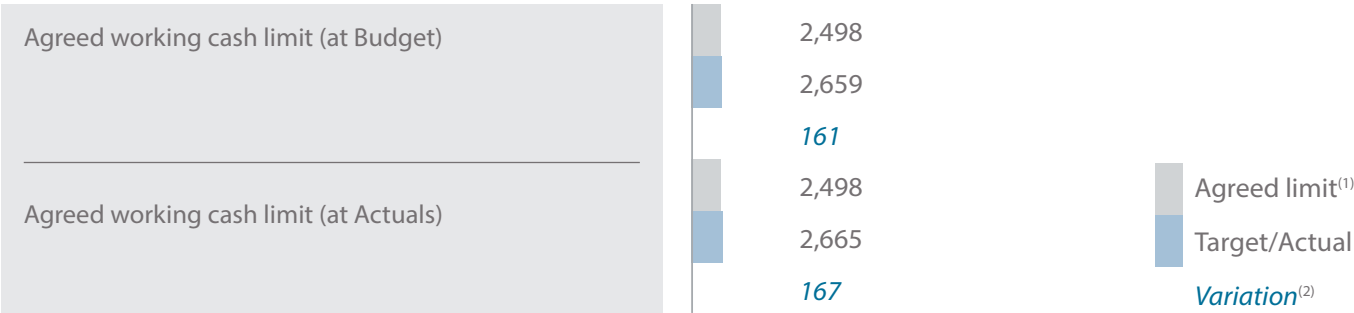
Report on operations

Financial targets (\$000)



(1) As specified in the 2021-22 State Budget Papers.
(2) Further explanations are contained in the Financial Statements Explanatory [Note 8.7](#).

Working cash targets (\$000)



(1) As specified in the 2021-22 State Budget Papers.
(2) Further explanations are contained in the Financial Statements Explanatory [Note 8.7](#).

By monitoring current and emerging issues that impact us, the Office of the Director of Public Prosecutions (ODPP) can be responsive when it comes to understanding and anticipating changes in society. This enables us to keep abreast of developing trends, so we can adapt and refine our systems, practices and policies accordingly.

Significant issues impacting the ODPP

As the COVID-19 pandemic evolved in the last 12 months, so too did the ODPP. The importance of being adaptable and working as a team was highlighted this year, as lockdowns, mandates and health directions continued to have a profound impact on the way we work.

Continuing to respond to COVID-19

Over the last 12 months, the ODPP has continued to respond to the challenges presented by the ever-evolving COVID-19 landscape. For large parts of 2021-22, a fluctuating number of ODPP staff were working from home. Early on, office-based work was largely limited to staff undertaking essential on-site tasks. Those in the office became adept multi-taskers, undertaking significant work outside of their usual remit, to enable others to work from home. However, government mandated lockdowns soon turned to staff working from home to limit the spread of the virus in the workplace to staff isolating as a result of COVID-19 being active in the community. As the State transitioned to living with the virus, new challenges were experienced.

The core business of the ODPP continued to be impacted by COVID-19 in a number of ways. The pandemic caused substantial disruptions to court proceedings, with trials being suspended and needing to be relisted, as well as numerous procedural adjustments, arising to backlogs being created in judicial processes. The indictable caseload managed by the ODPP is projected to remain at an increased level across future years. Provisions have been made towards addressing this anticipated growth through securing critical funding to cater for the significant increase in demand for prosecutorial services.

Meanwhile, border closures saw additional listings of circuit trials (cases held in courts not located in Perth) as well as an increase in the number of video links required for witnesses to provide evidence. The requirement for Mutual Assistance Requests (where the approval of a foreign government needs to be obtained in order for a witness to give evidence from a location outside of Australia) added yet another level of complexity to the management of court trials. Additionally, courts issued directions regarding the need for witness vaccination status checks and rapid antigen testing. In response, more staff were brought on to deal with these additional requirements, as well as to help manage the build-up of case file close offs.

COVID-19 and the associated border closures have also contributed to a tight labour market. This has impacted recruitment across most legal and support areas of the ODPP, but particularly in specialist employment sectors such as technology and finance. This has led to ongoing challenges to filling vacancies within the agency. These pandemic factors, as well as the current global political tensions, have also impacted on the building and construction industry, seeing accommodation works being delayed or rescheduled. There has also been increased costing considerations for building works.

Digital evidence volumes continue to increase

The ODPP continues to respond to the increasing use of digital evidence in the criminal justice system. The transition from receiving printed evidence to the digital receipt, handling, distribution and storage of evidence is making case handling much more complex and time consuming. Digital evidence includes footage from police body worn cameras, dash-cams, bystanders' phones, CCTV and crime scene media.

The sheer volume of digital evidentiary material being processed creates ongoing challenges. In 2021-22, we received an average of 1,927 items of disclosure per quarter (up from 1,393 in 2020-21). This equates to an additional 80TB of digital materials being received from the Western Australian Police Force. Not only does the sheer volume have impacts on storage infrastructure, but on our ability to process this amount of material as well.

Our audio-visual editing team are experienced staff that utilise specialist equipment to store, process, edit and prepare digital media for presentation to defence and in the court. The ODPP continues to review the resourcing needs for our audio-visual editing team, as we anticipate that further increases in digital evidence will create ongoing challenges in storing and processing this material. Likewise, going from scanning papers and managing hardcopy files to receipting, indexing and uploading digital case matters requires an upskilling in staff, with training being rolled-out across the ODPP. Associated policies, processes and practices have also been reviewed and updated or established as required.

The Change and System Replacement Program will transform the receipt, handling, distribution and storage of case matters. The program will target process design and management, digitisation of evidence handling, automation and data collaboration across the criminal justice sector. This will provide for better prosecutions for the State, prepares the ODPP for the continued evolution and growth in digital evidence, and supports the Digital Strategy for the Western Australia Government 2021-2025 within the criminal justice system.

The ODPP anticipates potential adverse impacts on staff wellbeing from having to view not just the high quantity but the increased quality of the digital material being received, particularly when multiple sources are provided of the same incident. Previously, staff might have only a single source of grainy video footage to back-up written statements of an offence. Now, their analysis can include viewing multiple sources of high definition footage from various angles (including up-close and personal views), in preparing a case. When combined with the fact that many of the prosecutions we conduct involve highly distressing subject matter, the increase in graphic (and at times indecent) digital content that needs to be viewed in preparation for a case increases the risk of vicarious trauma. Initiatives in our Mental Health and Wellbeing Strategy and Plan 2022-2024 outline the management of work-related psychosocial risks to prevent harm.



Climate change and sustainability

With increases in average and maximum temperatures, rises in sea level, a longer time spent in drought and more frequent and intense extreme weather events, the impact of climate change is already evident in Western Australia.

Climate risk

The effects of climate change will be felt differently across the State, and will likely impact natural resources, health and wellbeing, and economic prosperity. Climate risks can be direct (such as damage to assets, buildings or infrastructure) or indirect (such as disruption to supply chains). Through effective risk management and action to protect government assets, and avoid or reduce disruptions to public services, the Western Australian public sector can help manage the economic and social impacts of climate risks.

The ODPP’s mission and potential climate impacts and risks are described in the following table.

| ODPP’s mission |
|---|
| To provide the people of Western Australia with a fair and just criminal prosecution service. |
| Potential climate impacts and risks |
| <p>Extreme weather changes in regional areas may impact the capacity to provide those services in regional areas.</p> <p>Failure to identify and adapt to the changing environmental, economical and social impacts on our workforce and their families.</p> <p>Inability to provide critical services (due to loss of: site/ operations from vendors/suppliers /records and evidence, etc) as a result of weather events, natural or manmade disaster.</p> <p>Failure to identify and adapt to changing trends in criminal behaviour as a result of climate impacts and associated civil unrest.</p> |

Climate change is an emerging risk with unknown future implications, the severity of which depends on mitigation actions that limit changes to the global climate. Adaption strategies will improve the ODPP’s capacity to cope with changes in climate. The intent of these adaption strategies is to ensure the effective management of potential climate change risks, which will help the ODPP to plan for climate impacts, build resilience to these impacts and build our capacity to respond and recover.

Optimal adaption strategies are those that provide benefits across a wide range of possible outcomes. As such, to help the ODPP reduce climate risk vulnerability, similar strategies can be deployed should other business disruptions occur. The ODPP is in a position to quickly respond and adapt to maintain essential functions during and after a major incident has occurred, through our experience, technologies and systems in place, including:

- The provision of mobile and portable technologies that facilitates secure online connectivity for staff and increases the opportunities to work from alternate locations to support flexible working arrangements, but also to accommodate business continuity scenarios.
- Video links accommodate witnesses who cannot attend court in person, as well as enable our staff to continue consultation with victims of crime and witnesses throughout the criminal justice process.
- Our systems are accessible to staff anywhere, anytime, which supports our business continuity capabilities.

Commitment to sustainable practices

The ODPP recognises the impact that our operations have on the environment. We are committed to improving our environmental sustainability through ongoing efficient and effective management of environmental resources, by using sustainable products and having sustainable strategies.

Our direct impact on the environment is driven primarily from the physical offices we occupy in Perth’s CBD and the business travel we undertake. We are working to implement initiatives that have an environmental payback, so to reduce our impact on the environment. Actions taken by the ODPP to reduce our environmental impact are outlined below.

Waste management

- Waste generated through business processes within the ODPP is disposed of in accordance to our implemented waste management strategy, which allows for the effective separation of waste into several streams (organics, recycling, general, old batteries, cardboard and used toner cartridges).
- Instant cold filtered drinking water is provided to facilitate the refilling of reusable containers, eliminating the need for staff to buy water in single-use plastic bottles.
- Over 450 plants have been installed throughout the office to improve air quality.

Paper consumption

- The range of copy paper used by the ODPP is mandated by the Western Australian Government’s common use arrangement buyers guide for office stationery and consumables. Our supplier is a registered Aboriginal business, who contributes part-proceeds, with the aim to open new possibilities for Aboriginal enterprises.
- We continue to ensure that, where possible, all paper purchased is manufactured in Australia to minimise the environmental impact of importation.
- For general office usage, we have selected a white, carbon neutral A4 paper, made with fibre from sustainably managed plantations and forestry operations.
- Default printing is set to double sided.
- Our administrative and ministerial files have transitioned to virtual files within our electronic document and records management system, reducing the need to print and retain paper copies of documents.

Vehicle emissions

- The ODPP’s fleet comprises 28 vehicles, which are predominately four-cylinder petrol or diesel fuelled, with 11 per cent hybrid vehicles.
- Ongoing program of replacing vehicles with more fuel-efficient models.
- Upgraded end-of-trip facilities, bike cage and drying room encourages staff to walk, run or cycle to work.
- The need for staff to travel is reduced through the provision of mobile and portable technologies.

