



The Law Reform Commission
of Western Australia

ANNUAL REPORT

1 July 2010 – 30 June 2011

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STATEMENT OF COMPLIANCE



Statement of Compliance with the Financial Management Act

Hon Christian Porter MLA
Treasurer, Attorney General for Western Australia
Level 21, Governor Stirling Tower
197 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 2011.

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

6 September 2011

MESSAGE FROM THE CHAIR



Mary Anne Kenny

THE COMMISSION'S REFERENCES

The Commission has had a busy and eventful year. The *Juries Legislation Amendment Act 2011* came into force in May 2011. The Act amended the *Juries Act 1957* (WA) and implemented a substantial majority of the Commission's recommendations from its Final Report on *Selection, Eligibility and Exemption of Jurors* (Project 99) which was completed in April 2010 and tabled in November 2010. The amendments bring about the most substantial changes to the Western Australian jury system in recent history. The amendments picked up many of the Commission's recommendations for making juries more representative of the community and broadening the pool of potential jurors participating in jury service by reducing the categories of occupational ineligibility; tightening the grounds for excuse for cause and introducing a system of deferral of jury service.

Work has continued on a number of important and wide ranging references. During our Review of Coronial Practice in Western Australia it became clear that the coronial system is not only difficult to access for many Western Australians, but it is also difficult to understand. As a result the Commission released a Background Paper on the coronial jurisdiction in September 2010 that aimed to assist the public to understand both the legislative and practical operations of the jurisdiction.

A thorough consultation process continued throughout the metropolitan and regional areas of Western Australia. The Commission and its project team met with over 180 professionals who work in the coronial jurisdiction and were contacted by 113 members of the public

who wanted to share their experiences with the Coroners Court.

In June 2011 the Commission released its comprehensive Discussion Paper on the Review of Coronial Practice in Western Australia. In drafting its proposals, the Commission had regard to eight key objectives, including the need to reduce delay in the coronial process; the need to promote public confidence in the coronial system, and the need to enhance the role and support of families in the coronial process. Submissions are now being received and a Final Report outlining the Commission's recommendations is expected in December 2011.

In February 2011, the Commission released its Discussion Paper on the *Community Protection (Offender Reporting) Act 2004*. Thorough research was undertaken regarding the characteristics of sex offenders; the purpose and operation of registration schemes in Australia and overseas and the effect of registration. Again, the Commission consulted widely in both metropolitan and regional Western Australia and obtained clear case studies which were presented throughout the paper. Submissions have now been received and drafting of the Commission's final recommendations is now underway.

The Commission expects to conclude both these current references at the end of 2011. In May 2011 the Commission received new terms of reference on Complaints Against Judiciary. In July 2011 the Commission received a further reference on Representative Proceedings. Full terms of reference for both these projects can be found at Appendix 1 of the Annual Report. Although both these references are still in their infancy, it is expected that relevant reports will be released some time in 2012.

OTHER ACTIVITIES

Both Heather Kay and I were able to attend the Biannual Australasian Law Reform Agencies Conference (ALRAC) in Brisbane in September 2010. It was a great opportunity to discuss a range of law reform issues with other law reform bodies in the Asia Pacific region. Importantly we were able to strengthen our pre-existing links with the Samoan Law Reform Commission.

The Commission would like to congratulate former Commissioner Gillian Braddock SC on her appointment as a District Court Judge this year. We would also like to congratulate our current Commissioner Rob Mitchell SC who was recently appointed as acting Solicitor General. Their appointments reflect the esteem in which Law Reform Commissioners are held and we wish them well with their future careers.

ACKNOWLEDGEMENTS

The achievements documented in this Annual Report would not have been possible without the hard work and dedication of the many experts and specialists who willingly provide their skills and knowledge to the Commission to ensure the success of a reference. Their ongoing commitment to the work of the Commission is greatly appreciated.

The references on the Coronial system and on the *Community Protection (Offender Reporting) Act 2004* has involved some very sensitive and difficult issues. The Commission would not have been able to perform its tasks were it not for the generous participation of key organisations and community members who are effected by or working in these areas. Their dedication and commitment to reforming the law to ensure that it operates in a fair and just manner has been an inspiration. Their dedication and desire to contribute to the work of the Commission is highly regarded and vital to our purpose.

The Commission thanks the Attorney General for his continued interest in our work and for his commitment to the area of law reform. We would also like to acknowledge the support of the Department of the Attorney General for providing us with support in the areas of IT, HR and Finance.

Finally and certainly not least the Commission would not be able to function without the dedicated and exceptional staff of the Commission: Heather Kay, Sharne Cranston and Saras Mohann.

Mary Anne Kenny

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.

PERFORMANCE HIGHLIGHTS

A Review of Coronial Practice in Western Australia

In September 2010 the Commission released its Background Paper on the *Review of Coronial Practice in Western Australia*. The purpose of the Background Paper was to gain insight into the Western Australian community's experience of the coronial jurisdiction. The Commission also consulted extensively with those recognised as experts in the area of coronial law, as well as those intimately involved with the delivery of coronial services in Western Australia. These wide-ranging consultations were reflected in the comprehensive Discussion Paper released in June 2011. A five week submissions period has now concluded and a Final Report is expected in December 2011.

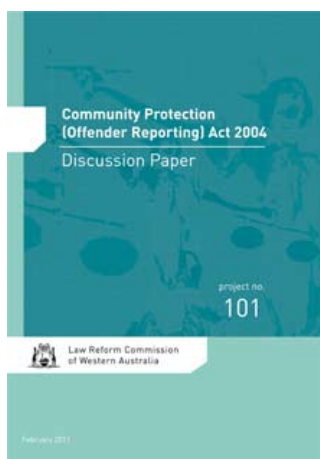
After several applications from various interested stakeholders for extensions to the deadline, the submission period concluded in June 2011. Work has now commenced on the drafting of a Final Report which is expected to be released in December 2011.

NEW REFERENCES

In April 2011 the Commission met with the Attorney General Christian Porter to discuss future references. In May 2011 the Commission received a new reference on Complaints Against the Judiciary, and later in July, a reference on Representative Proceedings (full terms of reference and other details can be viewed in Appendix 1 of the Annual Report). Although both references are in the early stages of development, foundation research has commenced with relevant reports expected in 2012.

Community Protection (Offender Reporting) Act 2004

After consulting with over 80 individuals from numerous agencies throughout metropolitan and regional Western Australia and examining a number of case examples to ensure practical proposals for reform were put forward for consideration, the Commission released its Discussion Paper on the *Community Protection (Offender Reporting) Act 2004* in February 2011. The Discussion Paper examined the impact of the *Community Protection (Offender Reporting) Act* on juvenile and adult reportable offenders to determine if compulsory registration remains appropriate of whether a discretionary approach is warranted.



OVERVIEW OF THE LAW REFORM COMMISSION

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 user-friendly website at 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 website received more than approximately 166,000 hits throughout 2010/11.

During the past year the Commission's staff handled over 6,400 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 delay in completing the Commission's large reference on Review of Coronial Practice in Western Australia has had a consequential effect on the Commission's financials in the 2010/2011 Financial Year. Because of the size of this reference and the need to allocate a great deal of resources to it, the Commission was unable to take on additional new references. As this reference will be completed by December 2011, the Commission has been able to seek and has now received two additional references which will utilise the remaining unexpended funds.



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. Christian Porter MLA, Attorney General/Treasurer.

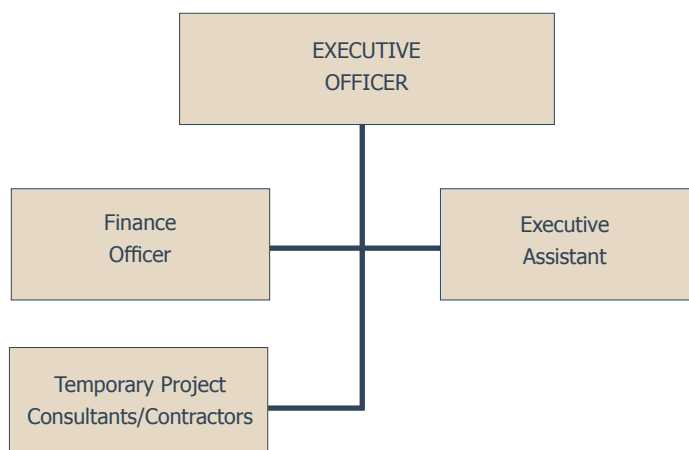
Law Reform Commission of Western Australia (the 'Commission' or 'LRCWA') reviews areas of the law upon reference from the Attorney General to identify the opportunities for reform. References may result from proposals submitted by the Commission, suggestions made by the public or topics of interest to 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.



