

The Law Reform Commission  
of Western Australia

# ANNUAL REPORT

1 July 2007 – 30 June 2008

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# STATEMENT OF COMPLIANCE



## Statement of Compliance with the Financial Management Act

Hon Christian Porter MLA  
Attorney General  
Level 29, Allendale Square  
77 St Georges Terrace  
Perth WA 6000

Dear Minister,

In accordance with section 61 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to the Parliament the Annual Report of the Law Reform Commission of Western Australia for the year ending 30 June 2008.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'H Kay'.

Heather Kay  
Executive Officer  
Law Reform Commission of Western Australia

25 September 2008

## MESSAGE FROM THE CHAIR



Gillian Braddock SC

The Commission has had a very productive year with the completion of our comprehensive Final Report on the *Review of the Law of Homicide*. The Report was launched by the then Attorney General Jim McGinty MLA at the Old Fremantle Prison, a venue befitting a reference of this nature.

The law of homicide rightly attracts very significant public attention and concern because of the effects of such offences upon individuals and society at large. Nothing arouses strong emotions and fear more than the intrusion of untimely or violent death into daily life. The Commission's report deals with the appropriate response of Western Australian law to actions and events which pose difficult legal, moral and social questions.

The Final Report outlines 45 recommendations for reform spanning homicide

offences, defences and sentencing. The Commission recommended that the report be considered as a complete package, providing a coherent framework for reform of Western Australia's homicide laws. The reason being that the consequences of change in one area need to take account of effects in another to balance the varying circumstances in which offences and defences may arise and interact.

Our review is perhaps the most comprehensive reference on this area and aims to ensure that the laws of homicide in Western Australia are principled, clear, consistent and modern. In an unequivocal gesture of support for the Commission's recommendations, the Criminal Law Amendment (Homicide) Bill 2008, which introduces the significant reforms to the law of homicide as outlined by the Commission, was recently assented to in Parliament on 27 June 2008.

In his Second Reading Speech to the Legislative Assembly on 19 March 2008, the then Attorney General Jim McGinty MLA stated that:

[T]he government considers that the recommendations made in the final report provide a sound package for the simplification and clarification of areas of law that have been difficult and complicated for all those involved in the criminal law process. Those difficulties and complications have often resulted in unjust outcomes.

The Commission is heartened to see the hard work put in by all who worked on the reference has now been translated so promptly into tangible changes in legislation. These are significant and historical reforms that will improve

the state's criminal justice system by providing simplification and flexibility in the law not previously available.

Work continued on the Commission's reference on *Problem Oriented Courts*. The long awaited Discussion Paper was completed in June 2008. The Commission looks forward to releasing the paper in early July 2008 and to receiving the many and varied submissions the paper is sure to provoke. After a lengthy submissions period, the Commission will give consideration to our final recommendations and to releasing our Final Report in December 2008.

The Commission has been fortunate enough to receive two new references in this financial year, one entitled *Selection, Eligibility and Exemption of Jurors* and one involving a *Review of Coronial Practice in Western Australia*. Work has already commenced on the reference on jurors, with the Commission anticipating the release of a Discussion Paper in the later half of 2008. However, the reference on coronial practice will be a far more substantial reference and will take several years to complete. The Commission looks forward to detailing the progress on each of these references in the next financial years to come.

The Commission gratefully acknowledges the former Attorney General Jim McGinty MLA for his support of our work and his commitment to implement our recommendations, both past and present. We would also like to take the opportunity to thank all the individuals and organisations for their contribution and assistance throughout the year.

Gillian Braddock SC

# OVERVIEW OF THE LAW REFORM COMMISSION

## EXECUTIVE SUMMARY

The Law Reform Commission's role is to keep the law up-to-date and relevant to the needs of society. The Commission achieves this by receiving terms of reference and reviewing selected legislation at the request of the Attorney General to identify the opportunities for reform.

References may result from proposals submitted by the Commission, suggestions made by the public or topics of interest to the Attorney General. The Attorney General determines the order of priority in which the Commission deals with references. The Attorney General presents the Commission's reports to Parliament as soon as practicable after the Commission completes its work on each reference.

The Law Reform Commission's output measures the progress of a reference against target timelines. The extent to which the Commission meets the timeframes set by the Attorney General is therefore considered to be a key performance indicator that measures the extent to which the Commission is contributing to keeping the law up-to-date. This gives the Commission responsibility for achieving outcomes by which its performance can be measured.

The Executive Officer, Heather Kay, has charge of the day-to-day business of the Commission. Through a tender process, the Commission engages the services of consultants who have expertise in the area being investigated. This enables individuals who would not previously have been able to participate in the process of law reform to bring their unique and special skills to the Commission's law reform activities.

## THE COMMUNITY SERVED

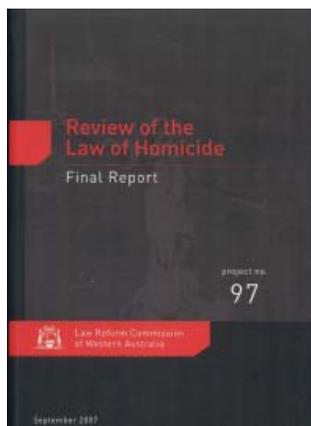
The people of Western Australia are the Commission's primary clients or customers. This must be the case for a law reform organisation funded by the taxpayers in a society governed by law. To be meaningful and effective, law reform must make every effort to be inclusive and fair.

The law reform process should include communication and consultation with the public and the relevant stakeholders concerned with particular projects. Moreover, the Commission's work must be completed in a reasonably timely fashion in order to be efficient and effective.

## STAKEHOLDERS

The Commission's stakeholders include those governed by particular laws and those charged with enforcing them. With each reference the Commission makes an effort to identify stakeholders concerned with the specific topic. The stakeholders' list changes from project to project. While farmers and country residents may be concerned about stock straying on highways, parents and physicians may be interested in medical treatment for minors. Merchants and finance companies may seek changes to the Sale of Goods Act 1895 while builders and suppliers may be concerned with financial protection in the building and construction industry. Once an issue is identified the Commission often invites stakeholders' submissions when developing its recommendations.

# OVERVIEW OF THE LAW REFORM COMMISSION



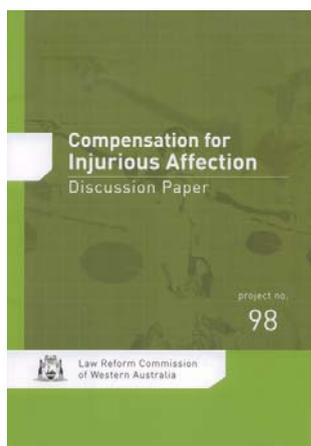
## REVIEW OF THE LAW OF HOMICIDE

The Commission published and released its Final Report on the *Review of the Law of Homicide* on 2 November 2007. The Report has been well received by members of the legal fraternity and the general public and has resulted in the drafting of the Criminal Law Amendment (Homicide) Bill 2008 which was assented to on 27 June 2008.

period will follow until October 2008. The Commission will be guided by the responses received before developing its recommendations to be released in a Final Report in December 2008.

## SELECTION, ELIGIBILITY AND EXEMPTION OF JURORS

In September 2007 the Commission received a new reference entitled *Selection, Eligibility and Exemption of Jurors*. The matter was referred to the Commission as a result of concerns raised about the growing number of people who apply for and are granted exemptions from jury service, or who are disqualified or ineligible to participate on a jury. The Commission has engaged a project writer and anticipates releasing a Discussion Paper in September 2008. A Final Report outlining the Commission's recommendations will be released in February 2009.



## COMPENSATION FOR INJURIOUS AFFECTION

The Commission released its Discussion Paper on *Compensation for Injurious Affection* in October 2007. Several detailed and lengthy submissions were received from various interested stakeholders in the months following the Discussion Paper's release.

The Commission considered the submissions received and developed its draft Final Report in June 2008. The Final Report was published in August 2008 and will be distributed once it has been tabled in Parliament.

## A REVIEW OF CORONIAL PRACTICE IN WESTERN AUSTRALIA

In November 2007 the Commission was asked to carry out an extensive reference entitled *Review of Coronial Practice in Western Australia*. The Commission has approached a number of experts in the area and invited them to participate as members of an advisory panel providing advice throughout the life of the reference.

The Commission has engaged the specialised skills of Dr Ian Freckelton SC and Dr Tatum Hands to undertake the project. The terms of reference are very broad and cover such areas as improvements to the Act; changes to jurisdiction, practices and procedures of



## PROBLEM ORIENTED COURTS REFERENCE

In March 2008, the Commission released on its web-site a Research Paper on *Problem Oriented Courts* written by Dr Harry Blagg. Dr Blagg's paper was commissioned to provide additional information on the issues relevant to the project.

The Commission completed its draft Consultation Paper entitled *Court Intervention Programs* in June 2008. The paper was published and released in July 2008. A lengthy submissions

the Coroner and the office; improvements to be made in the provision of support for families, friends and others; the provision of investigative, forensic and other services in support of the coronial function; and any other related matter. It is envisaged the project will take several years to complete with detailed consultations to commence in the later half of 2008.

## TECHNOLOGICAL AND ADMINISTRATIVE IMPROVEMENTS

For ease of reference and increased accessibility, the Commission's reports and papers can be downloaded from its website immediately upon release and at no cost.

The Commission's new user-friendly website at [www.lrc.justice.wa.gov.au](http://www.lrc.justice.wa.gov.au)

also features an e-news subscription service that informs subscribers when reports and papers are released, as well as keeping subscribers up-to-date with the Commission's activities. The service also enables the Commission to maintain an accurate database of organisations and individuals who wish to receive the LRC materials electronically, thus eliminating the need for large and costly hard copy print runs.

The Commission's website received approximately 448,596 hits throughout 2007–08.

During the past year the Commission's staff handled over 11,500 letters, faxes, e-mail messages and telephone calls – many from members of the public concerned about legal issues and problems they had experienced with the justice system.

## FINANCIAL FORECAST

The delays in project completion dates have had a consequential effect on the Commission's financial forecast for the 2007–08 Financial Year. In addition to the expenses associated with the completion of the Commission's current reference, we also received two new references in 2007. The reference on the *Review of Coronial Practice in Western Australia* is particularly significant and is expected to take several years to complete. This in turn will impact on the Commission's ability to take on additional references in the future.



# OVERVIEW OF THE LAW REFORM COMMISSION

## OPERATIONAL STRUCTURE

### ENABLING LEGISLATION

The Law Reform Commission was established as a Statutory Authority under the *Law Reform Commission Act 1972*, on 31 October 1972.

### RESPONSIBLE MINISTER

The Hon. Jim McGinty MLA, Attorney General.

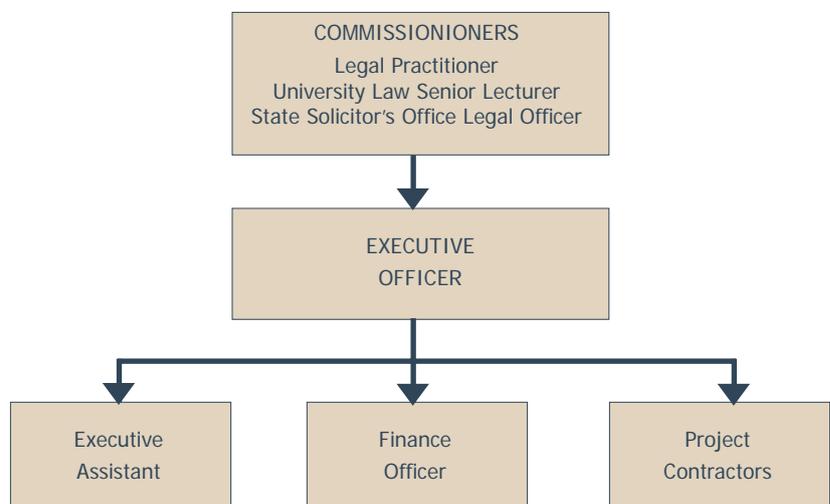
The Law Reform Commission of Western Australia (the 'Commission' or 'LRCWA') reviews areas of the law upon reference from the Attorney General to identify the opportunities for reform. References may result from proposals submitted by the Commission, suggestions made by the public or topics of interest to the Attorney General. Section 11 of the *Law Reform Commission Act 1972* (the 'Act') sets out the functions of the Commission. The Attorney General determines the order of priority in which the Commission deals with references. The Attorney General presents the Commission's reports to Parliament as soon as practicable after the Commission completes its work on each reference.

### MISSION

The Commission's mission is to assist in keeping the law up-to-date and relevant to the needs of society.

### STRUCTURE AND MEMBERSHIP OF THE COMMISSION

The Commission may consist of up to five members, two full-time and three part-time, appointed by the Governor of Western Australia. Of the part-time members, one is to be a private legal practitioner with not less than eight years' experience, one must be engaged in teaching law at a university in Western Australia with a status not less than that of Senior Lecturer, and the third is to be a legal officer of the State Solicitor's Office with not less than eight years' experience. Full-time members are to be legal practitioners of at least eight years' standing, or persons suitable for appointment by reason of their legal qualifications and experience, whether in Western Australia or elsewhere.



## Chairman

Pursuant to section 5 of the *Law Reform Commission Act 1972 (WA)*, the Commission elects its Chairman from among the members. The Chairman may hold office for a term not exceeding one year, but shall be eligible for re-election.

In July 2007 Gillian Braddock SC was reappointed Chairman of the Law Reform Commission.

Ms Braddock has been a member of the independent bar since 1990 and was appointed Senior Counsel in September 2001.



Ms Braddock holds a BA in Law from Cambridge University, England and came to Western Australia from Hong Kong where she was employed as Crown Counsel from 1985–1987. Ms Braddock has previously served as President of the Western Australian Bar Association and practices primarily in criminal and family law.

## Members

Mary Anne Kenny was appointed to the Commission on 15 February 2006 as the academic member. Ms Kenny is a Senior Lecturer in Law at Murdoch University. Ms Kenny has been at Murdoch University since 1997 where she was involved in establishing the clinical legal education program at SCALES and later as Director of the clinical program from 2000–2005. Prior to working at Murdoch University Ms Kenny worked for Legal Aid WA and for the Youth Legal Service. Ms Kenny is a graduate of the University of Western Australia (BJuris, LLB (Hons)) and the University of Iowa (LLM International and Comparative Law). She was admitted as a Barrister and Solicitor of the Supreme Court of Western Australia in 1993 and is a registered Migration Agent.



Robert Mitchell SC was appointed to the Commission on 4 December 2007. He is a Deputy State Solicitor employed in the State Solicitor's Office, where he has worked in various capacities since 1989. He provides advice and acts as counsel for the State government and its agencies in relation to a range of matters, principally in the areas of administrative and constitutional law, environmental and planning law, resources law and commercial litigation. He was appointed Senior Counsel in November 2007. He is a graduate of the University of Western Australia (BJuris (Hon) LLB, LLM).



## Members' Fees

Fees payable to part-time members from private practice and academia are determined on a formula related to the salaries paid to university lecturers. The State Solicitor's Office representative receives no fee. Former members of the Commission are listed in the LRCWA's *30th Anniversary Reform Implementation Report 1972–2002*.

## Senior Officer

Heather Kay, LLB (UWA), LLM (UWA) (Executive Officer) has been with the Commission



for eight years and is responsible for coordinating administrative and legal research activities and managing the various references.