Energy use

- Energy-efficient lighting and air-conditioning control systems have been fitted throughout our offices.
- Technological features to improve energy conservation, including activation of automatic powerdown on electrical equipment and devices, are in use in our offices. For example, our MFD printers go into hibernation after 15 minutes of inactivity, and sensors throughout the office turn lighting off after 30 minutes of not detecting motion.
- Our office fitout projects incorporate an energy-efficient design, such as maximising the use of natural light, with the aim of reducing overall energy usage.
- We use shared data centre locations, to reduce our air conditioning requirements.
- We ensure all of our computer equipment is energy-star enabled. Our standard laptop device has an EPEAT gold rating.

Looking ahead:

- In 2022-23, the ODPP will review our current fleet and develop a strategic management plan to ensure current and future business needs are met. Electric Vehicles (EV) will be explored as we move towards meeting the State Government 25 per cent EV Government vehicle target by 2025-26.
- A benefit from the Change and System Replacement Program, in transitioning legal case files into our electronic document and records management system, will be a reduction in our paper consumption through the removal of the need for printing some documents.

Strong foundations in financial management and governance are essential for supporting our goals, maintaining organisational standards and contributing towards success.

Other disclosures

The Office of the Director of Public Prosecutions (ODPP) has compliance obligations with other legislation and/or legislative instruments. Statutory information required by these Acts or instruments is included hereafter.

Ministerial directives

No ministerial directives were received during 2021-22.

Pricing policies of services provided

There were no pricing policies of services provided during 2021-22.

Capital works

Capital project incomplete

No capital projects were incomplete as of 30 June 2022.

Capital project completed

The desktop device initiative delivers greater workplace portability to staff. Included in the initiative was a leverage from the digitalisation strategy to ensure the facilitation of access to digital evidence for prosecution services, office applications for case management, legal research, email, office products and digital mediums. Total capital works spent on the project for the laptop allocation and upgrade was \$250k in 2021-22.

The nature of the furniture and fittings project has incorporated additional furniture and dictation and transcription equipment for the ODPP to maintain contemporary work practices and compliance with the Work Health and Safety requirements. Total spend for this project in 2021-22 was \$100k. The program is included in the forward estimates of the ODPP's Asset Investment Plan and will facilitate other key strategic outcomes including the ODPP's Mental Health and Wellbeing Strategy.

Insurance policy

No monies were paid to indemnify any director against liability incurred under sections 13 and 14 of the [Statutory Corporations \(Liability of Directors\) Act 1996](#).

Unauthorised use of credit cards

Staff of the ODPP are issued with corporate credit cards to facilitate the operations of the ODPP. These cards are authorised for use in accordance with corporate policies. Four employees inadvertently utilised their corporate card in transactions that were not for ODPP business purposes. The matters were not referred for disciplinary action.

| | 2022 \$ |
|--|------------|
| Number of instances the Western Australian Government Purchasing Cards have been used for personal purposes | 4 |
| Aggregate amount of personal use expenditure for the reporting period | \$1,073 |
| Aggregate amount of personal use expenditure settled by the due date (within 5 working days) | \$73 |
| Aggregate amount of personal use expenditure settled after the due date (after 5 working days) | \$1,000 |
| 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.

Staff profile

| Full-time equivalents | 2021 | 2022 |
|-----------------------|--------------|------------|
| Full-time | | |
| • permanent | 218.0 | 215.5 |
| • fixed-term contract | 29.0 | 36.0 |
| Part-time | | |
| • permanent | 29.7 | 26.9 |
| • fixed-term contract | 0.6 | 2.6 |
| On secondment | 2.0 | 0 |
| | 279.3 | 281 |

Staff development

Through providing staff with various learning opportunities, the ODPP plays a vital role in fostering their professional and career development. While COVID-19 continued to impact on the delivery of training, the ODPP adapted to alternative delivery methods, such as virtual, to ensure ongoing development requirements were met.

All ODPP lawyers have Continuing Professional Development (CPD) obligations to undertake activities to develop their capabilities across four different competency areas. The ODPP supports our legal staff to fulfil their requirements by holding regular continuing legal education (CLE) seminars. During the most recent CPD period (which runs from 1 April to 31 March each year), over 20 CLEs, focusing on different areas of law, were held. Additionally, the ODPP is assisting our legal officers with the changes brought about by Western Australia joining the Legal Profession Uniform Law scheme on 1 July 2022.

Aspiring and existing managers were invited to participate in the Manager Essential Training (MET) Program. Delivered through a series of internally and externally conducted learning sessions, this program was designed to develop knowledge and skills in managing teams, team culture and team behaviours. Twenty-nine staff participated in the MET Program, which will continue to run until December 2022.

Two mental health courses, developed for the ODPP, were piloted in March 2022. The fundamental session increases awareness, knowledge and skills related to mental health in the workplace. While a session tailored to managers and supervisors outlined their role and responsibilities in creating a mentally healthy culture.

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 General Agreement 2021. The Director, Deputy Director, Director of Legal Services, Director of Operations, Senior Consultant State Prosecutors 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

The ODPP provides a safe working environment, as per the [Work Health and Safety Act 2020](#), and is committed to this obligation at all ODPP premises. During the reporting period, one new workers' compensation claim was received (a non-lost time injury). This compares with one compensation claim recorded in 2020-21.

While the incidence of workplace injury at the ODPP remains relatively low, we seek continuous improvements to provide staff with a safe and healthy workplace that is free of work-related injuries and illness.

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 an individual return to work program, or referring the employee to an approved vocational rehabilitation provider. During June 2022, a Fitness for Work Policy was being finalised, which outlines the above.

Compliance with public sector standards and ethical codes

Underpinned by the [Commissioner's Instruction No. 7: Code of Ethics](#) and [Commissioner's Instruction No. 8: Codes of Conduct and Integrity Training](#), the ODPP's Code of Conduct (Code) sets out the minimum standards of conduct and integrity expected of all personnel. The Code is published on our intranet.

During their onboarding, staff are informed of their responsibilities and undertake Accountable and Ethical Decision Making training. All employees are responsible for actively demonstrating our values, complying with the relevant standards and requirements, and reporting observed or suspected breaches of the Code.

Disability access and inclusion plan

Almost one in five Australians live with disability¹, with the combined prevalence of people affected directly by disability being 1 in 3 Western Australians².

Disability is any limitation, restriction or impairment that restricts everyday activities and has lasted, or is likely to last, for at least six months. People with disability face many challenges in accessing services, facilities and information and participating in community life. With the provision of accessible and inclusive services, facilities and information, people with disability can lead lives of greater independence and participation and have choice in our community.

The [Disability Services Act 1993](#) requires public sector organisations to have a Disability Access and Inclusion Plan (DAIP). Our [DAIP 2019-24](#) provides a framework for the identification of areas where access and inclusion can be improved and for the development of subsequent strategies. Our DAIP is available on our website, and alternative formats are available on request.

We continue to implement strategies to increase inclusion and accessibility, including within our workforce. We enhanced the equal opportunity statement on our recruitment adverts to further encourage people of all backgrounds and abilities to apply for positions with us. Applicants who require adjustments to the application or interview process are encouraged to contact the ODPP.

Our commitment to inclusion and accessibility is covered in our human resources induction module.

We continue to conduct regular disability awareness training sessions, which is mandated for all staff. This training enables our staff to liaise with people with disability in an equitable manner that is sensitive to their needs.

The ODPP is committed to furthering the principles and objectives of the [Disability Services Act 1993](#) and ensuring that we are accessible for, and inclusive of, people with disability, their families and carers.

¹ Disability, Ageing and Carers, Australia: Summary of Findings (<https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings>)

² That is either a person with disability or being a carer of a person with disability.

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.

WA Multicultural Policy Framework

The ODPP is committed to working in a responsive manner, when it comes to addressing barriers faced by the Western Australian community, and seeks to create more opportunities for participation and involvement. Our Multicultural Policy Framework and Multicultural Plan 2021-23 (Multicultural Plan) supports strategies aimed at bringing all cultural communities within Western Australia together and to foster respect, trust and acceptance.

The specific actions and initiatives outlined in our Multicultural Plan supports the achievement of the three multicultural policy priorities:

- Harmonious and inclusive communities
- Culturally responsive policies, programs and services, and
- Economic, social, cultural, civic and political participation.

The Multicultural Plan provides a clear platform for measuring, monitoring and working towards set activities and targets.

In 2021-22, we expanded our diversity and inclusion calendar to include more days of significance. By acknowledging, commemorating and celebrating days of significance, we raise awareness, promote diversity and foster an inclusive workplace culture.

Freedom of information

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

Recordkeeping

The ODPP understands that information is a valuable asset, as it supports informed decision making, accountability and service delivery. This is why we take a proactive approach to protect and manage our information properly.

The [State Records Act 2000](#) defines State records as any form of information and data (regardless of format), which is generated, created or received by an agency through their activities, communications and transactions. The types of documents the ODPP handles include case files, policies and procedures, administrative records and audio-visual materials.

Documents are organised within our recordkeeping systems according to our Keyword AAA Classification Guide (for administration files) or Document Naming Standards (for case-related documents). By adhering to conventions, documents are titled consistently, logically and in a predictable way, which enables others to browse and locate records more efficiently and effectively.

Digital information is stored within our electronic document and records management system (EDRMS), while finalised hardcopy files are maintained offsite in an approved storage facility. Captured information is assigned retention and disposal attributes, as outlined in our Retention and Disposal Schedule.

Documentation regarding our recordkeeping systems, disposal arrangements, policies, practices and processes, as well as evidence that we follow best practices, is included in our Recordkeeping Plan (RKP). Our RKP is currently under review, with the review's outcome to be submitted to the State Records Office by December 2022.

While our comprehensive recordkeeping program ensures that our information and data is well managed, trusted, and authentic, the welfare and safety of the associated team is paramount. All incoming correspondence is processed in a safe, secure, and fit for purpose mail receipting room.

Staff are also provided with appropriate personal protective clothing and specialised equipment, allowing for the safe process of mail.

During 2021-22, the Information Management team processed close off's comprising 16,976 volumes, managed 22,563 file volumes to off-site storage, and performed initial triage handling of incoming correspondence comprising 5,170 physical mail items and 8,905 emails.

Improving the efficiency and effectiveness of our recordkeeping systems

At the ODPP we deal with very sensitive information. The security of our information is vital to the conduct of our business. It supports the efficient and effective delivery of our services, while ensuring the communities' trust and confidence in our ability to engage with and manage information security risks. This is why it is important that we continually improve upon the ways we manage, secure and protect our information assets.

In May 2022, the ODPP updated our Information Security Classification Policy (and accompanying Procedure). This policy outlines how staff are to classify and adopt handling arrangements that guard against information being compromised. As an initial transitional step, the ODPP has commenced labelling emails with an information sensitivity marker. As the policy covers all forms of information, sensitivity markers will eventually be rolled out for documents as well. The label is a visual marker to highlight the security sensitivity of the respective information.

