

**LEGAL COSTS COMMITTEE**

**ANNUAL REPORT**

**2012 - 2013**

10 September 2013

## LEGAL COSTS COMMITTEE ANNUAL REPORT

In accordance with the *Financial Management Act 2006*, I submit to the Honourable Michael Mischin LLB (Hons), B Juris (Hons) MLC, Attorney General for the State of Western Australia, for information and presentation to Parliament, the Annual Report of the Legal Costs Committee of Western Australia for the period 1 July 2012 to 30 June 2013.

A handwritten signature in black ink, appearing to read 'Ted Sharp', written in a cursive style.

Ted Sharp  
**CHAIR**

## LEGAL COSTS COMMITTEE

The Legal Costs Committee was first established following the proclamation of the *Acts Amendment (Legal Practitioners, Costs and Taxation) Act 1987* on 12 February 1988 (Initial Act). Subsequently, the Committee's jurisdiction was reaffirmed by the *Legal Practice Act 2003* and more recently, by Division 9 of Part 10 of the *Legal Profession Act 2008 (Act)*. The Committee is responsible under the Act for making determinations for the remuneration of legal practitioners in respect of the matters specified under Division 5 of Part 10 of the Act (as well as other legislation) in the following jurisdictions:

- ◆ Non-contentious business carried out by practitioners;
- ◆ Supreme Court;
- ◆ District Court;
- ◆ Magistrates Court;
- ◆ Official Prosecutions (Accused's Costs);
- ◆ Public Notaries;
- ◆ Family Court of Western Australia; and
- ◆ State Administrative Tribunal.

Prior to the establishment of the Legal Costs Committee, costs and scales of fees (except for a scale for the Court of Petty Sessions (until the Magistrates Court was implemented) and Public Notaries) were set by the Judges of the Courts or by the Under Secretary for Law as the case required.

Since the proclamation of the Initial Act, the jurisdiction of the Committee has altered in that by virtue of the *Magistrates Court Act 2004* and the *Magistrates Court (Civil Proceedings) Act 2004*, the Local Court and Court of Petty Sessions ceased to exist and were replaced by the Magistrates Court exercising both civil and criminal jurisdiction.

As well, by virtue of the Act, the Family Court of Western Australia and the State Administrative Tribunal were included as additional jurisdictions requiring the Committee's attention.

During the period 1 July 2012 to 30 June 2013 the Committee consisted of:

Mr TH Sharp, Consultant, Herbert Smith Freehills (until 30 September 2012 known as Freehills), as Chair;

Ms A Gaffney, Chartered Accountant;

Ms CH Thompson, Barrister, Francis Burt Chambers;

Mr M Cocker, Retired State Public Servant;

Dr J Dudley, Senior Lecturer in Politics, Murdoch University; and

Mr M Curwood, (formerly Legal Practitioner, Curwood & Co), now Barrister, Francis Burt Chambers.

The Committee normally meets on a monthly basis and in the 2012/2013 financial year, the Committee met on 9 occasions.

The Committee was able to complete eleven reviews resulting in the determinations listed in paragraph 1 below.

**1. Determinations – 2012/2013 Financial Year**

*Legal Practitioners (Supreme Court) (Contentious Business) Determination 2012;*

*Legal Practitioners (Supreme Court and District Court) (Criminal Jurisdictions) Determination 2012;*

*Legal Practitioners (District Court Appeals) (Contentious Business) Determination 2012;*

*Legal Practitioners (Magistrates Court) (Civil) Determination 2012;*

*Legal Practitioners (Magistrates Court) (Criminal) Determination 2012;*

*Legal Practitioners (State Administrative Tribunal) Determination 2012;*

*Legal Practitioners (Family Court of Western Australia) Determination 2012;*

*Legal Practitioners (Official Prosecutions)(Accused's Costs) Determination 2012;*

*Legal Practitioners (Solicitors Costs) Determination 2013;*

*Legal Practitioners (Non-Contentious Probate Costs) Determination 2013; and*

*Legal Practitioners (Public Notaries) Determination 2013.*

**2. Determinations anticipated in 2013/2014 Financial Year**

The Committee anticipates that it will complete reviews and make determinations in respect of the following during the next financial year:

(a) *Legal Practitioners (Supreme Court) (Contentious Business) Determination 2012;*

(b) *Legal Practitioners (Supreme Court and District Court) (Criminal Jurisdictions) Determination 2012;*

(c) *Legal Practitioners (District Court Appeals) (Contentious Business) Determination 2012;*

(d) *Legal Practitioners (Magistrates Court) (Civil) Determination 2012;*

(e) *Legal Practitioners (Magistrates Court) (Criminal) Determination 2012;*

### 3. Performance Measures

<b>OUTPUT</b>	<b>2012/13</b>		
	<b>TARGET</b>	<b>ACTUAL</b>	<b>VARIANCE</b>
<b>Quantity</b>	9	11	2
<b>Quality</b>	Not Assessed	Not Assessed	N/A
<b>Timeliness</b>	In accordance with statutory requirements.		
<b>Cost</b> (Average cost per determination)	\$13,942	\$10,867	\$3,075

### 4. Accounts and Performance Indicators

The annual accounts and performance indicators for the year ended 30 June 2013 are attached.

### 5. Report on Operations

The Legal Costs Committee does not employ staff nor does it have its own premises. The facilities used by the Legal Costs Committee comply with the requirements listed under the *Financial Management Act 2006* and are provided by the Department of the Attorney General.

### 6. General Comments

As was noted and for the reasons stated in the Annual Report for financial year 2011/2012, a number of reviews, reports and determinations due to have been conducted and finalised within that period, were carried over into financial year 2012/2013. I am pleased to say the outstanding matters were completed as forecast, but only after all were given due consideration.

Once again, the point is made that the Effectiveness Indicator and the Efficiency Indicator, if taken in isolation in any given financial year, can give rise to a distorted assessment of the Committee's effectiveness and efficiency. I respectfully suggest a period of at least three consecutive financial years, over which the relative indicator results are averaged, is likely to produce a more accurate assessment of those outcomes.

I would like to record the Committee's appreciation for the continued support of the Chief Justice of Western Australia, the President of the State Administrative Tribunal, the Chief Judge of the District Court, the Chief Judge of the Family Court of Western Australia, the Chief Magistrate, the Law Society of Western Australia, the Western

Australian Bar Association, their employees and committees and other organisations including the Family Law Practitioners Association, the Public Notaries Society of Western Australia Incorporated and the Criminal Lawyers Association of WA in respect of the Committee's reviews of the above scales.

## **7. Executive Assistance**

The Committee acknowledges the valuable help and assistance provided during the year by Mr Brian Bennett of the Department of the Attorney General. Mr Bennett has offered the Committee, myself in particular, great assistance with the administration of the Committee and publication of our notices, reports and determinations.

I also wish to express the Committee's appreciation for the assistance provided to it by Mr Bennett's colleagues when he has been on leave.

The Committee continues to rely heavily on Mr Bennett and the willingness of its Members to implement all necessary administrative and drafting functions it is obliged to carry out.



Ted Sharp  
**CHAIR**

**LEGAL COSTS COMMITTEE**  
**BUDGET ESTIMATES FOR 2013 / 14**

In accordance with the *Financial Management Act 2006* and pursuant to Treasurer's Instructions the budget estimates for the 2013/14 financial year, as submitted to the Honourable Attorney General, are as follows:

**LEGAL COSTS COMMITTEE**  
**BUDGETED STATEMENT OF FINANCIAL PERFORMANCE**

<b>COST OF SERVICES</b>	<b>\$</b>
<b>Expenses from ordinary activities</b>	
Board members fees	46 050
Superannuation	4 145
Other expenses from ordinary activities	73 200
<b>Total cost of services</b>	<b>123 395</b>
<b>Revenues from ordinary activities</b>	
Grants from State agencies	72 000
Other revenues from ordinary activities	0
<b>Total revenues from ordinary activities</b>	<b>72 000</b>
<b>NET COST OF SERVICES</b>	<b>51 395</b>
<b>REVENUES FROM GOVERNMENT</b>	
Resources received free of charge	51 500
<b>Total revenues from Government</b>	<b>51 500</b>
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS</b>	<b>105</b>



# Auditor General

## INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

### LEGAL COSTS COMMITTEE

#### Report on the Financial Statements

I have audited the accounts and financial statements of the Legal Costs Committee.