OVERVIEW OF THE LAW REFORM COMMISSION

Chairman

Pursuant to section 5 of the Law Reform Commission Act 1972, 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.

Ms Mary Anne Kenny was re-elected as Chair of the Commission on 20 April 2011.



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 and has been there 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.

Members

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).



Richard Douglas was appointed to the Commission on 1 June 2010. He is a barrister at Francis Burt Chambers having obtained a Bachelor of Arts and a Bachelor of Laws from the Australian National University. Prior to joining the bar in Western Australia, he practiced as a solicitor at Blake Dawson in Perth and as an attorney with Simpson Thacher & Bartlett in New York. He specialises in the areas of civil, commercial and securities litigation and corporate reconstruction and insolvency.



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



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:

- Auditor General Act 2006;
- Disability Services Act 1993;
- Electoral Act 1907;
- Equal Opportunity Act 1984;
- Evidence Act 1906; Acts Amendment (Evidence) Act 2000;
- Financial Administration and Audit Act 1985;
- Freedom of Information Act 1992;
- 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

LEGISLATIVE CHANGE

There were no statutory changes or significant judicial decisions affecting the LRCWA in 2010–11.

MEETINGS OF THE COMMISSION

The Commission held one Project Meeting and seven Commission Meetings during the 2010/11 financial year. These meetings were primarily devoted to discussing the progress of the Commission's references on the Review of Coronial Practice in Western Australia and the *Community Protection (Offender Reporting) Act 2004*. The Commission also met with the Attorney General once during 2010/11 to discuss the progress on the Commission's references and to receive additional topics to review.

OVERVIEW OF THE LAW REFORM COMMISSION

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 the public, managing the regular operations of a government agency, processing submissions, maintaining the Commission's website, and assisting consulting writers, editors and researchers.

Staff 2010–11

Other staff members throughout 2010–11 were:

Robert Clark
Alice Drury
Annabel Lagrange
Cheryl MacFarlane
Clare McKay
Elizabeth Scaife
Nicholas Tiverios
Joanna Yoon

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

OFFICE

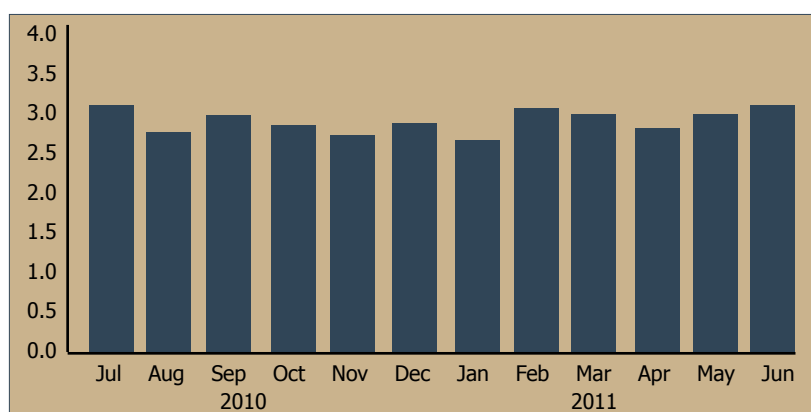
The Commission may be reached by telephone on (08) 9321 4833; fax (08) 9321 5833; and e-mail: lrcwa@justice.wa.gov.au. The Commission's website is located at: www.lrc.justice.wa.gov.au. The administrative office is located at Level 3 of The BGC Centre, 28 The Esplanade, Perth.

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 2010/11.

Equivalent Full-Time Employees 2010–2011



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.

PERFORMANCE MANAGEMENT FRAMEWORK

OUTCOME BASED MANAGEMENT FRAMEWORK

Government Goal:

Outcomes Based Service Delivery – Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

The Law Reform Commission's desired outcome:

'The law is reviewed as requested by the Attorney General and stakeholders are kept informed' is best aligned with the Government's Goal to provide a 'greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.'

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 2010–11.

SHARED RESPONSIBILITIES WITH OTHER AGENCIES

The Law Reform Commission did not share any responsibilities with other agencies in 2010–11.

AGENCY PERFORMANCE

REPORT ON OPERATIONS

Research work continued on our reference entitled *Review of Community Protection (Offender Reporting) Act 2004*. A Discussion Paper was released in February 2011 with the proposals presented receiving widespread support. The drafting of the Final Report has commenced and is expected to be complete by the end of the year with the report to be released in December 2011.

In April 2010 the Commission received a draft paper on its reference entitled *Review of Coronial Practice in Western Australia* and engaged in extensive discussions with its project writer. In June 2010 it became necessary for the Commission to engage a new project writer. A Background Paper was released in September 2010 with a view to gaining an insight into the community's experience of the coronial jurisdiction. The Discussion Paper was completed and released in June 2011. It is envisaged the project will be completed by the end of the year with the Final Report expected in December 2011.

FINANCIAL TARGETS

ACTUAL RESULTS VERSUS BUDGET TARGETS

	2010–11 Target ⁽¹⁾ \$000	2010–11 Actual \$000	Variation ⁽²⁾ \$000
Total cost of services (expense limit) (sourced from Income Statement)	971	880	91 ^(a)
Net cost of services (sourced from Income Statement)	971	877	94 ^(a)
Total equity (sourced from Balance Sheet)	648	987	339 ^(a)
Net increase/ (decrease) in cash held (sourced from Cash Flow Statement)	Nil	197	197 ^(a)
	No.	No.	No.
Approved full-time equivalent (FTE) staff level	4	3 ^(b)	(1)

(1) As specified in the budget statements for the year in question.

(2) Further explanations are also contained in Note 20 'Explanatory Statement' to the financial statements.

(a) The reduction is due in part to delays in the progress of references and associated expenses (research, writing, editing, printing, postage etc) that were budgeted for this financial year but will be carried out in the next financial year as well as the Commission's inability to seek additional new references until its reference on the Review of Coronial Practice in Western Australia was nearing completion.

(b) The decrease is due to the Commission's commitment to increase the use of contracts for service to engage project writers, researchers and editors.

KEY PERFORMANCE INDICATORS

ACTUAL RESULTS VERSUS BUDGET TARGETS

Summary of key performance indicators	Target ⁽¹⁾	Actual	Variation ⁽²⁾
Outcome: <i>The law is reviewed as requested by the Attorney General and stakeholders are kept informed</i> Key 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	100%	90.62%	–9.38% ⁽²⁾
Service: <i>Publications on Law Reform</i> Key Efficiency Indicator: Average Cost per Publication Total Community Contacts Average Cost per Contact Number of Publications on Law Reform	\$307,483 3,000 \$16.18 3	\$278,660 6,449 \$6.28 3	\$(28,823) 3,449 \$9.90 0

(1) As specified in the budget statements for the year in question.

(2) Explanations for the variations between target and actual results of individual references are presented on [pages 36–39](#) of this Annual Report.

SIGNIFICANT ISSUES IMPACTING THE AGENCY

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 to identify areas of law in need of reform;
- an accessible and user friendly website; and
- plain English publications.

CHANGES IN WRITTEN LAW

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

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 one large reference and one targeted reference and has received two additional references which it will undertake in 2011–12 Financial Year.

DISCLOSURES AND LEGAL COMPLIANCE



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

Report on Financial Statements

I have audited the accounts and financial statements of the Law Reform Commission of Western Australia.

The financial statements comprise the Statement of Financial Position as at 30 June 2011, 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.

Commission's Responsibility for the Financial Statements

The Commission 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 Commission 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 Commission'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 Commission, 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 Law Reform Commission of Western Australia at 30 June 2011 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 Law Reform Commission of Western Australia. The Commission is responsible for ensuring that adequate control is maintained over the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

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

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

Opinion

In my opinion, the controls exercised by the Law Reform Commission of Western Australia 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.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Law Reform Commission of Western Australia. The Commission 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.

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 Standards.

Opinion

In my opinion, the key performance indicators of the Law Reform Commission of Western Australia are relevant and appropriate to assist users to assess the Commission's performance and fairly represent indicated performance for the year ended 30 June 2011.

Independence

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



COLIN MURPHY
AUDITOR GENERAL
5 September 2011

FINANCIAL STATEMENTS

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

DISCLOSURE AND LEGAL COMPLIANCE

Financial Statements

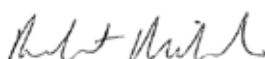
CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

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 2011 and the financial position as at 30 June 2011.