# OVERVIEW OF THE LAW REFORM COMMISSION

## ADMINISTERED LEGISLATION

### Key Legislation Impacting on the Law Reform Commission's Activities

In the performance of its functions, the Law Reform Commission complies with the following relevant Acts:

- Disability Services Act 1993;
- Electoral Act 1907;
- Equal Opportunity Act 1984;
- Evidence Act 1906; Acts Amendment (Evidence) Act 2000;
- Freedom of Information Act 1992;
- Financial Administration and Audit Act 1985;
- Government Employees Superannuation Act 1987;
- Industrial Relations Act 1979;
- Interpretation Act 1984;
- Library Board of Western Australia Act 1951;
- Limitation Act 1935;
- Minimum Conditions of Employment Act 1993;
- Occupational Safety and Health Act 1984;
- Public Interest Disclosure Act 2003
- Public Sector Management Act 1994;
- Salaries and Allowances Act 1975;
- State Supply Commission Act 1991;
- State Records Act 2000;
- State Records (Consequential Provisions) Act 2000; and
- The Criminal Code Act 1913.

In the financial administration of the Law Reform Commission, we have complied with the requirements of the *Financial Management Act 2006* and every other relevant written law, and exercised controls which provide reasonable assurance that the receipt and expenditure of moneys and the acquisition and disposal of public property and incurring of liabilities have been in accordance with legislative provisions.

At the date of signing, we are not aware of any circumstances which would render the particulars included in this statement misleading or inaccurate.

## DIVERSIFICATION

The LRCWA engages consultants for research, writing and editing. This permits individuals who would not previously have been able to participate in the process of law reform to bring their unique and special skills to the Commission's law reform activities on less than a full-time basis. The LRCWA endeavours to use the public tender procedure to select writers, editors and researchers for each project.

## PUBLICATIONS

Appendix I provides current Terms of Reference. All references to the Commission since its establishment in 1972 and to its predecessor, the Law Reform Committee, are identified in Appendix III. Appendix II lists all LRCWA publications beginning with the most recent. Publication information is available on the Commission's website: <[www.lrc.justice.wa.gov.au](http://www.lrc.justice.wa.gov.au)>. All previous publications are available for purchase from the State Law Publisher: <[www.slp.wa.gov.au](http://www.slp.wa.gov.au)>.

## LEGISLATIVE CHANGE

There were no statutory changes or significant judicial decisions affecting the LRCWA in 2007–08.

## MEETINGS OF THE COMMISSION

The Commission held eight Project Meetings, seven Commission Meetings, and six Working Meetings during the 2007–08 financial year. These were primarily devoted to discussing the progress of the Commission's references on the *Review of the Laws of Homicide*, *Problem Oriented Courts* and *Compensation for Injurious Affection* as well as planning for the Commission's new references on *Selection, Eligibility and Exemption of Jurors* and *the Review of Coronial Practice in Western Australia*. The Commission also met with the former Attorney General Jim McGinty MLA once during 2007–08 to discuss the progress of the various references and to receive the two new terms of reference.

## THE STAFF

The Commission has two permanent administrative employees, a part-time Finance Officer, Ms Saras Mohann and a full-time Executive Assistant, Ms Sharne Cranston

The Commission engages other staff from time-to-time on a casual basis. The Commission receives payroll and other assistance from the Human Resources Branch of the Department of the Attorney General. Flexibility enables the Commission to add personnel as necessary to manage the volume of work.

The day-to-day operations of the Commission include dealing with public, managing the regular operations of a government agency, processing submissions, maintaining the Commission's website, and assisting consulting writers, editors and researchers.

## Staff 2007–08

Other staff members throughout 2007–2008 were:

Helen Cogan  
Danielle Davies  
Cassy Ellis  
Jessica Evans  
Dr Tatum Hands  
Rachel Joseph  
Andrew Kirk  
Jaiwa Liu  
Cheryl MacFarlane  
Belinda McFee  
Watna Mori  
James Newton-Palmer  
Peter Phillips  
Carmen Poezyn  
Ian Repper  
Xinhe Tan  
David Vile  
Victoria Williams  
Mimi Yeung

The following diagram illustrates the varying numbers of employees engaged during the past year to produce the Commission's publications and operate the agency.

## OFFICE

The Commission may be reached by telephone on (08) 9321 4833; fax (08) 9321 5833; and e-mail: [Ircwa@justice.wa.gov.au](mailto:Ircwa@justice.wa.gov.au). The Commission's website is located at: [www.Irc.justice.wa.gov.au](http://www.Irc.justice.wa.gov.au). The administrative office is located at Level 3 of The BGC Centre, 28 The Esplanade, Perth.

## CORPORATE SUPPORT

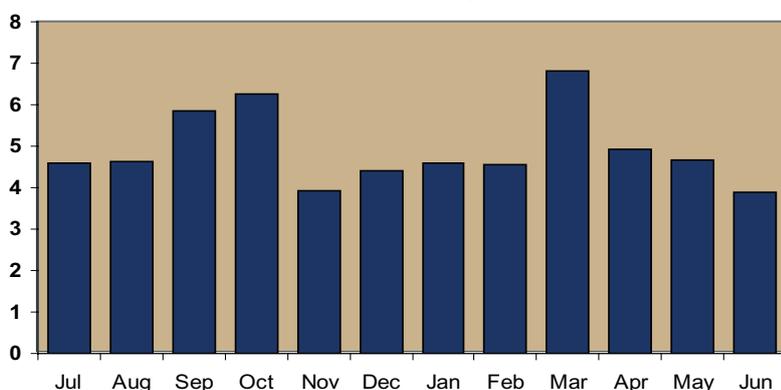
The Commission receives corporate support from the Department of the Attorney General through a service level agreement. This arrangement includes a host of services, including information technology, human resources and financial management.

The Commission acknowledges the valuable contribution made by staff within the Department of the Attorney General for the provision of these services in 2007–2008.

## CUSTOMER FOCUS OUTCOMES

The Commission's operations focus on delivering services to the public, the stakeholders and the Attorney General. The elimination of an expensive operational infrastructure enables the Commission to utilise its resources more effectively for law reform and public education purposes.

Equivalent Full-Time Employees 2007–2008



# OVERVIEW OF THE LAW REFORM COMMISSION

## PERFORMANCE MANAGEMENT FRAMEWORK

### OUTCOME BASED MANAGEMENT FRAMEWORK

The Government's *Better Planning: Better Futures – A Framework for the Strategic Management of the Western Australian Public Sector* (2006) sets out a number of goals for agencies

#### The Law Reform Commission's Strategic Objective of Mission

*To assist in keeping the law up to date and relevant to the needs of society.*

Is best aligned with the Government's Goal 1: Better Services – Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.

#### The Commission's Desired Outcome

*The law reviewed as requested by the Attorney General, with stakeholders to be kept informed.*

To achieve this outcome, the Commission receives its terms of reference from the Attorney General and performs reviews of selected legislation at the request of the Attorney General. The extent to which the Commission meets the timeframes set is therefore considered to be a key performance indicator (KPI) that measures the extent to which the Commission is contributing to keeping the law up-to- date.

The Commission provides publications on Law Reform as its service to the Western Australian community. In performing this service the Commission, upon receipt of references from the Attorney General to review particular areas of the law, examines current law and practice, consults widely, issues discussion papers for public comment and prepares reports making recommendations for reform.

### CHANGES TO OUTCOME BASED MANAGEMENT FRAMEWORK

The Law Reform Commission's Outcome Based Management Framework did not change during 2007–08.

### SHARED RESPONSIBILITIES WITH OTHER AGENCIES

The Law Reform Commission did not share any responsibilities with other agencies in 2007–08.

# SIGNIFICANT ISSUES AND TRENDS

## CURRENT AND EMERGING ISSUES AND TRENDS

The most fundamental issue for the Law Reform Commission is to assist in keeping the law up-to-date and relevant to the needs of society.

An issue that emerges from this is the need to make law reform as meaningful and effective as possible.

## ECONOMIC AND SOCIAL TRENDS

To achieve that end, the Commission continues to make improvements in the areas of:

- wide ranging and unbiased research and analysis;
- effective communication and consultation with the public and stakeholders;
- an accessible and user friendly website allowing easy access to current and past references; and
- producing publications in plain English and other user friendly formats, so as to not exclude sections of the community.

## LIKELY DEVELOPMENT AND FORECAST RESULTS OF OPERATIONS

The structure of the Commission allows it to conduct research on more than one reference at a time. The Commission is currently undertaking work on four references and as a result has no capacity to undertake additional references within its current budget structure.

## CHANGES IN WRITTEN LAW

There were no changes in any written law that affected the Commission during the financial year.

# DISCLOSURES AND LEGAL COMPLIANCE



## AUDITOR GENERAL

### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

#### LAW REFORM COMMISSION OF WESTERN AUSTRALIA FINANCIAL STATEMENTS AND PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

I have audited the accounts, financial statements, controls and key performance indicators of the Law Reform Commission of Western Australia.

The financial statements comprise the Balance Sheet as at 30 June 2008, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the year then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

#### Commission's Responsibility for the Financial Statements and Key Performance Indicators

The Commission is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the *Financial Management Act 2006* and other relevant written law.

#### Summary of My Role

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer "<http://www.audit.wa.gov.au/pubs/Audit-Practice-Statement.pdf>".

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

#### Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Law Reform Commission of Western Australia at 30 June 2008 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commission provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Commission are relevant and appropriate to help users assess the Commission's performance and fairly represent the indicated performance for the year ended 30 June 2008.

COLIN MURPHY  
AUDITOR GENERAL  
15 September 2008

4th Floor Dumas House 2 Havelock Street West Perth 6005 Western Australia Tel: 08 9222 7500 Fax: 08 9322 5664

# FINANCIAL STATEMENTS

## LAW REFORM COMMISSION OF WESTERN AUSTRALIA

### CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2008

The accompanying financial statements of the Law Reform Commission of Western Australia 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 financial year ending 30 June 2008 and the financial position as at 30 June 2008.

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



Alan Anderson  
Chief Finance Officer  
1 September 2008



AG BRADDOCK SC  
Chair  
1 September 2008



Heather Kay  
Executive Officer  
1 September 2008

# FINANCIAL STATEMENTS

## INCOME STATEMENT

For the Year Ended 30 June 2008

	Note	2008 \$	2007 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefit expenses	4	724,304	733,495
Supplies and services	5	144,020	221,239
Depreciation	6	5,958	8,165
Accommodation expenses	7	54,058	52,269
Capital user charge	8	–	1,080
Other expenses	9	64,622	76,516
<b>Total cost of services</b>		<b>992,962</b>	<b>1,092,764</b>
<b>Income</b>			
Revenue:			
Sales	10	563	2,130
Other revenue	12	1,910	391
<b>Total revenue</b>		<b>2,473</b>	<b>2,521</b>
Gains:			
Gains on disposal of non-current assets	11	–	91
<b>Total gains</b>		<b>–</b>	<b>91</b>
<b>Total Income other than income from State Government</b>		<b>2,473</b>	<b>2,612</b>
<b>NET COST OF SERVICES</b>		<b>990,489</b>	<b>1,090,152</b>
<b>INCOME FROM STATE GOVERNMENT</b>			
Service appropriation	13	901,000	878,000
Resources received free of charge		72,993	76,794
<b>Total income from State Government</b>		<b>973,993</b>	<b>954,794</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(16,496)</b>	<b>(135,358)</b>

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

## BALANCE SHEET

For the year ended 30 June 2008

	Note	2008 \$	2007 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and Cash equivalents	21	589,918	605,479
Receivables	14	5,482	2,724
Amounts receivable for services	15	13,000	14,000
<b>Total Current Assets</b>		<u>608,400</u>	<u>622,203</u>
<b>Non-Current Assets</b>			
Amounts receivable for services	15	–	1,000
Property, Plant and Equipment	16	15,916	18,860
<b>Total Non-Current Assets</b>		<u>15,916</u>	<u>19,860</u>
<b>Total Assets</b>		<u><u>624,316</u></u>	<u><u>642,063</u></u>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	17	11,950	33,548
Provisions	18	28,866	28,993
Other current liabilities	19	4,218	2,663
<b>Total Current Liabilities</b>		<u>45,034</u>	<u>65,204</u>
<b>Non-Current Liabilities</b>			
Provisions	18	24,994	12,075
<b>Total Non-Current Liabilities</b>		<u>24,994</u>	<u>12,075</u>
<b>Total Liabilities</b>		<u>70,028</u>	<u>77,279</u>
<b>Net Assets</b>		<u><u>554,288</u></u>	<u><u>564,784</u></u>
<b>Equity</b>			
Contributed equity	20	17,000	11,000
Accumulated surplus		<u>537,288</u>	<u>553,784</u>
<b>Total Equity</b>		<u><u>554,288</u></u>	<u><u>564,784</u></u>
<b>Total Liabilities and Equity</b>		<u>624,316</u>	<u>642,063</u>

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

## FINANCIAL STATEMENTS

### STATEMENT OF CHANGES IN EQUITY

For the Year Ended 30 June 2008

	Note	2008 \$	2007 \$
<b>Balance of equity at start of period</b>		564,784	700,142
<b>CONTRIBUTED EQUITY</b>	20		
Balance at start and end of period		17,000	11,000
<b>ACCUMULATED SURPLUS</b>	20		
Balance at start of period		553,784	689,142
Result for the period		(16,496)	(135,358)
Balance at end of period		537,288	553,784
<b>Balance of equity at end of period</b>		554,288	564,784
<b>Total Income and Expense for period</b>		(16,496)	(135,358)

(a) The aggregate net amount attributable to each category of equity is: deficit of \$16,496 (2007: deficit \$135,358).

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

## CASH FLOW STATEMENT

For the Year Ended 30 June 2008

	Note	2008 \$	2007 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		889,000	866,000
Capital appropriations		6,000	–
Holding account drawdowns		14,000	20,000
<b>Net cash provided by State Government</b>		<b>909,000</b>	<b>886,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments:</b>			
Employee benefits		(647,388)	(694,362)
Supplies and Services		(223,757)	(258,135)
Accommodation expenses		(54,058)	(52,269)
Capital user charge		–	(1,080)
GST payments on purchases		(18,543)	(24,102)
<b>Receipts:</b>			
Sale of goods and services		2,731	2,098
GST receipts on sales		19,469	166
GST receipts from taxation authority		–	30,600
<b>Net cash provided by/(used in) operating activities</b>	21	<b>(921,546)</b>	<b>(997,084)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		–	91
Purchase of non-current physical assets		(3,015)	(17,177)
<b>Net cash provided by/(used in) investing activities</b>		<b>(3,015)</b>	<b>(17,086)</b>
<b>Net increase in cash held</b>		<b>(15,561)</b>	<b>(128,170)</b>
Cash and cash equivalents at the beginning of period		605,479	733,649
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	21	<b>589,918</b>	<b>605,479</b>

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

# NOTES TO THE FINANCIAL STATEMENTS

## 1. Australian equivalents to International Financial Reporting Standards

### General

The financial statements for the Law Reform Commission of Western Australia (the "Commission" for the purpose of these notes) for the year ended 30 June 2007 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Commission has adopted, where relevant to its operations, new and revised standards and interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

The Australian Accounting Interpretations are adopted through AASB 1048 'Interpretation and Application of Standards' and are classified into those corresponding to International Accounting Standards Board (IASB) Interpretations and those only applicable in Australia.

The AASB has decided to maintain the Statements of Accounting Concepts (SAC 1 and SAC 2) and has continued to revise and maintain accounting standards and the interpretations that are of particular relevance to the Australian environment, especially those that deal more specifically with not-for-profit entity issues and/or do not have an equivalent IASB Standard or Interpretation.

### Early adoption of standards

The Authority cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No standards and interpretations that have been issued or amended but are not yet effective have been early adopted by the Commission for the financial year ended 30 June 2008.

## 2. Summary of significant accounting policies

### (a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's Instructions (TI's). Several of these are modified by the TI's to vary the application, disclosure, format and wording.

The *Financial Management Act* and the TI's are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has 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.

### (b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

(c) Reporting entity

The reporting entity comprises the Commission and no other related bodies.