The financial statements comprise the Statement of Financial Position as at 30 June 2013, the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

#### *Committee's Responsibility for the Financial Statements*

The Committee is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Committee determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Committee's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Committee, as well as evaluating the overall presentation of the financial statements.

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

#### **Opinion**

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Legal Costs Committee at 30 June 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.



## **Report on Controls**

I have audited the controls exercised by the Legal Costs Committee during the year ended 30 June 2013.

Controls exercised by the Legal Costs Committee are those policies and procedures established by the Committee to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

### *Committee's Responsibility for Controls*

The Committee is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Legal Costs Committee based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Committee complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

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

### **Opinion**

In my opinion, the controls exercised by the Legal Costs Committee are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2013.

## **Report on the Key Performance Indicators**

I have audited the key performance indicators of the Legal Costs Committee for the year ended 30 June 2013.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

### *Committee's Responsibility for the Key Performance Indicators*

The Committee is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Committee determines necessary to ensure that the key performance indicators fairly represent indicated performance.

### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Committee's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

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

### **Opinion**

In my opinion, the key performance indicators of the Legal Costs Committee are relevant and appropriate to assist users to assess the Committee's performance and fairly represent indicated performance for the year ended 30 June 2013.

### **Independence**

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and Australian Auditing and Assurance Standards, and other relevant ethical requirements.

### **Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators**

This auditor's report relates to the financial statements and key performance indicators of the Legal Costs Committee for the year ended 30 June 2013 included on the Committee's website. The Committee's management is responsible for the integrity of the Committee's website. This audit does not provide assurance on the integrity of the Committee's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



DON CUNNINGHAME  
ASSISTANT AUDITOR GENERAL ASSURANCE SERVICES  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
13 September 2013



## Disclosures and legal compliance

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## Financial Statements and Notes

### Certification of Financial Statements

For the year ended 30 June 2013

The accompanying financial statements of the Legal Costs Committee 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 ended 30 June 2013 and the financial position as at 30 June 2013.

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

\_\_\_\_\_  
Ted Sharp  
Chairman of the Legal Costs Committee  
10 September 2013

\_\_\_\_\_  
Angela Gaffney  
Member of Legal Costs Committee  
10<sup>th</sup> September 2013

\_\_\_\_\_  
Alan Andersson  
Chief Finance Officer  
9 September 2013



## Statement of Comprehensive Income

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Board member fees and entitlements	4	49,586	49,586
Other expense	5	69,947	61,762
<b>Total cost of services</b>		<b>119,533</b>	<b>111,348</b>
<b>Net cost of services</b>		<b>119,533</b>	<b>111,348</b>
<b>Income from State Government</b>			
Service appropriation	6	71,000	68,800
Resources received free of charge		49,441	47,657
<b>Total income from State Government</b>		<b>120,441</b>	<b>116,457</b>
<b>SURPLUS FOR THE PERIOD</b>		<b>908</b>	<b>5,109</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>908</b>	<b>5,109</b>

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



## Statement of Financial Position

As at 30 June 2013

	Note	2013 \$	2012 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	11	39,740	39,207
Receivables	7	1,016	641
Other assets	8	40	40
<b>Total Current Assets</b>		<b>40,796</b>	<b>39,888</b>
<b>TOTAL ASSETS</b>		<b>40,796</b>	<b>39,888</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	9	-	-
<b>Total Current Liabilities</b>		<b>-</b>	<b>-</b>
<b>TOTAL LIABILITIES</b>		<b>-</b>	<b>-</b>
<b>NET ASSETS</b>		<b>40,796</b>	<b>39,888</b>
<b>EQUITY</b>			
Contributed equity	10	39,335	39,335
Accumulated surplus		1,461	553
<b>TOTAL EQUITY</b>		<b>40,796</b>	<b>39,888</b>

