



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.

2022-23 Annual Report

Statement of compliance

For year ended 30 June 2023

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 2023.

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

Director of Public Prosecutions

6 September 2023

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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; the challenges we face; and, future opportunities. It also presents the audited financial statements and key performance indicators for the year ended 30 June 2023, as well as 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 2022-23 and the Department of Treasury's Model Annual Report Tier 2 (Simplified Disclosures) 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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Executive Summary: From the Director

It has been an honour to lead the Office of the Director of Public Prosecutions (ODPP) over the past year, my first as Director. It has been a year of internal growth and change, and of cultivating resilience against perennial workload pressure. I am privileged to observe, on a daily basis, the near indefatigable commitment of all ODPP staff to serving the Western Australian community by delivering prosecution services of the highest quality.

An annual report which, of necessity, summarises our results by reference to figures and trends, can only be a one-dimensional picture of our business. It is my aim to ensure every member of ODPP staff is acknowledged for their daily contribution to the administration of justice in Western Australia.

The ODPP delivered another strong performance this year, finalising 2,587 cases in the District and Supreme Courts, of which 89.6 per cent resulted in a finding of guilt. Not reflected in those figures is the ODPP's significant work in the Children's Court jurisdiction, in its appellate practice – initiating and responding to appeals from conviction and sentence – and its management of criminal confiscations.

For a prosecution service such as the ODPP, the term 'business as usual' obscures the work involved in managing thousands of cases. Each of those cases involves an accused person who is entitled to a fairly conducted proceeding. Most involve a victim who has been directly affected by an alleged crime and who is entitled to be kept informed and treated with respect. In any given prosecution, on any given day, ODPP staff are exercising skill and good judgment.

They are making sound decisions, communicating effectively and sensitively, diligently meeting court deadlines or supporting their colleagues to do so. They are travelling to courtrooms from Albany to Kununurra, representing the State in every case with competent and careful advocacy.

We continue to respond to the increasing use of digital evidence by working with the WA Police Force on the preparation and delivery of police briefs. It is important that our agencies plan for shared digital platforms and common information management standards, so that new technologies are harnessed to achieve efficiencies for both workforces. This year, multiple collaborations with the WA Police Force on training and information-sharing sessions in various specialist areas were also welcomed.

The important and unique role of victims in the criminal justice process is central to the ODPP's work. In a new [Policy and Guidelines for Victims of Crime 2022](#) (the Guidelines), which came into effect on 1 July 2022, I reaffirmed the ODPP's commitment to refining our policies and procedures to ensure that victims are appropriately acknowledged, informed and consulted.

An adjustment to our victim review procedure in the Guidelines has streamlined the process whereby decisions about prosecutions are reviewed by a more senior prosecutor, at a victim's request. In 2022-23, our fourth annual audit of victim consultation processes demonstrated we are overwhelmingly meeting our commitments to consult with victims and with investigating officers. In the audit period there were 46 requests from victims for the review of a decision, and each review that is completed represents an independent and comprehensive reconsideration of the evidence for the decision.

Internally, the ODPP is in a period of renewal and growth. As the disruptions brought by COVID-19 reduced, staff adjusted admirably to other changes, including office refurbishments, team restructures, and numerous staff appointments.

In addition to a change in the Directorship, the year saw Senior Consultant State Prosecutor Laura Christian SC appointed as a Judge of the District Court. Judge Christian's appointment followed a long career with the ODPP, during which she prosecuted some of our most complex trials. Her Honour also provided guidance and leadership to junior staff, having a longstanding role in the ODPP's training and development programs.

Recruitment and retention of senior legal staff remains a challenge and the ODPP prioritises a strong internal development program to cultivate our future leaders. We welcomed a number of new lawyers and paralegal staff into the ODPP this year; a great achievement in a challenging environment for recruitment.

The wellbeing of our staff continues to be a major priority. While strategies to reduce workload pressure must be pursued across the justice system, those are not an immediate solution.

Our internal efforts to provide mental health support and build resilience are multi-layered, encompassing leadership behaviours, more agile workload management, psychological services, development programs and awareness campaigns. These are directed at the five 'wellbeing pillars' identified in our Mental Health and Wellbeing Strategy and Plan 2022-2024: preventing harm, early intervention, supporting recovery, organisational practices, and promotion.

The ODPP has delivered mental health training to over 70 per cent of our managerial staff, and a broader 'mental health fundamentals' course is planned for all staff. Specialised training courses such as on vicarious trauma and exposure to graphic material (including child exploitation material) were also delivered.

An important initiative is the ODPP's 'WellCheck' pilot program, which has introduced one-on-one psychological debrief sessions to a substantial cohort of legal staff. The sessions are designed to monitor mental health, general functioning, and adaptive coping strategies, and are an avenue for early intervention and referral where issues are identified.

The reporting year has seen a focus on sexual violence. Three State-based projects: the development of Western Australia's first Sexual Violence Prevention and Response Strategy, the Law Reform Commission's review of the sexual offences in [The Criminal Code](#), and a review of the criminal justice system's response to sexual offending being undertaken by the Commissioner for Victims of Crime, are together likely to initiate a period of reform.

The ODPP has contributed to these projects by participating in consultative committees and workshops, and by drawing on our extensive practical experience in the operation of the criminal justice system to make informed submissions on potential reforms. It is hoped that the collective efforts to address sexual violence that are generated by these projects will promote an understanding of, and confidence in, our justice system.

I acknowledge and thank all staff for their continued work effort, professionalism and resilience.

Robert Owen
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.

Enabling legislation

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

Legislation administered

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

Changes in written law

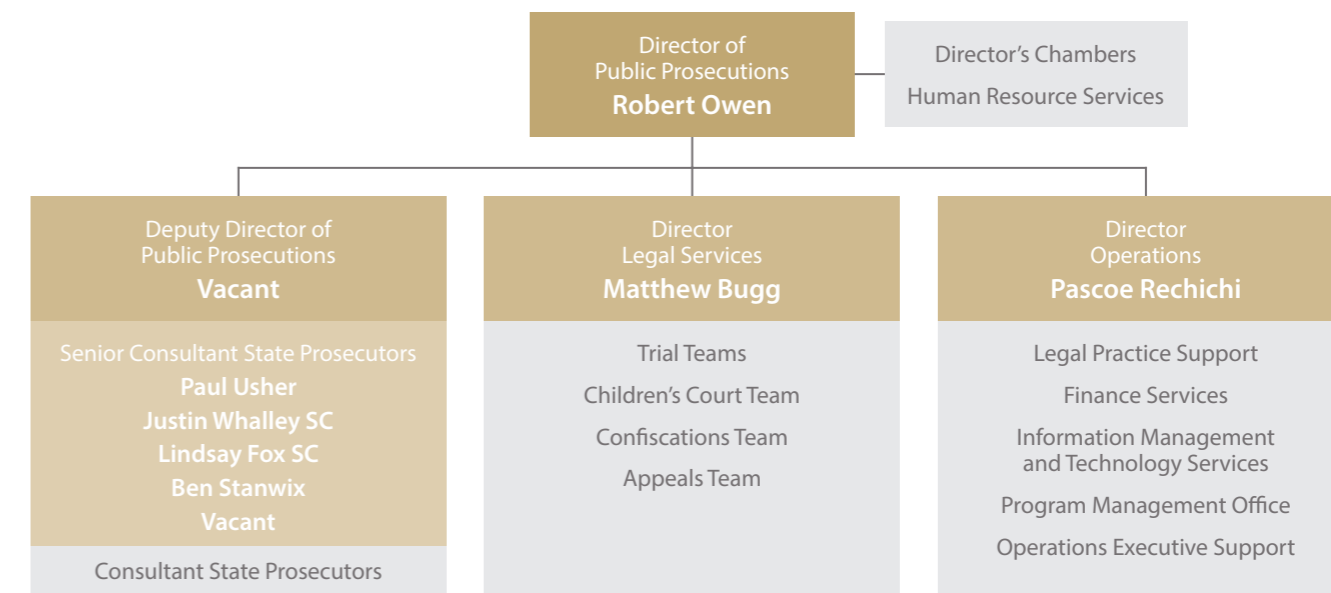
On 1 July 2022, ss 3 and 5 of the [Director of Public Prosecutions Act 1991](#) were amended by s 424 of the [Legal Profession Uniform Law Application Act 2022 \(No. 9 of 2022\)](#).

The amendments were to remove the term 'Australian lawyer', consistent with the use of the term 'legal practitioner' in the Legal Profession Uniform Law.

Organisational structure

Responsible minister

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



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:

- Trial Teams: responsible for all prosecutions in the Supreme and District Courts throughout the State and take over prosecutions before committal in the Perth and Stirling Gardens Magistrates Courts.
- Children's Court Team: responsible for all prosecutions that come before the President of the Children's Court (wherever they are to be heard in the State) and all cases before Magistrates sitting in the Children's Court at Perth.
- Confiscations Team: manages a range of matters including confiscation proceedings pursuant to the [Criminal Property Confiscation Act 2000](#).
- Appeals Team: manages all aspects of the ODPP's appellate practice, including: all appeals brought by the State or an accused in the Court of Appeal or High Court; and, single Judge appeals from decisions in some classes of Magistrates Court cases.

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 various Legal Services teams.

Other services provided by the directorate include 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 2022-23, the Director made submissions to inquiries and reviews, including an appearance before the Joint Standing Committee on the Corruption and Crime Commission in its inquiry, “What happens next? Beyond a finding of serious misconduct”.

The ODPP also participated in several projects underway in Western Australia to address sexual violence. The Director delivered lengthy submissions to the Law Reform Commission of Western Australia’s Project 113: Sexual offences, and contributed, with other staff, to the Commission’s workshops on sexual offences and possible reforms. The ODPP was also represented on the Steering Committee and Project Working Groups for the development of the State’s first Sexual Violence Prevention and Response Strategy, and the Commissioner for Victims of Crime’s Review of the Criminal Justice System Response to Sexual Offending.

The ODPP was consulted on the [Criminal Law \(Mental Impairment\) Act 2023](#), which was assented to on 13 April 2023, and is expected to commence in 2024-25. We continue to engage in inter-agency efforts to prepare the criminal justice system for the new mentally impaired accused regime.

The following important reforms introduced in 2022-23 are relevant to the ODPP’s work.

Second and subsequent appeals

The [Criminal Appeals Amendment Act 2022](#) commenced on 1 January 2023. It introduced an avenue for a second or subsequent appeal from a conviction when there is either ‘fresh and compelling’ or ‘new and compelling’ evidence.

Protected entertainment precinct laws

The [Liquor Control Amendment \(Protected Entertainment Precincts\) Act 2022](#) commenced on 24 December 2022. It established ‘protected entertainment precincts’ from which certain persons are excluded, or can be excluded, by exclusion orders.

Most relevantly for the ODPP, a person convicted of committing a specified offence in a public place in a protected entertainment precinct will be excluded from all precincts for 5 years (adults) and 2 years (juveniles). If an excluded offender enters or remains in a precinct, they commit an indictable offence.

Firearms

The [Firearms Amendment Act 2022](#), which commenced in phases over the latter half of 2022, introduced new firearms offences and modernised definitions and terms. The new crimes are directed at: the unauthorised manufacture, repair of, or dealing in firearms and related items; participating in unauthorised ‘firearms activity’, including possessing or supplying ‘firearms precursors’; and, ‘firearms technology’, which targets 3D printers, computer programs and other technologies.

Prisoners with ‘links to terrorism’

On 11 November 2022, the [Sentencing Administration Act 2003](#) was amended in respect of prisoners and young offenders with ‘links to terrorism’.

There is now a presumption against the early release of these persons by requiring exceptional reasons for their release to be shown. To guide the exceptional reasons test, an assessment is required of “additional release considerations” including the degree of risk posed to the community by the person’s release, and the nature and seriousness of their conduct advocating or supporting terrorism.

Bail

The [Bail Amendment Act 2022](#) made changes to bail laws, particularly in cases of alleged sexual offences where the victim is a child at the time bail is considered (except where the accused is a child). In such cases, bail decision-makers must take into account additional matters when they are considering whether an accused, if not kept in custody, may endanger the safety or welfare of the child victim.

The additional matters include the physical and emotional wellbeing of the child victim, and the importance of safety and stability in their living arrangements and relationships (amongst other matters).