(d) Contributed Equity

UIG Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers in the nature of equity contributions to be designated by the Government (the owner) as Contributions by Owners (at the time of, or prior to, transfer) before such transfers can be recognised as equity contributions. Capital contributions (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.

(e) Income

Revenue Recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business unit as follows:

*Sale of goods*

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership control transfer to the purchaser and can be measured reliably.

*Rendering of services*

Revenue is recognised upon delivery of the service to the client or by reference to the stage of completion of the transaction.

*Service Appropriations*

Service appropriations are recognised as revenues at nominal value in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited into the Commission's bank account or credited to the holding account held at the Department of Treasury and Finance. See note 13 'Income from State Government' for further detail.

*Grants, donations, gifts and other non-reciprocal contributions*

Revenue is recognised at fair value when the Commission obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the balance sheet date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

*Gains*

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Borrowing Costs

Borrowing costs for qualifying assets are capitalised net of any investment income earned on the unexpended portion of the borrowings. Other borrowing costs are expensed when incurred.

The capitalisation rate used to determine the amount of borrowing costs to be capitalised is the weighted average interest rate applicable to the Commission's outstanding borrowings during the year, in this case 6.3% (2007: 6.3%)

## NOTES TO THE FINANCIAL STATEMENTS

### (g) Property, Plant and Equipment

Items of property, plant and equipment costing over \$1,000 are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

All items of property, plant and equipment are initially recognised at cost. For items of property, plant and equipment acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

After recognition as an asset, the cost model is used for the measurement of property, plant and equipment. Items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses. See note 17 'Property, Plant and Equipment'.

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner which reflects the consumption of their future economic benefits.

Depreciation is calculated on the straight line basis, using rates which are reviewed annually. Expected useful lives for each class of depreciable asset are:

Office equipment	3 to 10 years
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### (h) Impairment of Assets

Property, plant and equipment assets are tested for any indication of impairment at each reporting date. 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. As the Commission is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated or where the replacement cost is falling. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

### (i) Leases

The Commission holds an operating lease for offices. The lessor effectively retains all of the risks and benefits incidental to ownership of the items held under the operating lease. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the lease.

### (j) Financial Instruments

In addition to Cash and bank overdraft, the Commission has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

Classes:

#### Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

#### Financial Liabilities

- Payables
- Bank Overdraft
- WATC/Bank borrowings
- Other borrowings
- Finance lease liabilities
- Amounts due to the Treasurer

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(k) Cash and Cash equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of 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.

(l) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value. The last pay in 2007/08 was 26 June, therefore an accrual of 2 days was necessary in this financial year.

(m) Amounts Receivable for Services (Holding Account)

The Commission receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement. See also note 13 'Income from State Government' and note 15 'Amounts Receivable for Services'.

(n) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(o) Payables

Payables are recognised at the amounts payable when the Commission 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 they are generally settled within 30 days.

(p) Borrowings

All loans payable are initially recognised at cost, being the fair value of the net proceeds received. Subsequent measurement is at amortised cost using the effective interest rate method.

(q) Amounts Due to the Treasurer

The amount due to the Treasurer is in respect of a Treasurer's Advance. Initial recognition and measurement, and subsequent measurement, is at the amount repayable. Although there is no interest charged, the amount repayable is equivalent to fair value as the period of the borrowing is for less than 12 months with the effect of discounting not being material.

(r) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet.

## NOTES TO THE FINANCIAL STATEMENTS

### Provisions- Employee Benefits

The liability for annual and long service leave expected to be settled within 12 months after the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes:

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation (GSS) Scheme, a defined benefit lump sum scheme also closed to new members. Both schemes are administered by the Government Employees Superannuation Board (GESB).

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation (WSS) Scheme. Employees commencing employment on or after 16 April 2007 became members of the GESB Super (GESBS) Scheme. Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to the GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. The WSS Scheme and the GESBS Scheme are defined contribution schemes as these contributions extinguish all liabilities in respect of the WSS Scheme and the GESBS Scheme.

### Provisions – Other

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as expenses and liabilities when the employment, to which they relate to, has occurred. Employment on-costs are included as part of 'Other Expenses' and are not included as part of the Commission's 'Employee Benefits Expense'. The related liability is included in 'Employment on-costs provision'.

#### (s) Superannuation expense

The following elements are included in calculating the superannuation expense in the Income Statement:

- (a) Defined benefit plans – Change in the unfunded employer's liability (i.e. current service cost and, actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme (GSS); and
- (b) Defined contribution plans – Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), and the GESB Super Scheme (GESBS).

Defined benefit plans - in order to reflect the true cost of services, the movements (i.e. current service cost and, actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS transfer benefits are recognised as expenses. As these liabilities are assumed by the Treasurer (refer note 2(u)(i)), a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided in the current year.

The GSS Scheme is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, apart from the transfer benefit, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

(t) Resources Received Free of Charge or for Nominal Cost

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

(u) Comparative figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

3. Disclosure of changes in accounting policy and estimates

Initial Application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2007 that impacted on the Commission:

1. AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments and while there is no financial impact, the changes have resulted in increased disclosures, both quantitative and qualitative, of the Commission's exposure to risks, including enhanced disclosure regarding components of the Commission's financial position and performance, and changes to the way of presenting certain items in the notes to the financial statements.

Future Impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Commission has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Commission but are not yet effective. Where applicable, the Commission plans to apply these Standards and Interpretations from their application date.

<u>Title</u>	<u>Operating for reporting periods beginning on / after</u>
Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities	1 July 2008

The existing requirements in AAS27, AAS 29 and AAS 31 have been transferred to the above new and existing topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards make some modifications to disclosures, otherwise there will be no financial impact.

Voluntary changes in Accounting Policy

From July 2008 the Department will increase the asset capitalisation threshold from \$1,000 to \$5,000 for property, plant and equipment.

## NOTES TO THE FINANCIAL STATEMENTS

	2008 \$	2007 \$
<b>4. Employee benefit expenses</b>		
Wages and Salaries	632,875	644,431
Superannuation – defined contribution plans <sup>(b)</sup>	58,138	62,075
Superannuation – defined benefit plans <sup>(c)(d)</sup>		
Long service leave <sup>(e)</sup>	33,291	26,989
Annual leave <sup>(e)</sup>		
	724,304	733,495
(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.		
(b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid)		
(c) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).		
(d) An equivalent notional income is also recognised (see note 21 'Income from State Government').		
(e) Includes a superannuation contribution component.		
<b>5. Supplies and services</b>		
Goods and supplies	7,474	15,669
Services and contracts	63,553	128,776
Resources received free of charge (note 13)	72,993	76,794
	144,020	221,239
<b>6. Depreciation expense</b>		
Office equipment and furnishings	5,958	8,165
	5,958	8,165
<b>7. Accommodation expense</b>		
Building rent operating lease expense	54,058	52,269
	54,058	52,269
<b>8. Capital user charge</b>		
Capital user charge	–	1,080
	–	1,080
The charge was a levy applied by Government for the use of its capital. The final charge was levied in 2006–07.		
<b>9. Other expenses</b>		
Communication expenses	5,882	9,083
Printing	20,112	42,219
Insurance	5,081	7,835
Advertising	3,831	4,595
Other expenses <sup>(a)</sup>	29,716	12,784
	64,622	76,516
(a) Includes workers compensation insurance; facilities, equipment and plant hire; maintenance expenses; computer licenses; bank fees; freight charges; travel and accommodation; staff training; electricity; and storage and transportation.		

	2008 \$	2007 \$
<b>10. Sale of goods</b>		
Publication sales	563	2,130
	<u>563</u>	<u>2,130</u>
<b>11. Net gain/(loss) on disposal of non-current assets</b>		
Gain on Disposal of Non-Current Assets:		
Office equipment and computers	–	91
	<u>–</u>	<u>91</u>
<b>12. Other revenues</b>		
Other revenue	1,910	391
	<u>1,910</u>	<u>391</u>
<b>13. Income from State Government</b>		
Appropriation revenue received during the year:		
Service appropriations <sup>(a)</sup>	901,000	878,000
	<u>901,000</u>	<u>878,000</u>
Resources received free of charge <sup>(b)</sup>		
Determined on the basis of the following estimates provided by agencies:		
Department of Attorney General		
Accounting, human resources and information technology services	72,993	73,8061
Department of Housing and Works		
Property management services	–	2,988
	<u>72,993</u>	<u>76,794</u>
	<u>973,993</u>	<u>954,794</u>

(a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(b) Where assets or services have been received free of charge or for nominal consideration, the Commission recognises revenues (except where the contribution of assets or services is in the nature of contributions by owners, in which case the Commission shall make a direct adjustment to equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

## NOTES TO THE FINANCIAL STATEMENTS

	2008	2007
	\$	\$
<b>14. Receivables</b>		
Prepayments	4261	319
Trade debtors	–	258
GST receivable	1,221	2,147
	<u>5,482</u>	<u>2,724</u>
<b>15. Amounts receivable for services</b>		
Current	13,000	14,000
Non Current	–	1,000
	<u>13,000</u>	<u>15,000</u>
<p>This asset represents the non-cash component of service appropriations. See note 2(l) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.</p>		
<b>16. Property, Plant and Equipment</b>		
Office equipment		
At cost	99,721	96,708
Accumulated depreciation	(83,805)	(77,848)
	<u>15,916</u>	<u>18,860</u>
Reconciliation		
<p>Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.</p>		
Carrying amount at start of year	18,860	9,848
Additions	3,014	17,177
Disposals	–	(1,628)
Depreciation	(5,958)	(6,537)
Carrying amount at end of year	<u>15,916</u>	<u>18,860</u>
<b>17. Payables</b>		
Trade and other creditors	11,950	33,548
	<u>11,950</u>	<u>33,548</u>
<b>18. Provisions</b>		
<b>Current – employee benefit provision</b>		
Annual leave <sup>(a)</sup>	15,101	7,051
Long service leave <sup>(b)</sup>	11,342	18,506
Superannuation on-cost	2,141	2,612
	<u>28,584</u>	<u>28,169</u>
Other Provisions		
Employment on-cost provision: <sup>(c)</sup>		
Carrying amount at start of year	824	1,343
Additional provisions recognised	(542)	(519)
Carrying amount at end of year	282	824
	<u>28,866</u>	<u>28,993</u>

	2008 \$	2007 \$
<b>Non-current</b>		
Employee benefits provision:		
Long service leave <sup>(b)</sup>	23,131	10,592
Superannuation on-cost	1,597	1,136
	<u>24,728</u>	<u>11,728</u>
Other Provisions: Employment on-costs <sup>(c)</sup>		
Carrying amount at start of year	347	482
Additional provisions recognised	(81)	(135)
Carrying amount at end of year	<u>266</u>	<u>347</u>
	<u>24,994</u>	<u>12,075</u>

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in note 9 'Other expenses'.

#### 19. Other current liabilities

Accrued salaries due to salary increase	-	-
Accrued salaries to balance sheet date	4,218	2,663
	<u>4,218</u>	<u>2,663</u>

#### 20. Equity

Equity represents the residual interest in the net assets of the Commission. The Government holds the equity interest in the Commission on behalf of the community.

Contributed equity		
Opening balance	11,000	11,000
Capital contributions <sup>(a)</sup>	6,000	-
Closing balance	<u>17,000</u>	<u>11,000</u>

(a) Capital contributions have been designated as contributions by owners in Treasurer's Instruction T1 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and are credited directly to equity.

Accumulated surplus:		
Balance at start of period	553,784	689,142
Result for the period	(16,496)	(135,358)
Balance at end of period	<u>537,288</u>	<u>553,784</u>

## NOTES TO THE FINANCIAL STATEMENTS

21. Notes to the Statement of Cash Flows	2008	2007
	\$	\$
Reconciliation of cash		
Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Balance Sheet as follows:		
Cash and cash equivalents	589,918	605,479
Restricted cash and cash equivalents (Note 16)	–	–
	<u>589,918</u>	<u>605,749</u>
Reconciliation of net cost of services to net cash flows provided by/ (used in) operating activities		
Net cost of services	(990,489)	(1,090,152)
Non-cash items:		
Depreciation	5,958	8,165
Resources received free of charge	72,993	76,794
Net gain on disposal of non-current assets	–	(91)
(Increase) / decrease in assets:		
Current receivables	259	–
Other current assets	(3,942)	(252)
Increase / (decrease) in liabilities:		
Current payables	(21,598)	27,226
Current provisions	(127)	(17,988)
Other current liabilities	1,555	(2,570)
Non-current provisions	12,919	(4,713)
Net change in GST receivables	926	6,497
Net cash provided by/(used in) operating activities	<u>(921,546)</u>	<u>(997,084)</u>
22. Commitments		
Capital expenditure commitments		
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	–	–
	<u>–</u>	<u>–</u>
Lease commitments		
Commitments in relation to leases contracted for at the reporting date but not recognised as liabilities are payable as follows:		
Within 1 year	54,518	47,600
Later than 1 year and not later than 5 years	85,029	190,400
Later than 5 years	–	35,700
	<u>139,547</u>	<u>273,700</u>

### 23. Explanatory Statement

Significant variations between estimates and actual results for income and expense are shown below. Explanations are provided in accordance with TI 945. Significant variance are considered to be those greater than 5% or \$7,000.

Significant variances between estimate and actual for 2008 –  
Total appropriation to deliver services:

	Actual 2008	Estimate 2008
Expenses	\$	\$
Employee benefits expenses	724,304	315,000
Supplies and services	144,020	410,000
Other expenses	64,622	67,000

#### Employee benefits expenses

The increase in employee expenses is largely due to the Commission's preference to engage the many research, writing and editing services under short term casual employment contracts rather than fixed priced contracts for services.

#### Supplies and services

The decrease is due to the majority of actual payments relating to services such as researching, writing and editing being made under employment contracts (see above). The estimate was based on the assumption that all direct expenses relating to the Commission's projects are paid as contracts for services.

Significant variances between actuals for 2007 and 2008 – Total appropriation to deliver services:

	Actual 2008	Actual 2007
Expenses	\$	\$
Employee benefits expenses	724,304	733,495
Supplies and services	144,020	221,239
Other expenses	64,622	76,516

#### Employee benefits expenses

The small decrease reflects the nature and the stages of the references undertaken in the current financial year when compared to the previous year.

#### Supplies and services

The decrease is due to the nature and stages of references undertaken in 2008 requiring different supplies and services when compared to 2007.

#### Other expenses

The reduction is due to different projects being undertaken in this financial year, resulting in lower numbers for printed publication, travel and advertising costs.

### 24. Financial instruments

#### (a) Financial Risk

Financial instruments held by the Commission are cash and cash equivalents, finance leases, Treasurer's advances and receivables and payables. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

## NOTES TO THE FINANCIAL STATEMENTS

Credit risk arises when there is the possibility of the Committee's receivables defaulting on their contractual obligations resulting in financial loss to the Committee. The Committee measures credit risk on a fair value basis and monitors risk on a regular basis.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment as shown in the table at Note 44(c).

Credit risk associated with the Committee's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Committee trades only with recognised, creditworthy third parties. The Committee has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Authority's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Provision for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 24 'Receivables'.

The Committee is exposed to liquidity risk through its trading in the normal course of business. Liquidity risk arises when the Authority is unable to meet its financial obligations as they fall due. The Authority has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

The Committee does not trade in foreign currency and is not materially exposed to other price risks (for example, equity securities or commodity prices changes). The Authority's exposure to market risk for changes in interest rates relate primarily to the long-term debt obligations. The Committee's borrowings are all obtained through the Western Australian Treasury Corporation (WATC) and are at fixed rates with varying maturities. The risk is managed by WATC through portfolio diversification and variation in maturity dates. Other than as detailed in the Interest rate sensitivity analysis table at Note 44(c), the Committee is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are noninterest bearing and have no borrowings other than the Treasurer's advance (non-interest bearing), WATC borrowings and finance leases (fixed interest rate).