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



## Statement of Changes in Equity

For the year ended 30 June 2013

	Note	Contributed equity \$	Accumulated surplus \$	Total equity \$
Balance at 1 July 2011	10	39,335	(4,556)	34,779
Total comprehensive income for the period		-	5,109	5,109
<b>Balance at 30 June 2012</b>		<b>39,335</b>	<b>553</b>	<b>39,888</b>
Balance at 1 July 2012		39,335	553	39,888
Total comprehensive income for the period		-	908	908
<b>Balance at 30 June 2013</b>		<b>39,335</b>	<b>1,461</b>	<b>40,796</b>

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



## Statement of Cash Flows

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Grant from the Department of the Attorney General		71,000	68,800
<b>Net cash provided by State Government</b>		<u>71,000</u>	<u>68,800</u>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Payments to members and suppliers		(70,092)	(66,953)
GST payments on purchases		(2,659)	(2,344)
<b>Receipts</b>			
GST receipts from taxation authority		2,284	2,528
<b>Net cash used in operating activities</b>	11	<u>(70,467)</u>	<u>(66,769)</u>
Net increase/(decrease) in cash and cash equivalents		533	2,031
Cash and cash equivalents at the beginning of the period		39,207	37,176
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	11	<u>39,740</u>	<u>39,207</u>

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





## Notes to the Financial Statements

For the year ended 30 June 2013

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## Notes to the Financial Statements – 30 June 2013

### Note 1. Australian Accounting Standards

#### General

The Legal Costs Committee's (the "Committee") financial statements for the year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB). The Committee has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

#### Early adoption of standards

The Committee cannot adopt an Australian Accounting Standard earlier than the commencement date unless specifically permitted by Treasurer's instruction 1101 *Application of Australian Accounting Standards and Other Pronouncements*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not yet operative) by the Committee for the annual reporting period ended 30 June 2013.

### Note 2. Summary of significant accounting policies

#### (a) General statement

The Committee is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

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

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

#### (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 Committee and no other related bodies.

#### Mission

The Committee's mission is to regularly review scales of legal costs in accordance with its governing legislation and to provide transparency in the manner in which those legal costs are determined.

#### (d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed Equity.

#### (e) Income

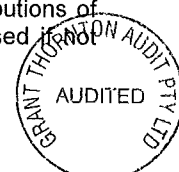
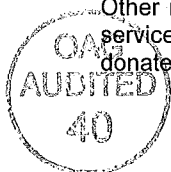
##### Revenue recognition

Revenue is recognised and measured at the fair value of consideration received or receivable. The following specific recognition criteria must also be met before revenue is recognised for the major categories as follows:

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

Revenue is recognised at fair value when the Committee 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.



## Notes to the Financial Statements – 30 June 2013 (continued)

### (f) Financial instruments

In addition to cash, the Committee has two categories of financial instrument:

- Loans and receivables;
- Payables

These have been disaggregated into the following classes:

#### Financial assets

- Cash and cash equivalents
- Receivables

#### Financial Liabilities

- Payables

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.

### (g) Cash and cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent assets comprise cash on hand and short term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of change in value.

### (h) Receivables

Receivables are recognised 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 against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Committee 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.

### (i) Payables

Payables are recognised when the Committee becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

### (j) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the Gold State Superannuation Scheme (GSS) (concurrent contributions), West State Superannuation Scheme (WSS), the Government Employee Superannuation Board Scheme (GESBS), or other superannuation funds.

From 30 March 2012, existing members of the WSS or GESBS and new employees became able to choose their preferred superannuation fund. The Committee makes concurrent contributions to GESB or other funds on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Committee's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

### (k) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value. Resources received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

### (l) Comparative figures

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



## Notes to the Financial Statements – 30 June 2013 (continued)

### Note 3. Disclosure of changes in accounting policy and estimates

#### Initial application of an Australian Accounting Standard

The Committee has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2012 that impacted on the Committee.