New clause 3AB also requires that if the child victim expresses concern to a prosecutor that the accused may endanger their safety or welfare, if they are released, or if the child victim’s family member or a police officer investigating the offence informs the prosecutor they have expressed that concern, then the prosecutor must inform the bail decision-maker about the concern and the reasons for it, and the decision-maker must have regard to that information.

In all cases, the changes mean bail decision-makers must have regard to certain matters when considering the level of risk involved in not keeping the accused in custody, which include the accused’s post-offence conduct toward any victims and their family members.

Looking ahead:

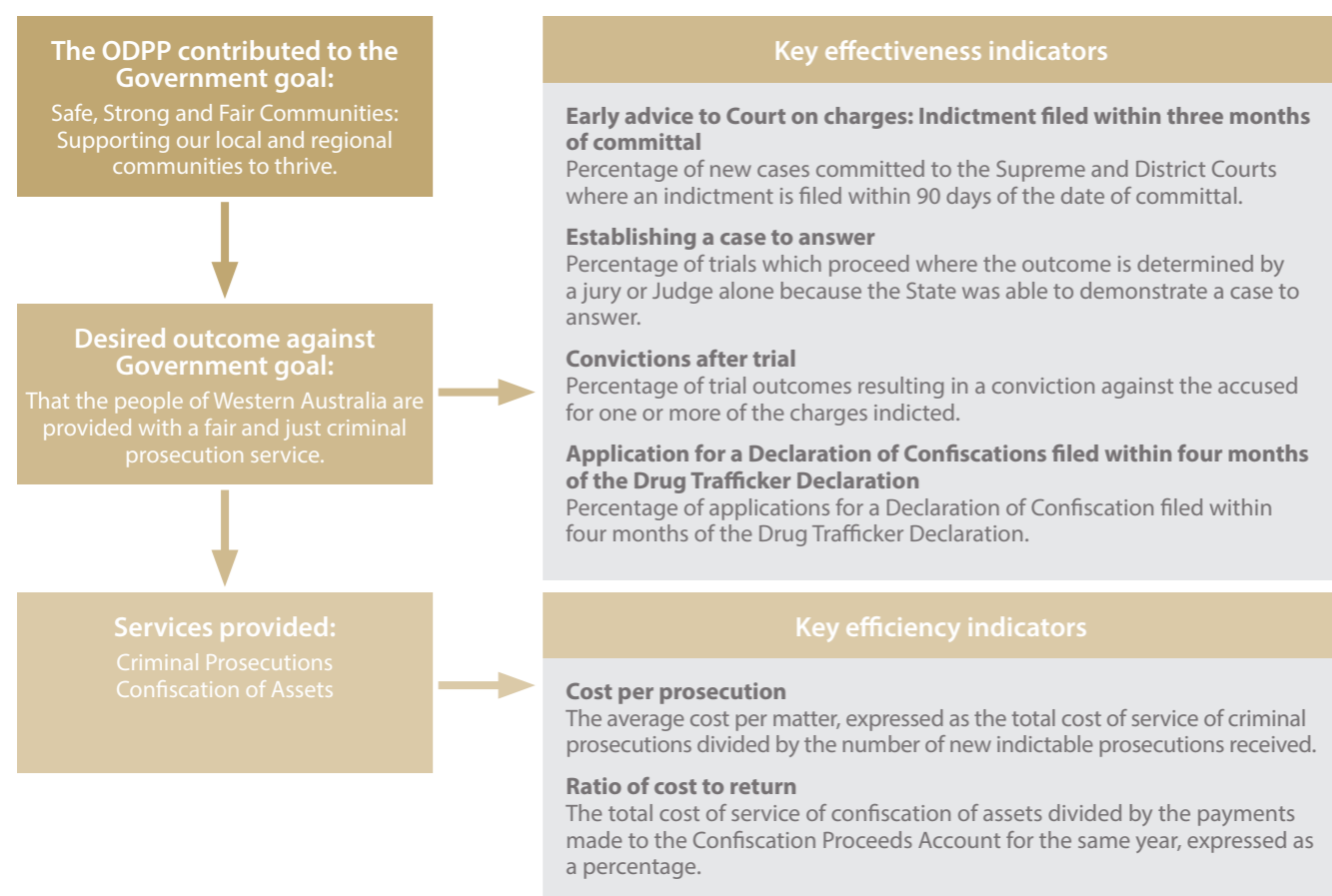
- The [Criminal Law \(Mental Impairment\) Act 2023](#) received Royal Assent on 13 April 2023 and is expected to commence in 2024. The Act will introduce a contemporary framework for the management of persons with mental impairment in the justice system, including accused who are found unfit to stand trial, and persons acquitted on account of their mental impairment at the time of the offence. The ODPP is contributing to inter-agency efforts to implement the new scheme, and will undertake preparatory work in relation to persons currently subject to custody orders.
- The Law Reform Commission of Western Australia is due to report to the Attorney General on its Project 113: Sexual offences later in 2023. The ODPP anticipates engaging with the Department of Justice on the Commission’s recommendations regarding reform of the sexual offences in [The Criminal Code \(WA\)](#) and the laws of ‘consent’.



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.

Our outcome-based management framework defined:



Changes to outcome-based management framework

The ODPP’s outcome-based management framework did not change during 2022-23.

Shared responsibilities with other agencies

The ODPP did not share any responsibilities with other agencies in 2022-23.

Summary of key performance indicators

The following table summarises how we performed against each of our Key Performance Indicators in 2022-23. 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.

	Target ⁽¹⁾	Actual	Variance	Achieved
Key effectiveness indicators				
Early advice to Court on charges: Indictment filed within three months of committal	85%	47.40%	-37.60%	✘
Establishing a case to answer	98%	99.40%	1.40%	✓
Convictions after trial	50%	55%	5.00%	✓
Application for a Declaration of Confiscations filed within four months of the Drug Trafficker Declaration	20%	12.50%	-7.50%	✘
Key efficiency indicators				
Service 1: Criminal Prosecutions Cost per prosecution	\$18,000	\$20,217	-\$2,217	✘
Service 2: Confiscation of Assets Ratio of cost to return	25%	14.10%	-10.90%	✓

(1) As specified in the Budget Statements.

Corporate Goal: To effectively manage criminal prosecutions

The core work of the Office of the Director of Public Prosecutions (ODPP) is the conduct of criminal matters committed to superior courts, from the Magistrates' Courts, located throughout Western Australia. We are responsible for prosecuting the most serious offences against the State's criminal laws.

Prosecution activity

In 2022-23, 2,587 cases concluded. Of these, 89.6 per cent resulted in a finding of guilt, either by a plea or verdict. This high sentencing rate reflects our appropriate pre-trial assessment, effective case management and sound execution of prosecutorial discretion.

While the majority of the matters the ODPP deal with are heard in the Perth District and Supreme Courts, the ODPP provides a prosecution service across the whole of Western Australia. The District and Supreme Courts have circuit court arrangements that extend to regional areas. This requires prosecutors to travel on circuit to various areas, including Albany, Broome, Bunbury, Busselton, Carnarvon, Derby, Esperance, Geraldton, Kalgoorlie, Karratha, Kununurra, Meekatharra and South Hedland. Commencing this year, an experienced paralegal accompanied the prosecutorial staff for a regional court hearing. While there, they provided administrative and stakeholder support, relieving this pressure from the prosecutor. Paralegal support for circuit, and large and complex prosecution cases continues.

Introducing Team 5

Team 5 is a new ODPP initiative that aims to proactively conclude more prosecutions sooner, to provide members of the community with certainty of outcome, and to relieve the criminal justice system of the burdens of unnecessary jury trials.

During 2022-23, Team 5 took carriage of 659 matters and concluded reviews of 487 of those matters. Experienced prosecutors within the team reviewed matters that had already been listed for jury trials and, ahead of each month, routinely concluded without jury trial at least eight of the matters that were scheduled in that month's District Court trial calendar. Junior prosecutors reviewed new pre committal matters and have settled cases on 190 matters, with only seven of those 190 matters needing to be scheduled for jury trial, taking on average thirty-one days from receipt of the matter to decision.

In 2023-24, Team 5 intends to continue to conclude more prosecutions sooner and to explore the viability of achieving similar outcomes with matters committed for sentence.

Improving work practices with police

A Police Brief Working Group was established comprising members of the ODPP's Legal Practice Support (LPS) and Practice Management teams as well as the Western Australia Police Force's (WA Police Force) Prosecution Management Team. The aim is to improve the quality and timeliness of received police briefs. In June 2023, a demonstration of the 'Prosecution' system was given to ODPP staff, the Working Group and others. This provided a good insight into the system's capabilities and how a brief is compiled.

Overall, the Working Group has resulted in a collaborative approach to ensuring matters are reviewed at an early stage. LPS managers are also working with the ODPP's Practice Managers regarding the prioritisation of case file allocations.

The ODPP also engaged with the WA Police Force to establish standards and conventions for the structure and naming of digital evidence. This will enable prosecutors to identify and assess evidence more easily. Due to the potential positive implications this has on the disclosure of this material across the judicial system, liaison has occurred with parties representing the defence and courts.

Increasing diversity awareness

The ODPP represents the Western Australian community. As such, it is imperative that our staff celebrate and respect the diversity of thought, perspective, experience and demographics that makes up our State. A number of days of recognition were celebrated across 2022-23, including NAIDOC Week, Harmony Week and Pride Month. Adjunct Professor Tony Pietropiccolo AM spoke to staff during Anti-Poverty Week to raise awareness about child poverty. The Honourable Lindy Jenkins was guest speaker at our International Women's Day event, which we extended an invite to the State Solicitors Office.

In August 2022, to coincide with celebrations for 'Wear it Purple' day, the ODPP launched LGBTQIA+ diversity training for our staff. In May 2023, a bitesize training session on neurodiversity was held. Both of these new training offerings were well received, with additional sessions scheduled. These sessions complement the cultural and disability awareness training the ODPP already holds. Almost 50 per cent of our staff attended at least one diversity training session during 2022-23.

Looking ahead:

- Establishing a program for the procurement, development, implementation, management and maintenance of a legal knowledge management platform.



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

There are no victimless crimes. Just as a pebble tossed in water causes ripples, so do the effects of crime ripple out to affect many lives.

Victims of crime

A victim's role in the criminal justice system is statutorily recognised through the [Victims of Crimes Act 1994](#). The Act addresses the needs of victims of crime, their treatment and allows for their participation in the criminal justice process as much as possible.

Once the ODPP has taken over conduct of a prosecution, a letter is sent to people identified as victims of crime. This initial correspondence provides information about the prosecution process and explains the important role a victim of crime has in it. An accompanying form allows the victim of crime to nominate if they wish to be kept informed of the progress of the case or indicate if they wish to only be informed of the final outcome.

We may also contact a victim of crime during other critical stages of the prosecution, including listing and sentencing hearings or in the event of an appeal. And we will notify victims of crime regarding their entitlements to seek restitution and compensation.

We understand that being a victim of crime can be a traumatic experience. We ensure all victims have been referred to the relevant services for victim support and child witnesses. These agencies can assist people through the providing additional information about the court process and help with the preparation of victim impact statements.

We are committed to refining our policies, procedures and processes to ensure that victims of crime are provided with enough information to enable them to navigate the complexities of the criminal justice process. Furthermore, we will work with victims of crime to ensure that they are appropriately acknowledged, as well as the impact that the offending has had upon them.

Visitor management

Over the course of 2022-23, almost 20 people a day visited our offices, including victims of crime, witnesses, police officers, contractors, and other visitors. This helps to illustrate that the ODPP is just one of the many stakeholders within the complex criminal justice system. To better manage the flow of visitors, we introduced a Visitor Triage Officer. This role works closely with staff and security personnel to ensure a coordinated and safe approach is applied to all visitors to our building.

To aid us in accommodating the growing demand for prosecution services, three additional interview rooms were built within our premises. These purpose-built rooms are secure and acoustically sound, with the necessary technology for videoconferencing.

Consultation with victims

In 2017, the Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse included several recommendations.

The ODPP first established its [Policy and Guidelines for Victims of Crime](#) (the Guidelines) as a standalone statement on 1 September 2018. The Guidelines govern the ODPP's consultation with victims and police, and, in some circumstances, allow for victims to seek a review of a decision made by the ODPP to discontinue a charge or a prosecution.