This is a step in improving our information security awareness and handling controls and progress towards our compliance with the Western Australian Information Classification Policy (State Policy). The ODPP will be in full compliance with the State Policy by the August 2025 deadline.

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 electronic and hardcopy. Our legal case files are managed in our case management system (JustWare), which is integrated with our EDRMS (CM9). JustWare manages over 7,500 criminal cases per year, the vast majority of which are generated automatically as a result of data received from the Integrated Courts Management System, as well as hundreds of appeal and criminal confiscation cases.

In 2022, the ODPP launched the Change and System Replacement Program, which will consider the upgrade (and/or replacement) of applications and systems used for information management. The program will map and define future state business requirements and service design, and deliver an integrated prosecutorial, appeal and confiscation solution, which meets our data security and classification policy and standards. It will also include document management and data store functions.

The Change and System Replacement Program will improve the receipt of evidentiary materials and other data from the Western Australia Police Force, other investigating agencies and forensic testing agencies. It will also enable the secure sharing of this material.

The efficiencies gained through the program will be complemented through improvements made to our current practices and the automation of manual processes. The Change and System Replacement Program is expected to take three years to complete.

Recordkeeping induction and training program

The ODPP is committed to sound recordkeeping practices. This commitment is assisted by staff development to ensure everyone is aware of their recordkeeping responsibilities and compliance with our RKP.

An information management module forms part of the ODPP's mandatory induction program. All new and returning employees (who have been absent from the ODPP for a period greater than 12 months) complete this program. The induction module contains information regarding:

- An introduction to the Information Management team, including where they are located, contact details and their responsibilities.
- The different types of file covers.
- Overview of the RKP and associated policies and procedures as well as where they are located on our intranet.
- Handouts and information sheets.

The induction also covers the manner in which information should be handled to ensure compliance with our Information Management Policy and RKP. In particular, staff are shown how to properly create, capture, classify and secure records. Staff must also ensure records are made appropriately accessible and disposed of in accordance with our Retention and Disposal Schedule and supporting procedures.

At the conclusion of each induction session, participants are required to indicate that they understand their information management responsibilities, agree to abide by our RKP and adhere to the [State Records Act 2000](#).

A one-on-one practical training program is provided to all staff. This is supplemental to the training received during induction. Conducted within the ODPP's EDRMS, this session is tailored to the person's specific role and prior information management experience. Feedback is sought from all inductees and training attendees regarding the quality of the training program and how it could be improved. This feedback is collated and used during an annual review of the training program.

In response to feedback, a need to improve the efficiency and effectiveness of the delivery of the recordkeeping training program was identified. To this end, the ODPP will invest in an online information management awareness module, which will be delivered through the ODPP's Learning Management System. Once implemented, all staff will be required to complete the training through the formal induction program and then again at least once every three years.

Work health and safety, and injury management

The importance of a safety culture cannot be underestimated. The ODPP has a culture where our workforce actively participates in health and safety, and where they feel psychologically safe, supported, and confident to raise matters of risk that can impact the safety and wellbeing of others.

On 16 May 2022, the ODPP’s Work Health and Safety Commitment Statement was signed by the Director of Public Prosecutions and senior executive. This statement affirms how a safety-first workplace culture will be provided and maintained; one built on trust, where the workforce is encouraged and feel supported to raise health and safety concerns without fear of repercussion. The statement also outlines the responsibilities and accountabilities of executive, managers/supervisors and the workforce as a whole.

Employees of all levels are responsible and accountable for conducting daily activities in a safe manner and for the prevention of injuries and ill health. Incidents, accidents and hazards are to be reported through an online form, which is then tracked and managed by our Building and Security Services and Human Resource Services teams.

The ODPP recognises compliance with laws and regulations as a minimal standard. As such, we are committed to and support the obligations outlined in the [Workers’ Compensation and Injury Management Act 1981](#) and provide support to employees with non-work-related injuries or illnesses. We support the transition of employees returning from both employment related and non-work related injuries through return to work programs. These are managed in partnership with the employee, manager, human resources and the employee’s medical specialist(s). A Fitness for Work Policy and Non-work-related Guidelines are being finalised. Bite sized learning sessions will be held to educate managers in these areas.

Being exposed to very high workloads, stressful work situations and objectionable material is a work-related psychosocial hazard. The ODPP continues implementing strategies to mitigate, control and manage these risks. These initiatives focus on proactive prevention strategies, early intervention of illness and support recovery. These include access to an employee assistance program and an independent panel of psychologists, 16 staff with Mental Health First Aid accreditation and our Mental Health and Wellbeing Strategy and Plan 2022-24.

While the ODPP has taken steps towards reducing the impact of mental health or psychological injuries, an assessment of our workplace health and safety management system in general has not been completed. The ODPP’s Risk Manager, along with a representative from the Building and Security Services team, will assess the ODPP’s safety management system using the WorkSafe Plan. This will provide us with information and ratings on the extent to which we have implemented a systematic approach when it comes to managing safety and health, as well as the extent to which we are complying with legislative requirements.

The ODPP has six Health and Safety Representatives (HSRs) who have an important role, as they are a vital link between management and employees in identifying and resolving safety and health issues. These officers carryout regular inspections of the ODPP’s tenancies, investigate incidents, hold monthly safety meetings and are available as a point of contact for employees who have work health and safety concerns.

| Measures | Results | | | Targets | Comments about targets |
|---|-------------------|--------------------|--------------------------------|--------------------------------------|---|
| | 2019-20 base year | 2020-21 prior year | 2021-22 current reporting year | | |
| Number of fatalities | 0 | 0 | 0 | 0 | ✓ |
| Lost time injury and disease incidence rate* | 0.37% | 0.33% | 0 | 0 or 10% reduction in incidence rate | ✓ |
| Lost time injury and severity rate | 0% | 0% | 0% | 0 or 10% reduction in severity rate | ✓ |
| Percentage of injured workers returned to work | | | | | |
| (i) within 13 weeks | 100% | 0% | na | Greater than or equal to 80% | ✓ |
| (ii) within 26 weeks | na | 0% | na | Greater than or equal to 80% | ✓ |
| Percentage of managers and supervisors trained in occupational safety, health and injury management responsibilities, including refresher training within 3 years | 12% | 3% | 0% | Greater than or equal to 80% | Training for managers will occur in the new financial 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.

A Work Health and Safety Committee (the Committee) was established in October 2021. To ensure the Committee represents varied business areas and geographical locations, membership comprises employees from across the organisation, HSRs and is rotationally chaired by a manager. Meeting quarterly, the Committee assists in identifying and addressing work health and safety practices and standards. The Committee also contributes to the development of policies, procedures and learnings relating to health and safety.

The Committee and HSRs are mechanisms that improve consultation with employees regarding workplace health and safety matters. Others include all staff briefings, team meetings and staff surveys. Articles are regularly posted on our intranet designed to act as reminders and to increase awareness of workplace health and safety. Notifications of policy, procedure and legislation updates are also posted.

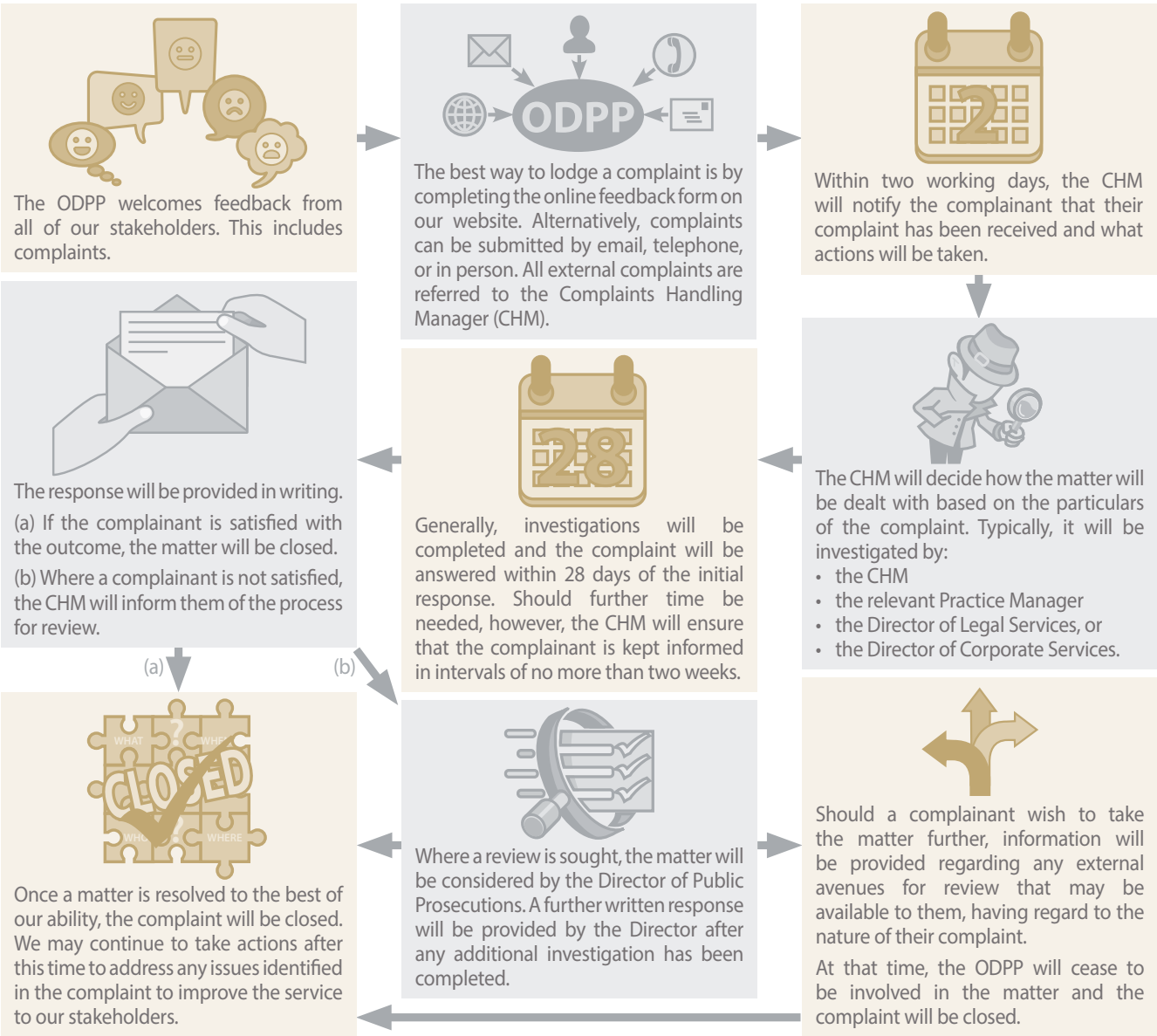
National Strategic Plan for Asbestos Awareness and Management 2019-2023

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.