*AASB 2011-9 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]*

This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.

#### Future impact of Australian Accounting Standards not yet operative

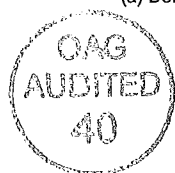
The Committee cannot adopt an Australian Accounting Standard earlier than the commencement date unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. Consequently, the Committee has not applied early any of the following Australian Accounting Standards that have been issued that may impact the Committee. Where applicable, the Committee plans to apply these Australian Accounting Standards and Interpretations from their application date.

		Operative for reporting periods beginning on/after
AASB 9	<i>Financial Instruments</i>  This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i> , introducing a number of changes to accounting treatments.  AASB 2012-6 Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures amended the mandatory application date of this Standard to 1 January 2015. The Committee has not yet determined the application or the potential impact of the Standard.	1 Jan 2015
AASB 2010-7	<i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 &amp; 1038 and Interpretation 2, 5, 10, 12, 19 &amp; 127]</i>  This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010..  AASB 2012-6 amended the mandatory application date of this standard to 1 January 2015. The Committee has not yet determined the application or the potential impact of the Standard.	1 Jan 2015
AASB 1055	<i>Budgetary Reporting</i>  This Standard specifies the nature of budgetary disclosures, the circumstances in which they are to be included in the general purpose financial statements of not-for-profit entities within the GGS. The Authority will be required to disclose additional budgetary information and explanations of major variances between actual and budgeted amounts, though there is no financial impact.	1 Jul 2014

### Note 4. Board members fees and entitlements

	2013	2012
	\$	\$
Board member fees	45,994	45,994
Superannuation – defined contribution plans <sup>(a)</sup>	3,592	3,592
	<b>49,586</b>	<b>49,586</b>

(a) Defined contribution plans include West State, Gold State, GESB and other eligible funds.



Notes to the Financial Statements – 30 June 2013 (continued)

**Note 5. Other expenses**

	2013	2012
	\$	\$
Advertising expenses	3,841	3,889
Resources received free of charge (note 6)	49,441	47,657
Notice publication expenses	6,825	715
Other expenses <sup>(a)</sup>	9,840	9,501
	<u>69,947</u>	<u>61,762</u>

(a) Includes audit fee of \$9,000 (2013); \$8,800 (2012).

**Note 6. Income from State Government**

	2013	2012
	\$	\$
Grant from the Department of the Attorney General	71,000	68,800
Resources received free of charge from other state government agencies during the period: <sup>(a)</sup>		
Department of the Attorney General		
- secretarial and management support	49,441	47,657
<b>Total Income from State Government</b>	<u>120,441</u>	<u>116,457</u>

(a) Resources received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. The value of the resources received free of charge recognised during the period was calculated based on estimates and information provided by agencies.

**Note 7. Receivables**

	2013	2012
	\$	\$
<u>Current</u>		
GST receivable	1,016	641
<b>Total Current</b>	<u>1,016</u>	<u>641</u>

**Note 8. Other assets**

	2013	2012
	\$	\$
<u>Current</u>		
Prepayments	40	40
<b>Total current</b>	<u>40</u>	<u>40</u>

**Note 9. Payables**

	2013	2012
	\$	\$
<u>Current</u>		
Trades and other creditors <sup>(a)</sup>	-	-
<b>Total current</b>	<u>-</u>	<u>-</u>

(a) There were no trade and other creditors at balance sheet date



Notes to the Financial Statements – 30 June 2013 (continued)

**Note 10. Equity**

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

	2013	2012
	\$	\$
<b>Contributed equity</b>		
Balance at start of period	39,335	39,335
<b>Balance at end of period</b>	<u>39,335</u>	<u>39,335</u>
<b>Accumulated surplus/(deficit)</b>		
Balance at start of period	553	(4,556)
Result for the period	908	5,109
<b>Balance at end of period</b>	<u>1,461</u>	<u>553</u>
<b>Total Equity at end of period</b>	<u>40,796</u>	<u>39,888</u>