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
30 August 2011



Mr Robert Mitchell SC
Commissioner of Law Reform Commission
30 August 2011



Mary Anne Kenny
Chairman
Law Reform Commission of Western Australia
30 August 2011

FINANCIAL STATEMENTS

STATEMENT OF COMPREHENSIVE INCOME

For the Year Ended 30 June 2011

	Note	2011 \$	2010 \$
COST OF SERVICES			
Expenses			
Employee benefit expenses	4	361,432	342,566
Supplies and services	5	382,131	395,275
Depreciation and amortisation expense	6	1,246	1,246
Accommodation expenses	7	79,061	72,399
Other expenses	8	56,109	54,436
Total cost of services		879,979	865,922
Income			
Revenue:			
Other revenue	9	3,319	2,883
Total revenue		3,319	2,883
Total Income other than income from State Government		3,319	2,883
NET COST OF SERVICES		876,660	863,039
INCOME FROM STATE GOVERNMENT			
	10		
Service appropriation		971,000	944,000
Resources received free of charge		62,004	102,092
Total income from State Government		1,033,004	1,046,092
SURPLUS / (DEFICIT) FOR THE PERIOD		156,344	183,053
OTHER COMPREHENSIVE INCOME			
Gains/losses recognised directly in equity		—	—
Total other comprehensive		—	—
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		156,344	183,053

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

STATEMENT OF FINANCIAL POSITION

As at 30 June 2011

	Note	2011 \$	2010 \$
ASSETS			
Current Assets			
Cash and cash equivalents	18	1,098,182	900,923
Receivables	11	10,076	10,255
Amounts receivable for services	12	–	17,000
Other assets	13	404	3,387
Total Current Assets		1,108,662	931,565
Non-Current Assets			
Property, Plant and Equipment	14	397	1,643
Total Non-Current Assets		397	1,643
TOTAL ASSETS		1,109,059	933,208
LIABILITIES			
Current Liabilities			
Payables	15	35,248	20,171
Provisions	16	80,863	79,627
Total Current Liabilities		116,111	99,798
Non-Current Liabilities			
Provisions	16	5,497	2,303
Total Non-Current Liabilities		5,497	2,303
TOTAL LIABILITIES		121,608	102,101
NET ASSETS		987,451	831,107
EQUITY			
	17		
Contributed equity		17,000	17,000
Accumulated surplus/(deficit)		970,451	814,107
TOTAL EQUITY		987,451	831,107

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 2011

	Note	Contributed \$	Accumulated surplus/(deficit) \$	Total equity \$
BALANCE AT 1 JULY 2009	17	17,000	631,054	648,054
Total comprehensive income for the year		—	183,053	183,053
Transactions with owners in their capacity as owners				
Capital appropriations		—	—	—
Other contributions by owners		—	—	—
Distributions to owners		—	—	—
Total		—	—	—
Balance at 30 June 2010		17,000	814,107	831,107
BALANCE AT 1 JULY 2010		17,000	814,107	831,107
Total comprehensive income for the year		—	156,344	156,344
Transactions with owners in their capacity as owners				
Capital appropriations		—	—	—
Other contributions by owners		—	—	—
Distributions to owners		—	—	—
Total		—	—	—
Balance at 30 June 2010		17,000	970,451	987,451

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 2011

	Note	2011 \$	2010 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		971,000	942,000
Capital appropriations		–	–
Holding account drawdowns		17,000	–
Net cash provided by State Government		<u>988,000</u>	<u>942,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments:			
Employee benefits		(346,228)	(320,817))
Supplies and services		(368,950)	(357,673)
Accommodation		(79,061)	(72,399)
GST payments on purchases		(44,722)	(38,749)
Receipts:			
Other receipts		3,320	2,883
GST receipts on sales			
GST receipts from taxation authority		44,900	38,560
Net cash provided by/ (used in) operating activities	18	<u>(790,741)</u>	<u>(748,195)</u>
Net increase/(decrease) in cash held and cash equivalents		197,259	193,805
Cash and cash equivalents at the beginning of period		900,923	707,118
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	18	<u><u>1,098,182</u></u>	<u><u>900,923</u></u>

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

NOTES TO THE FINANCIAL STATEMENTS

1. Australian Accounting 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 2011 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 Commission has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The Commission cannot adopt an Australian Accounting Standard earlier than the commencement date unless specifically permitted by Treasurer's Instruction [TI] 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 Commission for the annual reporting period ended 30 June 2011.

2. Summary of significant accounting policies

(a) General Statement

The financial statements constitute general purpose financial statements that have 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 TI. Several of these are modified by the TI to vary the application, disclosure, format and wording.

The *Financial Management Act* and the TI are 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 Commission and no other related bodies.

(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) Mission

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

(f) 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 business activities 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 transfer to the purchaser and can be measured reliably.

Provision of services

Revenue is recognised on 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 fair 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 in the bank account or credited to the 'Amounts receivable for services' (Holding Account) held at Treasury.

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.

Gains

Realised or unrealised gains 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.

(g) Property, Plant and Equipment

Capitalisation/expensing of assets

Items of property, plant and equipment costing \$5,000 or more 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 \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

Initial recognition and measurement

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 cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

After initial 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

Depreciation

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

Depreciation is calculated using the straight line method, 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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NOTES TO THE FINANCIAL STATEMENTS (cont'd)

(h) Impairment of Assets

Property, plant and equipment assets are tested for any indication of impairment at the end of each reporting period. 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, where the replacement cost is falling, or where there is significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

(i) Leases

The Commission holds an operating lease for offices and a motor vehicle. Operating lease payments are expensed on a straight line basis over lease terms as this represents the pattern of benefits derived from the leased properties.

(j) Financial Instruments

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

- Receivables; and
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

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

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.

(k) Cash and Cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent includes restricted cash and cash equivalent, 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 (see note 15 'Payables') represent the amount due to staff but unpaid at 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 day in 2010-11 was 23 June 2011, therefore an accrual of 5 days was provided for this financial year.

(m) Amounts receivable for services (holding account)

The Commission receives income from the State Government partly in cash and partly as an asset (holding account receivable). The accrued amount appropriated is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(n) 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 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 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 settlement is generally within 30 days.

(p) 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 the end of each reporting period.

Provisions – employee benefits

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled.

Long service leave expected to be settled more than 12 months after the reporting period 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 end of the reporting period.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected long service leave future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period. Conditional long service leave provisions are classified as non-current liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Superannuation

The Government Employees Superannuation Board (GESB) administers public sector superannuation arrangements in Western Australia in accordance with legislative requirements.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme, closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS. The GESB makes all benefit payments in respect of the Pension Schemes and GSS, and is recouped from the Treasurer for the employer's share.

Provisions – Other

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

(q) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS.

(r) 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 at fair value. Where the resource received represents a service that the Commission would otherwise pay for a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services received from State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(s) 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 effective for annual reporting periods beginning on or after 1 July 2010 that impacted on the Commission.

2009-5: Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB, 58, 101, 107, 117, 118, 136 & 139].

Under amendments to AASB 117, the classification of land elements of all existing leases has been reassessed to determine whether they are in the nature of operating or finance leases. As leases of land and buildings recognised in the financial statements have not been found to significantly expose the Commission to the risks/rewards attributable to control of land, no changes to accounting estimates have been included in the Financial Statements and Notes to the Financial Statements.

Under amendments to AASB 107, only expenditures that result in a recognised asset are eligible for classification as investing activities in the Statement of Cash Flows. All investing cashflows recognised in the Commission's Statement of Cash Flows relate to increase in recognised assets.

Future impact of Australian Accounting Standards not yet operative

The Commission 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 Commission has not applied early any of the following Australian Accounting Standards that have been issued that may impact the Commission. Where applicable, the Commission plans to apply these Australian Accounting Standards and Interpretations from their application date.