### (b) Categories of Financial Instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows:

	2008	2007
	\$	\$
Financial Assets		
Cash and cash	589,918	605,479
Loans and receivables <sup>(a)</sup>	14,222	15,577
	<u>604,140</u>	<u>621,056</u>
Financial Liabilities		
Bank overdraft	-	-
Financial liabilities	16,168	36,211
	<u>16,168</u>	<u>36,211</u>

(a) The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable).

(c) Financial Instrument disclosures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The Committee's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the Committee. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

The Committee does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Committee does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

	Weighted average interest rate %	Variable interest rate \$'000	Non bearing interest \$'000	Within 1 year \$'000	Over 5 years \$'000	Adjustment for discounting \$'000	Total \$'000
<b>2008</b>							
Financial assets:							
Cash equivalent assets			589,918				589,918
Restricted cash equivalent			–				–
Receivables			1,221				1,221
Loans and advances			–				–
Amounts receivable for services			13,000				13,000
<b>Total financial assets</b>			<b>604,139</b>				<b>604,139</b>
Financial liabilities:							
Payables			11,950				11,950
Other borrowings			4,218				4,218
Finance lease liabilities			–				–
<b>Total financial liabilities</b>			<b>16,168</b>				<b>16,168</b>
<b>Net financial asset/(liabilities)</b>			<b>587,971</b>				<b>587,971</b>
<b>2007</b>							
Financial assets:							
Cash equivalent assets			605,479				605,479
Restricted cash equivalent			–				–
Receivables			577				577
Loans and advances			–				–
Amounts receivable for services			15,000				15,000
<b>Total financial assets</b>			<b>621,056</b>				<b>621,056</b>
Financial liabilities:							
Payables			33,548				33,548
Other borrowings			2,663				2,663
Finance lease liabilities			–				–
<b>Total financial liabilities</b>			<b>36,211</b>				<b>36,211</b>
<b>Net financial asset/(liabilities)</b>			<b>584,845</b>				<b>584,845</b>

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.

## 25. Remuneration of Members of the Commission and Senior Officers

### Remuneration of Members of the Commission

The number of members of the Commission, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands, are:

	2008	2007
\$ 0 - \$ 10,000		2
\$ 10,001 - \$ 20,000	1	–
\$ 20,001 - \$ 30,000		–
\$ 30,001 - \$ 40,000	1	1
Total remuneration of members of the Commission:	<u>\$48,594</u>	<u>\$43,630</u>

The total remuneration includes the superannuation expense incurred by the Commission in respect of members of the Commission.

No member of the Commission is a member of the Pension Scheme.

### Remuneration of Senior Officers

The number of senior officers other than senior officers reported as members of the Commission, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands, are:

	2008	2007
\$ 100,001 - \$ 110,000	1	–
\$ 150,001 - \$ 160,000		1
Total remuneration of senior officers:	<u>\$106,240</u>	<u>\$155,745</u>

The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers other than senior officers reported as members of the Commission.

No senior officer is a member of the Pension Scheme.

## 26. Remuneration of Auditor

Remuneration payable to the Auditor General for the financial year is as follows:

Auditing the accounts, financial statements and performance indicators	<u>\$10,000</u>	<u>\$8,900</u>
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The expense is included in note 5 'Supplies and Services'. It is an estimate for the audit fees incurred during the financial year ended 30 June 2008.

## 27. Supplementary Financial Information

- There were no losses of public moneys or other public property through theft or default during the financial year (2007: nil).
- There were no write offs of public money or other public property during the financial year (2007: nil).
- There were no gifts of public property during the financial year (2006: nil).
- There were no contingent liabilities as at 30 June 2007 (2006: nil).
- Events occurring after the balance date at the end of the financial year: The capitalisation threshold increased from \$1,000 to \$5,000 from 1 July 2008.
- The Commission had no related bodies during the financial year (2007: nil).
- The Commission had no affiliated bodies during the financial year (2007: nil).

# KEY PERFORMANCE INDICATORS

## LAW REFORM COMMISSION OF WESTERN AUSTRALIA

### CERTIFICATION OF PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

We hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Law Reform Commission of Western Australia, and fairly represent the performance of the Law Reform Commission of Western Australia for the year ending 30 June 2008.



AG Braddock SC  
Chair  
1 September 2008



MA Kenny  
Member  
1 September 2008



H Kay  
Executive Officer  
1 September 2008

## KEY PERFORMANCE INDICATORS

### GOVERNMENT STRATEGIC GOAL

To enhance the quality of life and wellbeing of all people throughout Western Australia

The Commission's Strategic Objective:

#### MISSION:

To assist in keeping the law up-to-date and relevant to the needs of society.

#### OUTCOME:

The law reviewed as requested by the Attorney General, with stakeholders to be kept informed.

The Commission receives its terms of reference from the Attorney General and performs reviews of selected legislation at the request of the Attorney General. The extent to which the Commission meets the timeframes set is therefore considered to be a key performance indicator (KPI) that measures the extent to which the Commission is contributing to keeping the law up-to-date.

#### EFFECTIVENESS INDICATOR: Progress against target timelines

The extent to which the Commission is meeting the Attorney General's law reform requests in a timely manner.

The Law Reform Commission carried out work on five references in the year 2007–2008. The effectiveness of each of the references is measured separately as shown below.

## REVIEW OF THE LAW OF HOMICIDE

### Table A Key:

- (a) Original planned completion date: The April 2006 completion date was revised due to a delay in the release of the Issues Paper, the need to consult widely with interested parties and the various requests received for lengthy extensions to the submissions deadline.
- (b) Anticipated completion date: The Commission anticipated the Final Report and recommendations to be completed by December 2006. However, due to difficulties experienced in the progress of the Final Report, namely engaging suitable writers with the relevant expertise in the area and a significant lack of specific data and research in relation to homicide, the completion date was extended to September 2007.
- (c) Revised completion date: As explained above, the December 2006 completion date was revised to September 2007.
- (d) The draft Final Report was completed in September 2007 and published and launched on 2 November 2007.

Table A shows the progress to date, phases completed and target completion dates for the *Review of the Law of Homicide* project in 2007–2008.

Table A – Progress Towards Homicide Project Outcomes

26 April 2005	Review of the Law of Homicide Terms of Reference received
June 2005	Preliminary research phase undertaken
December 2005	Detailed research and consultation phase to be undertaken
April 2006 <sup>(a)</sup>	Further Phases to be completed: <ul style="list-style-type: none"> <li>• Issues Paper</li> <li>• Feedback</li> <li>• Final report</li> </ul>
June 2006	Completed: <ul style="list-style-type: none"> <li>• Issues Paper</li> <li>• Feedback received</li> <li>• Commenced work on Final Report</li> </ul>
December 2006 <sup>(b)</sup>	Continue research and drafting of the Final Report
June 2007	Progress drafting of the Final Report
September 2007 <sup>(c)</sup>	Final Report completed in draft.
November 2007 <sup>(d)</sup>	Final Report published and launched

Table B shows the percentage of the project completed in terms of elapsed time, and should be read in conjunction with Table A above.

Table B – Percentage of Homicide project completed (elapsed time)

At 30 June 2008	Target	100%
	Actual	100%
	Variance	nil

## KEY PERFORMANCE INDICATORS

### COMPENSATION FOR INJURIOUS AFFECTION

#### Table C Key:

- (a) Original planned completion date: The July 2007 completion date was revised due to a delay in the project writers completing the Discussion Paper. A new project writer was engaged and the Discussion Paper was finally completed and published in October 2007.
- (b) The delay in publishing the Discussion Paper impacted upon the three-month submissions period and the commencement of the Final Report.
- (c) Anticipated completion date: The Commission originally anticipated that the Final Report would be completed by December 2007, but due to the delay in the publication of the Discussion Paper this had to be revised.
- (d) The Commission now anticipates that the Final Report will be published in August 2008.

Table C shows the progress to date, phases completed and target completion dates for the *Compensation for Injurious Affection* (CIA) project in 2007–2008.

Table C – Progress Towards CIA Project Outcomes

29 November 2005	Compensation for Injurious Affection to Land in Western Australia Terms of Reference received
April 2006	Tendering of services for research and writing report on the reference
June 2006	Tender evaluation and appointment of successful tender
June 2007	Original date for completion of Discussion Paper
July 2007 <sup>(a)</sup>	Revised completion date for Discussion Paper
October 2007 <sup>(b)</sup>	Discussion Paper completed and published Submissions period commenced
December 2007 <sup>(c)</sup>	Anticipated completion of Final Report
August 2008 <sup>(d)</sup>	Revised completion date for Final Report

Table D shows the percentage of the project completed in terms of elapsed time, and should be read in conjunction with Table C above.

Table D – Percentage of CIA project completed (elapsed time)

At 30 June 2008	Original Target	100%
	Actual	94%
	Variance	-6%

As noted above, the anticipated project completion date has been revised to August 2008 and has resulted in the Compensation for Injurious Affection project being only 94% complete as at June 2008.

## PROBLEM ORIENTED COURTS AND JUDICIAL CASE MANAGEMENT

### Table E Key:

- (a) Original planned completion date: The December 2005 completion date was revised after the draft Discussion Paper was commenced and it became apparent that a change in the project methodology was required. The Commission's expectation that the project would progress from the development of a detailed Issues Paper was abandoned after consideration of multiple issues.
- (b) Anticipated completion date of the Final Report: Following the decision by the Commission to modify its project methodology, there was a need to revise the completion date of the reference. A Background Paper was expected to be released by October 2007.
- (c) The Background Paper was revised and became a Research Paper, which was published on the Commission's website in March 2008. The Commission completed its draft Consultation Paper in June 2008. The Consultation Paper was published and distributed in July 2008.
- (c) Revised completion date: After a three-month submission's period, following the release of the Consultation Paper, the Commission anticipates the Final Report will be completed by December 2008.

Table E show the progress to date, phases completed and target completion dates for the *Problem Oriented Courts and Judicial Case Management (POC)* project in 2007–2008.

Table E – Progress Towards POC Project Outcomes

28 August 2004	Problem Oriented Courts and Judicial Case Management Terms of Reference received
March 2005	Tendering for Project Writer Appointment of Research Assistant
June 2005	Detailed research and consultation phase undertaken
December 2005 <sup>(a)</sup>	Further phases to be completed: <ul style="list-style-type: none"> <li>• Discussion Paper</li> <li>• Feedback</li> <li>• Final report</li> </ul>
June 2006	Draft outline completed Project methodology revised
October 2007 <sup>(b)</sup>	Further phases to be completed: <ul style="list-style-type: none"> <li>• Background Paper</li> <li>• Discussion Paper</li> <li>• Submissions and consultation period</li> </ul>
June 2008 <sup>(c)</sup>	Research Paper completed in March 2008 Consultation Paper completed in June 2008 Submissions and consultation period to be completed
December 2008 <sup>(c)</sup>	Final Report to be completed.

Table F shows the percentage of the project completed in terms of elapsed time, and should be read in conjunction with Table E above.

Table F – Percentage of POC project completed (elapsed time)

At 30 June 2008	Target	90.2%
	Actual	88.46%
	Variance	– 1.74%

The Project has been progressing steadily and is expected to be completed within the target timeframe.

## KEY PERFORMANCE INDICATORS

### SELECTION, ELIGIBILITY AND EXEMPTION OF JURORS

Table G shows the progress to date, the phases completed and the revised completion date for the *Selection, Eligibility and Exemption of Jurors* ('Jurors') reference in 2007–2008.

Table G – Progress Towards Jurors Project Outcomes

September 2007	Selection, Eligibility and Exemption of Jurors ('Jurors') reference received
February 2008	Preliminary research completed
November 2008	Original target date for the Final Report
February 2009	Anticipated Final Report completion date

The Original Target completion date for the Final Report was revised to February 2009 due to the delay in engaging the project writer.

Table H shows the percentage of the project completed in terms of elapsed time, and should be read in conjunction with Table G above.

Table H – Percentage of Jurors project completed (elapsed time)

At 30 June 2008	Target	64.29%
	Actual	53%
	Variance	-11.29%

The Commission anticipates that the project on Selection, Eligibility and Exemption of Jurors will be completed by February 2009.

## REVIEW OF CORONIAL PRACTICE IN WESTERN AUSTRALIA

Table J shows the progress to date, the phases completed and the revised completion date for the *Review of Coronial Practice in Western Australia* ('Coroners') reference in 2007–2008.

Table J – Progress Towards Coroners Project Outcomes

November 2007	Review of Coronial Practice in Western Australia reference reviewed
April 2008	Appointment of the project writer and pre-contract negotiations
July 2009	Discussion Paper to be completed
June 2010	Original target date for the Final Report

Table K shows the percentage of the project completed in terms of elapsed time, and should be read in conjunction with Table J above.

Table K – Percentage of Coroners project completed (elapsed time)

At 30 June 2008	Target	25%
	Actual	25%
	Variance	nil

The Commission anticipates that the project on Review of Coronial Practice in Western Australia will be completed by December 2010.

## KEY PERFORMANCE INDICATORS

### SERVICE: PUBLICATIONS ON LAW REFORM

#### EFFICIENCY INDICATOR: Publications on Law Reform

The extent to which the efforts of the Commission resulted in recommendations and public awareness.

#### Service: Publications on Law Reform

The delivery of the Commission's service 'Publications on Law Reform' is achieved through the production of various papers and reports (printed reports, web notes, journal articles, leaflets, etc) compiled in relation to references and the extent to which the Commission was able reach the stakeholders and inform them on matters of law reform.

	Target 2007–2008	2007–2008	2006–2007	2005–2006
SERVICE:				
Total publications	2	7	4	8
Average cost per publication	\$429,750	\$127,667	\$245,804	\$122,056
Total community contacts	12,000	9,084	11,491	16,080
Average cost per contact	\$7.96	\$10.93	\$9.51	\$6.75

## OTHER FINANCIAL DISCLOSURES

### CAPITAL WORKS

The Commission has no capital works projects.

### EMPLOYMENT AND INDUSTRIAL RELATIONS

#### Staff Profile

	2007-08	2006-07
Full-time permanent	2	2
Full-time contract	Nil	Nil
Part-time measured on an FTE basis	1	1
On secondment	Nil	Nil

#### Staff Development

The Commission has a commitment to the development and training of its employees to ensure a highly skilled and professional workforce.

During the financial year staff received 56.5 hours of external training.

#### Workers Compensation

No workers compensation claims were recorded during the financial year.

## GOVERNMENT DISCLOSURES

No member of the Commission or its staff had any interest in or benefit from any contract entered into by the LRCWA.

## OTHER LEGAL REQUIREMENTS

### ADVERTISING AND SPONSORSHIP

In accordance with section 175ZE of the *Electoral Act 1907* (WA), the Law Reform Commission incurred the following expenditure in relation to advertising and sponsorship during the 2007–08 Financial Year.

Advertising agencies	Nil
Market research organisations	Nil
Polling organisations	Nil
Direct mail organisations	Nil
Media advertising organisations	Nil
Total	Nil

### DISABILITY ACCESS AND INCLUSION PLAN OUTCOMES

The LRCWA is committed to ensuring professional and appropriate services are provided to meet the needs of community members with physical, intellectual, sensory or cognitive disabilities, their carers and families. Our staff deliver the same level and quality of service and advice, with a full awareness and understanding of the needs of people with disabilities.

The Commission's office located on Level 3 of the BGC Centre, at 28 The Esplanade, Perth has wheelchair access, with lift access to the upper floors and convenient public parking nearby.

The Commission's mode of operation with the work of research and writing no longer being carried out by full-time research officers, but by consultants appointed for particular projects, has created greater flexibility in the Commission's working arrangements.