**Note 11. Notes to the Statement of Cash Flows**

**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 Financial Position as follows:

	2013	2012
	\$	\$
Cash and cash equivalents	39,740	39,207
	<u>39,740</u>	<u>39,207</u>

**Reconciliation of net cost of services to net cash flows used in operating activities**

	2013	2012
	\$	\$
Net cost of services	(119,533)	(111,34)
<u>Non-cash items</u>		
Resources received free of charge	49,441	47,657
<u>Change in operating assets and liabilities</u>		
Decrease in current payables	-	(3,262)
Change in GST in receivables/payables	(375)	(184)
<b>Net cash used in operating activities</b>	<u>(70,467)</u>	<u>(66,769)</u>



Notes to the Financial Statements – 30 June 2013 (continued)

**Note 12. Explanatory statement**

Significant variations between estimates and actual results for income and expense are shown below. Significant variations are considered to be those greater than 5% or \$7,000.

**Significant variances between estimated and actual for 2013**

	2013 Estimate \$	2013 Actual \$	Variance \$
<b>Expense</b>			
Advertising expenses	3,500	3,841	341
Resources received free of charge (note 6)	54,000	49,441	(4,559)
Notice publication expenses	6,600	6,826	226
Other expenses	11,180	9,840	(1,340)
Board member fees	50,195	49,586	(609)
<b>Income</b>			
Resources received free of charge (note 6)	54,000	49,441	(4,559)
Grants	72,000	71,000	(1,000)

Resources received free of charge (note 6)

Secretarial and management support costs from the Department of the Attorney General were less than expected.

Advertising expense

Advertising expenses were more than estimated mainly due to an increase in the reviews commenced.

Other expense

This variance is mainly due to less than expected costs for website maintenance and an over estimation of audit fees for 2012/13.

**Significant variances between actual results for 2013 and 2012**

	2013 Actual \$	2012 Actual \$	Variance \$
<b>Income</b>			
Resources received free of charge	49,441	47,657	1,784
<b>Expense</b>			
Other expenses	69,947	61,762	8,185

Resources received free of charge (note 6)

The increase is mainly due to an increment in salaries as per the Public Service General Agreement during 2012-13.

Other expenses

The increase in other expenses between 2012 and 2013 is mainly due to the increase in the number of reviews conducted and finalised by the Committee.



## Notes to the Financial Statements – 30 June 2013 (continued)

### Note 13. Financial instruments

#### (a) Financial risk management objectives and policies

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

##### Credit risk

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. Credit risk also arises from cash and cash equivalents held at banks and financial institutions.

The maximum exposure to credit risk at the end of the reporting period 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 13(c) 'Financial Instruments Disclosures' and Note 7 'Receivables'.

The credit risk associated with the Committee's financial assets is minimal. The Committee does not have any significant credit risk as services are provided only to government agencies. In addition, receivable balances are monitored on an ongoing basis with the result that the Committee's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk other than in respect of cash and cash equivalents.

##### Liquidity risk

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

##### Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Committee income on the value of its holdings of financial instruments. The Committee does not trade in foreign currency and is not materially exposed to other price risks because it does not hold investments in securities or bonds.

The Committee is not exposed to interest rate risk because cash and cash equivalents are non-interest bearing and it has no borrowings therefore neither the carrying amount nor the future cash flows will fluctuate because of a change in market interest rates.

#### (b) Categories of financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are:

	2013	2012
	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	39,740	39,207
Loans and receivables <sup>(a)</sup>	-	-
	<u>39,740</u>	<u>39,207</u>
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	-	-
	<u>-</u>	<u>-</u>

(a) The amount of loans and receivables exclude GST recoverable from the Australian Taxation Office (statutory receivable) and prepaid expenses.

#### (c) Financial instruments disclosures

##### Credit risk

The following table details the Committee's maximum exposure to credit risk and the ageing analysis of financial assets. The Committee's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets.