Title	Operating for reporting periods beginning on/after
AASB 2009-11 Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12]. The amendment to AASB 7 Financial Instruments: Disclosures requires modification to the disclosure of categories of financial assets. The Commission does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.	1 January 2013
AASB 2009-12 Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2, 4, 16, 1039 & 1052]. This Standard introduces a number of terminology changes. There is no financial impact resulting from the application of this revised Standard.	1 January 2011
AASB 1053 Application of Tiers of Australian Accounting Standards. This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. The Standard does not have any financial impact on the Commission. However it may affect disclosures in the financial statements of the Commission if the reduced disclosure requirements apply. Department of Treasury and Finance (DTF) has not yet determined the application or the potential impact of the new Standard for agencies.	1 July 2013
AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements. This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities. The Standard is not expected to have any financial impact on the Commission. However this Standard may reduce some note disclosures in the financial statements of the Commission. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.	1 July 2013
AASB 2011-2 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project Reduced Disclosure Requirements [AASB 101 & 1054]. This Amending Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. DTF has not yet determined the application or the potential impact of the amendments to these standards for agencies.	1 January 2011
AASB 2010-5 Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042] (October 2010).	1 January 2011

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

Title	Operating for reporting periods beginning on/after
This Standard introduces a number of terminology changes as well as minor presentation changes to the Notes to the Financial Statements. There is no financial impact resulting from the application of this revised Standard.	
AASB 2010-6 Amendments to Australian Accounting Standards - Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]. This Standard makes amendments to Australian Accounting Standards, introducing additional presentation and disclosure requirements for Financial Assets. The Standard is not expected to have any financial impact on the Commission. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.	1 July 2011
AASB 9 Financial Instruments This Standard supersedes AASB 139 Financial Instruments: Recognition and Measurement, introducing a number of changes to accounting treatments. The Standard was reissued on 6 Dec 2010 and the Commission is currently determining the impact of the Standard. DTF has not yet determined the application or the potential impact of the Standard for agencies.	1 January 2013
AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9(December 2010) [AASB1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 136, 137, 139, 1023 & 1038 and interpretations 2, 5, 10, 12, 19 & 127] This Amending Standard makes consequential adjustments to other Standards as a result of issuing AASB 9 Financial Instruments in December 2010. DTF has not yet determined the application or the potential impact of the Standard for agencies.	1 January 2013
AASB 1054 Australian Additional Disclosures This Standard, in conjunction with AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.	1 July 2011
AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and interpretations 2, 112 & 113]. This Amending Standard, in conjunction with AASB 1054 Australian Additional Disclosures, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.	1 July 2011

	2011	2010
	\$	\$
4. Employee benefit expenses		
Wages and Salaries ^(a)	295,690	287,486
Superannuation – defined contribution plans ^(b)	28,588	26,529
Annual leave and long service leave ^(c)	37,154	28,551
	<u>361,432</u>	<u>342,566</u>
(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) Includes superannuation contribution component.		
5. Supplies and services		
Communications	14,270	8,792
Goods and supplies	6,066	7,976
Services and contracts	299,791	276,415
Resources received free of charge (note 11)	62,004	102,092
	<u>382,131</u>	<u>395,275</u>
6. Depreciation and amortisation expense		
Office equipment and furnishings	1,246	1,246
	<u>1,246</u>	<u>1,246</u>
7. Accommodation expense		
Building rental operating lease expenses	79,061	72,399
	<u>79,061</u>	<u>72,399</u>
8. Other expenses		
Printing	13,563	23,022
Insurance	8,425	9,630
Advertising	4,150	4,064
Other expenses ^(a)	29,971	17,720
	<u>56,109</u>	<u>54,436</u>
(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.		
9. Other revenues		
Vehicle contribution	2,998	2,844
Other revenue received	321	39
	<u>3,319</u>	<u>2,883</u>
10. Income from State Government		
Appropriation revenue received during the year:		
Service appropriations ^(a)	<u>971,000</u>	<u>944,000</u>

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

	2011 \$	2010 \$
Resources received free of charge ^(b)		
The Department of the Attorney General:		
Determined on basis of following estimates provided by the Department:		
- accounting, human resources and information technology services	55,709	96,681
Building Management Works		
- human resources and information technology services	6,295	5,411
	62,004	102,092
	1,033,004	1,046,092
(a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset).		
(b) Assets or services received free of charge or for nominal cost, are recognised as revenue at the fair value of the assets and/or that can be reliably measured and which would have been purchased if they were not donated. Contributions of assets or services in the nature of contributions by owners, are recognised direct to equity.		
11. Receivables		
Current:		
GST receivable	10,076	10,255
Total Current	10,076	10,255
12. Amounts receivable for services		
Current	—	17,000
	—	17,000
Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.		
13. Other asset		
Current:		
Prepayments	404	3,387
Total Current	404	3,387
14. Property, Plant and Equipment		
Office equipment		
At cost	6,231	6,231
Accumulated depreciation	(5,834)	(4,588)
	397	1,643
Reconciliation		
Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out in the table below:		

	2011	2010
	\$	\$
Carrying amount at start of year	1,643	2,889
Additions	—	—
Transfers	—	—
Other disposals classified as held for sale	—	—
Revaluation increments	—	—
Impairment losses	—	—
Impairment losses reversed	—	—
Depreciation	(1,246)	(1,246)
Carrying amount	397	1,643

15. Payables

Current		
Trade and other creditors	26,712	15,387
Accrued salaries	8,536	4,784
	35,248	20,171

16. Provisions

Current

Employee benefit provision		
Annual leave ^(a)	14,363	17,910
Long service leave ^(b)	59,629	52,550
Superannuation on-cost	6,126	8,450
	80,118	78,910

Other Provisions –

Employment on-costs: ^(c)

Carrying amount at start of period	717	290
Additional provisions recognised	28	427
Carrying amount at end of period	745	717
	80,863	79,627

Provisions: Non-current

Employee benefits provision:		
Long service leave ^(b)	5,045	2,019
Superannuation on-cost	401	263
	5,446	2,282
Employment on-costs: ^(c)		
Carrying amount at start of period	21	352
Additional provisions recognised	30	(331)
Carrying amount at end of period	51	21
	5,497	2,303

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 Months of the end of reporting period	14,363	17,910
More than 12 Months after the reporting period	—	—
	14,363	17,910

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

	2011 \$	2010 \$
(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 the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:		
Within 12 months of the end of reporting period	59,629	52,550
More than 12 months after the reporting period	5,045	2,019
	<u>64,674</u>	<u>54,569</u>

(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.

17. 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:

Balance at start of period	17,000	17,000
Capital contribution	—	—
Balance at end of period	<u>17,000</u>	<u>17,000</u>
Accumulated surplus/(deficit):		
Balance at start of period	814,107	631,054
Result for the period	156,344	183,053
Balance at end of period	<u>970,451</u>	<u>814,107</u>

18. Notes to the Cash Flow Statement

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:

Cash and cash equivalents	1,098,182	900,923
	<u>1,098,182</u>	<u>900,923</u>

Reconciliation of net cost of services to net cash flows provided by/ (used in) operating activities

Net cost of services	(876,660)	(863,039)
Non-cash items:		
Depreciation	1,246	1,246
Resources received free of charge	62,004	102,092
(Increase) / decrease in assets:		
Current receivables		
Other current assets	2,983	(2,404)

	2011	2010
	\$	\$
Increase / (decrease) in liabilities:		
Current payables	11,325	929
Current provisions	1,236	47,883
Accrued salaries	3,752	1,259
Non-current provisions	3,194	(35,972)
Change in GST receivables/payables	179	(189)
Net cash provided by/(used in) operating activities	(790,741)	(748,195)

19. Commitments

The commitments below are inclusive of GST where relevant.

Lease commitments

Commitments in relation to leases contracted for as at the end of the reporting period but not recognised as liabilities in the financial statements, are payable as follows:

Within 1 year	73,919	37,433
Later than 1 year and not later than 5 years	58,431	7,480
Later than 5 years	–	–
	<u>132,350</u>	<u>44,913</u>
Representing:		
Cancellable operating leases	–	–
Non-cancellable operating leases	132,350	44,913
	<u>132,350</u>	<u>44,913</u>

Non cancellable operating lease commitments

Commitments for minimum lease payments are payable as follows:

Within 1 year	73,919	37,433
Later than 1 year and not later than 5 years	58,431	7,480
Later than 5 years	<u>132,350</u>	<u>44,913</u>

The Commission has entered into a property lease which is a non-cancellable lease with a two year term, with rent payable monthly in advance. Contingent rent provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of CPI or 4% per annum.

20. 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 estimate and actual result for the financial year –

	Estimate 2011	Actual 2011	Variation
	\$	\$	\$
Expenses			
Employee benefits expenses	374,000	361,432	(12,568)
Supplies and Services	398,000	382,131	(15,869)
Other expenses	106,000	56,109	(49,891)

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

Employee benefits expenses

The reduction in employee benefits is largely due to the delay in finalising the new references (projects undertaken as requested by the Attorney General) resulting in associated costs relating to research, editing and proof reading not being incurred in the 2010-2011 financial year.

Supplies and services

The supplies and service costs in 2010-2011 is less than the estimate following the delay in the progress of the new projects undertaken as requested by the Attorney General.