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 our stakeholders, such as victims of crime, witnesses and other participants in the criminal justice system.

How external complaints are dealt with by the ODPP



While the ODPP receives complaints each year, from all sections of the community, the vast majority relate to issues or cases in which the ODPP is not involved and has no power to intervene.

Complaints pertaining to cases or matters not conducted by the ODPP

In the 2021-22 financial year, complaints outside the scope of the ODPP’s function pertained to:

- The imposition and/or payments of fines.
- Local government, council or shire disputes.
- Matters relating to the State Government’s management of COVID-19 and/or about compliance with restrictions.
- Issues relating to compensation orders.
- Grievances about cases conducted by agencies other than the ODPP.
- Complaints arising from allegations of criminal and civil offending by members of the community not being conducted by the ODPP.
- Allegations of misconduct by other agencies and/or their officers.
- Complaints about the lack of prosecutions of certain offences, where such offences are either not able to be prosecuted by the ODPP or where no investigation has been conducted by an appropriate investigative agency.

Complaints pertaining to cases conducted by the ODPP

A total of nine external complaints were received in 2021-22 about cases conducted by the ODPP or about ODPP staff, down from 10 complaints in 2020-21. The sources of the complaints are shown in the table below.

| Source of complaint | Number of complaints received | Percentage of complaints |
|-----------------------------|-------------------------------|--|
| Complainant | 3 | 56% from first or secondary victims of crime |
| Parent of child complainant | 2 | |
| Accused/offender | 2 | 44% from accused or their counsel |
| Defence counsel | 2 | |

The number of complaints was low, however, each complaint raised numerous issues. The key areas of concern in the 2021-22 period are described in more details in the following sections.

Concerns raised by complainants and parents

| Breakdown of issues raised by complainants and parents | Frequency issue raised |
|---|------------------------|
| <i>Matters over which the ODPP has influence</i> | |
| Level of support and/or information during proceedings | 2 |
| External complaints review process | 1 |
| <i>Matters over procedural aspects of the criminal justice system</i> | |
| Lack of choice of prosecutor allocated by the State | 3 |
| Conduct of defence counsel in cross-examination | 1 |
| Adjournments/delays | 1 |
| Impact on COVID-19 restrictions on court proceedings | 1 |
| Outcome of court proceedings | 3 |
| Appropriateness of violence restraining order | 1 |
| <i>Matters over the conduct of other agencies</i> | |
| Evidence obtained and/or conduct of investigation | 2 |
| Further alleged offending by accused/offender | 2 |
| Lack of support post-proceedings | 1 |
| Lack of entitlement to criminal injuries compensation | 1 |
| Conduct of other agencies | 1 |

Only 2 of the 13 issues identified by complainants or their parents were matters upon which the ODPP could act or influence. There were two instances of either the complainant or their parent expressing a lack of communication or support by the ODPP in the lead up to and/or during the course of the trial. A review of both cases found that there was an appropriate level of communication of pertinent information. The ODPP understands, however, that individual needs vary and will continue to work towards meeting the needs of complainants and/or their parents as far as it is able to do so.

Another issue raised by a complainant was about the review process for external complaints. In that case, the complainant expressed concerns about external complaints being considered by the agency to which the matters relate. The ODPP's Complaints Handling Procedure ensures that matters are considered independently and objectively by the most appropriate senior ODPP staff member. The review process also involves consultation with the Director of Public Prosecutions (or the Acting Director at this time). Should the aggrieved party wish to seek a further review independent of the ODPP, however, the ODPP facilitates that process by directing them to the appropriate external agency.

The remaining 11 issues identified, which were raised by complainants and/or their parents and were beyond the ODPP's influence, were almost evenly split between procedural or agency conduct matters. Specifically:

- six issues pertained to procedural aspects of the criminal justice system.
- five issues pertained to the conduct of other agencies.

Concerns raised by accused, offenders or their counsel

| Breakdown of issues raised by accused, offender and defence counsel | Frequency issue raised |
|---|------------------------|
| <i>Matters over which the ODPP has influence</i> | |
| ODPP's assessment of case and prospects of conviction | 1 |
| Conduct of the State/ODPP | 1 |
| Conduct by state prosecutors | 2 |
| <i>Matters over procedural aspects of the criminal justice system</i> | |
| Evidence at trial | 1 |
| Delay in proceeding to trial | 1 |

In the 2021-22 reporting period, two of the five issues raised through the complaints process by accused, offenders or their representatives concerned matters outside of the control or influence of the ODPP.

Two separate complaints were received from a defence counsel disputing the intention of a statement made by state prosecutors in court. In the course of proceedings, the State advised the Magistrates Court that it would be seeking to discontinue certain charges due to no reasonable prospects, but since it did not have the conduct of those charges they could not make that submission. Defence counsel argued that the State had effectively informed the court that it would assume the conduct of those charges and discontinue them and, as such, had misled the court when it did not ultimately take over the conduct of those charges. A close review of the court transcript confirmed otherwise. The complaint was first submitted to the Director of Public Prosecutions, Amanda Forrester SC (as she was then) and later to the Acting Director of Public Prosecutions, Robert Owen.

A complaint was also received from an offender alleging that the ODPP was instrumental in forcing him to self-represent at a criminal trial conducted by the ODPP in 2013. The ODPP, however, has no role or influence in such matters.

The ODPP also received a complaint from a person acquitted by a jury after trial about the evidence on which he was prosecuted. A review found that in accordance with standard practice, the matter was subject to a number of reviews by highly experienced prosecutors throughout its progression prior to trial, each of which determined that there were reasonable prospects of conviction on the available evidence, and that it was in the public interest to proceed. Ultimately, the jury was not satisfied beyond a reasonable doubt that the State proved its case. A properly instructed jury was best placed to assess the allegations.

The ODPP's Financial Statements and Key Performance Indicators from the 2020-21 financial year received a best practice standing. This placed us in the list of top 20 large entities (over \$41 million) in achieving this accreditation. This acknowledgement was for our timeliness in financial reporting, good financial controls and reporting practices.

Financial statements

For the year ended 30 June 2022

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DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Disclosures and Legal Compliance

Certification of financial statements

For the reporting period ended 30 June 2022

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 2022 and the financial position as at 30 June 2022.

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.

Pascoe Rechichi FCPA
Chief Finance Officer
10 August 2022

Robert Owen
Accountable Authority
10 August 2022



Auditor General

INDEPENDENT AUDITOR'S REPORT 2022

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 2022, 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 2022 and the financial position at the end of that period
- in accordance with Australian Accounting Standards (applicable to Tier 2 Entities), 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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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 (applicable to Tier 2 Entities), the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as it determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director is responsible for:

- assessing the 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 Director are those policies and procedures established 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).

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 2022.

Page 2 of 5

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 2022. 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 access the Office's performance and fairly represent indicated performance for the year ended 30 June 2022.

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 Office 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.

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

This auditor's report relates to the financial statements, and key performance indicators of the Office of the Director of Public Prosecutions for the year ended 30 June 2022 included in the annual report 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 the annual report. 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.



Grant Robinson
Assistant Auditor General Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
11 August 2022

Statement of comprehensive income

For the year ended 30 June 2022

| | Notes | 2022 (\$000) | 2021 (\$000) |
|--|-----------------------------------|-----------------|-----------------|
| COST OF SERVICES | | | |
| Expenses | | | |
| Employee benefits expense | 2.1 (a) | 38,874 | 39,558 |
| Supplies and services | 2.2 | 6,342 | 5,555 |
| Depreciation and amortisation expense | 4.1.1, 4.2, 4.3.1 | 656 | 650 |
| Accommodation expenses | 2.2 | 5,615 | 4,796 |
| Other expenses | 2.2 | 3,560 | 3,048 |
| Total cost of services | | 55,048 | 53,607 |
| Income | | | |
| Other Income | 3.2 | 131 | 253 |
| Total Income | | 131 | 253 |
| Total income other than income from State Government | | 131 | 253 |
| NET COST OF SERVICES | | 54,917 | 53,354 |
| Income from State Government | | | |
| Service Appropriation | 3.1 | 50,203 | 43,643 |
| Contribution from Confiscation Proceeds Account | 3.1 | 10,768 | 7,164 |
| Services received free of charge | 3.1 | 793 | 793 |
| Total income from State Government | | 61,764 | 51,600 |
| SURPLUS / (DEFICIT) FOR THE PERIOD | | 6,848 | (1,754) |
| OTHER COMPREHENSIVE INCOME | | - | - |
| TOTAL COMPREHENSIVE INCOME / (DEFICIT) FOR THE PERIOD | | 6,848 | (1,754) |

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

Statement of financial position

As at 30 June 2022

| | Notes | 2022 (\$000) | 2021 (\$000) |
|--------------------------------------|---------|-----------------|-----------------|
| ASSETS | | | |
| Current Assets | | | |
| Cash and cash equivalents | 6.3 | 8,072 | 2,039 |
| Restricted cash and cash equivalents | 6.3 | - | 1,924 |
| Receivables | 5.1 | 5,107 | 2,235 |
| Amounts receivable for services | 5.2 | 458 | 1,000 |
| Other current assets | 5.3 | 1,086 | 951 |
| Total Current Assets | | 14,723 | 8,149 |
| Non-Current Assets | | | |
| Restricted cash and cash equivalents | 6.3 | 840 | 690 |
| Amounts receivable for services | 5.2 | 6,813 | 5,583 |
| Plant and equipment | 4.1 | 789 | 977 |
| Right-of-use assets | 4.2 | 314 | 278 |
| Intangible assets | 4.3 | 167 | 339 |
| Total Non-Current Assets | | 8,923 | 7,867 |
| TOTAL ASSETS | | 23,646 | 16,016 |
| LIABILITIES | | | |
| Current Liabilities | | | |
| Payables | 5.4 | 1,850 | 1,524 |
| Lease Liabilities | 6.1 | 105 | 101 |
| Employee related provisions | 2.1 (b) | 7,507 | 7,641 |
| Other Provisions | 5.5 | - | - |
| Total Current Liabilities | | 9,462 | 9,266 |
| Non-Current Liabilities | | | |
| Lease Liabilities | 6.1 | 224 | 201 |
| Employee related provisions | 2.1 (b) | 2,330 | 2,535 |
| Total Non-Current Liabilities | | 2,554 | 2,736 |
| TOTAL LIABILITIES | | 12,016 | 12,002 |
| NET ASSETS | | 11,630 | 4,014 |
| EQUITY | | | |
| Contributed Equity | 8.5 | 7,906 | 7,138 |
| Accumulated surplus/(deficit) | | 3,724 | (3,124) |
| TOTAL EQUITY | | 11,630 | 4,014 |