In accordance with the Commission's community outreach program, all public meeting venues are selected with disabled access in mind, including special facilities for the hearing impaired and the projection of discussion notes on large screens so that people attending the meeting can see what is being recorded. Electronic publishing allows documents to be enlarged at will or projected. Modern technology may assist the visually or hearing impaired access to Commission publications.

### COMPLIANCE WITH PUBLIC SECTOR STANDARDS AND ETHICAL CODES

The Commission has complied with section 31(1) of the *Public Sector Management Act 1994* (WA) in the administration of the Commission's human resource management practices relating to Public Sector Standards, Western Australian Public Sector Code of Ethics and the Commission's Code of Conduct. The Commission utilises the Department of the Attorney General's (DotAG) human resource services and is confident that DotAG's human resource management principles have adequate checks in place to ensure compliance requirements are met. No applications for breach of standards review have been lodged for the reporting period.

## CODE OF CONDUCT

The Commission has adopted the Public Sector Standards template Code of Conduct for government boards. The Commission's Code of Conduct is available to all employees and compliance is monitored by the Executive Officer. There have been no complaints relating to non-compliance received during the reporting year.

## RECORDKEEPING PLAN

In accordance with the *State Records Act 2000 (WA)*, sections 19 and 61 and *State Records Commission Standards*, Standard 2, Principle 6, the Law Reform Commission has submitted and received approval for its Recordkeeping Plan (RKP). The Commission's RKP provides an accurate reflection of its recordkeeping program and is complied with by all staff. The efficiency and effectiveness of Commission's recordkeeping systems will be evaluated every five years.

As the Commission is a small organisation, with only three employees based in the office, a training program is unnecessary. However, an induction manual for new employees has been created, which sets out the recordkeeping system and identifies employees' roles and responsibilities regarding their compliance with the RKP. Both the Commission's induction manual and its RKP will be reviewed periodically or when there are any significant changes to the Commission's functions.

## GOVERNMENT POLICY REQUIREMENTS

### CORRUPTION PREVENTION

In April 2001, the Law Reform Commission developed its Risk Management Plan. The plan identifies all the risks associated with running an independent government research agency, including the issues of corruption and misconduct. The Commission's reliance on the Department of the Attorney General (DotAG) for the provision of corporate services, namely information technology, human resources and financial management, has also provided an additional level of checks and balances. This ensures that personnel who are independent of the Commission review all procurement transactions.

The Commission has policies and procedures that ensure compliance with the *Financial Administration and Audit Act 1985* and associated Treasurer's Instructions. Such policies cover issues such as procurement and purchasing, use of corporate credit card, cab charge and asset procurement.

As discussed above, the Commission also has a Code of Conduct that informs staff of their rights, responsibilities and obligations in their respective roles. The Code covers such issues as the accountability for public expenditure; the use of public sector resources and facilities; the security and use of confidential information; conflict of interests; and receipt of gifts and gratuities.

### SUBSTANTIVE EQUALITY

Although the Law Reform Commission is not required to negotiate annually the scope of implementation for *The Policy Framework for Substantive Equality* with the Commissioner for Equal Opportunity, the Commission is aware of the intent and substance of the Policy Framework.

The Commission supports the objective of the Policy Framework to achieve substantive equality in the Western Australian public sector by:

- eliminating systematic racial discrimination in the provision of public sector services; and
- promoting sensitivity to the different needs of client groups.

### SUSTAINABILITY

Premiers Circular 2004/14 (27 September 2004) requires that all Departments of State and Senior Executive Service (SES) organisations comply with the State's Sustainability Code of Practice by developing a *Sustainability Action Plan* and reporting on the progress of the implementation in annual reports from year ending June 2005.

Despite its size, the Law Reform Commission remains committed to sustainable practices wherever possible and practicable. On 16 December 2004, the LRC lodged its *Sustainability Action Plan* for 2005–2007, outlining the Commission's sustainability principles and actions and the priority commitments it has for the future. The Sustainability Action Plan supports these principles and commitments by providing practical guidelines on how the Commission can continue to apply sustainability principles in its operations. The plan sets out actions and timeframes that ensure the Commission considers future demands and has strategies in place to meet those challenges.

With the LRCWA's primary role being to research areas of the law and to publish reports outlining its recommendations for reform, there has been a need for the Commission to consider a more sustainable way of producing its publications. The LRCWA utilises CD-ROM technology wherever possible and this in turn has created significant savings for the Commission. In the future, other visual or aural media will also be considered, in addition to the usual print media format.

The Commission, as a law reform agency, also has a responsibility to the community, and this responsibility extends to the management and maintenance of resources. To this end, the Commission will strive to report on its sustainability achievements, to utilise sustainability assessment in planning and decision-making and where appropriate, actively engage stakeholders and the public in transparent policy development and decision-making processes.

## OCCUPATIONAL HEALTH AND SAFETY

The Commission is committed to meeting its obligations and responsibilities under the *Workers' Compensation and Injury Management Act 1981*, the *Occupational Safety and Health Act 1984* and the Occupational Safety and Health Regulations 1996 in such a manner it ensures the provision and maintenance of a safe and healthy work environment for its employees and the general public.

The Commission continues to provide a safe and secure working environment for employees. There were no worker's compensation claims lodged during the year, and no time was lost from work.

## APPENDIX I: CURRENT REFERENCES

The Commission makes recommendations for the reform of areas of the law, referred to it by the Attorney General. Once the terms of reference are settled, the work generally goes through a number of stages.

### THE TRADITIONAL APPROACH TO LAW REFORM IN WESTERN AUSTRALIA

The approach varies according to the nature of each reference. In the past primary responsibility for a particular project was allocated to an individual research officer, under the general direction of the Executive Officer and Director of Research and the members of the Commission. An alternative but infrequently used procedure was to engage a consultant with expertise in the subject-matter of the project. A preliminary paper was generally prepared on the scope of the project and the approach to be taken by the Commission.

### A NEW APPROACH FOR AN IMPROVED COMMISSION

In an effort to keep pace with changing societal demands and law reform requirements, the Commission underwent a restructure in the years 1997-1999. The restructure enabled the Commission to engage specialists with experience and expertise and to increase the overall efficiency of reviews. This structure has since been improved upon, with the Commission adopting a project-based model, allowing for the management of multiple references.

The LRCWA presently employs a full-time Executive Officer, a full-time Executive Assistant and a part-time Finance Officer and engages additional temporary staff as needed to assist with particular projects. The LRCWA engages consultants for research, writing and editing. This permits individuals who would not previously have been able to participate in the process of law reform to bring their unique and special skills to the Commission's law reform activities on less than a full-time basis. The LRCWA endeavours to use the public tender procedure to select writers, editors and researchers for each project.

## PROBLEM ORIENTED COURTS AND JUDICIAL CASE MANAGEMENT – PROJECT 96

The Commission engaged academic writer Dr Harry Blagg to complete a Research Paper entitled *Problem-Oriented Courts* providing additional information on the topic. The Research Paper was released on the Commission's web-site in March 2008. A Consultation Paper has now been finalised and was published and distributed in July 2008. It is anticipated that the reference will be completed by December 2008.

I, Jim McGinty, Attorney General for the State of Western Australia, HAVING REGARD TO the fact that the laws of Western Australia make some provision in respect of the principles, practices and procedures pertaining to problem-oriented courts and judicial case management hereby refer the following matter to the Law Reform Commission of Western Australia.

The Law Reform Commission of Western Australia is to inquire into and Report upon whether, and if so in what manner, the principles, practices and procedures pertaining to problem-oriented courts and judicial case management require reform, and in particular, and without detracting from the generality of this reference:

- (i) the extent to which, and the circumstances in which persons are referred to problem-oriented courts and judicial case management;

- (ii) the extent to which problem-oriented courts and judicial case management fit within the traditional court model; and

- (iii) any related matter

AND TO REPORT on the adequacy thereof and on any desirable changes to the existing law, practices and administration in relation thereto.

In carrying out this reference the Commission is to have Regard to the development of problem oriented courts and judicial case management, their philosophy and structures, as well as the jurisprudential, ethical and practical issues arising from their operation.

The Commission is requested to deliver its report and recommendations not later than December 2005 or such later date as I might direct.

JIM MCGINTY MLA  
28 August 2004

## CURRENT REFERENCES

### A REVIEW OF THE LAW OF HOMICIDE – PROJECT 97

The Commission released its Final Report on the Review of the Law of Homicide on 2 November 2007. The report outlined 45 recommendations, providing a more thorough and comprehensive review of the law of homicide than has previously been considered by other law reform commissions. The report was well received by the then Attorney General Jim McGinty MLA, members of the legal fraternity and the general public. Support for the Commission's recommendations resulted in the drafting of the Criminal Law Amendment (Homicide) Bill 2008 which was assented to on 27 June 2008.

I, Jim McGinty, Attorney General for the State of Western Australia, HAVING REGARD TO the fact that the Criminal Code of Western Australia makes various provisions for the offences of homicide, the defences to homicide and the penalties that are applied, hereby refers the following matter to the Law Reform Commission of Western Australia.

The Law Reform Commission of Western Australia is to examine and Report upon the law of homicide and to give consideration to:

- (i) the distinction between wilful murder and murder;
- (ii) the defences to homicide, including self-defence and provocation;
- (iii) current penalty provisions relating to the law of homicide; and
- (iv) any related matter

AND TO REPORT on the adequacy thereof and on any desirable changes to the existing law, practices and procedures in relation thereto.

The Commission is requested to deliver its report and recommendations not later than April 2006 or such later date as I might direct.

JIM MCGINTY MLA  
26 April 2005

## COMPENSATION FOR INJURIOUS AFFECTION – PROJECT 98

The Commission published a Discussion Paper on Compensation for Injurious Affection in October 2007. This was followed by a lengthy consultation and submissions period. As a result of the number of submissions received, work on the Final Report was delayed. The Commission completed the Final Report which was published in August 2008. The Final Report will be distributed following its tabling in Parliament later in the year.

I, Jim McGinty, Attorney General for the State of Western Australia, HEREBY REFER the following matter to the Law Reform Commission of Western Australia.

The Law Reform Commission of Western Australia is to inquire into and Report upon whether, and if so in what manner, the principles, practices and procedures pertaining to the issue of compensation for injurious affection to land in Western Australia require reform, and in particular, and without detracting from the generality of this reference:

(a) the provisions of s241(7) of the Land Administration Act 1997, including particularly the rights affected thereby of persons whose land is, or is proposed to be, acquired by compulsory process by the State or by an instrumentality of the State or by any other instrumentality otherwise authorised or directed by statute to acquire interests in land compulsorily, and the extent to which the adjacent land of such persons is affected by

such acts and resulting works;

- (b) the law and practices in relation to compensation payable or other accommodations capable of being extended to owners and other persons with interests in alienated land where such land is to be regarded as injuriously affected under the terms of those statutes set out in Schedule 1 regulating land for public purposes or the implementation of works of a public character;
- (c) the continued use and application of the expression 'injurious affection'; and
- (d) any related matter

AND TO REPORT on the adequacy thereof and on any desirable changes to the existing law and practices in relation thereto.

The Commission is requested to deliver its report and recommendations not later than July 2007 or such later date as I might direct.

JIM MCGINTY MLA  
29 November 2005

## CURRENT REFERENCES

### SELECTION, ELIGIBILITY AND EXEMPTION OF JURORS – PROJECT 99

The Commission has engaged a project writer to complete a Discussion Paper and Final Report on its reference on Selection, Eligibility and Exemption of Jurors. The Commission anticipates the release of the Discussion Paper in September 2008 with the Final Report due for release in February 2009.

II, Jim McGinty, Attorney General for the State of Western Australia, HAVING REGARD TO the fact that the Juries Act 1957 (WA) makes various provisions for the selection, eligibility and exemption of jurors, hereby refer the following matter to the Law Reform Commission of Western Australia.

The Law Reform Commission of Western Australia is to examine and report upon the operation and effectiveness of the system of jury selection giving consideration to:

- (i) whether the current statutory criteria governing persons who are not eligible, not qualified or who are excused from jury service remain appropriate;
- (ii) the compilation of jury lists under Part IV of the Juries Act 1957 (WA);
- (iii) recent developments regarding the selection of jurors in other jurisdictions and
- (iv) any related matter

AND TO REPORT on the adequacy thereof and on any desirable changes to the existing law, practices and procedures in relation thereto.

JIM MCGINTY MLA,  
September 2007

## A REVIEW OF CORONIAL PRACTICE IN WESTERN AUSTRALIA – PROJECT 100

The Commission has engaged the specialised skills of Dr Ian Freckelton SC and Dr Tatum Hands to undertake the project. The terms of reference are very broad and cover such areas as improvements to the Act; changes to jurisdiction, practices and procedures of the Coroner and the office; improvements to be made in the provision of support for families, friends and others; the provision of investigative, forensic and other services in support of the coronial function; and any other related matter. It is envisaged the project will take several years to complete with detailed consultations to commence in the later half of 2008.

I, Jim McGinty, Attorney General for the State of Western Australia, HAVING REGARD TO s 57 of the *Coroners Act 1996* (WA), hereby refer the following matter to the Law Reform Commission of Western Australia.

The Law Reform Commission of Western Australia is to review and report on the jurisdiction and practices of the coronial system in Western Australia, including the operation of the *Coroners Act 1996* (WA) ('the Act').

In carrying out its review, the Commission should consider:

- (a) any areas where the Act can be improved;
- (b) any desirable changes to jurisdiction, practices and procedures of the Coroner and the office that would better serve the needs of the community;
- (c) any improvements to be made in the provision of support for the families, friends and others associated with a deceased person who is the subject of a coronial inquiry, including but not limited to, issues regarding autopsies, cultural and spiritual beliefs and practices; and counselling services, etc;
- (d) the provision of investigative, forensic and other services in support of the coronial function; and
- (e) any other related matter.

JIM MCGINTY MLA,  
4 November 2007

## APPENDIX II: PUBLICATIONS

FOLLOWING IS A LIST OF REPORTS AND DISCUSSION PAPERS PRODUCED BY THE LAW REFORM COMMISSION.