Notes to the Financial Statements – 30 June 2013 (continued)

**Note 13. Financial instruments (continued)**

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

**Ageing analysis of financial assets**

	Carrying Amount \$	Not past due and not impaired \$	Past due but not impaired					Impaired financial assets \$
			Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$	
<b>2013</b>								
Cash and cash equivalents	39,740	39,740	-	-	-	-	-	-
Receivables <sup>(a)</sup>	-	-	-	-	-	-	-	-
	<b>39,740</b>	<b>39,740</b>						
<b>2012</b>								
Cash and cash equivalents	39,207	39,207	-	-	-	-	-	-
Receivables <sup>(a)</sup>	-	-	-	-	-	-	-	-
	<b>39,207</b>	<b>39,207</b>						

(a) The amount of receivables excludes the GST recoverable from the Australian Taxation Office (statutory receivable) and prepaid expenses.

Liquidity risk

The following table details the contractual maturity analysis of financial assets and financial liabilities.

**Maturity analysis of financial assets and financial liabilities**

	Carrying Amount \$	Nominal Amount \$	Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
<b>2013</b>							
<u>Financial Assets</u>							
Cash and cash equivalents	39,740	39,740	39,740	-	-	-	-
Receivables <sup>(a)</sup>	-	-	-	-	-	-	-
Loans and advances	-	-	-	-	-	-	-
	<b>39,740</b>	<b>39,740</b>	<b>39,740</b>				
<u>Financial Liabilities</u>							
Payables	-	-	-	-	-	-	-
<b>2012</b>							
<u>Financial Assets</u>							
Cash and cash equivalents	39,207	39,207	39,207	-	-	-	-
Receivables <sup>(a)</sup>	-	-	-	-	-	-	-
	<b>39,207</b>	<b>39,207</b>	<b>39,207</b>				
<u>Financial Liabilities</u>							
Payables	-	-	-	-	-	-	-

(a) The amount of receivables excludes the GST recoverable from the Australian Taxation Office (statutory receivable) and prepaid expenses.

Fair values

All financial assets and liabilities recognised in the Statement of Financial Position are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.



**Notes to the Financial Statements – 30 June 2013 (continued)**

**Note 14. Remuneration of members of the Committee**

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

\$	2013	2012
0 - 10,000	5	5
10,001 - 20,000	1	1
	\$	\$
Base remuneration and superannuation	49,586	49,586
Other benefits	-	-
<b>Total remuneration of members of the Committee</b>	<b>49,586</b>	<b>49,586</b>

(a) The total remuneration includes the superannuation expense incurred by the Committee in respect of members of the Committee.

No members of the Committee are members of the Pension Scheme.

**Note 15. Remuneration of auditor**

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

	2013	2012
	\$	\$
Auditing the accounts, financial statements and key performance indicators	9,000	8,800

**Note 16. Contingent liabilities and contingent assets**

There were no contingent liabilities or contingent assets as at 30 June 2013 (2012: nil).

**Note 17. Events occurring after the end of the financial period**

There were no events occurring after the balance date at the end of the financial year.

**Note 18. Related bodies**

The Committee had no related bodies during the financial year (2012: nil).

**Note 19. Affiliated bodies**

The Committee had no related bodies during the financial year (2012: nil).

**Note 20. Supplementary financial information**

There were no losses of public moneys or other public property through theft or default during the financial year (2012: nil).

There were no write offs of public money or other public property during the financial year (2012: nil).

There were no gifts of public property during the financial year (2012: nil).





## Key performance indicators

# Certification of Key Performance Indicators

For the year ended 30 June 2013

I hereby certify that the Key Performance Indicators are based on proper records, are relevant and appropriate for assisting users to assess the Legal Costs Committee's performance, and fairly represent the performance of the Legal Costs Committee for the financial year ended 30 June 2013.

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T Sharp  
Chairman of the Legal Costs Committee

10 September 2013



# Performance indicators 2012-2013

## RELATIONSHIP TO GOVERNMENT GOALS

Broad government goals are supported at agency level by specific outcomes. Agencies deliver services to achieve these outcomes. The following table illustrates the relationship between the agency's service and desired outcome, and the government goal it contributes to. The key effectiveness indicators measure the extent of impact of the delivery of services on the achievement of desired outcomes. The key efficiency indicators monitor the relationship between the service delivered and the resources used to produce the service.