The Director issued updated versions of the Guidelines and the [Statement of Prosecution Policy and Guidelines](#), both being effective from 1 July 2022.

Under the Guidelines, a decision by a State Prosecutor is reviewable at the request of a victim if the effect of the decision is to discontinue a prosecution, or to discontinue one or more charges such that the prosecution case in relation to that victim is significantly altered ('a reviewable decision').

In 2022-23, the ODPP completed its fourth internal audit of compliance with the processes for decision-making and consultation with victims and police set out in the Guidelines. The internal audit involved inspection of 88 randomly selected ODPP cases by officers independent of the prosecution trial teams. The audit period refers to cases that had a final outcome recorded between 1 January 2022 and 31 December 2022.

Consultation with victims about decisions

- In 88 per cent of cases the victim, or a child victim's parent or guardian, was consulted about a reviewable decision.
- In 7 per cent of cases, the victim was unable to be contacted, despite multiple attempts.
- In 3 per cent of cases, there were insufficient records of whether the victim had been consulted for an assessment of compliance to be made.
- In 2 per cent of cases (2 cases), a decision was made to discontinue a prosecution due to medical evidence that indicated there was no prima facie case. One decision was made by the former Director (under the current Guidelines not a reviewable decision), and the other decision was reviewed by the current Director.

Consultation with investigating officers about decisions

- Across all audited cases, in 84 per cent there were records that the investigating officer was consulted.
- In all cases where the victim was unable to be consulted, the investigating officer was consulted instead.

Reviews of decisions

- In 89 per cent of cases involving a reviewable decision, there were records of victims being informed of their right to request the decision be reviewed.
- Of the 7 cases where the victim was not informed of their review rights: in 4 cases the victim could not be contacted, in 2 cases the victim had expressly supported the decision, and in 1 case the short time before trial meant that a review could not practicably be offered.
- In the audit period, there were 46 requests from victims for the review of a decision. In 4 audited cases, a review was conducted; in each of these 4 cases the original decision was endorsed upon review.

Looking ahead:

- Working towards an updated set of victim letters with links to new videos on appearing in court and giving evidence.
- The ODPP welcomes the Review of the criminal justice system response to sexual offending currently being undertaken by the Commissioner for Victims of Crime, with its focus on the experiences of victims from first report through to the release of an offender. It is anticipated that the ODPP will respond to the Commissioner's recommendations for reform arising out of the Review in 2024-25.
- Investigating increased efficiencies and greater stakeholder engagement continuity by establishing a centralised travel team to coordinate witness travel and accommodation.

Corporate Goal: To effectively manage criminal confiscations

The ODPP institutes and conducts proceedings to confiscate property acquired as a result of, or used for, criminal activity under the [Criminal Property Confiscation Act 2000](#) (CPC Act), or is the property of a declared drug trafficker under the [Misuse of Drugs Act 1981](#) (MD Act).

Confiscation proceeds

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

In 2022-23, \$28.49 million was paid into the CPA from the work of the ODPP's Confiscations Team. This is an increase from the \$23 million paid in 2021-22 from the work of the Confiscations Team.

This reporting period has seen the continuation of both the Proceeds of Crime Squad (PCS) and the WA Police Force, more generally, dealing with cases of significant offending by criminal networks that involve large quantities of drugs and amounts of cash. The WA Police Force continue to seize large sums of cash with significant sums already seized in July 2023.

In addition to confiscating real and personal property the Confiscations Team is presently managing matters involving cash seizures with an approximate total value of \$54 million.

Court procedures

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

Due to the length of confiscation proceedings, considerable amount of time can pass from when confiscation action first commences, by the PCS obtaining a freezing notice, through to the conclusion of court proceedings. Taking into account possible personnel changes during this time, as a result of tenure policy, staff turnover and redeployment or promotions, the PCS and the ODPP have worked closely to ensure that the crucial evidence of all PCS officers is captured for several years. All PCS officers who have applied for freezing notices swear their affidavit, after checking by the ODPP, in support of the relevant application and these are saved to file. Without these contemporaneous affidavits, confiscation, particularly in significant cash matters, may be problematic. This has been a significant commitment by both agencies.

The preparation of applications for confiscation in matters, which can include personal property, cash, land and intangible property, is a complex process. The confiscation activity requires significant liaison and engagements throughout the process, including input from multiple participants across the justice system and stakeholders with interests in these seized assets.

Since 2022, all applications are significantly more detailed and prepared to withstand appropriate scrutiny of confiscation matters by the courts. This follows a comprehensive review of the nature of the evidence to be relied on to support applications for a declaration of confiscation.

Service delivery

During 2023, legal recruitment commenced to bolster the number of senior solicitors in the Confiscation Team to assist with the increasingly complex nature of the work now undertaken. The Confiscation Team's Consultant State Prosecutor, appointed in 2022, continues to strengthen the Team's capacity to conduct complex litigation. The anticipated appointment of senior lawyers to the Confiscation Team will continue to strengthen this capacity.

A review of the paralegal team within the Confiscations Team commenced, with a view to increase efficiencies and to encourage retention of experienced senior paralegals.

A draft of the comprehensive practice and procedure manual for confiscation matters has been completed, and is currently under review. The manual centralises and simplifies the wealth of information that has been accumulated over the past 22 years of the Confiscations Team's existence. It will be used as both a training tool and a reference for staff.

After a two-year period of being situated in a different building, in June 2023, the Confiscations Team transitioned to be located within our main premises. This move facilitates a cohesive service delivery of our operations, through our core functions being unified in the one location.

Looking ahead:

- The ODPP and PCS worked closely to achieve the 2022-23 record payment to the Confiscations Account and this work continues with an accent on significant cash matters where confiscation is disruptive to organised crime.
- Continue refining the confiscations service delivery through process and structural review of the paralegal team.



Corporate Goal: To be a high performing organisation

The ODPP continues to invest in our workforce and enhance our core capabilities. This will lead to increased growth, drive operational performance and improve service delivery.

New talent

A focus during 2022-23 has been to attract applicants to job opportunities in the paralegal discipline.

A new initiative saw two senior paralegals provide a presentation to legal studies students at the North Metropolitan TAFE. The seminar introduced the ODPP, our role in the criminal justice system, the variety of roles that help to deliver our prosecution services and detailed the entry level career pathways we offer. Feedback received from the class was overwhelmingly positive.

The ODPP was represented at a number of law career fairs, hosted by local universities, where attending staff showcased the ODPP to the lawyers and paralegal staff of tomorrow. While the fairs provide an opportunity to lift our profile, they also give students a flavour of life at the ODPP and a chance for them to ask our staff questions.

A comprehensive recruitment drive was conducted to source applicants for pools across multiple levels of paralegal and prosecution support roles. This led to the onboarding of over 30 new paralegal staff across the financial year. To coincide with this influx of new staff, there was a change in the structure of the paralegal groups, which resulted in smaller, targeted teams supporting the Legal Trial Teams. These changes in team configuration build on the structural changes implemented the previous financial year, which saw an increase in leadership positions within our legal support division.

System improvements

This financial year, our Program Management Office (PMO) continued engagement with our counterparts in other states to share best practice on issues of common interest, including case management, disclosure receipt, digital evidence storage, knowledge management systems and project delivery. This information exchange has been maintained through regular online interjurisdictional forums as well as remote meetings, which include virtual presentations by individual state ODPP's.

A tender process for the Change and System Replacement Program (CSRP) was undertaken. It focussed on the integrated solution requirements, namely the four main functions of: disclosure, data storage, document management and case management. The PMO continues to progress the CSRP.

The PMO commenced the Corporate Business Systems Replacement Program (CBSRP). This program supports the agency to implement stable and efficient corporate solutions to meet our finance, human resources (including learning management system) and information management needs.

Mental health and wellbeing

The ODPP continues to further advance our focus on wellbeing through progressing key strategies, programs and practices that proactively support the mental health and wellbeing of our staff.

As part of our Mental Health and Wellbeing Strategy, we are working towards aiding our staff to incorporate wellbeing principles and practices into their daily life. To encourage staff to focus on their health, a wellness calendar was introduced at the start of 2023. Each month focuses on a different theme, with associated initiatives.

A recommendation from the Phoenix Review (2019) was for the introduction of regular one-on-one mental health screenings. The WellCheck Program was launched in June 2023 to an initial pilot cohort. A WellCheck is an early-intervention tool, designed to proactively monitor wellbeing and mental health. It enables an experienced, senior psychologist to review, and provide guidance, on mental health issues, general functioning and adaptive coping strategies. And, as appropriate, identify the requirement for referral to more in-depth support or treatment for mental health care. It is intended to roll-out the WellCheck Program to all staff in 2024.

Looking ahead:

- Assisting paralegal and prosecution support staff in achieving their career aspirations professional development offerings and career pathway opportunities.
- Continuing the CSRP through the procurement process, with the assistance of Department of Finance and the State Solicitors Office. Once identified, the PMO will engage with the vendor in negotiations, solution development, build and implementation of the solutions and manage the program through to completion.
- Progressing the CBSRP through procurement of solutions to completion.



Corporate Goal: To deliver strong corporate governance

It is imperative that the ODPP is at the forefront of ethical behaviour regulated through effective corporate governance. A structure of rules, practices and processes enables us to achieve our goals, make formal decisions and assure compliance.

Governance of information

The ODPP is continuing to progress compliance with the government of Western Australia's Information Classification Policy and Cyber Security Policy. This includes refreshing our Information Security Classification Policy and updating other key policies within the information security framework. Key areas of focus have been increasing the maturity of cyber security controls, and progressing further improvements aligned with the whole-of-government baseline targets.

During 2022-23, the ODPP progressed uplifts in capability against the Australian Cyber Security Centre's Essential 8 Controls and the Strategies to Mitigate Cyber Security Incidents. Further security management features, available through the whole-of-government Microsoft Enterprise Agreement, were also implemented.

Systems and solutions

Through one-to-one engagement and workshops with key subject matter experts of all levels, extensive current state process maps were developed of our four main prosecution services (adult and children's court trials, appeals, and criminal confiscations). A comprehensive evaluation of our compliance requirements was also conducted, by assessing our legislative and practice obligations through all four services. The result of this exercise has been over two hundred highly detailed swimlane-style process maps flagging and addressing key milestones, decision points, responsibilities and areas of potential duplication and risk. This information comprises the current state of our operations that will inform future enhancements to business systems.

Looking ahead:

- Progressing an uplift in cyber security capabilities and capacities, while continuing to develop maturity improvements in line with the WA Government Cyber Security Policy.
- Improving business processes within the agency regarding receipt and processing of materials received.
- Mapping the future state process of each of the four case stages of our prosecution services. This information will be used to inform process requirements for business systems, training materials and procedure guides.

Report on operations

The ODPP's budget was set by the Treasurer of Western Australia through the release of the 2022-23 Budget on 12 May 2022. To contribute towards the fiscal sustainability of the State, we work diligently to ensure budget targets are achieved, with any variance explained in accordance with guiding legislation.

Actual results versus budget targets

The 2022-23 financial outcomes were the result of a targeted approach to increasing the quality of prosecution service delivery for the state of Western Australia. The ODPP partnered with the Department of Treasury to ensure financial sustainability for the agency and will continue to enhance performance measures and financial modelling for future funding assessments. Actual results were controlled and adhered to budget parameters, which were moderately increased during the 2022-23 financial year (from the original budget stated below) to accommodate for the demand of prosecution services and facilitate a stable criminal justice sector network.

	Agreed limit ⁽¹⁾	Target/Actual	Variation ⁽²⁾
Financial targets (\$000)			
Total cost of services (expense limit) (sourced from Statement of Comprehensive Income)	57,863	62,500	-4,637
Net cost of services (sourced from Statement of Comprehensive Income)	57,813	62,393	-4,580
Total equity (sourced from Statement of Financial Position)	10,277	14,034	-3,757
Net increase / (decrease) in cash held (sourced from Statement of Cash Flows)	-699	1,487	2,186
Approved salary expense level	43,904	46,086	-2,182
Agreed borrowing limit (where applicable)	NA	NA	
Working cash targets (\$000)			
Agreed working cash limit (at Budget)	2,805	2,797	8
Agreed working cash limit (at Actuals)	2,805	3,125	-320

(1) As specified in the 2022-23 State Budget Papers.

(2) Further explanations are contained in the Financial Statements [Note 9.1 Explanatory statement for controlled operations](#).

