

## **Synopsis**

### Negotiated Outcomes in Western Australia

Negotiated outcomes can occur in many different ways within the Australian criminal justice system. This presentation will discuss the process of charge negotiations in the jurisdiction of Western Australia (WA). In WA, prosecutors do not “plea bargain”. While charge negotiations can be initiated by either party they must be based on the evidence and the public interest, and prosecutors are required to consult with the complainant and investigating police officer. An accused who pleads guilty to a charge must accept liability for all elements of that charge as well as the basic facts that underpin those elements. Nevertheless, the court retains a key role in making any relevant findings of fact as well as in determining the appropriate penalty. An accused who pleads guilty may still face a “trial of issues” wherein the court determines any factual disputes between the prosecution and defence that could significantly impact upon sentencing.