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 2022

| | Notes | Contributed Equity (\$000) | Reserves (\$000) | Accumulated surplus/ (deficit) (\$000) | Total Equity (\$000) |
|---|-------|----------------------------------|---------------------|---|----------------------------|
| 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 | 8.5 | 7,138 | - | (3,124) | 4,014 |
| Balance at 1 July 2021 | | 7,138 | - | (3,124) | 4,014 |
| Surplus/(deficit) | | - | - | 6,848 | 6,848 |
| Other comprehensive income | | - | - | - | - |
| Total comprehensive income for the period: | | - | - | 6,848 | 6,848 |
| Transactions with owners in their capacity as owners: | | | | | |
| Capital contributions | | 768 | - | - | 768 |
| Total | | 768 | - | - | 768 |
| Balance at 30 June 2022 | 8.5 | 7,906 | - | 3,724 | 11,630 |

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 2022

| | Notes | 2022 (\$000) | 2021 (\$000) |
|--|------------|-----------------|-----------------|
| CASH FLOWS FROM STATE GOVERNMENT | | | |
| Service appropriations | | 49,515 | 42,426 |
| Contributions from Confiscation Proceeds Account | | 7,867 | 7,606 |
| Holding account drawdowns | | - | 400 |
| Capital appropriations | | 768 | - |
| Net cash provided by State Government | | 58,150 | 50,432 |
| Utilised as follows: | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Payments | | | |
| Employee benefits | | (38,158) | (37,607) |
| Supplies and services | | (15,085) | (13,699) |
| GST payments on purchases | | (1,424) | (1,345) |
| Receipts | | | |
| Receipts from services | | 131 | 253 |
| GST receipts on sales | | 9 | 10 |
| GST receipts from taxation authority | | 1,068 | 1,026 |
| Net cash provided by/(used in) operating activities | | (53,459) | (51,362) |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | |
| Payments | | | |
| Purchase of non-current assets | | (289) | (409) |
| Net cash provided by/(used in) investing activities | | (289) | (409) |
| CASH FLOWS FROM FINANCING ACTIVITIES | | | |
| Payments | | | |
| Principal elements of lease payments | | (143) | (149) |
| Net cash provided by/(used in) financing activities | | (143) | (149) |
| Net increase/(decrease) in cash and cash equivalents | | 4,259 | (1,487) |
| Cash and cash equivalents at the beginning of the period | | 4,653 | 6,140 |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | 6.3 | 8,912 | 4,653 |

The Statement of Cash flows 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 10 August 2022.

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**) – Simplified Disclosures
4. Where appropriate, those **AAS** paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TIs 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.

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).

Comparative information

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements. AASB 1060 provides relief from presenting comparatives for:

- Property, Plant and Equipment reconciliations;
- Intangible Asset reconciliations; and
- Right-of-Use Asset reconciliations.

Accounting for Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

(c) amount of GST incurred by the Agency as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and

(d) receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

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 | 2022 (\$'000) | 2021 (\$'000) |
|-----------------------------|------------------------|------------------|------------------|
| Employee benefits expenses | 2.1(a) | 38,874 | 39,558 |
| Employee related provisions | 2.1(b) | 9,837 | 10,176 |
| Other expenditure | 2.2 | 15,518 | 13,399 |

2.1(a) Employee benefits expenses

| | 2022 (\$'000) | 2021 (\$'000) |
|--|------------------|------------------|
| Short-term employee benefits ^(a) | 35,364 | 36,253 |
| Termination benefits | - | - |
| Superannuation – defined contribution plans ^(b) | 3,510 | 3,305 |
| Total employee benefits expenses | 38,874 | 39,558 |
| Add: AASB 16 Non-monetary benefits ^(c) | 132 | 142 |
| Less: Employee Contributions | (87) | (91) |
| Net employee benefits | 38,919 | 39,609 |

(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.

Employee benefits: Include wages, salaries and social contributions, accrued and paid leave entitlements 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 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 GESB, 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

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Current | | |
| <i>Employee benefits provisions</i> | | |
| Annual leave ^(a) | 3,439 | 3,528 |
| Long service leave ^(b) | 3,997 | 4,027 |
| Deferred salary scheme ^(c) | 57 | 72 |
| | 7,493 | 7,627 |
| <i>Other provisions</i> | | |
| Employment on-costs ^(d) | 14 | 14 |
| Total current employee related provisions | 7,507 | 7,641 |
| Non-current | | |
| <i>Employee benefits provisions</i> | | |
| Long service leave ^(b) | 2,326 | 2,530 |
| <i>Other provisions</i> | | |
| Employment on-costs ^(d) | 4 | 5 |
| Total non-current employee related provisions | 2,330 | 2,535 |
| Total employee related provisions | 9,837 | 10,176 |

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.

(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 is 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'.

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| Employment on-costs provision | | |
| Carrying amount at start of period | 19 | 16 |
| Additional/(reversals of) provisions recognised | (1) | 3 |
| Carrying amount at end of the period | 18 | 19 |

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

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| Supplies and services | | |
| Communications | 189 | 279 |
| Consultants and contractors | 4,333 | 3,301 |
| Consumables | 859 | 1,018 |
| Travel | 330 | 317 |
| Other | 631 | 640 |
| Total supplies and services expenses | 6,342 | 5,555 |
| Accommodation expenses | | |
| Rental ^(a) | 5,273 | 4,445 |
| Repairs and maintenance | 342 | 351 |
| Total accommodation expenses | 5,615 | 4,796 |
| Other | | |
| Witness expenses | 730 | 647 |
| Vehicle maintenance | 135 | 105 |
| Litigation costs | 185 | 148 |
| External brief out expense | 2,310 | 2,019 |
| Impairment losses | 128 | 17 |
| Other expenses ^(b) | 72 | 112 |
| Total other expenses | 3,560 | 3,048 |
| Total other expenditure | 15,518 | 13,399 |

(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.

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

Rental expenses include:

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

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

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

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

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

3. Our funding sources

How we obtain our funding

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

| | Notes | 2022 (\$000) | 2021 (\$000) |
|------------------------------|---------------------|-----------------|-----------------|
| Income from State Government | 3.1 | 61,764 | 51,600 |
| Other Income | 3.2 | 131 | 253 |

3.1 Income from State Government

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Appropriation received during the period: | | |
| Service appropriations ^(a) | 50,203 | 43,643 |
| Contributions from Confiscation Proceeds Account ^(b) | 10,768 | 7,164 |
| | 60,971 | 50,807 |
| Services received free of charge from other State government agencies during the period ^(c) | | |
| Department of Justice - Corporate and Solicitor services | 661 | 645 |
| Finance - Building and Management Works | 88 | 77 |
| Landgate - Valuation services | 44 | 71 |
| Total services received | 793 | 793 |
| | | |
| Total income from State Government | 61,764 | 51,600 |

(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.

Summary of consolidated account appropriations

For the year ended 30 June 2022

| | 2022 Estimate (\$000) | 2022 Actual (\$000) | Variance (\$000) | 2021 Estimate (\$000) | 2021 Actual (\$000) | Variance (\$000) |
|--|-----------------------------|---------------------------|---------------------|-----------------------------|---------------------------|---------------------|
| <i>Delivery Services</i> | | | | | | |
| Item 67 Net amount appropriated to deliver services | 42,785 | 46,078 | 3,293 | 39,407 | 39,880 | 473 |
| Amount Authorised by Other Statutes | | | | | | |
| • Salaries and Allowances Act 1975 | 3,325 | 4,125 | 800 | 3,763 | 3,763 | - |
| Total appropriations provided to deliver services | 46,110 | 50,203 | 4,093 | 43,170 | 43,643 | 473 |
| <i>Capital</i> | | | | | | |
| Capital appropriations | 768 | 768 | - | 146 | - | (146) |
| GRAND TOTAL | 46,878 | 50,971 | 4,093 | 43,316 | 43,643 | 327 |

3.2 Other Income

| | 2022 (\$000) | 2021 (\$000) |
|---------------------------------------|-----------------|-----------------|
| Contributions to motor vehicle scheme | 87 | 91 |
| Workers' compensation | 11 | 60 |
| Recoup | - | 83 |
| Other income | 33 | 19 |
| | 131 | 253 |

4. Key assets

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 | 2022 (\$000) | 2021 (\$000) |
|-------------------------|---------------------|-----------------|-----------------|
| Plant and equipment | 4.1 | 789 | 977 |
| Right-of-use assets | 4.2 | 314 | 278 |
| Intangibles | 4.3 | 167 | 339 |
| Total key assets | | 1,270 | 1,594 |

4.1 Plant and equipment

| Plant and Equipment Asset Reconciliation Year Ended 30 June 2022 | Leasehold improvements (\$000) | Computer hardware (\$000) | Office equipment (\$000) | Total (\$000) |
|---|-----------------------------------|------------------------------|-----------------------------|------------------|
| 1 July 2021 | | | | |
| Gross carrying amount | 107 | 1,297 | 442 | 1,846 |
| Accumulated depreciation | (90) | (503) | (259) | (852) |
| Accumulated Impairment Loss | - | (14) | (3) | (17) |
| Carrying amount at start of period | 17 | 780 | 180 | 977 |
| Additions | - | 162 | 27 | 189 |
| Works in progress | - | - | 103 | 103 |
| Impairment losses | - | (128) | - | (128) |
| Depreciation | (3) | (275) | (74) | (352) |
| Carrying amount at 30 June 2022 | 14 | 539 | 236 | 789 |
| Gross carrying amount | 107 | 1,459 | 572 | 2,138 |
| Accumulated depreciation | (93) | (778) | (333) | (1,204) |
| Accumulated Impairment losses | - | (142) | (3) | (145) |
| Carrying amount at 30 June 2022 | 14 | 539 | 236 | 789 |

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.

Subsequent measurement

Plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

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4.1.1 Depreciation and impairment

| | Notes | 2022 (\$000) | 2021 (\$000) |
|--|-------|-----------------|-----------------|
| <i>Depreciation</i> | | | |
| Leasehold improvements | 4.1 | 3 | 5 |
| Computer hardware | 4.1 | 275 | 231 |
| Office equipment | 4.1 | 74 | 77 |
| Total depreciation for the period | | 352 | 313 |

As at 30 June 2022 there were \$128,479 in impairment losses to property, plant and equipment or infrastructure. The annual asset impairment assessment identified \$5,063 in impairment losses that were subsequently written off. The remainder of losses occurred as a result of normal business operations during the year.

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 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

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| <i>Right-of-use assets</i> | | |
| Vehicles | 314 | 278 |
| Net carrying amount at end of period | 314 | 278 |

Additions to right-of-use assets during the 2022 financial year were \$143,761 (2021: \$135,778).

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.

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:

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Vehicles | 132 | 142 |
| Total right-of-use asset depreciation | 132 | 142 |
| Lease interest expense (see note 6.2) | 14 | 9 |

The total cash outflow for leases in 2022 was \$310,351 (2021: \$275,490).