Climate change and sustainability

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. Moreover, we are working to enhance our understanding of climate change, as well as the associated risks and opportunities.

Climate risk management

The ODPP continues to increase our understanding of potential impacts of significant climate events (as well as climate change more broadly), on our operations, and to implement mitigation and adaption actions to manage current and future risks according to our management framework.

Our Risk Management Framework ensures we apply a consistent, systematic approach to the identification and management of risks. If a climate-related risk is identified, it will be assessed to determine its potential impact and likelihood. The adequacy of existing controls that are in place are assessed, providing residual and inherent risk ratings through the risk assessment matrix. The level of risk determines whether a risk can be accepted with the existing level of control, or if further treatment is required, as well as the frequency of monitoring, level of reporting, and responsibility for oversight. Emerging risks and those rated “High and above” are reported on a quarterly basis to the Audit and Risk Committee.

As the ODPP’s operations service the whole of Western Australia, when considering climate-related risks, we must take into account that the effects of climate change will be felt differently across the State. While the impacts of physical risk are probably more synonymous with climate change, consideration of transition and liability risks needs to occur. Likewise, thought should be given to all aspects of our business, with potential climate impacts on service delivery, supply chain, financial, regulatory, technology, and reputational.

Our 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
Extreme weather changes in regional areas may impact the capacity to provide those services in regional areas.
Failure to identify and adapt to the changing environmental, economical and social impacts on our workforce and their families.
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.
Failure to identify and adapt to changing trends in criminal behaviour as a result of climate impacts and associated civil unrest.

Financial risk

The ODPP has considered the financial impacts of climate-related and other emerging risks with regards to [AASB Practice Statement 2 Making Materiality Judgements](#). This includes the potential for changes in asset useful lives, changes in the fair value of assets, provisions or contingent liabilities and changes in expenses and revenue. The agency has not identified any material climate-related risk relevant to the 2022-23 financial year. We continue to monitor the emergence of such risks under the Western Australian Climate Change Policy and Sectoral Emissions Reduction Strategies, as we progress towards taking our first steps to achieve best practice by implementing the Task Force on Climate-Related Financial Disclosure framework.

Carbon footprint

The ODPP recognises establishing an organisational carbon footprint is the first building block needed for sustainability strategies. It is an essential component on the journey towards net-zero as it provides an initial climate risk and opportunities assessment, and these findings can be used to inform our sustainability actions. Consideration will be given to undertake our first carbon footprint assessment. This will include surveying our staff regarding their commuting and working from home habits, which contribute to our carbon footprint. Understanding this data is an essential foundation to developing a reduction action plan as we continue to respond to climate change.

Environmental initiatives

During 2022-23, the ODPP supported sustainable behaviours through an uptake of technological and digital initiatives. This included piloting a program to provide witnesses with digital cab charges instead of paper vouchers and an increase in EFT reimbursement transactions instead of petty cash payments. We have continued flexible working arrangements and improved our videoconferencing capabilities to decrease reliance on transportation.

We have made environmentally conscious decisions through transitioning to bamboo cups, plates and cutlery. We have also limited one-use marketing collateral at career fairs through the adoption of playing a looped information video instead.

Future sustainable developments

The ODPP understands work towards sustainable development should be one of continuous improvement. Future activities may include:

- Obtaining a National Australian Built Environment Rating System (NABERS) tenancy rating for energy and/or indoor environment.
- Converting to a more sustainable fleet of electric vehicles, in line with the State Government’s Electric Vehicle Strategy.
- Investigating the use of more sustainable products in future accommodation projects and refurbishments.
- Supporting initiatives that increase energy efficiency, reduce water consumption and improve our waste diversion rate.

Significant issues impacting the ODPP

While the senior prosecutor roles that were created in 2021-22 has provided some relief, workload pressures remain high across the agency. Contributing factors include complexity of caseload, recruiting shortfalls and the volume of digital evidence.

It is difficult to accurately measure caseload complexity due to the variants of every case. However, factors that can contribute to a case's complexity include:

- the nature of the crime
- having multiple accused and/or victims
- a large number of witnesses
- a high public profile or media interest and
- the volume of physical and digital evidence.

These factors can increase the time required for file and trial management, meaning the case generally takes longer to prepare and prosecute.

Additionally, complex prosecutions can require specialised brief-preparation processes to support the volume and sophistication of the evidence. Certain crime categories, like sex-related crimes, require more senior criminal prosecution work effort, oversight and case management. While others, like dishonesty-based cases, require specialised criminal prosecution services. Subsequently, complex cases require more senior and experienced prosecutors to handle them.

While the ODPP prioritised recruitment for senior level appointments during 2022-23, we have inherent complexities when it comes to recruitment, due to the specialised nature of our agency, especially when filling positions that require trained and experienced candidates. This is partly exacerbated through the limited available opportunities to onboard external appointments due to a lack of criminal prosecutorial skillsets within the legal industry.

We will continue to focus on junior intake programs in the coming years, however, new recruits generally do not have the necessary skills or experience required to immediately conduct trials, or carry out complex file management, which is the bulk of our work and is only ever increasing. As such, it can take years to develop the required skillset in-house.

The ability to fill vacancies is not limited to securing seasoned prosecutors either. Rather, the impacts are being felt across the agency, with some other business areas struggling to fill vacancies as well. This has led to having to run recruitment exercises sometimes multiple times before securing an appropriate appointment.

Ongoing recruitment activities are occurring in a concerted effort to ensure the ODPP has the necessary resourcing to provide the people of Western Australia with a fair and just criminal prosecution service.



Other disclosures

The Office of the Director of Public Prosecutions (ODPP) demonstrates our core values of integrity and accountability through effective governance. Statutory information required by legislation or legislative instruments is included hereafter.

Pricing policies of services provided

There were no pricing policies of services provided during 2022-23.

Capital works

Capital project incomplete

The Strategic Asset Portfolio Program was commenced in 2023 and is currently scheduled for completion in the 2024-25 financial year. The investment to the ODPP is for system replacement and upgrade to meet required legislative, prosecution, statutory, auditory, and operational requirements for case management, finance, human resources, payroll, and record-keeping functions across the forward estimated period.

The Perth Children's Court fitout program of works has commenced to ensure essential upgrades are undertaken on the ODPP's footprint at the facility. The new design will focus on a more engaging space when meeting witnesses and victims on Children's Court matters.

Capital project complete

The ODPP invested \$0.257 million in laptop devices to ensure the mobility of our prosecution services.

The ODPP, in partnership with the Department of Finance, delivered an accommodation fitout program through a capital contribution of \$1.861 million. The fitout secured an additional floor, with occupancy for 50 workstations. In addition, the ODPP reconfigured a small section of a floor to accommodate additional interview rooms for external appointments.

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

Approved staff hold 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.

	2023
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	\$401
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	\$401
Aggregate amount of personal use expenditure settled after the period (after 5 working days)	-
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	-

Disclosures and Legal Compliance

Staff profile

Full-time equivalents	2022	2023
Full-time		
• permanent	214.5	226
• fixed-term contract	36.0	39
Part-time		
• permanent	26.9	37.45
• fixed-term contract	2.6	2.6
On secondment	1	4
	281.05	309.05

Workers' compensation

Under the [Work Health and Safety Act 2000](#), the ODPP is required to provide a safe working environment. One new workers' compensation claim was received during the reporting period. The incidence of workplace injury at the ODPP remains low, which can be contributed to proactively reducing ergonomic injury risk through assessments and provision of appropriate equipment, the continuation of touch point sanitising, and quarterly health and safety inspections conducted by our trained Health and Safety Representatives.

The ODPP is committed to assisting injured and/or ill employees to return to work as soon as medically appropriate for both work related and non-work related injuries. This includes providing alternate duties to assist an employee to stay at work or transitioning them back into the workplace, developing an individual return to work program, or referring the employee to an approved vocational rehabilitation provider.

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, and a review of the Code is currently underway.

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.

Since January 2023, four investigations have been undertaken, with two outcomes outstanding. All investigations are referred externally and undertaken in accordance with the provisions of the [Public Sector Management Act 1984](#). During 2022-23, no breach of standard claims were upheld by the Public Sector Commission.

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 2022. The Director, Deputy Director, Director Legal Services, Director 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](#).

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

Our Multicultural Policy Framework and Multicultural Plan 2021-23 (Multicultural Plan) provides a clear platform for measuring, monitoring and working towards set activities and targets.

In 2022-23, we encouraged staff to update their diversity details in our payroll system and continued to promote staff participation in multicultural events.

Disability access and inclusion plan

Under the [Disability Services Act 1993](#), the ODPP is required to have a Disability Access and Inclusion Plan (DAIP). Our [DAIP 2019-24](#) is available on our website, and alternative formats are available on request. We openly support receiving feedback from the community, regarding access and inclusion improvements, which may underpin future DAIP initiatives.

Each quarter, a Disability Awareness Workshop is delivered by a local disability consultant. All staff must attend a session within three months of commencement, and then at least once every five years thereafter. This ensures our staff have the necessary skills and understanding to liaise with people with disability in an equitable manner that is sensitive to their needs. From May 2023, the workshop has been co-presented by a deaf advocate to raise awareness about Auslan (Australian Sign Language), and the deaf community.

We continue to implement strategies to increase inclusion and accessibility, including within our workforce. We are an equal opportunity employer, with applicants who require adjustments to the application or interview process invited to contact us.

On 30 June 2023, the ODPP farewelled a treasured member of our staff, Pluto, a guide dog. Pluto retired after 10 years of service. He is the second service dog the ODPP has accommodated, ensuring their needs, as well as those of their handler, were taken care.

Our building continues to be accessible, with certified counter induction loop systems installed in our customer service areas, automation of high use doors through push button or swipe card activation, braille signage outside of all bathrooms, and every floor having a Universal Access Toilet. Security personnel are available in the foyer to provide assistance to visitors, if required, as well as to escort them to other locations within the building. Open plan office spaces have wide, clear pathways that allow for free movement.

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.

Diversity and inclusion

The ODPP is committed to creating an inclusive workplace culture, one that celebrates the diversity of our workforce, and where our people feel valued and respected. We strive to continually improve in this area, by encouraging employees to provide feedback on the policies, procedures and training programs that have been developed to support of inclusivity. And we recognise periods of significance, such as International Women's Day, NAIDOC Week and Pride Month, to help raise awareness of the associated causes.

Staff development

During 2022-23, staff at the ODPP were invited to attend numerous professional development opportunities. These activities included continuing legal education (CLE), mandatory training and specialised training in the areas of managing staff and mental health.

This financial year saw a reduced reliance on online delivery and the return of more in-person sessions. This enabled a variety of training options being offered, such as bite-size learning, lunch and learns, and half-day, full-day and multi-day sessions.

Over 25 CLEs were held throughout the financial year, with topics covering fingerprint evidence, forensic podiatry, ethics, dealing with victims of family violence and non-fatal strangulation. These learning activities contribute towards our lawyers' compliance with the Continuing Professional Development component of the [Legal Profession Uniform Law](#), which Western Australia adopted on 1 July 2022.

The ODPP's Sexual Offence Advocacy Course program is a vital learning experience for our mid-level prosecutors starting out in sexual assault advocacy, although it is useful for prosecutors at all levels across the office. Held over two days during the 2022 winter recess, 56 prosecutors took the opportunity to listen to experts from inside and outside of the ODPP deliver interesting and useful presentations about the prosecution of sexual offences.

The second component of our Manager Essential Training (MET) Program commenced in August 2022. This entailed the 29 participants attending five bite-size learning sessions, covering six topics specific to managing staff at the ODPP. To date, the first phase of the program has a 100 per cent completion rate, with the second phase expected to be fully completed by the end of 2023. The program has received mostly positive feedback regarding its content, delivery and learning outcomes. Through the ODPP's ongoing commitment to develop our aspiring and current managers, a Management 101 Program will be offered in the first quarter of 2023-24. This program is a modified version of the MET program, which covers managing someone over their employee lifecycle but in a compressed format.

The rollout of mental health training for managers continued, with 70 per cent of all managers and supervisors attending one of the ten sessions held during 2022-23. Presented by a qualified psychologist, this course increases managers' awareness and knowledge of common mental health conditions, outlines the relevant ODPP policies and procedures, and develops wellbeing conversation skills. Over 2023-24, a Mental Health Fundamentals course will be rolled out to the wider workforce.