Other expenses

The decrease is mainly due to delays in the progress of references and associated costs relating to travel, printing, postage etc had not been incurred in this financial year 2010-2011.

Significant variances between actual and prior year actual:

	Actual 2011	Actual 2010	Variation
Expenses	\$	\$	\$
Employee benefits expenses	361,432	342,566	18,866
Supplies and services	382,131	395,275	(13,144)
Accommodation expense	79,061	72,399	6,662

Employee benefits expenses

The increase is a result of the application of new public sector award rates to the base salaries and additional annual leave in 2010-2011 compared to 2009-2010.

Supplies and services

The decrease is due to fewer new projects being undertaken in 2010-2011 compared to 2009-2010 resulting in lesser expenses relating to services and supplies.

Accommodation expenses

The increase in accommodation expenses is mainly due to the increase in variable costs and general rental market associated with the accommodation lease.

21. Financial instruments

(a) Financial Risk Management Objectives and Policies

Financial instruments held by the Commission are cash and cash equivalents, 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.

Credit risk

Credit risk arises when there is the possibility of the Commission's receivables defaulting on their contractual obligations resulting in financial loss to the Commission.

The maximum exposure to credit risk at 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 21(c) 'Financial Instruments Disclosures' and Note 12 'Receivables'.

The credit risk associated with the Commission's financial assets is minimal because the main receivable is the amounts receivable for services. The Commission trades only with recognised, creditworthy third parties. It 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 Commission's exposure to bad debts is minimal. At the end of the reporting period, there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Commission is unable to meet its financial obligations as they fall due. The Commission is exposed to liquidity risk through its trading in the normal course of business.

The Commission 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

The Commission is not exposed to interest rate risk because cash and cash equivalents are non-interest bearing and it has no borrowings.

(b) Categories of Financial Instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows:

	2011 \$	2010 \$
Financial Assets		
Cash and cash equivalents	1,098,182	900,923
Receivables ^(a)	–	17,000
	<u>1,098,182</u>	<u>917,923</u>
Financial Liabilities		
Financial liabilities measured at amortised cost	35,248	20,171
	<u>35,248</u>	<u>20,171</u>

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

(c) Financial Instrument disclosures

The following table details the Commission's exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Commission'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. The table is based on information provided to senior management of the Commission.

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

The Commission 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.

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

Interest rate exposures and maturity analysis of financial assets ^(a)

	Interest rate exposure				Maturity dates	
	Weighted average interest rate	Carrying amount	Variable interest rate	Non bearing interest	Within 1 year	Over 5 years
Financial assets	%	\$	\$	\$'	\$'	\$
2011						
Cash and cash equivalent assets		1,098,182	–	1,098,182	–	–
Restricted cash and cash equivalent assets	–	–	–	–	–	–
Receivables	–	–	–	–	–	–
Loans and advances	–	–	–	–	–	–
Amounts receivable for services	–	–	–	–	–	–
Total financial assets		1,098,182	1,098,182			
2010						
Cash and cash equivalent assets	–	900,923	–	900,923	–	–
Restricted cash and cash equivalent assets	–	–	–	–	–	–
Receivables	–	–	–	–	–	–
Loans and advances	–	–	–	–	–	–
Amounts receivable for services	–	17,000	–	17,000	–	–
Total financial assets	–	917,923	–	917,923	–	–

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

Liquidity risk:

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes interest and principal cash flows. An adjustment has been made where material.

Interest rate exposures and maturity analysis of financial liabilities ^(a)

Financial liabilities

2011

Payables	–	26,712	–	26,712	–	–
Other borrowings	–	8,536	–	8,536	–	–
Finance lease liabilities	–	–	–	–	–	–
Total financial liabilities	–	35,248	–	35,428	–	–

2010

Payables	–	15,387	–	15,387	–	–
Other borrowings	–	4,784	–	4,784	–	–
Finance lease liabilities	–	–	–	–	–	–
Total financial liabilities	–	20,171	–	20,171	–	–

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

Net Fair Values:

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

22. Remuneration of Members of the accountable authority and senior officers

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:

	2011	2010
\$ 20,001 - \$ 30,000	1	2
\$ 30,001 - \$ 40,000	1	–
Total remuneration of members of the Commission:	<u>\$61,181</u>	<u>\$47,252</u>

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:

\$ 125,001 - \$ 135,000	1	1
Total remuneration of senior officers ^(a) :	<u>\$132,254</u>	<u>\$130,539</u>

(a) 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.

23. 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>\$10,800</u>	<u>\$10,800</u>
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24. Supplementary Financial Information

- There were no losses of public moneys or other public property through theft or default during the financial year (2010: nil).
- There were no write offs of public money or other public property during the financial year (2010: nil).
- There were no gifts of public property during the financial year (2010: nil).
- There were no contingent liabilities as at 30 June 2011 (2010: nil).
- There were no events occurring after the end of the reporting period.
- The Commission had no related bodies during the financial year (2010: nil).
- The Commission had no affiliated bodies during the financial year (2010: nil).

KEY PERFORMANCE INDICATORS

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

KEY PERFORMANCE INDICATORS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2011

CERTIFICATION OF PERFORMANCE INDICATORS

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Law Reform Commission of Western Australia's performance, and fairly represent the performance of the Law Reform Commission of Western Australia for the year ended 30 June 2011.



Mary Anne Kenny
Chairman
Law Reform Commission of Western Australia
30 August 2011

**GOVERNMENT STRATEGIC
GOAL: OUTCOME BASED
SERVICE DELIVERY**

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

**THE COMMISSION'S
STRATEGIC OBJECTIVE**

MISSION:

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

DESIRED OUTCOME:

The law is reviewed as requested by the Attorney General and stakeholders are 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 two references in the year 2010–2011. The effectiveness of each of the reference is measured separately as shown below.

KEY PERFORMANCE INDICATORS

REVIEW OF CORONIAL PRACTICE IN WESTERN AUSTRALIA

Table A Key:

- (a) Original planned completion date for the Discussion Paper: The publication of the Discussion Paper was delayed due to the wide-ranging consultations undertaken by the project writer.
- (b) Revised completion date for the Discussion Paper. Following a detailed research and analysis phase, work commenced on the drafting of the Discussion Paper.
- (c) Due to several unexpected delays a draft paper was not received until April 2010. The Commission reviewed the draft and engaged in extensive discussions with the project writer. In June 2010 it became necessary for the Commission to engage a new project writer.
- (d) In September 2010 a Background Paper was released with a view to gaining an insight into the Western Australian community's experience of the coronial jurisdiction.
- (e) The Discussion Paper was completed and released online in June 2011. The hardcopy report will be published and distributed in early July 2011.
- (f) A draft Final Report is expected to be completed by December 2011.

Table A shows the progress to date, the phases completed and target completion dates for the *Review of Coronial Practice in Western Australia* ('Coroners') reference in 2010–2011.

Table A – Progress Towards Coroners Project Outcomes

November 2007	Review of Coronial Practice in Western Australia Terms of Reference received
April 2008	Appointment of the project writer and pre-contract negotiations
July 2009 ^(a)	Intensive consultation and research phase completed
December 2009 ^(b)	Discussion Paper expected to be completed
April 2010 ^(c)	Draft Discussion Paper received
September 2010 ^(d)	Background Paper released
June 2011 ^(e)	Discussion Paper completed
December 2011 ^(f)	Final Report is expected to be completed

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 Coroners project completed (elapsed time)

At 30 June 2011	Target	88%
	Actual	88%
	Variance	NIL

The Commission anticipates that the project will now be completed by the target date of December 2011.

REVIEW OF COMMUNITY PROTECTION (OFFENDER REPORTING) ACT 2004

Table C Key:

- (a) The original planned completion date for the Discussion Paper was September 2010. This completion date had to be revised to December 2010 to enable the project writer time to conduct further consultations with interested stakeholders and to undertake travel to various regional locations where relevant cases had occurred. The Discussion Paper was finally completed two months later in February 2011.
- (b) Due to the delay in the completion of the Discussion Paper, the Commission anticipates the Final Report to be completed by December 2011.

Table C shows the progress to date, the phases completed and target completion dates for the *Review of Community Protection (Offender Reporting) Act 2004* reference in 2010–2011.

Table C – Progress towards Community Protection Project Outcomes

April 2009	Review of Community Protection (Offender Reporting) Terms of Reference received
May 2009	Foundation research commenced
December 2010 ^(a)	Discussion Paper to be completed
February 2011	Discussion Paper was completed
December 2011 ^(b)	Final Report is to be completed

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 Community Protection project completed (elapsed time)

At 30 June 2011	Target	100%
	Actual	81.25%
	Variance	–18.75%

The Commission anticipates that the project will be completed by the target date of December 2011.