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 2022 | Licences (\$000) | Computer Software (\$000) | Total (\$000) |
|--|---------------------|---------------------------------|------------------|
| 1 July 2021 | | | |
| Gross carrying amount | 26 | 676 | 702 |
| Works in progress written off | - | (167) | (167) |
| Accumulated amortisation | (22) | (174) | (196) |
| Carrying amount at start of period | 4 | 334 | 339 |
| | | | |
| Gross Carrying Amount | 4 | 334 | 339 |
| Additions | - | - | - |
| Works in progress written off | - | - | - |
| Amortisation expense | (4) | (168) | (172) |
| Carrying amount at 30 June 2022 | - | 167 | 167 |
| | | | |
| Gross carrying amount | 26 | 509 | 535 |
| Accumulated amortisation | (26) | (342) | (368) |
| Carrying amount at 30 June 2022 | - | 167 | 167 |

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 \$5,000 or more that comply with the recognition criteria as per AASB 138.57 (as noted above), 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

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Licences | 4 | 22 |
| Computer software | 168 | 174 |
| Total amortisation for the period | 172 | 196 |

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 | 2022 (\$000) | 2021 (\$000) |
|---------------------------------|---------------------|-----------------|-----------------|
| Receivables | 5.1 | 5,107 | 2,235 |
| Amounts receivable for services | 5.2 | 7,271 | 6,583 |
| Other current assets | 5.3 | 1,086 | 951 |
| Payables | 5.4 | 1,850 | 1,524 |
| Other provisions | 5.5 | - | - |

5.1 Receivables

| | 2022 (\$000) | 2021 (\$000) |
|----------------------------|-----------------|-----------------|
| <i>Current</i> | | |
| Receivables ^(a) | 5,108 | 2,236 |
| GST Receivable | (1) | (1) |
| Total current | 5,107 | 2,235 |
| Total receivables | 5,107 | 2,235 |

a) Receivables mainly relate to expected funds from the Confiscations Proceed Account.

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

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)

| | 2022 (\$000) | 2021 (\$000) |
|-------------|-----------------|-----------------|
| Current | 458 | 1,000 |
| Non-Current | 6,813 | 5,583 |
| | 7,271 | 6,583 |

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

| | 2022 (\$000) | 2021 (\$000) |
|----------------------|-----------------|-----------------|
| <i>Current</i> | | |
| Prepayments | 1,086 | 951 |
| Total current | 1,086 | 951 |

5.4 Payables

| | 2022 (\$000) | 2021 (\$000) |
|---------------------------|-----------------|-----------------|
| <i>Current</i> | | |
| Trade payables | 230 | 292 |
| Accrued expenses | 935 | 700 |
| Accrued salaries | 678 | 529 |
| Other current liabilities | 7 | 3 |
| Total current | 1,850 | 1,524 |

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 20 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 | 2022 (\$000) | 2021 (\$000) |
|-----------------------|-----------------------|-----------------|-----------------|
| <i>Current</i> | | | |
| Restoration provision | 5.5.1 | - | - |
| Total current | | - | - |

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.

5.5.2 Movement in provisions

| | Notes | 2022 (\$000) | 2021 (\$000) |
|---|-------|-----------------|-----------------|
| <i>Restoration provisions</i> | | | |
| Carrying amount at start of period | | - | 126 |
| Additional/(reversals of) provisions recognised | | - | (126) |
| Unwinding of the discount | | - | - |
| Carrying amount at end of period | | - | - |

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

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| Not later than one year | 105 | 101 |
| Later than one year and not later than five years | 222 | 194 |
| Later than five years | 2 | 7 |
| | 329 | 302 |
| Current | 105 | 101 |
| Non Current | 224 | 201 |
| | 329 | 302 |

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

| | 2022 (\$000) | 2021 (\$000) |
|---------------------------------------|-----------------|-----------------|
| Finance costs | | |
| Lease interest expense ^(a) | 14 | 9 |
| Balance at end of period | 14 | 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.

6.3 Cash and cash equivalents

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Cash advances | 1 | 2 |
| Cash and cash equivalents | 8,071 | 2,037 |
| Restricted cash and cash equivalents | | |
| • Accrued salaries suspense account ^(a) | 840 | 690 |
| • Asset investment plan account ^(b) | - | 1,924 |
| Balance at end of period | 8,912 | 4,653 |

(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) The funds held in restricted cash for the Strategic Asset Portfolio were transferred to cash and cash equivalents for 2022.

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

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows: | | |
| Within 1 year | 13 | 69 |
| Later than 1 year and not later than 5 years | - | - |
| Later than 5 years | - | - |
| | 13 | 69 |

The totals presented for capital commitments are GST inclusive.

7. Financial instruments and contingencies

| | 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:

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| <i>Financial Assets</i> | | |
| Cash and cash equivalents | 8,072 | 2,039 |
| Restricted cash and cash equivalents | 840 | 2,614 |
| Financial assets at amortised cost ^(a) | 12,378 | 8,819 |
| Total financial assets | 21,290 | 13,472 |
| <i>Financial Liabilities</i> | | |
| Financial liabilities at amortised cost ^(a) | 1,850 | 1,524 |
| Total financial liability | 1,850 | 1,524 |

(a) Financial assets and financial liabilities at amortised cost excludes GST recoverable from the ATO (statutory receivable).

Measurement

All financial assets and liabilities are carried without subsequent remeasurement.

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 2022.



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 |
| Key management personnel | 8.2 |
| Related party transactions | 8.3 |
| Remuneration of auditors | 8.4 |
| Equity | 8.5 |
| Supplementary financial information | 8.6 |
| Explanatory statement | 8.7 |

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 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(\$) | 2022 (\$000) | 2021 (\$000) |
|-----------------------|-----------------|-----------------|
| 170,001 - 180,000 | 1 | - |
| 220,001 - 230,000 | - | 1 |
| 230,001 - 240,000 | 1 | - |
| 240,001 - 250,000 | 1 | - |
| 250,001 - 260,000 | 1 | - |
| 260,001 - 270,000 | 1 | - |
| 270,001 - 280,000 | 1 | - |
| 280,001 - 290,000 | 1 | - |
| 310,001 - 320,000 | - | 1 |
| 320,001 - 330,000 | - | - |
| 330,001 - 340,000 | 1 | - |
| 360,001 - 370,000 | 1 | - |
| 370,001 - 380,000 | - | 1 |
| 380,001 - 390,000 | 1 | - |
| 390,001 - 400,000 | 1 | - |
| 410,001 - 420,000 | 2 | 2 |
| 420,001 - 430,000 | - | 1 |
| 470,001 - 480,000 | - | 1 |
| 530,001 - 540,000 | 1 | - |
| 600,001 - 610,000 | - | 1 |

| | 2022 (\$000) | 2021 (\$000) |
|--|-----------------|-----------------|
| Short-term employee benefits | 3,922 | 2,820 |
| Post-employment benefits | 591 | 446 |
| Other long-term benefits | 68 | (3) |
| Termination benefits | - | - |
| Total compensation of senior officers | 4,581 | 3,263 |

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

8.3 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.

8.4 Remuneration of auditors

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

| | 2022 (\$000) | 2021 (\$000) |
|---|-----------------|-----------------|
| Auditing the accounts, financial statements, controls, and key performance indicators | 40 | 44 |

8.5 Equity

| | 2022 (\$000) | 2021 (\$000) |
|--------------------------------------|-----------------|-----------------|
| Contributed Equity | | |
| Balance at start of period | 7,138 | 7,138 |
| <i>Contributions by owners</i> | - | - |
| Capital appropriation | 768 | - |
| Total contributions by owners | 768 | - |
| Distribution to owners | - | - |
| Balance at end of period | 7,906 | 7,138 |

8.6 Supplementary financial information

(a) Write-offs

During the financial year, \$80 (2021: \$2,344) 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.

8.7 Explanatory statement (Controlled Operations)

All variances between estimates (original budget) and actual results for 2022, and between the actual results for 2022 and 2021 are shown below. Narratives are provided for key major variances, which vary more than 10% from their comparative and that the variation is more than 1% of the dollar aggregate of:

- Total Cost of Services for the Statements of comprehensive income and Statement of cash flows (i.e. 1% of \$55,048,000 totalling \$550,480); and
- Total Assets for the Statement of financial position (i.e. 1% of \$23,646,000 totalling \$236,460).

8.7.1 Statement of comprehensive income variances

| | | Estimate 2022 (\$000) | Actual 2022 (\$000) | Actual 2021 (\$000) | Variance between estimate and actual 2022 and 2021 (\$000) | |
|--|--------------------------|-----------------------------|---------------------------|---------------------------|--|--------|
| | Variance Notes | | | | | |
| Expenses | | | | | | |
| Employee benefits expense | | 39,764 | 38,874 | 39,558 | (890) | (684) |
| Supplies and services | 1.1, 2.1 | 3,135 | 6,342 | 5,555 | 3,207 | 787 |
| Depreciation and amortisation expense | | 1,031 | 656 | 650 | (375) | 6 |
| Accommodation expenses | 1.2, 2.2 | 4,410 | 5,615 | 4,796 | 1,205 | 819 |
| Finance and interest costs | | 19 | - | - | (19) | - |
| Other expenses | | 3,313 | 3,560 | 3,048 | 247 | 513 |
| Total cost of services | | 51,672 | 55,048 | 53,607 | 3,376 | 1,441 |
| Income | | | | | | |
| Revenue | | | | | | |
| Other revenue | | 50 | 131 | 253 | 81 | (122) |
| Total Revenue | | 50 | 131 | 253 | 81 | (122) |
| Total income other than income from State Government | | 50 | 131 | 253 | 81 | (122) |
| NET COST OF SERVICES | | 51,622 | 54,917 | 53,354 | 3,295 | 1,562 |
| Income from State Government | | | | | | |
| Service Appropriation | 2.3 | 46,110 | 50,203 | 43,643 | 4,093 | 6,560 |
| Contribution from Confiscation Proceeds Account | 1.3, 2.4 | 5,605 | 10,768 | 7,164 | 5,163 | 3,604 |
| Services received free of charge | | 793 | 793 | 793 | - | - |
| Total income from State Government | | 52,508 | 61,764 | 51,600 | 9,256 | 10,164 |
| SURPLUS/(DEFICIT) FOR THE PERIOD | | 886 | 6,848 | (1,754) | 5,962 | 8,602 |
| OTHER COMPREHENSIVE INCOME | | | | | | |
| | | - | - | - | - | - |
| TOTAL COMPREHENSIVE INCOME FOR THE PERIOD | | 886 | 6,848 | (1,754) | 5,962 | 8,602 |