Further mental health training conducted during 2022-23 included sessions on general wellbeing, optimising stress and stress management. In November 2022, the second Graduated Exposure to Child Exploitation Material session was conducted by the Western Australia Police Force. The course is designed to introduce prosecutors to the risks involved in viewing child exploitation material and to equip them with practical strategies for managing exposure to it. A mandatory part of this course is an individual debrief session with an external psychologist. In June 2023, a Suicide Prevention seminar was held, which focussed on increasing the understanding of suicidal thinking and behaviours, gaining confidence to have the tough but necessary wellbeing conversation, and providing information about organising professional care and the available support.

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.

Record keeping plan

Under section 19 of the [State Records Act 2000](#), all government organisations must have an approved record keeping plan (RKP). During 2023, the ODPP's RKP was reviewed and updated. The RKP is pending final approval by the State Records Commission.

We are in the process of reviewing and updating our retention and disposal schedules for our legal files, or our 'Functional' files. An amended Functional Disposal Authority is planned for submission to the Commission later in 2023.

The ODPP is continually reviewing and improving our information governance practices, which encompasses classification, security, privacy, transportation and storage of data.

The Change and System Replacement Program, which commenced in 2022 to review the applications and systems used for information management of legal case material, is ongoing. A program to upgrade and/or replace the ODPP's corporate business systems is underway, and this will include consideration of information management of administrative records.

All new employees, as well as those returning from an absence of 12 months or more, are required to attend training on the requirements of record management and the use of our electronic document and records management system. The training program is updated regularly to ensure it is kept current with the policies and procedures of the ODPP, and in response to feedback provided.

Freedom of information

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

Ministerial directives

No ministerial directives were received during 2022-23.

National Strategic Plan for Asbestos Awareness and Management 2019-2023

The [National Strategic Plan for Asbestos Awareness and Management 2019-2023](#) (NSP 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.

Public sector health, safety and injury management

Measures	Results			Targets	Comments about targets
	2020-21 base year	2021-22 prior year	2022-23 current reporting year		
Number of fatalities	0	0	0	0	Target achieved.
Lost time injury and disease incidence rate	0.33%	0%	0.37%	0 or 10% reduction in incidence rate	Target not achieved. There was 1 LTI incident in 2022-23, compared to 0 incidents in 2021-22 and 1 incident in 2020-21.
Lost time injury and severity rate	0%	0%	0%	0 or 10% reduction in severity rate	Target achieved.
Percentage of injured workers returned to work (i) within 13 weeks	0%	0%	100%	Greater than or equal to 80%	Target achieved. The 1 LTI claim lodged in 2022-23 returned to full hours and full duties within 13 weeks.
Percentage of injured workers returned to work (ii) within 26 weeks	0%	0%	100%	Greater than or equal to 80%	Target achieved.
Percentage of managers trained in work health and safety injury management responsibilities, including refresher training within 3 years	3%	0%	0%	Greater than or equal to 80%	Target not achieved.

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.

Complaints outside of the ODPP's ambit

While the ODPP receives complaints each year, from all sections of the community, the vast majority relate to issues in which the ODPP is not involved or has no power to intervene. This trend continued in 2022-23, with 68 per cent of complaints received relating to non-ODPP cases or involving matters that fall outside of the scope of the ODPP's role and/or influence within the justice system. The most commonly raised issues included:

- grievances about cases conducted by other agencies or other jurisdictions
- inability of the ODPP to investigate allegations of criminal and civil offending by members of the community
- non-payment of compensation orders
- the ODPP's inability to commence prosecutions on behalf of community members for alleged criminal offending in the absence of a brief of evidence
- grievances about conduct of other agencies
- grievances about the conduct of WA Police Officers
- COVID-19 management issues
- noise and property seizure complaints
- the ODPP's inability to commence prosecutions on behalf of community members in civil or family court matters
- imposition and/or payments of fines.

Complaints pertaining to cases conducted by the ODPP

A total of nine external complaints were received in 2022-23 about nine different cases conducted by the ODPP, consistent with the number received in 2021-22.

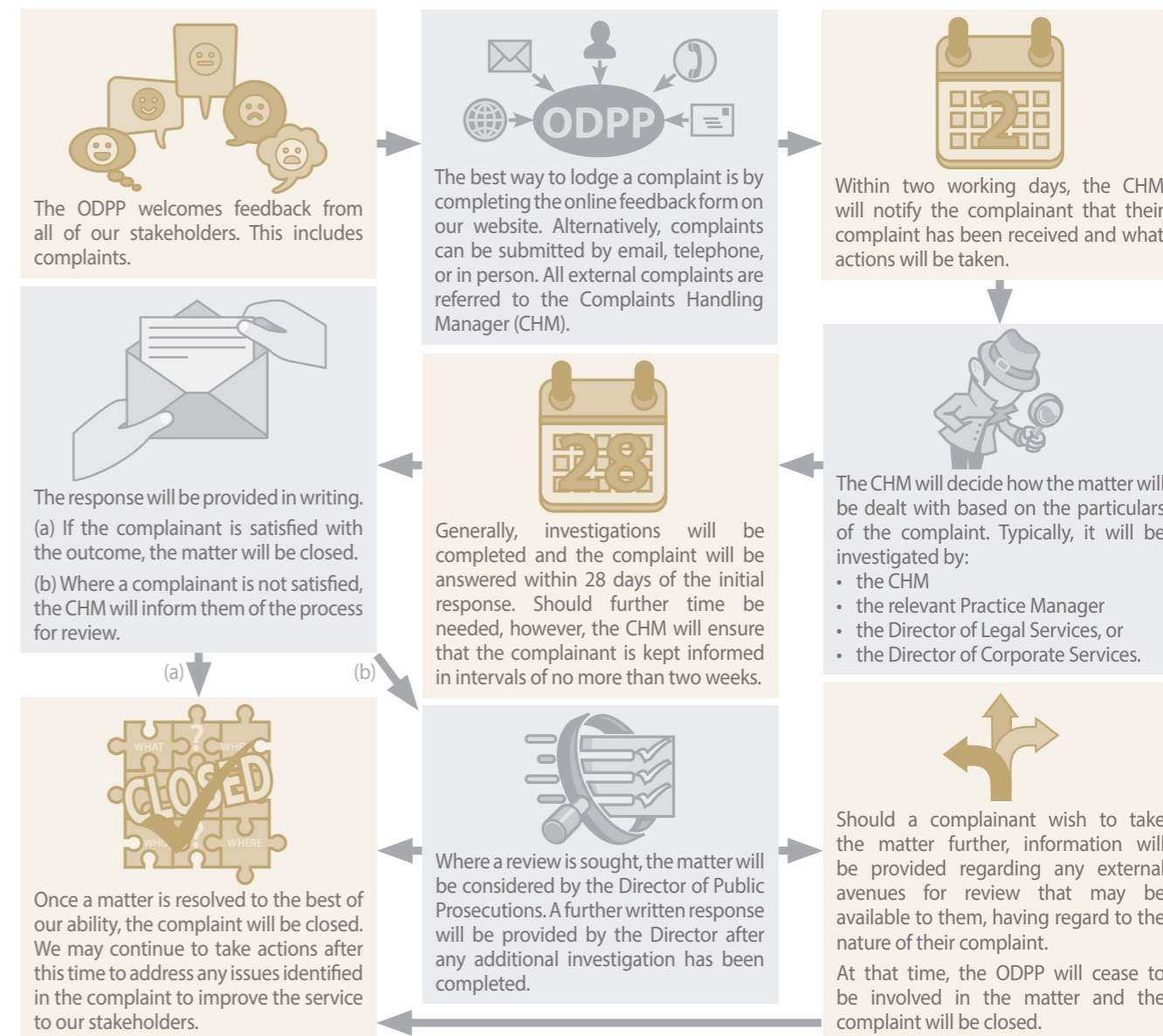
The sources of the complaints were:

Source of complaint	Number of complaints received
Complainant	3
Parent of child complainant	2
Accused/offender	1
Defence counsel	1
Juror	1
Witness	1

While the number of complaints remained low for 2022-23, each complaint raised numerous issues, with 21 key areas of concern raised 33 times. Some of which included:

- evidence at sentencing
- conduct of other agencies or judge
- sentence imposed by judge (suspension)
- level of contact with/information from prosecutor
- greater fairness and compassion for accused
- no state appeal
- charges preferred on indictment
- discontinuance of charge(s).

How external complaints are dealt with by the ODPP



Time taken to resolve complaints

To ensure the ODPP provides a quality service to members of the community and, in particular, participants in the criminal justice system, the ODPP's External Complaints Handling Policy and Procedures prescribe that, where possible, the ODPP will endeavour to resolve complaints within 28 days of receipt.

As noted earlier, each complaint typically involves multiple issues. In one complaint, the ODPP received ten separate complaints raising the same or different issues pertaining to the Court's decision in one prosecution, submitted over a prolonged period.

On average, complaints were finalised within 9.6 days in 2022-23. This average takes into consideration each time an individual raised a supplementary issue separately pertaining to the same overarching complaint. In two instances, the issues were resolved the same day the complaint was received. The longest time to finalise a complaint was 27 days.



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Disclosures and Legal Compliance

Certification of financial statements

For the reporting period ended 30 June 2023

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 2023 and the financial position as at 30 June 2023.

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

Leighton Beeck FCPA
Chief Finance Officer
11 August 2023

Robert Owen
Accountable Authority
11 August 2023

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 2023.

Robert Owen
Accountable Authority
11 August 2023

Leighton Beeck FCPA
Chief Finance Officer
11 August 2023



Auditor General

INDEPENDENT AUDITOR'S REPORT

2023

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 2023, 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 2023 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 believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

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.

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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 responsibility for the audit of the financial statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objective of my audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, 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 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 the State's financial reporting framework (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 in the incurring of liabilities have been in accordance with the State's financial reporting framework during the year ended 30 June 2023.

The Director's responsibility

The Director is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investments 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.

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Auditor General's responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the 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 Engagement 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 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 designed 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 objective.

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 controls.

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 2023. The key performance indicators are the Under Treasurer approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Office of the Director of Public Prosecutions are relevant and appropriate to assist users to assess the Office's performance and fairly represent indicated performance for the year ended 30 June 2023.

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 controls as the Director determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

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

Auditor General's responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

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

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

My independence and quality management relating to the report on financial statements, 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 ASQM 1 *Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements*, the Office of the Auditor General maintains a comprehensive system of quality management including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Other information

The Director is responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2023, but not the financial statements, key performance indicators and my auditor's report.

My opinions on the financial statements, controls and key performance indicators does not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, controls and key performance indicators my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and key performance indicators or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to those charged with governance and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

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

The 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 2023 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 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.