Year	Topic	Ref No	Publication type
2008	Problem-Oriented Courts (H Blagg) Court Intervention Programs	96	Research Paper
		96	Consultation Paper
2007	Law Reform Process (in 10 languages) Review of the Law of Homicide Compensation for Injurious Affection Annual Report 2006–2007	97	Brochures
		98	Report
		98	Discussion Paper
2006	Aboriginal Customary Laws: Final Report Aboriginal Customary Laws: Promotional Flyers Review of the Law of Homicide Aboriginal Customary Laws: Discussion Paper Overview Aboriginal Customary Laws: Background Papers (complete volume) Annual Report 2005–2006	94	Report
		94	
		97	Issues Paper
		94	Report
		94	Background Papers
2005	Aboriginal Customary Laws Aboriginal Customary Laws: Background Papers Nos. 4–15 Annual Report 2004–2005	94	Discussion Paper
		94	Background Papers
2004	Aboriginal Customary Laws: Thematic Summaries – Metropolitan Consultations Aboriginal Customary Laws: Thematic Summaries – Community Consultations Aboriginal Customary Laws: Background Paper No. 3 Annual Report 2003–2004	94	Consultation Report
		94	Consultation Reports
		94	Background Paper
2003	Aboriginal Customary Laws: Background Papers Nos. 1 & 2 Annual Report 2002–2003 Contempt Aboriginal Customary Laws (‘ACL’) Judicial Review of the Administrative Decisions Contempt by Disobedience Final Report on the Law of Contempt Annual Report 2002–2003	94	Background Papers
			Report
		93	Report & CD-ROM
		94	Video
		95	Report
		93(III)	Discussion Paper
2002	30th Anniversary Reform Implementation Report Reports and Working Papers 1972–2002 Boxed set containing all LRCWA publications – Project Nos 1–92 Judicial Review of the Administrative Decisions Contempt in the Face of the Court Contempt by Publication Annual Report 2001–2002		Report
			CD-ROM
			CD-ROM
		95	Discussion Paper
		93(I)	Discussion Paper
	93(II)	Discussion Paper	
		Report	
2001	Writs and Warrants of Execution Annual Report 2000–2001	67	Report
			Report
2000	19th Australian Law Reform Agencies Conference Annual Report 1999–2000		CD-ROM Report
1999	Review of the Criminal and Civil Justice System: • Final Report • Consultation Drafts (2 volumes) • Project Summary • Executive Summary	92	Report
			Report

Year	Topic	Ref No	Publication type
1999	<ul style="list-style-type: none"> <li>• Submissions Summary</li> <li>• 2 CDs, containing reports in electronic format</li> </ul> Annual Report 1998–1999		Report CD-ROM Report
1998	Financial Protection in the Building and Construction Industry Sale of Goods Act 1895 Reforming the Justice System Annual Report 1997–1998	82 89 92	Report Report Issues Paper Report
1997	Limitation and notice of actions Restrictive covenants Annual Report 1996–1997	36 Pt II 91	Report Report Report
1996	Annual Report 1995–1996		Report
1995	Enforcement of judgments of Local Courts Enforcement of judgments of Local Courts Restrictive covenants Implied terms in the Sale of Goods Act 1895 Equitable rules in contracts for the sale of goods Financial protection in the building and construction industry Annual Report 1994–1995	16 Pt II 16 Pt II 91 89 89 82	Working Paper Report Discussion Paper Discussion Paper Discussion Paper Discussion Paper
1994	Annual Report 1993–1994 Enforcement of orders of Courts of Petty Sessions United Kingdom statutes in force in Western Australia Consent to sterilisation of minors Joint tenancy and tenancy in common	55 Pt III 75 77 Pt II 78	Report Report Report Report
1993	Annual Report 1992–1993 Professional privilege for confidential communications	90	Report
1992	Limitation and notice of actions Police Act offences Annual Report 1991–1992	36 Pt II 85	Discussion Paper Report
1991	Criminal process and mental disorder Effect of marriage or divorce on wills Medical treatment for the dying Evidence of children and other vulnerable witnesses Professional privilege for confidential communications Annual Report 1990–1991	69 76 Pt II 84 87 90	Report Report Report Report Discussion Paper
1990	Confidentiality of medical records and medical research Effect of marriage or divorce on wills Administration Act Evidence of children and other vulnerable witnesses Annual Report 1989–1990	65 Pt II 76 Pt II 88 87	Report Discussion Paper Report Discussion Paper Report
1989	Confidentiality of medical records and medical research Payment of witnesses in civil proceedings Police Act offences Incitement to racial hatred Incitement to racial hatred Annual Report 1988–1989	65 Pt II 83 85 86 86	Discussion Paper Report Discussion Paper Issues Paper Report Report
1988	Local Courts Minors' contracts Administration of assets	16 Pt I 25 Pt II 34 Pt VII	Report Report Report

## PUBLICATIONS

Year	Topic	Ref No	Publication type
1988	Medical treatment for minors	77	Research Paper
	Payment of witnesses in civil proceedings	83	Discussion Paper
	Medical treatment for the dying	84	Discussion Paper
	Annual Report 1987–1988		Report
1987	Criminal process and mental disorder Annual Report 1986–1987	69	Discussion Paper Report
1986	Judicial review of administrative decisions	26 Pt II	Report
	Alteration of ground levels	44	Report
	Courts of Petty Sessions	55 Pt II	Report
	Problem of old convictions Annual Report 1985–1986	80	Report
1985	Wills: substantial compliance	76 Pt I	Report
	Pawnbrokers Act	81	Discussion Paper
	Pawnbrokers Act	81	Report
	Annual Report 1984–1985		Report
1984	Recognition of interstate and foreign grants of probate and administration	34 Pt IV	Report
	Trustees' powers of investment	34 Pt V	Report
	Alteration of ground levels	44	Discussion Paper
	Courts of Petty Sessions	55 Pt II	Discussion Paper
	Wills: substantial compliance	76 Pt I	Discussion Paper
	Problem of old convictions Annual Report 1983–1984	80	Discussion Paper Report
1983	Local Courts Annual Report 1982-1983	16 Pt I	Working Paper Report
1982	Appeals from administrative decisions	26 Pt I	Report
	Limitation and notice of actions: latent disease and injury	36 Pt I	Report
	Strata Titles Act	56	Report
	Annual Report 1981–1982		Report
1981	Liability for stock straying on to the highway (2nd report)	11	Report
	Judicial review of administrative decisions	26 Pt II	Working Paper
	Trustees' powers of investment	34 Pt V	Working Paper
	Liability of highway authorities for non-feasance	62	Report
	Privacy	65	Working Paper
	Interest on judgments	70	Report
	Absconding Debtors Act	73	Report
	Annual Report 1980–1981		Report
1980	Liability for stock straying on to the highway (2nd W/P)	11	Working Paper
	Admissibility in evidence of computer records	27	Report
	Recognition of interstate and foreign grants of probate and administration	34 Pt IV	Working Paper
	Unclaimed money	51	Report
	Privilege for journalists	53	Report
	Exemption from jury service	71	Report
	Retention of court records	72	Report
	Absconding Debtors Act	73	Working Paper
	Annual Report 1979–1980		Report
1979	Annual Report 1978--1979		Report
	Defamation	8	Report
	Appeals from Courts of Petty Sessions	55 Pt I	Report
	Small Debts Court	63	Report
	Bail	64	Report
	Retention of court records	72	Working Paper

Year	Topic	Ref No	Publication type
1978	Minors' contracts	5 Pt II	Working Paper
	Appeals from administrative decisions	26 Pt I	Working Paper
	Admissibility in evidence of computer records	27	Working Paper
	Official attestation of forms and documents	28	Report
	Administration of deceased insolvent estates	34 Pt III	Report
	Appeals from Courts of Petty Sessions	55 Pt I	Working Paper
	Liability of highway authorities for non-feasance	62	Working Paper
	Small Debts Court	63	Working Paper
	Fatal accidents	66	Working Paper
	Fatal accidents	66	Report
	Exemption from jury service	71	Working Paper
Annual Report 1977–1978		Report	
1977	Official attestation of forms and documents	28	Working Paper
	Competence and compellability of spouses as witnesses	31	Report
	Administration of deceased insolvent estates	34 Pt III	Working Paper
	Compensation for new street alignments	39	Report
	Suitors' Fund Act Part B: criminal proceedings	49	Report
	Privilege for journalists	53	Working Paper
	Strata Titles Act	56	Working Paper
	Section 2 of the Gaming Act	58	Report
	Enforcement of judgment debts	61	Report
	Bail	64	Working Paper
Annual Report 1976–1977		Report	
1976	Administration bonds and sureties	34 Pt II	Report
	Compensation for persons detained in custody	43	Working Paper
	Suitors' Fund Act Part A: civil proceedings	49	Report
	Unclaimed money	51	Working Paper
	Section 2 of the Gaming Act	58	Working Paper
	Protection of money awarded as damages	-	Report
Annual Report 1975–1976		Report	
1975	Special constables	29	Report
	Dividing fences	33	Report
	Administration bonds and sureties	34 Pt II	Working Paper
	Production of medical and technical reports in court proceedings	40	Report
	Tenancy bonds	41	Report
	Criminal injuries compensation	46	Working Paper
	Criminal injuries compensation	46	Report
	Suitors' Fund Act	49	Working Paper
	Local body election practices	52	Working Paper
	Local body election practices	52	Report
	Alternatives to cautions	60	Working Paper
Alternatives to cautions	60	Report	
Annual Report 1974–1975		Report	
1974	Commercial arbitration and commercial causes	18	Report
	Special constables	29	Working Paper
	Competence and compellability of spouses as witnesses	31	Working Paper
	Land Agents Act	37	Report
	Production of medical and technical reports in court proceedings	40	Working Paper
	Tenancy bonds	41	Working Paper
	Mortgage brokers	45	Working Paper
	Mortgage brokers	45	Report Contractors'
	liens	54	Working Paper
	Contractors' liens	54	Report
Annual Report 1973–1974		Report	

## PUBLICATIONS

Year	Topic	Ref No	Publication type
1973	Protection for purchasers of home units	1 Pt III	Report
	Innocent misrepresentation	22	Report
	Immunity of suit between spouses	32	Working Paper
	Immunity of suit between spouses	32	Report
	Dividing fences	33	Working Paper
	Distribution on intestacy	34 Pt I	Report
	Land Agents Act	37	Working Paper
	Sale of undivided shares in land	38	Working Paper
	Sale of undivided shares in land	38	Report
Annual Report 1972–1973		Report	
1972	Retention of trust money by land agents	1 Pt II	Working Paper
	Protection for purchasers of home units	1 Pt III	Working Paper
	Defamation: privileged reports	8	Report
	Motor vehicle insurance	10	Working Paper
	Motor vehicle insurance	10	Report
	Payment of costs in criminal cases	12	Working Paper
	Payment of costs in criminal cases	12	Report
	Evidence of criminal convictions in civil proceedings	20	Report
	Associations Incorporation Act	21	Report
	Innocent misrepresentation	22	Working Paper
	Legal representation of children	23	Working Paper
	Legal representation of children	23	Report
	Legal capacity of minors	25 Pt I	Report
	Legal capacity of minors	25 Pt I	Working Paper
Distribution on intestacy	34 Pt I	Working Paper	
1971	Offices of profit under the Crown	14	Report
	Imposition of driving disqualifications	15	Working Paper
	Imposition of driving disqualifications	15	Report
	Commercial arbitration and commercial causes	18	Working Paper
	Evidence of criminal convictions in civil proceedings	20	Working Paper
	Associations Incorporation Act	21	Working Paper
	Succession rights of adopted children	24	Working Paper
	Succession rights of adopted children	24	Report
1970	Testator's Family Maintenance Act	2	Report
	Succession rights of illegitimate children	3	Report
	Committal proceedings	4	Report
	Summary trial of indictable offences	6	Report
	Disposal of uncollected goods	7	Report
	Liability for stock straying on to the highway (1st working paper)	11	Working Paper
	Liability for stock straying on to the highway (1st report)	11	Report
	Affiliation proceedings	13	Report
	Motor car manslaughter	17	Report
Motor car manslaughter	17	Working Paper	
1969	Protection for purchasers of land	1 Pt I	Report
	Interim hearings in personal injury cases	5	Report
	Defamation: privileged reports	8	Working Paper
1968	Protection for purchasers of land	1 Pt I	Working Paper
	Testator's Family Maintenance Act	2	Working Paper
	Succession rights of illegitimate children	3	Working Paper
	Committal proceedings	4	Working Paper
	Interim hearings in personal injury cases	5	Working Paper
	Summary trial of indictable offences	6	Working Paper
	Disposal of uncollected goods	7	Working Paper

## APPENDIX III: HISTORY OF REFERENCES

FOLLOWING IS THE HISTORY OF REFERENCES RECEIVED BY THE LAW REFORM COMMISSION OF WESTERN AUSTRALIA AND THE LEGISLATIVE ACTION ON THE REPORTS FROM 1968–2008.

No.	Project	Recommendations	Legislative Action
1 (Pt I)	<b>Protection for Purchasers of Land</b> Referred: 1968 WP: October 1968 Report: September 1969	(1) In a terms contract for the sale of land the purchaser be given notice before the vendor can act against the purchaser on default;	<i>Sale of Land Act 1970</i>
1 (Pt II)	<b>Retention of Trust Money by Land Agents</b> WP: June 1972 [see Ref No 37]	(2) (Supplementary report) A person be prohibited from selling subdivisional land containing five or more lots unless that person is the registered proprietor of that land. The Commission's recommendations were included in its Report on Project No 37 (see below).	
1 (Pt III)	<b>Protection for Purchasers of Home Units</b> WP: June 1972 Report: March 1973	Part III of the <i>Sale of Land Act 1970</i> be amended so as to apply to the sale of strata title lots. <sup>1</sup>	<i>Acts Amendment (Strata Titles) Act 1985</i>
2	<b>Testator's Family Maintenance Act</b> Referred: 1968 WP: December 1968 Report: August 1970	The classes of possible claimants under the <i>Testator's Family Maintenance Act</i> be widened as specified.	<i>Inheritance (Family and Dependants Provision) Act 1972</i>
3	<b>Succession Rights of Illegitimate Children</b> Referred: 1968 WP: December 1968 Report: August 1970	Illegitimate children be treated as legitimate for all purposes relating to succession.	<i>Administration Act Amendment Act 1971; Property Law Act Amendment Act 1971; Wills Act Amendment Act 1971</i>
4	<b>Committal Proceedings</b> Referred: 1968 WP: December 1968 Report: May 1970	Subject to prescribed limitations, written statements of witnesses be admitted in evidence for purposes of the committal, trial and sentencing of persons charged with indictable offences, and that an accused person be permitted to elect to go to trial without any preliminary hearing.	<i>Justices Act Amendment Act 1976</i>
5	<b>Interim Hearings in Personal Injury Cases</b> Referred: 1968 WP: October 1968 Report: May 1969	The court be empowered to decide the issue of liability before the issue of damages, and to order interim payments meanwhile. <sup>2</sup>	
6	<b>Summary Trial of Indictable Offences</b> Referred: 1968 WP: December 1968 Report: June 1970	The jurisdiction of courts to deal with indictable offences summarily be extended as specified.	<i>Criminal Code Amendment Act 1972; Justices Act Amendment Act 1972; Child Welfare Act Amendment Act (No 2) 1972</i>
7	<b>Disposal of Uncollected Goods</b> Referred: 1968 WP: December 1968 Report: April 1970	Legislation be enacted dealing with the disposal of uncollected goods along specified lines.	<i>Disposal of Uncollected Goods Act 1970</i>

1. This recommendation (extended so as to include the sale of two or more strata lots) was endorsed in the Commission's report on the *Strata Titles Act* (Project No 56).
2. The *Motor Vehicle (Third Party Insurance) Act Amendment Act (No 2) 1969* enacts legislation covering one of the recommendations in this report.

## HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
8	<p><b>Defamation</b> Referred: 1968</p> <p><b>Privileged Reports</b> WP: July 1969 Report: August 1972</p> <p><b>Defamation</b> Report: October 1979</p>	<p>The class of privileged reports of legislative and judicial proceedings, conferences and meetings be extended in specified ways.</p> <p>A uniform defamation code be enacted which reforms the law both in respect of matters of substance and of procedure.<sup>3</sup></p>	<p><i>Criminal Code Amendment Act 1977 s 2</i></p> <p><i>Defamation Act 2005</i></p>
9	<p><b>Statute Law Revision</b> Referred: 1968</p>	Withdrawn	
10	<p><b>Motor Vehicle Insurance</b> Referred: 1968 WP: May 1972 Report: December 1972</p>	That the law of motor vehicle insurance be amended in specified ways in the interests of the insured. <sup>4</sup>	
11	<p><b>Liability for Stock Straying on to the Highway</b> 1st Referred: 1969 1st WP: June 1970 1st Report: Dec 1970 2nd Referred: 1978 2nd WP: August 1980 2nd Report: June 1981</p>	1st Report: legislation be enacted to provide that liability for stock straying on to the highway be in accordance with ordinary principles of negligence. 2nd Report: liability for stock straying on to the highway be determined according to the law of negligence only, but that a maximum limit be imposed on the amount of damages recoverable by a successful claimant.	<i>Highways (Liability for Straying Animals) Act 1983; Dog Amendment Act 1983</i>
12	<p><b>Payment of Costs in Criminal Cases</b> Referred: 1969 WP: March 1972 Report: August 1972</p>	This report recommended introducing legislation making the Crown liable to pay costs when a complaint is dismissed or withdrawn in summary proceedings. <sup>5</sup>	<i>Official Prosecutions (Defendants' Costs) Act 1973</i>
13	<p><b>Affiliation Proceedings</b> Referred: 1969 Report: March 1970</p>	That statutory provision be made for blood tests in affiliation proceedings.	<i>Family Court Act 1975 s 82E</i>
14	<p><b>Offices of Profit Under The Crown</b> Referred: 1969 Report: March 1971</p>	That the law be modified as to the circumstances in which persons who hold offices of profit under the Crown, or who have contracts with the Government, can be members of Parliament.	<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984</i>

3. This report, and the report of the Australian Law Reform Commission on the same subject, *Unfair Publication: Defamation and Privacy* (ALRC 11 1979), together with a draft uniform Defamation Bill, were considered by the Standing Committee of Attorneys Generals. In 2005 and 2006, each state and territory enacted their respective Defamation Acts with identical provisions, unifying defamation legislation nationally as of 1 January 2006.
4. The major recommendations in this report were implemented administratively by the State Government Insurance Commission.
5. The *Family Court Act 1975* s82E (added 1988) provides that when the parentage of a child is in issue in proceedings under the Act (which include proceedings for maintenance and findings of parenthood), the court may order a parentage testing procedure and make other necessary or desirable orders. It is therefore unnecessary to take any further action on the Commission's Report.