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 2010–2011	Actual 2010–2011	2009–2010	2008–2009
SERVICE:				
Total publications	3	3	4	5
Average cost per publication	\$307,483	\$278,600	\$205,656	\$177,415
Total community contacts	3,000	6,449	8,298	9,125
Average cost per contact	\$16.18	\$6.28	\$5.22	\$5.12

OTHER FINANCIAL DISCLOSURES

CAPITAL WORKS

The Commission has no capital works projects.

EMPLOYMENT AND INDUSTRIAL RELATIONS

Staff Profile

	2010-11	2009-10
Full-time permanent	2	2
Full-time contract	Nil	Nil
Part-time measured on an FTE basis	0.6	0.6
On secondment	Nil	Nil

Staff Development

The Commission has a commitment to the development and training of its employees to ensure a highly skilled, professional and fair workforce with the ability to adapt to changing business technology and the environment.

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 2010–11 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* 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.

The Commission has adopted the Public Sector Standards template Code of Conduct for government boards. Various measures are in place to ensure Commission staff are familiar with the WA Code of Ethics and the Commission's Code of Conduct. The Commission's Code of Conduct is available upon induction to all employees and responsibilities are included in job descriptions. Compliance is monitored by the Executive Officer.

In 2010–11 no breach claims were lodged in relation to either the Public Sector Standards or the WA Code of Ethics.

GOVERNMENT POLICY REQUIREMENTS

RECORDKEEPING PLAN

In accordance with the *State Records Act 2000*, section 29, the Law Reform Commission reviewed its Recordkeeping Plan (RKP) and provided a report to the State Records Commission as evidence of the evaluation of its recordkeeping practices. The report was tabled at the State Records Commission meeting on 22 June 2009. In accordance with Part 3, Division 4 of the Act, the Commission must review its RKP every five years or when there is any significant change to the organisation's functions. A report of the next review must therefore be submitted by the Commission to the State Records Office by 22 April 2014.

The Commission's RKP provides an accurate reflection of its recordkeeping program and is complied with by all staff. 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. The Commission's induction manual is reviewed periodically or when there are any significant changes to the Commission's functions.

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.

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 that it ensures the provision and maintenance of a safe and healthy work environment for its employees and the general public.

As the Commission's core staff are small in number (2.6 FTE in total), training opportunities have been limited. An external audit of the Commission's occupational safety and health management systems has also not occurred. Nevertheless, the Commission continues to provide a safe and secure working environment for employees. Staff are expected to comply with the Code of Practice - Occupational Safety and Health in the WA Public Sector and to conduct themselves in a safe manner, not placing themselves and others at risk. During the 2010/11 reporting period, no worker's compensation claims were lodged nor was any time lost from work as a result of illness or injury.

In the event of a work-related injury, the Commission would provide effective claims management and rehabilitation assistance aimed at supporting the injured employee through the illness or injury to ensure a safe return to work, where possible.

The Commission is committed to consulting with staff in a meaningful and effective manner on occupational safety and health (OSH) issues, enabling each member of staff to contribute to decisions that may affect their health, safety and welfare at 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 received, the LRCWA engages specialists with experience and expertise to increase the overall efficiency of the reviews. The Commission utilises a project-based model which allows for the management of multiple references.

Presently the Commission 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.

REVIEW OF THE CORONIAL PRACTICE IN WESTERN AUSTRALIA – PROJECT 100

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

The Commission's project team undertook an extensive data analysis exercise and further consultations throughout 2009–10. Due to several unexpected delays a draft Discussion Paper was not received until April 2010. The Commission reviewed the draft and engaged in lengthy discussions with the project writer. In June 2010 it became necessary for the Commission to engage a new project writer. In September 2010 a Background Paper was released with a view to gaining an insight into the Western Australian community's experience of the coronial jurisdiction. In June 2011 the Commission released its Discussion Paper online with a hard copy report published and distributed in July 2011. The Commission expects to complete a draft Final Report by December 2011.

**COMMUNITY PROTECTION
(OFFENDER REPORTING)
ACT 2004 –
PROJECT 101**

I, Christian Porter, 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 examine and report upon the application of the *Community Protection (Offender Reporting) Act 2004*:

- (a) reportable offenders who are children when they commit the relevant reportable offence; and
- (b) reportable offenders who are over the age of 18 years of age when they commit the reportable offence in circumstances which are

exceptional (for example persons who commit a reportable offence involving consensual sexual activity with a person, not being under the care, supervision or authority of the offender who the offender honestly and reasonably, but mistakenly, believed to be of or over the age of 16 years at the time the relevant reportable offence was committed).

And to report on the adequacy of, and on any desirable changes to, the existing law, practices and procedures in relation thereto having due regard to the necessity to preserve the central aims and efficacy of the legislation.

Christian Porter MLA
April 2009

In April 2009 the Commission received a reference to review a narrow aspect of the *Community Protection (Offender Reporting) Act 2004*. The Commission undertook a thorough research and consultation phase. A Discussion Paper was released in February 2011. Work has now commenced on the drafting of the Final Report. It is anticipated that it will be completed by December 2011.

COMPLAINTS AGAINST JUDICIARY – PROJECT 102

I, Christian Porter, Attorney General for the State of Western Australia, 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 whether, and if so in what manner, the principles, practices and procedures pertaining to complaints or allegations of misbehaviour or incapacity against State judicial officers in Western Australia require reform and the responses to any such conduct, and in particular giving close consideration to:

- (i) the need to protect and preserve the independence and impartiality of State courts from the executive and legislative branches of government;
- (ii) the benefits of establishing a system for dealing with such complaints and allegations that is efficient, accessible, transparent and accountable;
- (iii) the need to ensure that any system for dealing with such

complaints and allegations is suited to the conditions in Western Australia, having regards to the number of serving State judicial officers and the number of complaints or allegations warranting investigation that may be expected to arise;

- (iv) the need to develop standardised and consistent procedures when dealing with such complaints, thus reducing the potential for allegations of bias to be made in relation to procedures which are developed after the complaint or allegation is made;
- (v) the recent establishment of judicial complaints systems in other jurisdictions both nationally and internationally;

And to report on the adequacy of, and on any desirable changes to, the existing principles, practices and procedures in relation thereto.

Christian Porter MLA
30 May 2011

On 30 May 2011 the Commission received a reference to consider the current procedure for investigating complaints or allegations of misbehaviour or incapacity against State judicial officers in Western Australia. The review will consider whether the current procedure should continue, namely where complaints about a particular member of the judiciary are made in writing to the head of that jurisdiction and are dealt with in accordance with the Protocol for Complaints against Judicial Officers in Western Australia, or alternatively whether the powers of the heads of jurisdiction should be increased to enable them to deal with judges who have had complaints made against them, or whether an independent judicial complaints commission such as the one in New South Wales should be introduced to investigate and deal with such issues. Work has now commenced on a foundation research exercise, with a draft Discussion Paper expected in December 2011.

REPRESENTATIVE PROCEEDINGS – PROJECT 103

I, Christian Porter, Attorney General for the State of Western Australia, having regard to the fact that O 18 r 12 of the Supreme Court Rules (WA) makes some provision in respect of representative proceedings 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 whether, and if so in what manner, the principles, practices and procedures pertaining to representative proceedings require reform, and in particular giving close consideration to:

- (i) the need for a detailed guiding framework for the manner in which representative proceedings are to be conducted or concluded;
- (ii) the need to reduce the uncertainty and lack of clarity in the area;
- (iii) the adoption of an appropriate and effective model, either

through amendment to the Supreme Court Rules or statutory reform, taking into account recent developments regarding representative proceedings in other jurisdictions both nationally and internationally;

- (iv) the need to ensure that representative proceedings are conducted in a fair manner which gives those who will be bound by orders made in the proceedings a reasonable opportunity to decide whether or not to participate in the proceedings and to be heard in relation to issues affecting their rights;

- (v) 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.

Christian Porter MLA
6 July 2011

In July 2011 the Commission received terms of reference in relation to representative proceedings. The review would consider the brief provisions provided by O18 r12 of the Rules of the Supreme Court 1971 as well as the various legislative models currently available in other states to determine which one, if any, would be appropriate to implement in Western Australia to govern such actions. The reference is in its early stages with reports expected to be released some time in 2012.