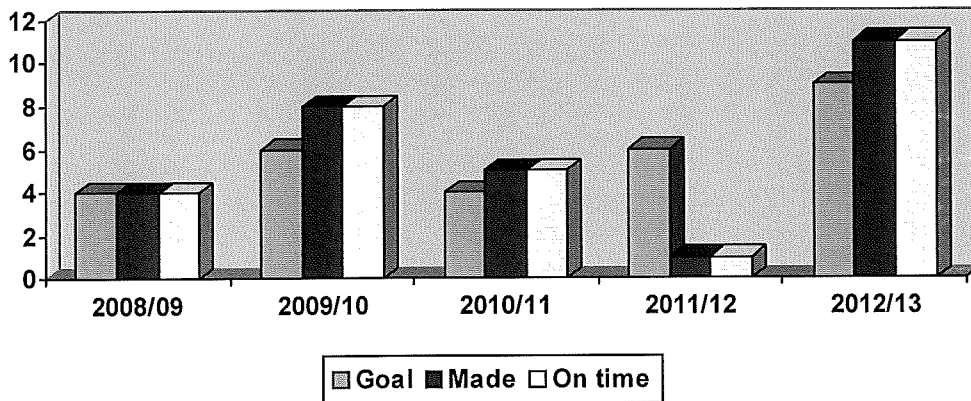
Government Goal	Desired Outcome	Service
<p>Results-Based Service Delivery:</p> <p>Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.</p>	<p>In accordance with Section 276 of the Legal Profession Act 2008, to review each determination in force at least once in the period of two years in the following jurisdictions:</p> <ul style="list-style-type: none"> <li>• Supreme Court (Contentious Business)</li> <li>• District Court (Appeals) (Contentious Business)</li> <li>• Supreme Court &amp; District Court (Criminal)</li> <li>• Magistrates Court (Civil)</li> <li>• Magistrates Court (Criminal)</li> <li>• Non-Contentious Probate Costs</li> <li>• Solicitors Costs</li> <li>• Official Prosecutions (Accused's Costs)</li> <li>• Public Notaries</li> <li>• State Administrative Tribunal</li> <li>• Family Court of Western Australia</li> </ul>	<p>1. Review of determination</p>



## EFFECTIVENESS INDICATOR

The extent to which Legal Costs Committee determinations are completed in accordance with established deadlines, including the goals set out at item 2 of the Annual Report for the year ended 30 June 2012.

**Performance Measure:** The number of Committee determinations made during the year and completed on time.



**The Committee stated its intention to make determinations during the financial year ended 30 June 2013 in respect of:**

- (a) Legal Practitioners (Supreme Court) (Contentious Business);
- (b) Legal Practitioners (Supreme and District Court) (Criminal Jurisdictions);
- (c) Legal Practitioners (District Court Appeals) (Contentious Business);
- (d) Legal Practitioners (Magistrates Court) (Civil);
- (e) Legal Practitioners (Magistrates Court) (Criminal);
- (f) Legal Practitioners (State Administrative Tribunal);
- (g) Legal Practitioners (Family Court of Western Australia);
- (h) Legal Practitioners (Official Prosecutions) (Accused's Costs); and
- (i) Legal Practitioners (Solicitors Costs).

The Legal Costs Committee does not employ staff but the administrative function is undertaken at no cost by staff from the Department of the Attorney General. As such, the development of further effectiveness indicators would not be meaningful or relevant.



## **EFFICIENCY INDICATOR**

Efficiency Indicator measures cost per determination.

- (a) Four determinations were made in the 2008/2009 financial year at a cost of \$26,931 per determination.
- (b) Eight determinations were made in the 2009/2010 financial year at a cost of \$14,726 per determination.
- (c) Five determinations were made in the 2010/2011 financial year at a cost of \$22,562 per determination.
- (d) One determination was made in the 2011/2012 financial year at a cost of \$111,348.
- (e) Eleven determinations were made in 2012/2013 financial year at a cost of \$10,867 per determination.