8.7.2 Statement of financial position variances

| | Variance Notes (\$000) | Estimate 2022 (\$000) | Actual 2022 (\$000) | Actual 2021 (\$000) | Variance between estimate and actual 2022 and 2021 (\$000) | |
|--------------------------------------|------------------------------|-----------------------------|---------------------------|---------------------------|--|---------|
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Cash and cash equivalents | 1.4, 2.5 | 2,771 | 8,072 | 2,039 | 5,301 | 6,033 |
| Restricted cash and cash equivalents | 1.5 | - | - | 1,924 | - | (1,924) |
| Receivables | 1.6, 2.6 | 3,018 | 5,107 | 2,235 | 2,089 | 2,872 |
| Amounts receivable for services | 1.7, 2.7 | 150 | 458 | 1,000 | 308 | (542) |
| Other current assets | 2.8 | 180 | 1,086 | 951 | 906 | 135 |
| Total Current Assets | | 6,119 | 14,723 | 8,149 | 8,604 | 6,574 |
| Non-Current Assets | | | | | | |
| Restricted cash and cash equivalents | | 529 | 840 | 690 | 311 | 150 |
| Amounts receivable for services | 1.8 | 6,597 | 6,813 | 5,583 | 216 | 1,230 |
| Plant and equipment | | 1,088 | 789 | 977 | (299) | (188) |
| Right-of-use assets | | - | 314 | 278 | 314 | 36 |
| Intangible assets | 2.8 | 2,440 | 167 | 339 | (2,273) | (172) |
| Total Non-Current Assets | | 10,654 | 8,923 | 7,867 | (1,731) | 1,056 |
| TOTAL ASSETS | | 16,773 | 23,646 | 16,016 | 6,873 | 7,630 |
| LIABILITIES | | | | | | |
| Current Liabilities | | | | | | |
| Payables | 1.9, 2.9 | 764 | 1,850 | 1,524 | 1,086 | 326 |
| Lease Liabilities | | - | 105 | 101 | 105 | 4 |
| Employee related provisions | 2.10 | 6,666 | 7,507 | 7,641 | 841 | (134) |
| Other Provisions | 2.11 | 508 | - | - | (508) | - |
| Total Current Liabilities | | 7,938 | 9,462 | 9,266 | 1,524 | 196 |
| Non-Current Liabilities | | | | | | |
| Lease Liabilities | | - | 224 | 201 | 224 | 23 |
| Provisions | | 2,165 | 2,330 | 2,535 | 165 | (205) |
| Borrowings and leases | 2.12 | 404 | - | - | (404) | - |
| Total Non-Current Liabilities | | 2,569 | 2,554 | 2,736 | (15) | (182) |
| TOTAL LIABILITIES | | 10,507 | 12,016 | 12,002 | 1,509 | 14 |
| NET ASSETS | | 6,266 | 11,630 | 4,014 | 5,364 | 7,616 |
| EQUITY | | | | | | |
| Contributed Equity | | 8,052 | 7,906 | 7,138 | (146) | 768 |
| Accumulated surplus/(deficit) | | (2,186) | 3,724 | (3,124) | 5,910 | 6,848 |
| Other | | 400 | - | - | (400) | - |
| TOTAL EQUITY | | 6,266 | 11,630 | 4,014 | 5,364 | 7,616 |

8.7.3 Statement of cash flows variances

| | Variance Notes (\$000) | Estimate 2022 (\$000) | Actual 2022 (\$000) | Actual 2021 (\$000) | Variance between estimate and actual (\$000) | |
|--|------------------------------|-----------------------------|---------------------------|---------------------------|--|----------------|
| | | | | | | |
| CASH FLOWS FROM STATE GOVERNMENT | | | | | | |
| Service appropriations | 1.10, 2.13 | 45,037 | 49,515 | 42,426 | 4,478 | 7,089 |
| Contributions from Confiscation Proceeds Account | 2.14 | 5,605 | 7,867 | 7,606 | 2,262 | 261 |
| Capital appropriation | | 768 | - | 400 | (768) | (400) |
| Holding account drawdowns | | 458 | 768 | - | 310 | 768 |
| Net cash provided by State Government | | 51,868 | 58,150 | 50,432 | 6,282 | 7,718 |
| Utilised as follows: | | | | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Employee benefits | | (39,764) | (38,158) | (37,607) | 1,606 | (551) |
| Supplies and services | 1.11, 2.15 | (10,038) | (15,085) | (13,699) | (5,047) | (1,387) |
| Finance and interest costs | | (19) | - | - | 19 | - |
| GST payments on purchases | | (840) | (1,424) | (1,345) | (584) | (79) |
| Receipts | | | | | | |
| Receipts from services | | 50 | 131 | 253 | 81 | (122) |
| GST receipts on sales | | - | 9 | 10 | 9 | (1) |
| GST receipts from taxation authority | | 834 | 1,068 | 1,026 | 234 | 42 |
| Net cash provided by/(used in) operating activities | | (49,777) | (53,459) | (51,361) | (3,682) | (2,098) |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Purchase of non-current physical assets | 2.16 | (2,364) | (289) | (409) | 2,075 | 120 |
| Net cash provided by/(used in) investing activities | | (2,364) | (289) | (409) | 2,075 | 120 |
| CASH FLOWS FROM FINANCING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Repayment of borrowings and leases | | (143) | (143) | (149) | - | 6 |
| Net cash provided by/(used in) financing activities | | (143) | (143) | (149) | - | 6 |
| Net increase/(decrease) in cash and cash equivalents | | (416) | 4,259 | (1,487) | 4,675 | 5,746 |
| Cash and cash equivalents at the beginning of the period | | 3,716 | 4,653 | 6,140 | 937 | (1,487) |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | | 3,300 | 8,912 | 4,653 | 5,612 | 4,259 |

Major Variance Narratives (Controlled Operations)

Variances between actual results for 2022 and 2021

- 1.1 Increases due to the costs associated with the movement to the Office of Digital Government's Digital WA Strategy and the demand for prosecution services in brief-out costs.
- 1.2 Increase due the ODPP's increase in workforce and the associated costs in maintenance, security and lease costs.
- 1.3 Increase due to the growth in criminal monies confiscated by the Western Australian Police Force, the Office of the Director of Public Prosecutions and the Corruption and Crime Commission during the period.
- 1.4 Increase due to the timing of major projects including critical Asset Investment Program works.
- 1.5 Reduction due to the derecognition of \$1.924m in restricted cash due to the reallocation of cash reserves.
- 1.6 Increase due to an increase in the accrued revenue recognition of the Confiscations Funding.
- 1.7 Decrease due to the timing of projects in the Asset Investment Program.
- 1.8 Increase due to the timing of projects in the Asset Investment Program.
- 1.9 Increase due to the accrued expenses of major supply activity including ICT System Maintenance and brief-out costs.
- 1.10 Increase due to the additional funding required by the Cost Demand model for prosecution teams to meet workload demands.
- 1.11 Increase due to the additional costs for ICT expenses associated with the transition to the Office of Digital Government's Digital WA Strategy and brief-out costs for prosecutorial workload demands.

Variances between estimate and actual for 2022

- 2.1 Increase due to costs for the movement to the Office of Digital Government's Digital WA Strategy and brief-out costs to meet workload demands.
- 2.2 Increase due to accommodation cost pressures from maintenance, security and lease expenses to cater for the ODPP's expanding workforce.
- 2.3 Increase due to the additional funding required for the Cost Demand model funding for prosecutions teams to meet workload demands.
- 2.4 Increase due to the growth in criminal monies confiscated by the Western Australian Police Force, the Office of the Director of Public Prosecutions and the Corruption and Crime Commission during the period.
- 2.5 Increase due to the timing of major projects including critical Asset Investment Program works.
- 2.6 Increase due to an increase in the accrued revenue recognition of the Confiscations Funding.
- 2.7 Increase due to the timing of projects in the Asset Investment Program.
- 2.8 Decrease due to the timing of major system programs of works.
- 2.9 Increase in accrued expenses of major supply activity including ICT System Maintenance expenses and brief-out expenses.
- 2.10 Increase due to the additional funding required for the Cost Demand model funding for prosecutions teams to meet workload demands.
- 2.11 Decrease due to timing of projects within the Asset Investment Program.
- 2.12 Decrease due to allocation of budget based on the accounting treatment of leases.
- 2.13 Increase due to the additional funding required by the Cost Demand model for prosecution teams to meet workload demands.
- 2.14 Increase due to additional funds received from the Confiscations Proceeds Account.
- 2.15 Increase due to the additional costs for ICT expenses associated with the transition to the Office of Digital Government's Digital WA Strategy and brief-out costs for prosecutorial workload demands.
- 2.16 Decrease due to the timing of Asset Investment Program works.

Key performance indicators are a pertinent part of understanding and measuring the performance and health of an organisation. This important metric measures identified goals against the actual, quantifiable data over a specified period, allowing for critical adjustments in execution to be made in order to achieve strategic objectives.

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 2022.

Robert Owen

Accountable Authority

10 August 2022

Pascoe Rechichi FCPA

Chief Finance Officer

10 August 2022

Key performance indicators

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 WA Police Force.

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

Relationship to Government Goals

| GOVERNMENT GOAL | ODPP DESIRED OUTCOME | ODPP SERVICES |
|--|--|---------------------------|
| Safe, Strong and Fair Communities: | That people of Western Australia are provided with a fair and just criminal prosecution service. | 1. Criminal Prosecutions |
| Supporting our local and regional communities to thrive. | | 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 also 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

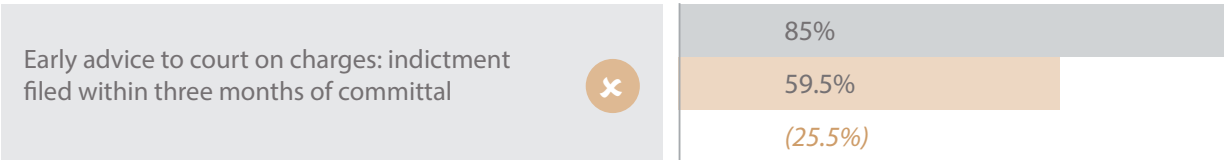
Relationship to Desired Outcome

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. Therefore, the timely filing of the indictment by the ODPP at the Court is a key factor in achieving a fair and just outcome.

The overall rate is calculated by dividing the number of indictments that are filed on-time by the total number of indictments that are due during the year. An indictment becomes due three months after committal of an accused and the charges they face to the Supreme or District Court.

Performance Outcome 2021-22

In 2021-22, there were 2,517 committals to the Supreme or District Court. Following case reviews, 180 of these matters were either remitted to the Magistrates Court to be dealt with summarily, or wholly discontinued, prior to an indictment being filed. The remaining 2,337 committals resulted in an indictment being filed during this reporting period. A total of 1,390 (or 59.5%) were filed with the court within three months of the date of committal.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|---|---------|---------|---------|---------|
| Indictment filed within three months of committal | 70.8% | 69.6% | 65.5% | 59.5% |
| Indictments Due | 2,740 | 2,711 | 2,521 | 2,337 |
| Average days to file Indictment | 77 | 81 | 84 | 88 |

Target

Actual

Variation

Achieved

More work to do

Explanation between the target and actual performance

The number of indictments due decreased by 184 in 2021-22 to 2,337, a 7.3% reduction.