No.	Project	Recommendations	Legislative Action
15	<b>Imposition of Driving Disqualifications</b> Referred: 1969 WP: February 1971 Report: June 1971	The Commission was asked to consider the need for legislation imposing driving disqualifications on persons who committed crimes involving the use of a motor vehicle. No legislative action was called for in this report.	
16	<b>Local Courts Act and Rules</b> Referred: 1969		
16 (Pt I)	<b>Local Courts</b> WP: April 1983 Report: June 1988	That Local Courts and Courts of Petty Sessions be merged, <sup>6</sup> and that the jurisdiction, procedure and administration of Local Courts be reformed along specified lines.	<i>Magistrates Court Act 2004; Courts Legislation Amendment and Repeal Act 2004; Magistrates Court (Civil Proceedings) Act 2004</i>
16 (Pt II)	<b>Enforcement of Judgments of Local Courts</b> DP: February 1995 Report: December 1995	That the means of enforcing judgments of Local Courts be reformed as specified; that attachment of earnings be introduced, and imprisonment for debt abolished. <sup>7</sup>	
17	<b>Motor Car Manslaughter</b> Referred: 1969 WP: June 1970 Report: August 1970	That except for minor drafting amendments, the relevant provisions of the Criminal Code be left unaltered.	<i>Criminal Code Amendment Act 1972 ss 277, 291A, 595; Road Traffic Act 1974 s 59</i>
18	<b>Commercial Arbitration and Commercial Causes</b> Referred: 1969 WP: October 1971 Report: January 1974	That the <i>Arbitration Act</i> be revised as specified.	<i>Commercial Arbitration Act 1985</i>
19	<b>Chattel Securities and the Bills of Sale Act</b> Referred: 1970	Withdrawn 1983	
20	<b>Evidence of Criminal Convictions In Civil Proceedings</b> Referred: 1970 WP: September 1971 Report: April 1972	That in defamation actions conviction after trial be made conclusive evidence that the party committed the offence. <sup>8</sup>	
21	<b>Associations Incorporation Act</b> Referred: 1971 WP: June 1971 Report: March 1972	That the <i>Associations Incorporation Act</i> be revised as specified.	<i>Associations Incorporation Act 1987</i>
22	<b>Innocent Misrepresentation</b> Referred: 1971 WP: May 1972 Report: October 1973	That the legal remedies available for an innocent misrepresentation inducing a contract be revised. <sup>9</sup>	

6. A similar recommendation was made earlier in Project No 55 Part II. A Ministry of Justice Report published in October 1996 contains proposals that would implement this recommendation: Ministry of Justice: *Court Services Amalgamation of Courts of Summary Jurisdiction Draft Report* (1996).
7. A Ministry of Justice Report published in June 1997 contains proposals for a uniform civil judgment debt recovery system for all courts, adopting many of the Commission's recommendations: Ministry of Justice, *Court Services Division Civil Judgment Debt Recovery System: Part 1 Legislative Recommendations*, Report (1997).
8. In September 1985, the Attorney General (Hon J M Berinson) announced that the Government had decided that it was now unnecessary to act on this report, in view of the decision of the Supreme Court of Western Australia (Full Court) in *Mickelberg v Director of the Perth Mint* [1986] WAR 365 in which it was held that evidence of a criminal conviction could be admissible as prima facie evidence of the facts on which the conviction depended: Attorney General, *Media Statement*, 26 September 1985.

## HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
23	<b>Legal Representation of Children</b> Referred: 1971 WP: March 1972 Report: June 1972	That courts be empowered to order the separate representation of children.	<i>Legal Representation of Infants Act 1977; Suitors' Fund Act Amendment Act 1977</i>
24	<b>Succession Rights of Adopted Children</b> Referred: 1971 WP: April 1971 Report: July 1971	That the <i>Adoption Act 1994</i> be amended to provide for the complete assimilation of the legal position of adopted children to that of the legitimate children of the adopting parents.	<i>Adoption of Children Act Amendment Act 1971</i> ss 13, 14, 15; <i>Adoption Act 1994</i> <i>Property Law Act 1969</i>
25 (Pt I)	<b>Legal Capacity of Minors</b> Referred: 1971 WP: January 1972 Report: April 1972	That the age of majority be lowered to 18 years.	<i>Age of Majority Act 1972</i>
25 (Pt II)	<b>Minors' Contracts</b> WP: June 1978 Report: May 1988	That all contracts made by minors be recognised as binding, but that courts be empowered to grant various kinds of relief to minors where the contract is prejudicial to the minor's best interests.	
26 (Pt I)	<b>Appeals From Administrative Decisions</b> Referred: 1971 WP: November 1978 Report: January 1982	That the existing rights of appeal from administrative decisions be rationalised along suggested lines. <sup>10</sup>	
26(Pt II)	<b>Judicial Review of Administrative Decisions</b> WP: June 1981 Report: January 1986	That the procedure and remedies for obtaining judicial review be reformed along specified lines, and that a right to reasons for decisions be created. <sup>11</sup>	
26 (Pt III)	<b>New Rights of Appeal</b>	Withdrawn 1986	
27 (Pt I)	<b>Admissibility in Evidence of Computer Records</b> Referred: 1971 WP: May 1978 Report: July 1980	That the range of cases in which computer records and other documentary statements are admissible in evidence be extended as specified.	<i>Evidence Amendment Act 1987</i>
27 (Pt II)	Admissibility in Evidence of Reproductions	Withdrawn 1983	
28	<b>Formalities of Oaths, Declarations and Attestation of Documents</b> Referred: 1972		

9. In September 1984, the Attorney General (Hon J M Berinson) announced that the Government had decided not to take any further action on this report in view of developments in the law since it had been submitted: Attorney General, *News Statement*, 5 September 1984.

10. The State Administrative Tribunal was established under the *State Administrative Tribunal Act 2004 (WA)*, the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* and various enabling Acts which give the SAT the jurisdiction to review decisions, consider disciplinary matters or make original decisions.

11. See Project No. 95

No.	Project	Recommendations	Legislative Action
28 (Pt I)	<b>Official Attestation of Forms and Documents</b> WP: April 1977 Report: November 1978	That legislation be introduced to provide for an unattested statutory declaration; and that the signing of affidavits with a rubber stamp be prohibited.	<i>Oaths, Affidavits and Statutory Declarations Act 2005</i> s15
28 (Pt II)	<b>Formalities of Oaths, Declarations and Attestation of Documents</b>	Withdrawn 1983	
29	<b>Special Constables</b> Referred: 1972 WP: June 1974 Report: March 1975	That the law and practice as to appointment and control of special constables be revised as specified.	
30	<b>Imposition of Fines</b> Referred: 1972	Withdrawn 1982	
31	<b>Competence and Compellability of Spouses as Witnesses</b> Referred: 1972 WP: February 1974 Report: January 1977	That the law in this area be amended in certain respects.	
32	<b>Immunity of Suit Between Spouses</b> Referred: 1972 WP: June 1973 Report: September 1973	That immunity of action in tort between spouses be abolished. <sup>12</sup>	
33	<b>Dividing Fences</b> Referred: 1972 WP: December 1973 Report: November 1975	That the <i>Dividing Fences Act 1961</i> be amended in certain respects.	
34	<b>Trusts and Administration of Estates</b> Referred: 1972		
34 (Pt I)	<b>Distribution on Intestacy</b> WP: December 1972 Report: May 1973	That the law relating to the distribution of intestate estates be amended in certain respects and enacted in local legislation.	<i>Administration Act Amendment Act 1976</i> ; <i>Administration Amendment Act 1984</i>
34 (Pt II)	<b>Administration Bonds And Sureties</b> WP: June 1975 Report: March 1976	That administration bonds be abolished, the duties of personal representatives be specified by statute and the Supreme Court be empowered to require sureties to guarantee the due administration of the estate.	<i>Administration Act Amendment Act 1976</i>
34 (Pt III)	<b>Administration of Deceased Insolvent Estates</b> WP: April 1977 Report December 1978	That the <i>Administration Act</i> be amended to provide for the administration of deceased insolvent estates as specified.	<i>Acts Amendment (Insolvent Estates) Act 1984</i>

12. The *Family Law Act 1975* (Cth) s 119 provides that 'either party to a marriage may bring proceedings in contract or tort against the other party'.

## HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
34 (Pt IV)	<b>Recognition of Interstate and Foreign Grants of Probate and Administration</b> WP: December 1980 Report: November 1984	That the rules governing resealing of grants of probate and administration in each Australian jurisdiction be unified, and that a system of automatic recognition of grants within Australia be introduced. <sup>13</sup>	
34 (Pt V)	<b>Trustees' Powers of Investment</b> WP: December 1981 Report: January 1984	That the investment powers of trustees contained in s 16 of the <i>Trustees Act</i> be amended in specified ways.	<i>Trustees Amendment Act 1987</i> <sup>14</sup>
34 (Pt VI)	<b>Charitable Trusts</b>	Withdrawn 1996	
34 (Pt VII)	<b>Administration of Assets</b> Report: June 1988	That the old order of application of assets of a solvent deceased estate towards the payment of debts and legacies be replaced by a statutory order modelled on the <i>Queensland Succession Act 1981</i> . <sup>15</sup>	
34(Pt VIII)	<b>Protection and Remuneration of Trustees</b>	Withdrawn 1996	
35	<b>Unauthorised Disposal of Goods Interstate: Right to Repossession</b> Referred: 1972	Withdrawn 1983	
36	<b>Limitation and Notice of Actions</b> Referred: 1972		
36 (Pt I)	<b>Latent Disease and Injury</b> Report: October 1982	The limitation period for all personal injury actions continue to be six years, but that this period should not apply where a court determines that it is just for it not to apply.	<i>Acts Amendment (Asbestos Related Diseases) Act 1983</i> <sup>16</sup>
36 (Pt II)	<b>Limitation and Notice of Actions</b> DP: February 1992 Report: January 1997	A new <i>Limitation Act</i> be enacted providing for most causes of action to be governed by two standard limitation periods, with a possibility of extension in exceptional cases where the interests of justice so required.	<i>Limitation Act 2005; Limitation Legislation Amendment and Repeal Act 2005</i> <sup>17</sup>
37	<b>Land Agents Act</b> Referred: 1972 WP: June 1973 Report: January 1974	That a new real estate and business agents authority be established, empowered to license and regulate agents in ways specified in the report.	<i>Real Estate and Business Agents Act 1978</i>

13. Implementation of the Commission's recommendations is being discussed by the Queensland Law Reform Commission in its reference on Uniform Succession Law. This matter is currently being considered by the Attorney General's Working Group on Succession.

14. Note also the *Public Trustee Amendment Act 1984*, which extended the Public Trustee's power to invest in land in terms generally in line with the recommendations in the report.

15. This matter is currently being considered by the Attorney General's Working Group on Succession.

No.	Project	Recommendations	Legislative Action
38	<b>Sale of Undivided Shares in Land</b> Referred: 1972 WP: March 1973 Report: May 1973	That the <i>Sale of Land Act</i> be amended to regulate the sale of undivided shares in land.	<i>Sale of Land Act Amendment Act 1974</i>
39	<b>Compensation for New Street Alignments</b> Referred: 1973 Report: March 1977	The Commission was asked to comment in this report on proposed amendments to s 364 of the <i>Local Government Act</i> . No legislative action was called for in the report.	
40	<b>Production of Medical and Technical Reports in Court Proceedings</b> Referred: 1973 WP: June 1974 Report: July 1975	That provision be made for medical and expert reports to be produced to the other party before trial.	<i>Acts Amendment (Expert Evidence) Act 1976</i>
41	<b>Tenancy Bonds</b> Referred: 1973 WP: June 1974 Report: January 1975	That changes be made to the <i>Small Claims Tribunals Act 1974</i> to facilitate the hearings of claims in respect of tenancy bonds.	<i>Small Claims Tribunals Amendment Act 1975 s 2</i>
42	<b>Unrepresented Defendants</b> Referred: 1973	Withdrawn 1982	
43	<b>Compensation for Persons Detained in Custody</b> Referred: 1973	Withdrawn 1983	
44	<b>Alteration of Ground Levels</b> Referred: 1973 DP: September 1984 Report: February 1986	That common law rights of support for land should be extended to buildings, and that the statutory and by-law powers of local authorities to deal with alterations of ground levels should be widened in specified ways. <sup>18</sup>	
45	<b>Mortgage Brokers</b> Referred: 1973 WP: February 1974 Report: September 1974	That mortgage brokers should be subject to statutory control in specified ways.	<i>Finance Brokers Control Act 1975</i>
46	<b>Criminal Injuries Compensation</b> Referred: 1974 WP June 1975 Report: October 1975	That the <i>Criminal Injuries (Compensation) Act 1970</i> be revised in specified ways.	<i>Criminal Injuries (Compensation Act) Amendment Act 1976</i> ; <i>Criminal Injuries Compensation Act 1982</i>
47	<b>Jailing of First Offenders</b> Referred: 1973	Withdrawn 1982	
48	<b>Appeals from Courts of Petty Sessions</b> Referred: 1973	Became No 55 (Pt I)	

16. This Act extended the limitation period for claims for death or injury caused by asbestos-related diseases. It did not implement the wider reforms recommended by the Commission.
17. Whilst there is now one general limitation period of 6 years for an action on any cause of action with the possibility of extension by the courts, the statute also retains exceptional limitation periods for particular causes of action. In addition, the point at which the cause of action accrues still differs for different causes of action. As such, many of the complexities associated with the lack of uniformity between causes of actions outlined by the Commission's report remains to be addressed.
18. In September 1992 the Working Party on the *Integrated Building Act* reported to the Minister for Local Government in respect of a proposed *Western Australia Building Act*. The Working Party considered the Commission's report in part, but its recommendation on the right of support for the land of an adjoining owner does not adopt the Commission's recommendation.

## HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
49	<b>Suitors' Fund Act</b> Referred: 1973 WP: March 1975 Report: • Pt A (civil proceedings) Mar 76 • Pt B (criminal proceedings) May 77	That the <i>Suitors' Fund Act 1964</i> be revised to extend the classes of civil proceedings for which compensation for costs may be claimed, and that provision for compensation for costs in criminal proceedings be removed from that Act and re-enacted, with amendments, in the <i>Official Prosecutions (Defendants' Costs) Act 1973</i> .	<i>Suitors' Fund Act Amendment Act 1978</i> ; <i>Suitors' Fund Act Amendment Act (No 2) 1978</i>
50	<b>Appeals to the Privy Council</b> Referred: 1973	Withdrawn 1976	
51	<b>Unclaimed Money</b> Referred: 1973 WP: October 1976 Report: December 1980	That the <i>Unclaimed Moneys Act</i> be revised and consolidated to enable unclaimed money to be used for public purposes.	<i>Unclaimed Money Act 1990</i>
52	<b>Local Body Election Practices</b> Referred: 1974 WP: May 1975 Report: October 1975	That the law in this area should be tightened in certain respects.	<i>Local Government Act 1995</i> s 4.87
53	<b>Privilege for Journalists</b> Referred: 1974 WP: June 1977 Report: February 1980	That journalists called to give evidence in judicial proceedings should not be granted a statutory right to refuse to disclose the sources of their information. <sup>19</sup>	
54	<b>Contractors' Liens</b> Referred: 1974 WP: August 1974 Report: October 1974	That legislation providing for the registration of contractors' liens or for the creation of contractors' charges should not be introduced.	
55	<b>Justices Act</b> Referred: 1974	That the <i>Justices Act</i> be amended to provide for a single mode of appeal.	<i>Justices Amendment Act 1989</i>
55 (Pt I)	<b>Appeals from Courts of Petty Sessions</b> Referred: 1974 WP: February 1978 Report: April 1979	That Courts of Petty Sessions and Local Courts be merged and that the rules relating to justices of the peace and procedure in Courts of Petty Sessions be reformed along specified lines.	<i>Miscellaneous Repeals Act 1991</i> <sup>20</sup>
55 (Pt II)	<b>Courts of Petty Sessions</b> Referred: 1974 WP: June 1984 Report: November 1986		<i>Magistrates Court Act 2004</i> ; <i>Courts Legislation Amendment and Repeal Act 2004</i> ; <i>Criminal Procedure Act 2004</i> .
55 (Pt III)	<b>Enforcement of Orders of Courts of Petty Sessions</b> Referred: 1974 Report: April 1994	The report commented on proposals of a Ministry of Justice Project dealing with methods of enforcing the payment of fines. It recommended changes designed to ensure that indigent fine defaulters were not disadvantaged.	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> ; <i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994</i>

19. The Commission reconsidered this issue in its report on Professional privilege for confidential communications (Project No 90).

20. This Act repeals imperial enactments relating to justices, as recommended in the report. A Ministry of Justice Report published in October 1996 contains proposals that would implement the recommendation that Courts of Petty Sessions and Local Courts be merged: Ministry of Justice, *Court Services Amalgamation of Courts of Summary Jurisdiction*, Draft Report (1996).

No.	Project	Recommendations	Legislative Action
56	<b>Strata Titles Act</b> Referred: 1974 WP: February 1977 Report: December 1982	That the <i>Strata Titles Act 1966</i> be revised as specified	<i>Strata Titles Act 1985; Acts Amendment (Strata Titles) Act 1985</i>
57	<b>Enforcement of Custody Orders</b> Referred: 1974	Withdrawn 1976	
58	<b>Section 2 of The Gaming Act</b> Referred: 1975 WP: February 1976 Report: January 1977	That s 2 of the <i>Gaming Act 1835</i> be repealed and s 1 of that Act and s 841 of the <i>Police Act 1892</i> be amended.	<i>Gaming &amp; Betting (Contracts &amp; Securities) Act 1985; Acts Amendment (Gaming &amp; Related Provisions) Act 1985</i>
59	<b>Audit Provisions of the Local Government Act</b> Referred: 1975	Withdrawn 1982	
60	<b>Alternatives to Cautions</b> Referred: 1975 WP: August 1975 Report: November 1975	That the court's power to dismiss a proved charge without conviction, or discharge a convicted offender without penalty after conviction, should be extended as specified.	<i>Criminal Code Amendment Act 1979</i>
61	<b>Enforcement of Judgment Debts</b> Referred: 1975 Report: April 1977	This report was a commentary on a draft report entitled 'Enforcement of judgment debts' prepared for the Commonwealth Commission of Enquiry into Poverty. No legislative action was called for in the report.	
62	<b>Liability of Highway Authorities for Non-Feasance</b> Referred: 1975 WP: March 1978 Report: May 1981	That the non-feasance rule be abolished and highway authorities be required to take such care as is reasonable in all the circumstances to safeguard persons using their highways against dangers which make them unsafe for normal use. <sup>21</sup>	
63	<b>Small Debts Court</b> Referred: 1976 WP: July 1978 Report: April 1979	That the <i>Local Courts Act</i> and Rules be amended to create a special Small Debts Division in Local Courts.	<i>Local Courts Amendment Act 1982</i>
X <sup>22</sup>	<b>Protection of Money Awarded as Damages</b> Referred: 1976 Report: August 1976	That the power of the court to make a protection order in respect of money awarded as damages be revised as specified.	
64	<b>Bail</b> Referred: 1976 WP: November 1977 Report: March 1979	That a <i>Bail Act 1982</i> be enacted to deal comprehensively with bail.	<i>Bail Act 1982; Bail Amendment Act 1984; Bail Amendment Act 1988</i>

21. The High Court decision of *Brodie v Singleton Shire Council* abolished the nonfeasance immunity. However it was subsequently restored by the *Civil Liability Act 2002* s 5Z.

22. This reference was not given a project number.

## HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
65 (Pt I)	<b>Privacy</b> Referred: 1976 WP: 1981	Withdrawn 1993	
65 (Pt II)	<b>Confidentiality of Medical Records and Medical Research</b> DP: March 1989 Report: August 1990	That the law be clarified to control the disclosure of patient-identifiable information for medical research purposes.	
66	<b>Fatal Accidents</b> Referred: 1976 WP: February 1978 Report: December 1978	That the <i>Fatal Accidents Act</i> be amended to extend the class of claimants, to provide for an award for loss of assistance and guidance and various other matters.	<i>Fatal Accidents Amendment Act 1985</i>
67	<b>Writs and Warrants of Execution</b> Referred: 1976 Report: 2001	That the law relating to writs and warrants be revised in specified ways including the implementation of a unified civil debt recovery system for the Local, District and Supreme Courts and the amendment of s 133 of the <i>Transfer of Land Act 1895</i> .	
68	<b>Illegitimacy</b> Referred: 1976	Withdrawn 1986	
69	<b>Criminal Process and Mental Disorder</b> Referred: 1976 DP: February 1987 Report: August 1991	That the law relating to the defence of insanity, fitness to stand trial and review of the detention of those acquitted under the insanity defence or found unfit to stand trial be revised in specified ways.	<i>Criminal Law (Mentally Impaired Defendants) Act 1996; Mental Health (Consequential Provisions) Act 1996</i>
70	<b>Interest on Judgments</b> Referred: 1977		
70 (Pt I)	<b>Pre-judgment Interest</b> Report: August 1981	That ss 32 and 33 of the <i>Supreme Court Act</i> be replaced by a new provision giving courts a broader power to award pre-judgment interest.	<i>Supreme Court Amendment (No 2) Act 1982</i>
70 (Pt II)	<b>Interest on Judgments</b>	Withdrawn 1987	
71	<b>Exemption from Jury Service</b> Referred: 1977 WP: 29 August 1978 Report: June 1980	That the <i>Juries Act</i> be amended in a number of respects, in particular so as to replace the notion of exemption from jury service with the notions of ineligibility and excusal as of right.	<i>Juries Amendment Act 1984</i>
72	<b>Retention of Court Records</b> Referred: 1977 WP: March 1979 Report: June 1980	With certain exceptions, Courts of Petty Sessions and Local Courts should be empowered to destroy their records after they have been kept for 15 years.	<i>Local Courts Amendment Act 1981; Justices Amendment Act 1982; District Court of WA</i>
73	<b>Absconding Debtors Act</b> Referred: 1978 WP: December 1980 Report: November 1981	The <i>Absconding Debtors Act</i> should be repealed and replaced by a new Act to allow a creditor, in certain circumstances, to prevent a debtor from leaving the State or removing assets.	<i>Restraint of Debtors Act 1984</i>

No.	Project	Recommendations	Legislative Action
74	<b>Limited Partnerships</b> Referred: 1978	Withdrawn 1992	
75	<b>United Kingdom Statutes in Force in Western Australia</b> Referred: 1978 Report: October 1994	That various statutes passed in England between 1235 and 1829 which are still in force in Western Australia should be either repealed, preserved or reenacted in modern Western Australian legislation. <sup>23</sup>	
76 (Pt I)	<b>Wills: Substantial Compliance</b> Referred: 1979/80 DP: November 1984 Report: November 1985	That the Supreme Court should be given power to dispense with <i>Wills Act</i> formalities if satisfied that there is no doubt that testator intended the document to constitute his/her will.	<i>Wills Amendment Act 1987; Wills Amendment Act 1989</i>
76 (Pt II)	<b>Effect of Marriage or Divorce on Wills</b> DP: March 1990 Report: December 1991	That the exceptions to the rule that a will is revoked on marriage be widened, and that on divorce a gift in a will in favour of a former spouse should be revoked. <sup>24</sup>	
77 (Pt I)	<b>Medical Treatment for Minors</b> Referred: 1981 DP: 1988 Report: December 1992	Withdrawn 1998	
77 (Pt II)	<b>Consent to Sterilisation of Minors</b> Referred: 1981 Report: Oct 1994	A scheme should be established for decisions about sterilisation of minors to be made by an appropriate decision-making body, in an informal setting, applying the principle that it should act in the child's best interests.	
78	<b>Joint Tenancy and Tenancy in Common</b> Referred: 1980 Report: November 1994	The law relating to whether a joint tenancy or tenancy in common is created should be made more certain, the common law right to sever a joint tenancy secretly should be abolished and notice should become a statutory precondition for severance.	
79	<b>Prescribed Interests Under the Companies Code</b> Referred: 1981	Withdrawn 1984	
80	<b>Problem of Old Convictions</b> Referred: April 1982 DP: March 1984 Report: June 1986	A legislative scheme (set out in detail in the report) should be adopted to limit the effects of convictions which have become 'spent'.	<i>Spent Convictions Act 1988; Spent Convictions Amendment Act 1988</i>
81	<b>Pawnbrokers Act</b> Referred: 1984 DP: January 1985 Report: June 1985	The <i>Pawnbrokers Act</i> should be redrafted in modern terms, with amendments as specified.	<i>Pawnbrokers and Secondhand Dealers Act 1994</i>

23. It is the commissions understanding that work is proceeding on a Draft Bill.

24. The Wills Amendment Bill 2006 which implements the Commission's recommendations is currently under consideration.

No.	Project	Recommendations	Legislative Action
82	<b>Financial Protection in the Building &amp; Construction Industry</b> Referred: 1985 DP: December 1995 Report: March 1998	That the law be amended to regulate the payment of those working in the building and construction industry, by the setting up of a trust scheme, with payment bonds available as an alternative.	
83	<b>Payment of Witnesses in Civil Proceedings</b> Referred: 1986 DP: February 1988 Report: July 1989	No changes should be made to the law relating to payment of witnesses in civil proceedings.	
84	<b>Medical Treatment for the Dying</b> Referred: 1986 DP: June 1988 Report: February 1991	Persons should be able to appoint an agent to make treatment decisions on their behalf if they are terminally ill and unable to make such decisions for themselves. <sup>25</sup>	
85	<b>Police Act Offences</b> Referred: 1986 DP: June 1989 Report: August 1992	Specified offences in the <i>Police Act</i> be abolished, and that the surviving offences be incorporated in a <i>Summary Offences Act</i> .	<i>Criminal Law Amendment (Simple Offences) Act 2004</i>
86	<b>Incitement to Racial Hatred</b> Referred: 1988 DP: May 1989 Report: October 1992	New provisions should be included in the Criminal Code to outlaw certain kinds of racially inflammatory activity.	<i>Criminal Code Amendment (Racist Harassment and Incitement to Racial Hatred) Act 1990</i>
87	<b>Evidence of Children and Other Vulnerable Witnesses</b> Referred: 1989 DP: April 1990 Report: April 1991	The <i>Evidence Act</i> should be amended to reform the rules relating the giving of evidence by children, and that new procedures to assist the court to receive children's evidence should be introduced.	<i>Acts Amendment (Sexual Offences) Act 1992</i> ; <i>Acts Amendment (Evidence of Children and Others) Act 1992</i>
88	<b>Administration Act</b> Referred: 1989 Report: August 1990	The <i>Administration Act 1903</i> repealed and replaced. <sup>26</sup>	
89	<b>Sale of Goods Act 1895</b> Referred: 1989 DPs: Aug & Oct 1995 Report: June 1998	The <i>Sale of Goods Act 1895</i> should be reformed in several minor ways.	
90	<b>Professional Privilege for Confidential Communications</b> Referred: 1990 DP: December 1991 Report: May 1993	Judges should be given a discretion to excuse witnesses from disclosing information in breach of a confidential relationship. <sup>27</sup>	

25. The Medical Care for the Dying Bill, which implements some of the recommendations in this report, was introduced into the Legislative Assembly by an opposition member in March 1995. It was considered in Committee in May 1996: see Western Australia, *Parliamentary Debates*, Legislative Assembly, 15 May 1996, 2027–2036. The Commission has been asked to give advice on drafts of the Medical Treatment for the Dying Bill, a Government Bill which would implement most of the recommendations in the report. This Bill has recently been introduced into Parliament as the Acts Amendment (Consent to Medical Treatment) Bill 2006.

26. This report is currently being considered by the Attorney General's Working Group on Succession.

27. This matter was considered by the Standing Committee of Attorneys General: Western Australia, *Parliamentary Debates*, 16 May 1995, 2967.

No.	Project	Recommendations	Legislative Action
91	<b>Restrictive Covenants</b> Referred: 1995 DP: June 1995 Report: June 1997	The law relating to the extinguishment, modification and enforcement of restrictive covenants should be reformed in specified ways.	
92	<b>Review of the Criminal and Civil Justice System</b> Referred: 1997 Issues Paper: June 1998 Consultation Drafts: 1999 Final Report: October 1999 Project Summary: 1999 Submissions Summary: 1999	447 recommendations for reform of the criminal and civil justice system.	<i>Criminal Procedure Act 2004; Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004; Magistrates Court (Civil Proceedings) Act 2004; Magistrates Court (Civil Proceedings) Rules 2005</i>
93 (Pt I)	<b>Contempt in the Face of the Court</b> Referred: 2000 DP: August 2001 Report: June 2003	The law of contempt of court in Western Australia, other than as applicable under the <i>Family Court Act</i> , should be codified and the procedures for prosecution made uniform.	
93 (Pt II)	<b>Contempt by Publication</b> Referred: 2000 DP: March 2002 Report: June 2003		
93 (Pt III)	<b>Contempt by Disobedience to the Orders of the Court</b> Referred: 2000 DP: Nov 2002 Report: June 2003		
94	<b>Aboriginal Customary Laws</b> Referred: 2000 Background papers: 2003-2005 DP: Dec 2005 DP Overview: Feb 2006 FR: Sept 2006	131 recommendations made for reform.	
95	<b>Judicial Review of Administrative Decisions</b> Referred: 2001 DP: June 2002 Report: Dec 2002	The law relating to the judicial review of administrative action in Western Australia should be reformed in specified ways.	
96	<b>Problem Oriented Courts and Judicial Case Management</b> Referred: 2005	Project is ongoing	
97	<b>Review of the Law of Homicide</b> Referred: 2005 Issues P: Mar 2006	The law relating to homicide in Western Australia should be reformed in specified ways: 45 recommendations made.	Criminal Law Amendment (Homicide) Bill 2008
98	<b>Compensation for Injurious Affection</b> Referred: Nov 2005	Project is ongoing	