Tim Sanya
Senior Director Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
14 August 2023

Statement of comprehensive income

For the year ended 30 June 2023

	Notes	2023 (\$'000)	2022 (\$'000)
Cost of Services			
Expenses			
Employee benefits expense	2.1 (a)	46,086	38,874
Supplies and services	2.2	6,599	6,342
Depreciation and amortisation expense	4.1.1, 4.2, 4.3.1	716	656
Accommodation expenses	2.2	5,185	5,273
Other expenses	2.2	3,914	3,903
Total Cost of Services		62,500	55,048
Income			
Other Income	3.2	107	131
Total Income		107	131
Net Cost of Services		62,393	54,917
Income from State Government			
Service appropriation	3.1	51,743	50,203
Contribution from Confiscation Proceeds Account	3.1	10,947	10,768
Resources received	3.1	240	793
Total Income from State Government		62,930	61,764
Surplus for the period		537	6,848
Other Comprehensive Income			
		-	-
Total Comprehensive Income for the period		537	6,848

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

Statement of financial position

As at 30 June 2023

	Notes	2023 (\$000)	2022 (\$000)
Assets			
Current Assets			
Cash and cash equivalents	6.3	3,718	8,072
Restricted cash and cash equivalents	6.3	3,092	-
Receivables	5.1	5,545	5,107
Amounts receivable for services	5.2	458	458
Other current assets	5.3	1,513	1,086
Total Current Assets		14,326	14,723
Non-Current Assets			
Restricted cash and cash equivalents	6.3	3,589	840
Amounts receivable for services	5.2	7,754	6,813
Plant and equipment	4.1	2,660	789
Right-of-use assets	4.2	373	373
Intangible assets	4.3	123	167
Other non-current assets	5.3	23	-
Total Non-Current Assets		14,522	8,982
Total Assets		28,848	23,705
Liabilities			
Current Liabilities			
Payables	5.4	3,263	1,850
Lease Liabilities	6.1	112	105
Employee related provisions	2.1 (b)	8,733	7,507
Total Current Liabilities		12,108	9,462
Non-Current Liabilities			
Lease Liabilities	6.1	273	224
Employee related provisions	2.1 (b)	2,433	2,330
Total Non-Current Liabilities		2,706	2,554
Total Liabilities		14,814	12,016
Net Assets		14,034	11,689
Equity			
Contributed Equity	8.5	9,773	7,906
Accumulated surplus		4,261	3,724
Total Equity		14,034	11,630

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 2023

	Notes	Contributed Equity (\$000)	Reserves (\$000)	Accumulated surplus/ (deficit) (\$000)	Total Equity (\$000)
Balance at 1 July 2021		7,138	-	(3,124)	4,014
Surplus		-	-	6,848	6,848
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	6,848	6,848
<i>Transactions with owners in their capacity as owners:</i>					
Capital contributions		768	-	-	768
Total		768	-	-	768
Balance at 30 June 2022	8.5	7,906	-	3,724	11,630
Balance at 1 July 2022		7,906	-	3,724	11,630
Surplus		-	-	537	537
Other comprehensive income		-	-	-	-
Total comprehensive income for the period:		-	-	537	537
<i>Transactions with owners in their capacity as owners:</i>					
Capital contributions		286	-	-	286
Capital appropriation - Digital Capability Fund		1,581	-	-	1,581
Total		1,867	-	-	1,867
Balance at 30 June 2023	8.5	9,773	-	4,261	14,034

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 2023

Notes	2023 (\$'000)	2022 (\$'000)
Cash flows from the State Government		
Service appropriation	50,802	49,515
Contributions from Confiscation Proceeds Account	10,765	7,867
Holding account drawdown	-	-
Capital appropriations	1,867	768
Net cash provided by State Government	63,434	58,150
<i>Utilised as follows:</i>		
Cashflows from operating activities		
Payments		
Employee benefits	(43,666)	(38,158)
Supplies and services	(16,908)	(15,085)
GST payments on purchases	(1,605)	(1,424)
Receipts		
Receipts from services	107	131
GST receipts on sales	8	9
GST receipts from taxation authority	1,199	1,068
Net cash provided by/(used in) operating activities	(60,865)	(53,459)
Cash flows from investing activities		
Payments		
Purchase of non-current assets	(947)	(289)
Net cash provided by/(used in) investing activities	(947)	(289)
Cash flows from financing activities		
Payments		
Principal elements of lease payments	(135)	(143)
Net cash provided by/(used in) financing activities	(135)	(143)
Net increase/(decrease) in cash and cash equivalents	1,487	4,259
Cash and cash equivalents at the beginning of the period	8,912	4,653
Cash and cash equivalents at the end of the period	6.3 10,399	8,912

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 11 August 2023.

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

The FMA and the TIs take precedence over Australian Accounting Standards. Several Australian Accounting Standards are modified by TIs to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

Basis of preparation

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

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:

- (a) amount of GST incurred by the Office 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
- (b) 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.

Financial Statements and Key Performance Indicators

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, as designated as contributions by owners (at the time of, or prior to, transfer) 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.

Comparative information

Except when an Australian Accounting Standard 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.

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.

2. Use of our 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	2023 (\$000)	2022 (\$000)
Employee benefits expenses	2.1(a)	46,086	38,874
Employee related provisions	2.1(b)	11,166	9,837
Other expenditure	2.2	15,698	15,518

2.1(a) Employee benefits expenses

	2023 (\$000)	2022 (\$000)
Employee benefits	41,911	35,364
Termination benefits	-	-
Superannuation – defined contribution plans	4,175	3,510
Employee benefits expenses	46,086	38,874
Add: AASB 16 Non-monetary benefits (not included in employee benefits expense)	121	132
Less: Employee Contributions (per note 3.2 Other Income)	(70)	(87)
Total employee benefits provided	46,137	38,919

Employee benefits: include wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, and non-monetary benefits recognised under accounting standards other than AASB 16 (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 is the amount recognised in profit or loss of the [Statement of Comprehensive Income](#) comprises employer contributions paid to the GSS (concurrent contributions), the WSS, other GESB schemes or other superannuation funds.

AASB 16 Non-monetary benefits are non-monetary employee benefits, predominantly relate to the provision of vehicle and housing benefits are recognised under AASB 16 and are excluded from the employee benefits expense.

Employee contributions are contributions made to the Office by employees towards employee benefits that have been provided by the Office. This includes both AASB 16 and non-AASB 16 employee contributions.

Financial Statements and Key Performance Indicators

2.1(b) Employee related provisions

	2023 (\$000)	2022 (\$000)
Current		
<u>Employee benefits provisions</u>		
Annual leave ^(a)	3,668	3,439
Long service leave ^(b)	4,982	3,997
Deferred salary scheme ^(c)	67	57
	8,717	7,493
<u>Other provisions</u>		
Employment on-costs ^(d)	16	14
Total current employee related provisions	8,733	7,507
Non-current		
<u>Employee benefits provisions</u>		
Long service leave ^(b)	2,429	2,326
<u>Other provisions</u>		
Employment on-costs ^(d)	4	4
Total non-current employee related provisions	2,433	2,330
Total employee related provisions	11,166	9,837

Provision is made for benefits accruing to employees in respect of 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** are 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** are 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** are 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** involves settlement of annual and long service leave liabilities which 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 premiums, 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'.

	2023 (\$000)	2022 (\$000)
Employment on-costs provision		
Carrying amount at start of period	18	19
Additional/(reversals of) provisions recognised	8	7
Payments/other sacrifices of economic benefits	(6)	(7)
Unwinding of the discount	-	(1)
Carrying amount at end of the period	20	18

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.

Financial Statements and Key Performance Indicators

2.2 Other expenditure

	2023 (\$000)	2022 (\$000)
Supplies and services		
Communications	210	189
Consultants and contractors	4,556	4,333
Consumables	863	859
Travel	435	330
Other supplies and services expenses	535	631
Total supplies and services expenses	6,599	6,342
Accommodation expenses		
Office Rental ^(a)	5,185	5,273
Total accommodation expenses	5,185	5,273
Other expenses		
Repairs and maintenance	404	342
Witness expenses	824	730
Vehicle maintenance	128	135
Litigation costs	261	185
External brief out expense	2,232	2,310
Impairment losses	14	128
Other expenses ^(b)	51	73
Total other expenses	3,914	3,903
Total other expenditure	15,698	15,518

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

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

Supplies and services expenses 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.

Office rental is expensed as incurred as Memorandum of Understanding Agreements between the Agency and the Department of Finance for the leasing of office accommodation contain significant substitution rights.

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 recognised for movement in the allowance for impairment of trade receivables. Please refer to [note 5.1 Receivables](#) for more details.

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. The primary income received by the Office and the relevant notes are:

	Notes	2023 (\$000)	2022 (\$000)
Income from State Government	3.1	62,930	61,764
Other Income	3.2	107	131

3.1 Income from State Government

	2023 (\$000)	2022 (\$000)
Appropriation received during the period:		
Service appropriations ^(a)	51,743	50,203
Total service appropriation	51,743	50,203
Income received from other public sector entities during the period:		
Contributions from Confiscation Proceeds Account ^(b)	10,947	10,768
Total income from other public sector entities	10,947	10,768
Services received free of charge from other public sector entities during the period: ^(c)		
- Department of Justice	38	650
- State Solicitors Office	6	11
- Department of Finance - Building and Management Works	97	88
- Landgate - Valuation services	99	44
Total resources received	240	793
Total income from State Government	62,930	61,764

(a) **Service Appropriations** are recognised as income at fair value of consideration received 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 specific performance obligations, it is recognised as revenue under AASB 1058 when receivable.

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

Financial Statements and Key Performance Indicators

Summary of consolidated account appropriations

For the year ended 30 June 2023

	2023 Estimate (\$000)	2023 Actual (\$000)	Variance (\$000)	2022 Estimate (\$000)	2022 Actual (\$000)	Variance (\$000)
Delivery Services						
Item 67 Net amount appropriated to deliver services	46,442	47,598	1,156	42,785	46,078	3,293
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	4,145	4,145	-	3,325	4,125	800
Total appropriations provided to deliver services	50,587	51,743	1,156	46,110	50,203	4,093
Capital						
Capital appropriations	286	1,867	1,581	768	768	-
GRAND TOTAL	50,873	53,610	2,737	46,878	50,971	4,093

3.2 Other Income

	2023 (\$000)	2022 (\$000)
Contributions to the motor vehicle scheme	70	87
Workers' compensation	-	11
Other income	37	33
Total other income	107	131

4. Key assets

This section includes information regarding the key assets the Office 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	2023 (\$000)	2022 (\$000)
Plant and equipment	4.1	2,660	789
Right-of-use assets	4.2	373	373
Intangibles	4.3	123	167
Total key assets		3,156	1,329

4.1 Plant and equipment

Plant and Equipment Asset Reconciliation Year Ended 30 June 2023	Leasehold improvements (\$000)	Computer hardware (\$000)	Office equipment (\$000)	Total (\$000)
1 July 2022				
Gross carrying amount	107	1,459	572	2,138
Accumulated depreciation	(93)	(778)	(333)	(1,204)
Accumulated Impairment Loss	-	(142)	(3)	(145)
Carrying amount at start of period	14	539	236	789
Additions	150	257	132	539
Works in progress	1,861	-	(103)	1,758
Impairment losses	-	(4)	(11)	(15)
Depreciation	(22)	(304)	(85)	(411)
Carrying amount at 30 June 2023	2,003	488	169	2,660
Gross carrying amount	2,118	1,716	601	4,435
Accumulated depreciation	(115)	(1,082)	(418)	(1,615)
Accumulated Impairment losses	-	(146)	(14)	(160)
Carrying amount at 30 June 2023	2,003	488	169	2,660

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.

Financial Statements and Key Performance Indicators

4.1.1 Depreciation and impairment

	Notes	2023 (\$000)	2022 (\$000)
Depreciation			
Leasehold improvements	4.1	22	3
Computer hardware	4.1	304	275
Office equipment	4.1	85	74
Total depreciation for the period		411	352

As at 30 June 2023 there were \$14,408 in impairment losses to plant and equipment or infrastructure. The annual asset impairment assessment identified \$14,408 in impairment losses that were subsequently written off.

Please refer to [note 4.3](#) for guidance in relation to the impairment assessment that has been performed for intangible assets.

Useful lives

All 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.

4.2 Right-of-use assets

Year ended 30 June 2023	Vehicles (\$000)	Total (\$000)
Right-of-use assets		
Carry amount at beginning of period	314	314
Additions	180	180
Impairment losses	-	-
Impairment losses reversed	-	-
Depreciation	(121)	(121)
Net carrying amount at end of period	373	373

Additions to right-of-use assets during the 2023 financial year were \$179,643 (2022: \$143,761).

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](#):

	2023 (\$000)	2022 (\$000)
Vehicles	121	132
Total right-of-use asset depreciation	121	132
Lease interest expense (see note 6.2)	17	14

The total cash outflow for leases in 2023 was \$295,656 (2022: \$310,351).

The Office has leases for vehicles and office accommodations.

The Office has a Memorandum of Understanding Agreements (MOU) with the Department of Finance for the leasing of office accommodation. This is 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](#).

Financial Statements and Key Performance Indicators

4.3 Intangible assets

Licences and Computer Software Asset Reconciliation Year ended 30 June 2023	Licences (\$000)	Computer Software (\$000)	Total (\$000)
1 July 2022			
Gross carrying amount	26	509	535
Accumulated amortisation	(26)	(342)	(368)
Carrying amount at start of period	-	167	167
Gross Carrying Amount	-	167	167
Additions	140	-	140
Amortisation expense	(17)	(167)	(184)
Carrying amount at 30 June 2023	123	-	123
Gross carrying amount	166	509	675
Accumulated amortisation	(43)	(509)	(552)
Carrying amount at 30 June 2023	123	-	123

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.