APPENDIX II: PUBLICATIONS

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

Year	Topic	Ref No	Publication type
2011	Review of Community Protection (Offender Reporting) Act 2004	101	Discussion Paper
	Review of Coronial Practice in Western Australia	100	Discussion Paper
2010	Review of Coronial Practice in Western Australia	100	Background Paper
	Selection, Eligibility and Exemption of Jurors	99	Final Report
	Selection, Eligibility and Exemption of Jurors: Discussion Paper, Final Report Annual Report 2009–10	99	CD-ROM
2009	Selection, Eligibility and Exemption of Jurors	99	Discussion Paper
	Problem-Oriented Courts: Court Intervention Programs	96	Final Report
	Court Intervention Programs - Consultation Paper	96	CD-ROM
	Court Intervention Programs - Consultation Paper and Final Report Annual Report 2008–2009	96	CD-ROM
2008	Compensation for Injurious Affection	98	Final Report
	Problem-Oriented Courts (H Blagg)	96	Research Paper
	Problem-Oriented Courts: Court Intervention Programs Annual Report 2007–2008	96	Consultation Paper
2007	Law Reform Process (in 10 languages)		Brochures
	Review of the Law of Homicide	97	Report
	Compensation for Injurious Affection Annual Report 2006–2007	98	Discussion Paper
2006	Aboriginal Customary Laws: Final Report	94	Report
	Aboriginal Customary Laws: Promotional Flyers	94	
	Review of the Law of Homicide	97	Issues Paper
	Aboriginal Customary Laws: Discussion Paper Overview	94	Report
	Aboriginal Customary Laws: Background Papers (complete volume)	94	Background Papers
	Annual Report 2005–2006		
2005	Aboriginal Customary Laws	94	Discussion Paper
	Aboriginal Customary Laws: Background Papers Nos. 4–15 Annual Report 2004–2005	94	Background Papers
2004	Aboriginal Customary Laws: Thematic Summaries – Metropolitan Consultations	94	Consultation Report
	Aboriginal Customary Laws: Thematic Summaries – Community Consultations	94	Consultation Reports
	Aboriginal Customary Laws: Background Paper No. 3	94	Background Paper
	Annual Report 2003–2004		
2003	Aboriginal Customary Laws: Background Papers Nos. 1 & 2	94	Background Papers
	Annual Report 2002–2003		Report
	Contempt	93	Report & CD-ROM
	Aboriginal Customary Laws ('ACL')	94	Video
	Judicial Review of the Administrative Decisions	95	Report
	Contempt by Disobedience	93(III)	Discussion Paper
	Final Report on the Law of Contempt Annual Report 2002–2003	93	Report
2002	30th Anniversary Reform Implementation Report		Report
	Reports and Working Papers 1972–2002		CD-ROM
	Boxed set containing all LRCWA publications – Project Nos 1–92		CD-ROM
	Judicial Review of the Administrative Decisions	95	Discussion Paper
	Contempt in the Face of the Court	93(I)	Discussion Paper

Year	Topic	Ref No	Publication type
	Contempt by Publication Annual Report 2001–2002	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 • Submissions Summary • 2 CDs, containing reports in electronic format Annual Report 1998–1999	92	Report Report Report 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

PUBLICATIONS

Year	Topic	Ref No	Publication type
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 Medical treatment for minors Payment of witnesses in civil proceedings Medical treatment for the dying Annual Report 1987–1988	16 Pt I 25 Pt II 34 Pt VII 77 83 84	Report Report Report Research Paper Discussion Paper Discussion Paper Report
1987	Criminal process and mental disorder Annual Report 1986–1987	69	Discussion Paper Report
1986	Judicial review of administrative decisions Alteration of ground levels Courts of Petty Sessions Problem of old convictions Annual Report 1985–1986	26 Pt II 44 55 Pt II 80	Report Report Report Report
1985	Wills: substantial compliance Pawnbrokers Act Pawnbrokers Act Annual Report 1984–1985	76 Pt I 81 81	Report Discussion Paper Report Report
1984	Recognition of interstate and foreign grants of probate and administration Trustees' powers of investment Alteration of ground levels Courts of Petty Sessions Wills: substantial compliance Problem of old convictions Annual Report 1983–1984	34 Pt IV 34 Pt V 44 55 Pt II 76 Pt I 80	Report Report Discussion Paper Discussion Paper Discussion Paper Discussion Paper Report
1983	Local Courts Annual Report 1982–1983	16 Pt I	Working Paper Report
1982	Appeals from administrative decisions Limitation and notice of actions: latent disease and injury Strata Titles Act Annual Report 1981–1982	26 Pt I 36 Pt I 56	Report Report Report Report
1981	Liability for stock straying on to the highway (2nd report) Judicial review of administrative decisions Trustees' powers of investment Liability of highway authorities for non-feasance Privacy Interest on judgments Absconding Debtors Act Annual Report 1980–1981	11 26 Pt II 34 Pt V 62 65 70 73	Report Working Paper Working Paper Report Working Paper Report Report Report
1980	Liability for stock straying on to the highway (2nd W/P) Admissibility in evidence of computer records Recognition of interstate and foreign grants of probate and administration Unclaimed money Privilege for journalists Exemption from jury service Retention of court records Absconding Debtors Act Annual Report 1979–1980	11 27 34 Pt IV 51 53 71 72 73	Working Paper Report Working Paper Report Report Report Report Working Paper Report

Year	Topic	Ref No	Publication type
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
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

PUBLICATIONS

Year	Topic	Ref No	Publication type
	Mortgage brokers	45	Working Paper
	Mortgage brokers	45	Report
	liens	54	Working Paper
	Contractors' liens	54	Report
	Annual Report 1973–1974		Report
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

Year	Topic	Ref No	Publication type
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 1968–2009.

No.	Project	Recommendations	Legislative Action
1 (Pt I)	Protection for Purchasers of Land 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)	Retention of Trust Money by Land Agents 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)	Protection for Purchasers of Home Units 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. ¹	<i>Acts Amendment (Strata Titles) Act 1985</i>
2	Testator's Family Maintenance Act 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	Succession Rights of Illegitimate Children 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	Committal Proceedings 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	Interim Hearings in Personal Injury Cases 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. ²	
6	Summary Trial of Indictable Offences 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	Disposal of Uncollected Goods 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.

No.	Project	Recommendations	Legislative Action
8	Defamation Referred: 1968 Privileged Reports WP: July 1969 Report: August 1972 Defamation Report: October 1979	The class of privileged reports of legislative and judicial proceedings, conferences and meetings be extended in specified ways. A uniform defamation code be enacted which reforms the law both in respect of matters of substance and of procedure. ³	<i>Criminal Code Amendment Act 1977 s 2</i> <i>Defamation Act 2005</i>
9	Statute Law Revision Referred: 1968	Withdrawn	
10	Motor Vehicle Insurance Referred: 1968 WP: May 1972 Report: December 1972	That the law of motor vehicle insurance be amended in specified ways in the interests of the insured. ⁴	
11	Liability for Stock Straying on to the Highway 1st Referred: 1969 1st WP: June 1970 1st Report: Dec 1970 2nd Referred: 1978 2nd WP: August 1980 2nd Report: June 1981	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	Payment of Costs in Criminal Cases Referred: 1969 WP: March 1972 Report: August 1972	This report recommended introducing legislation making the Crown liable to pay costs when a complaint is dismissed or withdrawn in summary proceedings. ⁵	<i>Official Prosecutions (Defendants' Costs) Act 1973</i>
13	Affiliation Proceedings Referred: 1969 Report: March 1970	That statutory provision be made for blood tests in affiliation proceedings.	<i>Family Court Act 1975 s 82E</i>
14	Offices of Profit Under The Crown Referred: 1969 Report: March 1971	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.

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
15	Imposition of Driving Disqualifications 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	Local Courts Act and Rules Referred: 1969		
16 (Pt I)	Local Courts WP: April 1983 Report: June 1988	That Local Courts and Courts of Petty Sessions be merged, ⁶ 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)	Enforcement of Judgments of Local Courts 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. ⁷	
17	Motor Car Manslaughter 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	Commercial Arbitration and Commercial Causes 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	Chattel Securities and the Bills of Sale Act Referred: 1970	Withdrawn 1983	
20	Evidence of Criminal Convictions In Civil Proceedings 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. ⁸	
21	Associations Incorporation Act 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	Innocent Misrepresentation Referred: 1971 WP: May 1972 Report: October 1973	That the legal remedies available for an innocent misrepresentation inducing a contract be revised. ⁹	

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.