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

Factors that impact the process include:

- Covid impacts, WA Police and Court business delays, and changes to the nature and types of serious crimes committed.
- Obtaining complex forensic and medical evidence.
- Negotiation of plea offers received from the accused.
- Further charges or co-accused awaiting committal.
- Briefs complexity.

Indictment filing delays are impacted by the increasing volume of evidentiary material provided by investigators and an increase in time required for further investigative requisitions before an indictable offence decision can be made on the initial charges. The prosecutors and staff members assigned to perform this function have other competing functions including the increasing trend of court day attendances. Other competing functions which are increasing include the out of court components, for example case file management.

The observed change in 2021-22 has been that prosecutors are waiting to file an indictment in matters where plea negotiations are ongoing. Having an agreed indictment filed with clarity over the pleas that will be entered saves time and adds clarity to the Court process, but results in a negative impact on the KPI. Prosecutors are routinely notifying the court of the delay and citing the cause as ongoing plea negotiations.

2). Establishing a case to answer

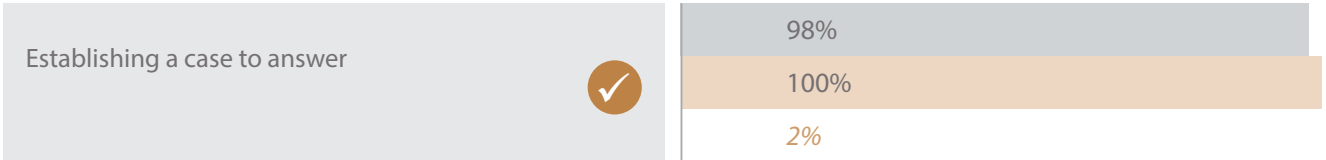
Relationship to Desired Outcome

A fair and just prosecution service must establish its case against an accused person. Each instance of a failure to establish a case to answer, as measured by the early termination of proceedings by a trial judge, is an event which warrants scrutiny.

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

Performance Outcome 2021-22

There were no cases in which the judge directed the accused be acquitted of all charges, resulting in 100% trials in which the State established a case to answer.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|-----------------------------|---------|---------|---------|---------|
| Establishing Case to Answer | 100.0% | 100.0% | 99.6% | 100.0% |

Explanation between the target and actual performance

The ODPP's case assessment and pre-trial review process is robust and has been demonstrated to be effective in identifying unsuitable cases prior to trial, resulting in appropriate action.

Key Performance Indicators

3). Convictions after Trial

Relationship to Desired Outcome

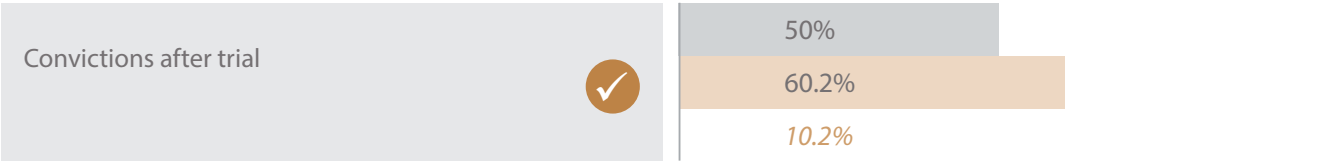
In cases in which an accused pleads not guilty, a trial is required. The ODPP fairly and effectively presents the evidence to the court and the jury. Monitoring and measuring the percentage of convictions after trial assists the ODPP to assess the fairness of its decisions to prosecute.

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

Performance Outcome 2021-22

In 2021-22 488 trials proceeded before a jury or a judge alone in the District and Supreme Court. Of these, 31 (or 6.4%) resulted in a hung jury and 35 (or 7.2%) resulted in a mistrial.

The remaining 422 trials delivered either a conviction or acquittal. Of these, 254 (or 60.2%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|-------------------------|---------|---------|---------|---------|
| Convictions After Trial | 65.7% | 62.3% | 59.4% | 60.2% |

Explanation between the target and actual performance

The target was exceeded in 2021-22, reflecting the thorough and consistent approach of the ODPP in properly assessing and preparing matters for trial.



Service 2 – Confiscation of Assets

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

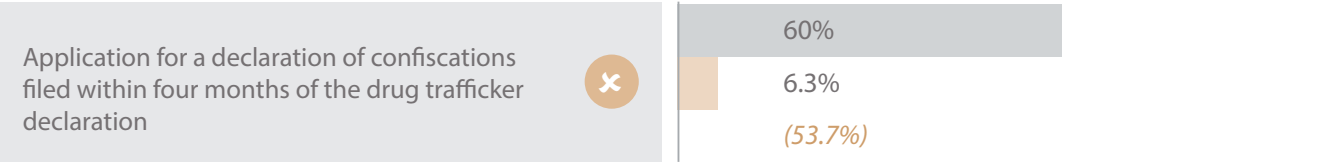
Relationship to Desired Outcome

The timely resolution of a confiscations case contributes to fair and just outcomes for all stakeholders including the community and declared drug traffickers. Many confiscation cases relate to drug traffickers and these cases cannot be completed until an application for a Declaration of Confiscation is filed with a court by the ODPP.

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

Performance Outcome 2021-22

In 2021-22, 32 declarations for confiscations were filed. Of these, 2 (or 6.3%) were filed within four months of the drug trafficker declaration.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|--|---------|---------|---------|---------|
| Number of Declarations Filed | 32 | 59 | 28 | 32 |
| Number of Declarations filed within four months | 2 | 10 | 3 | 2 |
| Percentage Applications filed within four months | 6.3% | 16.9% | 10.7% | 6.3% |

Explanation for the variation between the target and the actual performance

The ODPP manages a high number of drug trafficking declarations and 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 declarations for confiscation in 2021-22 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

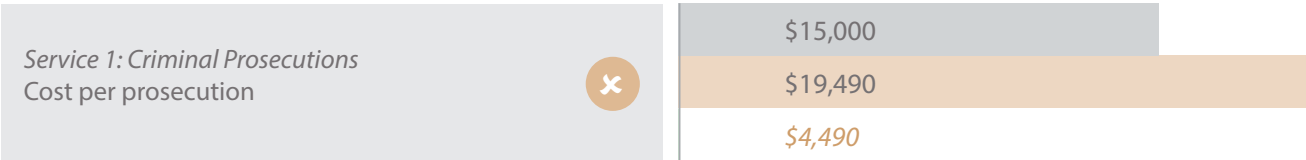
Relationship to Desired Outcome

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 and can be resource intensive. As a consequence, the ODPP does not set a target cost at the individual prosecution level. The KPI target and actual performance is therefore determined by dividing the number of new indictable cases by the ODPP’s total cost of services for criminal prosecutions. This data does not include prosecutions in the Children’s Court.

Performance Outcome 2021-22

The ODPP’s total cost of service for criminal prosecutions in 2021-22 was \$51.201 million. A total of 2,627 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2021-22 was \$19,490.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|-------------------------|----------|----------|----------|----------|
| Cost Per Prosecution | \$14,377 | \$14,771 | \$16,462 | \$19,490 |
| Indictable Prosecutions | 3,018 | 3,074 | 3,015 | 2,627 |

Explanation between the target and actual performance

The ODPP exceeded the target for 2021-22 due to the:

- effects of the backlog of cases from COVID-19,
- increase in the complexity and size of caseloads,
- changes in the nature and types of serious indictable crimes committed during the 2019-2021 period, and
- increasing costs associated with digital evidence storage, ICT expenses and brief out expense.

Criminal prosecutions can take between 6 months and two years to complete, from the time that the ODPP receives them as a ‘new case’. Most of the active cases that the ODPP is currently managing were received through 2019-2021. The COVID-19 case backlog has meant we have more active cases through 2021-22 than in previous years. Case receipts in 2021-22 are down, also due to COVID-19, with border restrictions and lockdowns restricting movement and opportunity for certain types of crime to occur.

The mix of case types received this year has changed, with reductions observed in the types of case that are on the less complex end of the scale (for example minor drug offences). The proportion of more complex and resource intensive types of case (for example domestic violence and sexual assaults) have increased in 2021-22.

The increase in costs in 2021-22 are a result of both factors and the additional resources needed to address the active caseload carried forward from previous years, as well as the new matters received in 2021-22. There has been an increase in costs relative to brief out expenses to cater for the increase complexity of cases.

Service 2 – Confiscation of Assets

Ratio of Cost to Return.

Relationship to Desired Outcome

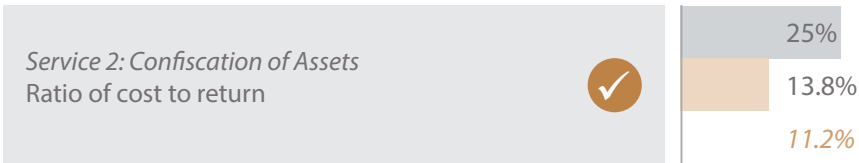
Confiscation proceedings vary greatly as to the type of application, the nature and value of the property and the complexity and length of time required to resolve them. Some proceedings can be dealt with relatively quickly, such as where there is no objection to the application for confiscation. Some proceedings are, by virtue of the underlying factual matrix or by virtue of the type of application, complex in nature.

Proceedings may take considerable time to be resolved, especially where the criminal charges must be completed first, including trial and appeal, which can take several years and can therefore be very demanding of resources.

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

Performance Outcome 2021-22

In 2021-22, the ODPP’s Confiscations services delivered payments of \$27.882 million to the Confiscation Proceeds Account (administered by the Department of Justice). The total cost of service for the confiscations function in the reporting year was \$3.847 million. The ratio of cost to return was therefore 13.80%.



Performance trends over time are illustrated in the following table:

| PERFORMANCE TRENDS | 2018-19 (\$'000) | 2019-20 (\$'000) | 2020-21 (\$'000) | 2021-22 (\$'000) |
|--|------------------|------------------|------------------|------------------|
| Delivered Payments to Confiscations Proceeds Account | 10,681 | 15,419 | 15,214 | 27,882 |
| Total Cost of Services for Confiscations Function | 3,435 | 3,489 | 3,730 | 3,847 |
| Cost as a Percentage of Return | 32.16% | 22.6% | 24.52% | 13.80% |

Explanation between the target and actual performance

The target was met in 2021-22 due to a significant increase in receipts reducing the cost percentage ratio when compared to the total cost of services. Criminal property confiscations receipts to the confiscations proceeds account was \$12.668 million more than in 2020-21. This is due to more criminal monies confiscated by the WA Police, the Corruption Crime Commission and the Office of the Director of Public Prosecutions during the period and an increase in the value of assets seized. This included securing a number of unique high value acquisitions.