Acquired and internally generated intangible assets costing \$5,000 or more that comply with the recognition criteria of AASB 138 Intangible Assets (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

	2023 (\$000)	2022 (\$000)
Licences	167	4
Computer software	17	168
Total amortisation for the period	184	172

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](#).



Financial Statements and Key Performance Indicators

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	2023 (\$000)	2022 (\$000)
Receivables	5.1	5,545	5,107
Amounts receivable for services	5.2	8,212	7,271
Other assets	5.3	1,536	1,086
Payables	5.4	3,263	1,850

5.1 Receivables

	2023 (\$000)	2022 (\$000)
Current		
Receivables ^(a)	5,546	5,108
GST Receivable	(1)	(1)
Total current	5,545	5,107
Total receivables	5,545	5,107

a) Receivables mainly relate to expected funds from the Confiscation Proceeds 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)

	2023 (\$000)	2022 (\$000)
Current	458	458
Non-Current	7,754	6,813
Total Amounts receivable for services at end of period	8,212	7,271

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.

The amounts receivable for services are financial assets at amortised cost, and are not considered impaired (i.e. there is no expected credit loss of the Holding Account).

5.3 Other assets

	2023 (\$000)	2022 (\$000)
Prepayments		
Current	1,513	1,086
Non-Current	23	-
Total other assets at end of period	1,536	1,086

5.4 Payables

	2023 (\$000)	2022 (\$000)
Current		
Trade payables	138	230
Accrued expenses	668	935
Accrued capital	1,503	-
Accrued salaries	950	678
Other current liabilities	4	7
Total current	3,263	1,850

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 15-20 days.

Accrued capital represents the amount due to other government agency for the Leasehold improvements but unpaid at the end of reporting period.

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 state 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.

Financial Statements and Key Performance Indicators

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

	2023 (\$000)	2022 (\$000)
Not later than one year	112	105
Later than one year and not later than five years	262	222
Later than five years	11	2
	385	329
Current	112	105
Non Current	273	224
	385	329

The Office measures a lease liability, at the commencement date, at the present value of the lease payments to be made over the lease term. 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: and
- 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).

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.

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.

This section should be read in conjunction with [note 4.2](#).

6.2 Finance costs

	2023 (\$000)	2022 (\$000)
Interest expense		
Lease interest expense ^(a)	17	14
Total finance costs expended	17	14

(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.



Financial Statements and Key Performance Indicators

6.3 Cash and cash equivalents

	2023 (\$000)	2022 (\$000)
Cash advances	1	1
Cash and cash equivalents	3,717	8,071
Restricted cash and cash equivalents		
<u>Current</u>		
- Mental health and wellbeing account ^(a)	1,511	-
- Asset investment plan account ^(b)	1,581	-
<u>Non Current</u>		
- Accrued salaries suspense account ^(c)	1,040	840
- Mental health and wellbeing account ^(a)	2,549	-
Balance at end of period	10,399	8,912

(a) The funds for the Mental Health and Wellbeing Program were transferred to restricted cash account in 2023.

(b) The funds for the Strategic Asset Portfolio were transferred to restricted cash account in 2023.

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

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

The accrued salaries suspense account consists of amounts paid annually into a Treasurer's special purpose 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.

6.4 Commitments

6.4.1 Capital commitments

	2023 (\$000)	2022 (\$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
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	-	13

The totals presented for capital commitments are GST inclusive.

7. Financial instruments and contingencies

This note sets out the key risk management policies and measurement techniques of the Office.

	Notes
Financial Instruments	7.1
Contingent assets and liabilities	7.2

7.1 Financial instruments

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

	2023 (\$000)	2022 (\$000)
Financial Assets		
Cash and cash equivalents	3,718	8,072
Restricted cash and cash equivalents	6,681	840
Financial assets at amortised cost ^(a)	13,757	12,378
Total financial assets	24,156	21,290
Financial Liabilities		
Financial liabilities at amortised cost ^(a)	3,263	1,850
Total financial liability	3,263	1,850

(a) The amount of financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

(b) The amount of financial liabilities at amortised cost excludes GST payable from the ATO (statutory payable).

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 best estimate.

The Office had no contingent assets and liabilities at 30 June 2023.

Financial Statements and Key Performance Indicators

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

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 does not incur expenditures to compensate Ministers and those disclosures 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(\$)	2023 (\$000)	2022 (\$000)
100,001 - 150,000	1	-
150,001 - 200,000	-	1
200,001 - 250,000	-	2
250,001 - 300,000	-	4
300,001 - 350,000	5	1
350,001 - 400,000	1	3
400,001 - 450,000	6	2
500,001 - 550,000	-	1
600,001 - 650,000	1	-
	2023 (\$000)	2022 (\$000)
Total compensation of senior officers	5,164	4,581

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 public sector entity that is controlled by 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:

	2023 (\$000)	2022 (\$000)
Auditing the accounts, financial statements, controls, and key performance indicators	38	40

8.5 Equity

	2023 (\$000)	2022 (\$000)
Contributed Equity		
Balance at start of period	7,906	7,138
Contributions by owners		
Capital appropriation	1,867	768
Total contributions by owners	1,867	768
Distribution to owners	-	-
Balance at end of period	9,773	7,906

8.6 Supplementary financial information

(a) Write-offs

During the financial year, \$Nil (2022: \$80) 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.

Financial Statements and Key Performance Indicators

9. Explanatory Statements

This section explains variations in the financial performance of the Office.

	Notes
Explanatory statement for controlled operations	9.1

9.1 Explanatory statement for controlled operations

All variances between estimates (original budget) and actual results for 2023, and between the actual results for 2023 and 2022 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 following variance analysis for the:

1. Estimate and actual results for the current year:

- Total Cost of Services for the [Statements of comprehensive income](#) and [Statement of cash flows](#) (i.e. 1% of \$57,863,000 totalling \$578,630); and
- Total Assets for the [Statement of financial position](#) (i.e. 1% of \$21,849,000 totalling \$218,490).

2. Actual results for the current year and the prior year actual:

- 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).

9.1.1 Statement of Comprehensive Income Variances

	Variance Notes	Estimate 2023 (\$000)	Actual 2023 (\$000)	Actual 2022 (\$000)	Variance between estimate and actual and actual results 2023 and 2022 (\$000)	
Expenses						
Employee benefits expense	2.1	43,904	46,086	38,874	2,182	7,212
Supplies and services	1.1	4,122	6,599	6,342	2,477	257
Depreciation and amortisation expense		1,091	716	656	(375)	60
Accommodation expenses		5,493	5,185	5,273	(308)	(88)
Finance and interest costs		21	-	-	(21)	-
Other expenses	1.2	3,232	3,914	3,903	682	11
Total cost of services		57,863	62,500	55,048	4,637	7,452
Income						
Other Income		50	107	131	57	(24)
Total income other than income from State Government		50	107	131	57	(24)
Net cost of services		57,813	62,393	54,917	4,580	7,476
Income from State Government						
Service Appropriation		50,911	51,743	50,203	832	1,540
Contribution from Confiscation Proceeds Account	1.3	6,351	10,947	10,768	4,596	179
Services received free of charge	1.4 , 2.2	793	240	793	(553)	(553)
Total income from State Government		58,055	62,930	61,764	4,875	1,166
Surplus/ (deficit) for the period		242	537	6,848	295	(6,310)
Other comprehensive income						
		-	-	-	-	-
Total comprehensive income for the period		242	537	6,848	295	(6,310)

Major estimate and actual (2023) variance narratives:

- Increases due to the costs associated with the movement to the Office of Digital Government's Digital WA Strategy and ICT system maintenance.
- Increase due to the demand for prosecution services for brief-out costs.
- 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.
- Decrease due to a change in the Department of Justice's accounting treatment for the provision of library services.

Major actual (2023) and comparative (2022) variance narratives:

- Increase in the significant workload demands for prosecution services to cater for the increase in the complexity of caseloads and an increase in employee benefits awarded through the Public Sector Wages Policy.
- Decrease due to a change in the Department of Justice's accounting treatment for the provision of library services.

Financial Statements and Key Performance Indicators

9.1.2 Statement of Financial Position

	Variance Notes (\$000)	Estimate 2023 (\$000)	Actual 2023 (\$000)	Actual 2022 (\$000)	Variance between	
					estimate and actual (\$000)	actual results 2023 and 2022 (\$000)
Assets						
Current Assets						
Cash and cash equivalents	2.1	3,662	3,718	8,072	56	(4,354)
Restricted cash and cash equivalents	1.1, 2.2	-	3,092	-	3,092	3,092
Receivables	1.2	2,256	5,545	5,107	3,289	438
Amounts receivable for services	1.3	150	458	458	308	-
Other current assets	1.4, 2.3	950	1,513	1,086	563	427
Total Current Assets		7,018	14,326	14,723	7,308	(397)
Non-Current Assets						
Restricted cash and cash equivalents	1.5, 2.4	690	3,589	840	2,899	2,749
Amounts receivable for services	2.5	8,019	7,754	6,813	(265)	941
Plant and equipment	1.6, 2.6	1,157	2,660	789	1,503	1,871
Right-of-use assets	1.7	-	373	373	373	-
Intangible assets	1.8	4,965	123	167	(4,842)	(44)
Other non current assets		-	23	-	23	23
Total Non-Current Assets		14,831	14,522	8,982	(309)	5,540
Total Assets		21,849	28,848	23,705	6,999	5,143
Liabilities						
Current Liabilities						
Payables	1.9, 2.7	884	3,263	1,850	2,379	1,413
Lease Liabilities		-	112	105	112	7
Employee related provisions	1.10, 2.8	7,579	8,733	7,507	1,154	1,226
Other Provisions	1.11	226	-	-	(226)	-
Total Current Liabilities		8,689	12,108	9,462	3,419	2,646
Non-Current Liabilities						
Lease Liabilities		258	273	224	15	49
Provisions		2,625	2,433	2,330	(192)	103
Total Non-Current Liabilities		2,883	2,706	2,554	(177)	152
Total Liabilities		11,572	14,814	12,016	3,242	2,798
Net Assets		10,277	14,034	11,689	3,757	2,345
Equity						
Contributed Equity		11,773	9,773	7,906	(2,000)	1,867
Accumulated surplus/(deficit)		(1,996)	4,261	3,724	6,257	537
Other		500	-	-	(500)	-
Total Equity		10,277	14,034	11,630	3,757	2,404

9.1 Explanatory statement for controlled operations

Major estimate and actual (2023) variance narratives:

- 1.1 Increase due to the recognition of \$3.092m in restricted cash for the Mental Health and Wellbeing Program and Asset Investment Plan.
- 1.2 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.
- 1.3 Increase due to increase of funding for the Asset Replacement Program.
- 1.4 Increase due to the prepayment of ICT Expenses.
- 1.5 Increase due to the recognition of \$2.549m in restricted cash for the Mental Health and Wellbeing Program.
- 1.6 Increase due to the recognition of leasehold improvements for the Accommodation fit-out program.
- 1.7 Increase due to the recognition of motor vehicle leases under AASB 16 Leases.
- 1.8 Decrease due to the timing of projects in the Asset Investment Plan.
- 1.9 Increase due to accrued capital for the Accommodation fit-out program and accrued salaries due to the Public Sector Wages Policy increase.
- 1.10 Increase due to the increase in employee benefits awarded through the Public Sector Wages Policy.
- 1.11 Decrease due to a make good provision for Allendale square lease that was not required.

Major actual (2023) and comparative (2022) variance narratives:

- 2.1 Decrease of cash and cash equivalents due to the recognition of restricted cash classifications.
- 2.2 Increase due to the recognition of \$3.092m in restricted cash for the Mental Health and Wellbeing Program and Asset Investment Plan.
- 2.3 Increase due to the prepayment of ICT Expenses.
- 2.4 Increase due to the recognition of \$2.549m in restricted cash for the Mental Health and Wellbeing Program.
- 2.5 Decrease due to the amount retained in the Treasury holding account for service appropriations.
- 2.6 Increase due to the recognition of leasehold improvements for the Accommodation fit-out program.
- 2.7 Increase due to accrued capital for the Accommodation fit-out program and accrued salaries due to the Public Sector Wages Policy increase.
- 2.8 Increase due to provisioning for the increase in employee benefits awarded through the Public Sector Wages Policy.