No.	Project	Recommendations	Legislative Action
23	Legal Representation of Children 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	Succession Rights of Adopted Children 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)	Legal Capacity of Minors 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)	Minors' Contracts 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)	Appeals From Administrative Decisions Referred: 1971 WP: November 1978 Report: January 1982	That the existing rights of appeal from administrative decisions be rationalised along suggested lines. ¹⁰	
26 (Pt II)	Judicial Review of Administrative Decisions 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. ¹¹	
26 (Pt III)	New Rights of Appeal	Withdrawn 1986	
27 (Pt I)	Admissibility in Evidence of Computer Records 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	Formalities of Oaths, Declarations and Attestation of Documents 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

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
28 (Pt I)	Official Attestation of Forms and Documents 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)	Formalities of Oaths, Declarations and Attestation of Documents	Withdrawn 1983	
29	Special Constables 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	Imposition of Fines Referred: 1972	Withdrawn 1982	
31	Competence and Compellability of Spouses as Witnesses Referred: 1972 WP: February 1974 Report: January 1977	That the law in this area be amended in certain respects.	
32	Immunity of Suit Between Spouses Referred: 1972 WP: June 1973 Report: September 1973	That immunity of action in tort between spouses be abolished. ¹²	
33	Dividing Fences Referred: 1972 WP: December 1973 Report: November 1975	That the <i>Dividing Fences Act 1961</i> be amended in certain respects.	
34	Trusts and Administration of Estates Referred: 1972		
34 (Pt I)	Distribution on Intestacy 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)	Administration Bonds And Sureties 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)	Administration of Deceased Insolvent Estates 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'.

No.	Project	Recommendations	Legislative Action
34 (Pt IV)	Recognition of Interstate and Foreign Grants of Probate and Administration 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. ¹³	
34 (Pt V)	Trustees' Powers of Investment 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> ¹⁴
34 (Pt VI)	Charitable Trusts	Withdrawn 1996	
34 (Pt VII)	Administration of Assets 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> . ¹⁵	
34(Pt VIII)	Protection and Remuneration of Trustees	Withdrawn 1996	
35	Unauthorised Disposal of Goods Interstate: Right to Repossession Referred: 1972	Withdrawn 1983	
36	Limitation and Notice of Actions Referred: 1972		
36 (Pt I)	Latent Disease and Injury 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> ¹⁶
36 (Pt II)	Limitation and Notice of Actions 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> ¹⁷
37	Land Agents Act 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.

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
38	Sale of Undivided Shares in Land 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	Compensation for New Street Alignments 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	Production of Medical and Technical Reports in Court Proceedings 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	Tenancy Bonds 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	Unrepresented Defendants Referred: 1973	Withdrawn 1982	
43	Compensation for Persons Detained in Custody Referred: 1973	Withdrawn 1983	
44	Alteration of Ground Levels 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. ¹⁸	
45	Mortgage Brokers 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	Criminal Injuries Compensation 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	Jailing of First Offenders Referred: 1973	Withdrawn 1982	
48	Appeals from Courts of Petty Sessions 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.

No.	Project	Recommendations	Legislative Action
49	Suitors' Fund Act 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; Suitors' Fund Act Amendment Act (No 2) 1978</i>
50	Appeals to the Privy Council Referred: 1973	Withdrawn 1976	
51	Unclaimed Money 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	Local Body Election Practices 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 s 4.87</i>
53	Privilege for Journalists 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. ¹⁹	
54	Contractors' Liens 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	Justices Act 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)	Appeals from Courts of Petty Sessions 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> ²⁰
55 (Pt II)	Courts of Petty Sessions Referred: 1974 WP: June 1984 Report: November 1986		<i>Magistrates Court Act 2004; Courts Legislation Amendment and Repeal Act 2004; Criminal Procedure Act 2004.</i>
55 (Pt III)	Enforcement of Orders of Courts of Petty Sessions 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; 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).

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
56	Strata Titles Act 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	Enforcement of Custody Orders Referred: 1974	Withdrawn 1976	
58	Section 2 of The Gaming Act 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 84I of the <i>Police Act 1892</i> be amended.	<i>Gaming & Betting (Contracts & Securities) Act 1985; Acts Amendment (Gaming & Related Provisions) Act 1985</i>
59	Audit Provisions of the Local Government Act Referred: 1975	Withdrawn 1982	
60	Alternatives to Cautions 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	Enforcement of Judgment Debts 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	Liability of Highway Authorities for Non-Feasance 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. ²¹	
63	Small Debts Court 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 ²²	Protection of Money Awarded as Damages 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	Bail 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.

No.	Project	Recommendations	Legislative Action
65 (Pt I)	Privacy Referred: 1976 WP: 1981	Withdrawn 1993	
65 (Pt II)	Confidentiality of Medical Records and Medical Research DP: March 1989 Report: August 1990	That the law be clarified to control the disclosure of patient-identifiable information for medical research purposes.	
66	Fatal Accidents 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	Writs and Warrants of Execution 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	Illegitimacy Referred: 1976	Withdrawn 1986	
69	Criminal Process and Mental Disorder 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	Interest on Judgments Referred: 1977		
70 (Pt I)	Pre-judgment Interest 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)	Interest on Judgments	Withdrawn 1987	
71	Exemption from Jury Service 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	Retention of Court Records 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	Absconding Debtors Act 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>

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
74	Limited Partnerships Referred: 1978	Withdrawn 1992	
75	United Kingdom Statutes in Force in Western Australia 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. ²³	
76 (Pt I)	Wills: Substantial Compliance 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)	Effect of Marriage or Divorce on Wills 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. ²⁴	
77 (Pt I)	Medical Treatment for Minors Referred: 1981 DP: 1988 Report: December 1992	Withdrawn 1998	
77 (Pt II)	Consent to Sterilisation of Minors 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	Joint Tenancy and Tenancy in Common 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	Prescribed Interests Under the Companies Code Referred: 1981	Withdrawn 1984	
80	Problem of Old Convictions 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	Pawnbrokers Act 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	Financial Protection in the Building & Construction Industry 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	Payment of Witnesses in Civil Proceedings 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	Medical Treatment for the Dying 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. ²⁵	
85	Police Act Offences 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	Incitement to Racial Hatred 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	Evidence of Children and Other Vulnerable Witnesses 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	Administration Act Referred: 1989 Report: August 1990	The <i>Administration Act 1903</i> repealed and replaced. ²⁶	
89	Sale of Goods Act 1895 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	Professional Privilege for Confidential Communications 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. ²⁷	

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.

HISTORY OF REFERENCES

No.	Project	Recommendations	Legislative Action
91	Restrictive Covenants 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	Review of the Criminal and Civil Justice System 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)	Contempt in the Face of the Court 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)	Contempt by Publication Referred: 2000 DP: March 2002 Report: June 2003		
93 (Pt III)	Contempt by Disobedience to the Orders of the Court Referred: 2000 DP: Nov 2002 Report: June 2003		
94	Aboriginal Customary Laws Referred: 2000 Background papers: 2003-2005 DP: Dec 2005 DP Overview: Feb 2006 FR: Sept 2006	131 recommendations made for reform.	
95	Judicial Review of Administrative Decisions 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	Problem Oriented Courts and Judicial Case Management (Court Intervention Programs) Referred: 2005 Research Paper: Mar 2008 Report: June 2009	The law relating to problem oriented courts and judicial case management should be reformed in specified ways - 37 recommendations were made.	
97	Review of the Law of Homicide Referred: 2005 Issues P: Mar 2006 Report: Sept 2007	The law relating to homicide in Western Australia should be reformed in specified ways: 45 recommendations made.	Criminal Law Amendment (Homicide) Bill 2008

No.	Project	Recommendations	Legislative Action
98	Compensation for Injurious Affection Referred: 2005 Discussion Paper: Oct 2007 Report: July 2008	The law relating to compensation for injurious affection should be reformed in specified ways – 31 recommendations were made	
99	Selection, Eligibility and Exemption of Jurors Referred: Sept 2007 Discussion Paper: Sept 2009 Final Report: April 2010	68 recommendations for substantial amendments to the Western Australian jury system	<i>Juries Legislation Amendment Act 2011</i>
100	Review of Coronial Practice in Western Australia Referred: Nov 2007 Background Paper: Sept 2010 Discussion Paper: June 2010		
101	Review of Community Protection (Offender Reporting) Act 2004 Referred: April 2009 Discussion Paper: Feb 2011	Project is ongoing	
102	Complaints against Judiciary Referred: 30 May 2011	Project is ongoing	
103	Representative Proceedings Referred: 6 July 2011	Project is ongoing	