Financial Statements and Key Performance Indicators

9.1.3 Statement of Cash Flows

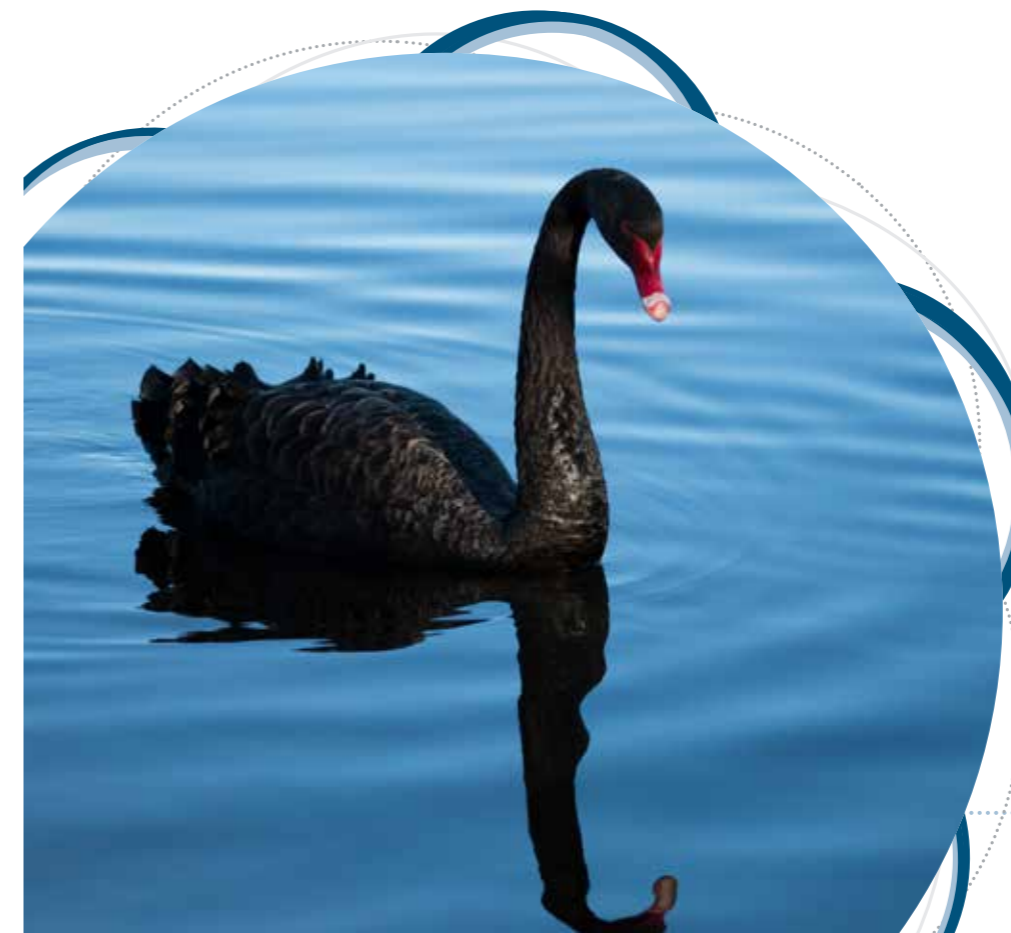
	Variance Notes (\$000)	Estimate 2023 (\$000)	Actual 2023 (\$000)	Actual 2022 (\$000)	Variance between	
					estimate and actual (\$000)	actual results 2023 and 2022 (\$000)
Cash flows from State Government						
Service appropriations		49,466	50,802	49,515	1,336	1,287
Contributions from Confiscation Proceeds Account	2.1	10,256	10,765	7,867	509	2,898
Capital appropriation	1.1, 2.2	286	1,867	768	1,581	1,099
Holding account drawdowns		150	-	-	(150)	-
Net cash provided by State Government		60,158	63,434	58,150	3,276	5,284
Utilised as follows:						
Cash flows from Operating Activities						
Payments						
Employee benefits	2.3	(43,904)	(43,666)	(38,158)	238	(5,508)
Supplies and services	1.2, 2.4	(12,039)	(16,908)	(15,085)	(4,869)	(1,823)
Finance and interest costs		(21)	-	-	21	-
GST payments on purchases	1.3	(840)	(1,605)	(1,424)	(765)	(181)
Receipts						
Receipts from services		50	107	131	57	(24)
GST receipts on sales		-	8	9	8	(1)
GST receipts from taxation authority		834	1,199	1,068	365	131
Net cash provided by/(used in) operating activities		(55,920)	(60,865)	(53,459)	(4,945)	(7,405)
Cash flows from Investing Activities						
Payments						
Purchase of non-current physical assets	1.4, 2.5	(4,795)	(947)	(289)	3,848	(658)
Net cash provided by/(used in) investing activities		(4,795)	(947)	(289)	3,848	(658)
Cash flows from Financing Activities						
Payments						
Repayment of borrowings and leases		(142)	(135)	(143)	7	8
Net cash provided by/(used in) financing activities		(142)	(135)	(143)	7	8
Net increase/(decrease) in cash and cash equivalents		(699)	1,487	4,259	2,186	(2,772)
Cash and cash equivalents at the beginning of the period		5,051	8,912	4,653	3,861	4,259
Cash and cash equivalents at the end of the period		4,352	10,399	8,912	6,047	1,487

Major estimate and actual (2023) variance narratives:

- 1.1 Increase due to funding drawdowns from the Digital Capability Fund for the asset investment plan.
- 1.2 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.
- 1.3 Increase due to the Goods and Services Tax on supplies and services.
- 1.4 Decrease due to the timing of projects within the Asset Investment Plan.

Major actual (2023) and comparative (2022) variance narratives:

- 2.1 Increase due to additional funds allocated from the Confiscations Proceeds Account in accordance with the funding agreement.
- 2.2 Increase due to funding drawdowns from the Digital Capability Fund for the asset investment plan.
- 2.3 Increase due to the increase in demand for prosecution services to cater for the increase in the complexity of caseloads and an increase in employee benefits awarded through the Public Sector Wages Policy.
- 2.4 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.
- 2.5 Increase due to the timing of the asset replacement program which includes replacement of desktop devices.



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.

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 2022-23

In 2022-23, there were 2,360 committals to the Supreme or District Court. Following case reviews, 237 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 2,123 committals resulted in an indictment being filed during this reporting period. A total of 1,007 (or 47.4%) were filed with the court within three months of the date of committal.

KPI Target 2022-23	KPI Result 2022-23
85.0%	47.4%

Performance trends are illustrated in the following table:

PERFORMANCE TRENDS	2019-20	2020-21	2021-22	2022-23
Indictment Filed Within three months of committal	69.6%	65.5%	59.5%	47.4%
Indictments Due	2,711	2,521	2,337	2,123
Average days to file Indictment	81	84	88	98

Explanation between the target and actual performance

To file an indictment, the ODPP 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 have had an impact on this process include:

- COVID impacts, WA Police and Court business delays, and case nature and types of serious crimes committed, with an increase in domestic violence and serious sex related crimes;
- Significant increase in the volume of material received from WA Police in digital format which requires much more time to upload, sort, assess and process;
- Obtaining and processing complex forensic and medical evidence;
- Negotiation of plea offers received from the accused; and
- Further charges or co-accused awaiting committal.

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.

The observed change in 2022-23 has been that prosecutors, on average, are waiting for a longer period of time to file an indictment in matters where plea negotiations are ongoing. Having an agreed indictment filed with pleas certainty saves time and adds clarity to the Court process, but results in a negative impact on this 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, 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 2022-23

There were three Judge Directed Acquittals in 2022-23 from the 491 trials which proceeded, resulting in 488 (or 99.4%) of trials proceeding with a case to answer.

KPI Target 2022-23	KPI Result 2022-23
98.0%	99.4%

Performance trends are illustrated in the following table:

PERFORMANCE TRENDS	2019-20	2020-21	2021-22	2022-23
Establishing Case to Answer	100.0%	99.6%	100.0%	99.4%

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.

Financial Statements and 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 2022-23

In 2022-23 491 trials proceeded before a jury, or a judge alone trial, in the District and Supreme Court. Of these, 14 (or 2.9%) resulted in a hung jury, 48 (or 9.8 %) resulted in a mistrial and two trials have a reserved decision. As at 30 June 2023, there were two Judge only trials that have reserved decisions pending, meaning that the Trial Judge will deliver a verdict at a later date.

The remaining 427 trials delivered either a conviction or acquittal. Of these, 235 (or 55.0%) resulted in a conviction being recorded against the accused for one or more of the charges listed in the indictment.

KPI Target 2022-23	KPI Result 2022-23
50.0%	55.0%

Performance trends are illustrated in the following table:

PERFORMANCE TRENDS	2019-20	2020-21	2021-22	2022-23
Convictions After Trial	62.3%	59.4%	60.2%	55.0%

Explanation between the target and actual performance

The target was exceeded in 2022-23, 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 (4) 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 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 four (4) months by the total number of applications filed.

Performance Outcome 2022-23

In 2022-23, 16 declarations for confiscations were filed. Of these, two (or 12.5%) were filed within four (4) months of the drug trafficker declaration.

KPI Target 2022-23	KPI Result 2022-23
20%	12.5%

Performance trends are illustrated in the following table:

PERFORMANCE TRENDS	2019-20	2020-21	2021-22	2022-23
Number of Declarations Filed	59	28	32	16
Number of Declarations filed within four (4) months	10	3	2	2
Percentage Applications filed within four (4) months	16.9%	10.7%	6.3%	12.5%

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. The primary cause for delay in filing declarations of confiscation in 2022-23 was a review of the evidentiary and forensic requirements of those applications which was completed in April 2023. Subsequent to the review, applications have undergone significant change and are now longer and more complex than prior applications. A review of all applications, both in drafting and already filed in the courts, was undertaken.

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, whilst others will require preparation for trial, and perhaps an appeal, and may not be concluded for several years and are resource intensive. As a consequence, the ODPP sets a target cost at the average prosecution output 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.

Performance Outcome 2022-23

The ODPP's total cost of service for criminal prosecutions in 2022-23 was \$58.488 million. A total of 2,893 new indictable prosecution cases were received by the ODPP during the reporting year.

The average cost per criminal prosecution in 2022-23 was \$20,217.

KPI Target 2022-23	KPI Result 2022-23
\$18,000	\$20,217

Performance trends over time are illustrated in the following table:

PERFORMANCE TRENDS	2019-20	2020-21	2021-22	2022-23
Cost Per Prosecution	\$14,771	\$16,462	\$19,490	\$20,217
Indictable Prosecutions	3,074	3,015	2,627	2,893

Explanation between the target and actual performance

The ODPP exceeded the target for 2022-23 due to the:

- the increase in criminal case management time and complexity as the ODPP continues to migrate to digital evidence management;
- increase in the complexity and size of caseloads;
- changes in the nature and types of serious indictable crimes committed during the 2022-23 period, particularly the increase in domestic violence serious sex crime related cases;
- increase in brief-out costs associated with trial activity;
- increase in salary expenses as part of the Public Sector Wages policy; and
- increase in costs associated with digital evidence storage and ICT expenses.

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 2022-23.

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 are therefore demanding of resources.

The KPI is measured by total cost of service of confiscation of assets, divided by the payments made to the Confiscation Proceeds Account (which is administered by the Department of Justice). for the same year, expressed as a percentage.

Performance Outcome 2022-23

In 2022-23, the ODPP's Confiscations services delivered payments of \$28.489 million to the Confiscation Proceeds Account. The total cost of service for the confiscations function in the reporting year was \$4.017 million. The ratio of cost to return was therefore 14.10%.

KPI Target 2022-23	KPI Result 2022-23
25.0%	14.10%

Performance trends are illustrated in the following table:

PERFORMANCE TRENDS	2019-20 (\$'000)	2020-21 (\$'000)	2021-22 (\$'000)	2022-23 (\$'000)
Delivered Payments to Confiscations Proceeds Account	15,419	15,214	27,882	28,489
Total Cost of Services for the Confiscations Function	3,489	3,730	3,847	4,017
Cost as a Percentage of Return	22.6%	24.52%	13.80%	14.10%

Explanation between the target and actual performance

The target was met in 2022-23 due to a number of large confiscated receipts and high value acquisitions increasing the payments delivered which reduces the cost percentage ratio. Criminal property confiscations receipts to the confiscations proceeds account was \$0.607 million more than in 2021-22. This is due to more criminal assets 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.

