



The Law Reform Commission
of Western Australia

ANNUAL REPORT

1 July 2012 – 30 June 2013

CONTENTS

STATEMENT OF COMPLIANCE	1
ABOUT THIS REPORT	2
MESSAGE FROM THE CHAIR	3
OVERVIEW OF THE LAW REFORM COMMISSION	5
Executive Summary	5
Operational Structure	8
Performance Management Framework	12
Outcome Based Management Framework	12
Changes to Outcome Based Management Framework	12
Shared Responsibilities with Other Agencies	12
AGENCY PERFORMANCE	13
Report on Operations	13
Financial Targets	14
Key Performance Indicators	15
SIGNIFICANT ISSUES IMPACTING THE AGENCY	16
DISCLOSURES AND LEGAL COMPLIANCE	17
Financial Statements	20
Certification of Financial Statements	20
Statement of Comprehensive Income	21
Statement of Financial Position	22
Statement of Changes in Equity	23
Cash Flow Statement	24
Notes to the Financial Statements	25
Key Performance Indicators	39
Certification of Performance Indicators	39
Detailed Information in Support of Key Performance Indicators	40
Other Financial Disclosures	44
Capital Works	44
Employment and Industrial Relations	44
Governance Disclosures	44
Other Legal Requirements	45
Government Policy Requirements	46
APPENDIX I: CURRENT REFERENCES	48
APPENDIX II: PUBLICATIONS	52
APPENDIX III: HISTORY OF REFERENCES	58

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STATEMENT OF COMPLIANCE



Statement of Compliance with the Financial Management Act

Hon Michael Mischin MLC
Attorney General for Western Australia
Office of the Attorney General
Level 10, Dumas House
2 Havelock St
West Perth WA 6005

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 2013.

This report has been prepared in accordance with the provisions of the *Financial Management Act 2006*. The content and layout are consistent with the requirements of Treasurer's Instruction 903.

Yours sincerely

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

Heather Kay
Executive Officer
Law Reform Commission of Western Australia

31 August 2013

ABOUT THIS REPORT

This report provides an overview of the activities of the Law Reform Commission ('the Commission') during 2012–2013.

The Overview provides a summary of the Commission's activities, operational structure and performance management framework. The Agency Performance – Report on Operations section details the Commission's operations including its financial targets and key performance indicators. This is followed by the section that identifies Significant Issues Impacting the Agency. The last section Disclosure and Legal Compliance covers all financial statements, key performance indicators and governance requirements.

The Appendices include the Commission's Current References, Publications and the History of References.

For any further information on the operations of the Law Reform Commission or for copies of this Annual Report, or any of the Commission's other publications, please visit the Commission's web page located at www.lrc.justice.wa.gov.au.

Printed copies may be requested from the Commission.

LAW REFORM COMMISSION CONTACT DETAILS

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MESSAGE FROM THE CHAIR



The wake of the 2012–13 financial year brings great change and uncertainty for the Law Reform Commission of Western Australia. The 2013 State Budget Papers disclose that, for the first time since the Commission was created in 1972, from 2014–15 the Commission will no longer have any budget allocated to perform its statutory functions. Instead, any funding for the Commission will be allocated from within the existing budget of the Department of the Attorney General (DotAG). The Budget Papers do not identify any amount of the DotAG budget which is allocated in respect of the Commission, and DotAG has, itself, been the subject of significant budget cuts.

This is notwithstanding the significant contraction in resources for the Commission over time. When the Commission was founded in 1972, it had four full-time legally qualified researchers. It now has only one legally qualified staff member, who also acts as the Commission's Executive Officer.

The Budget Papers state that the elimination of the Commission's budget is possible because 'administrative functions will be transferred' to DotAG. Many administrative functions of the Commission, including accounting, information technology provision and payroll are already performed by DotAG.

Of the Commission's current budget of \$0.8 million, 75% goes to independent external researchers and writers, rent and printing. The Budget Papers do not state how the non-administrative Commission's activities, which is the majority, will be performed without a separate budget.

The Commission has the benefit of the assurance of the Attorney General that its independence and functions will not be compromised. However, the means by which that objective will be met is not yet clear.

However, the past year has been a productive one for the Commission.

NEW REFERENCE

Following the State Election on 9 March 2013, the Commission welcomed the re-appointment of the Hon Michael Mischin MLC as the Attorney General of Western Australia. In July 2013 the Commission received a substantial new reference from the Attorney General on family and domestic violence. The Commission promptly commenced work upon formal and informal consultations with affected constituencies and has commenced outlining the issues to be considered in its preliminary report. A Discussion Paper is expected by the end of 2013 with a Final Report due in March 2014. A thorough review of the area and the successful completion of this reference is the Commission's major priority for the balance of this financial year.

CURRENT REFERENCES

The 2013–14 Financial Year will see the completion of two references to the Commission, one on *Complaints Against Judiciary* and the other on *Representative Proceedings*, with the release of Final Reports outlining the Commission's recommendations to Parliament due by the end of 2013.

A Discussion Paper on *Complaints Against Judiciary* was released in September 2012. The proposed outline of a Judicial Complaints Commission, modeled on the New South Wales body, received over-

whelming support from the observers, including representatives of the legal profession and members of the judiciary. Close consideration was given to the 16 submissions received when drafting the Commission's final recommendations to Parliament. The Final Report will be provided to the Attorney General for tabling in September 2013.

The Commission's reference on *Representative Proceedings* presented three issues for specific comment and six issues for general comment in its Discussion Paper released in February 2013. The Commission's main proposals were that:

- (a) Western Australia should adopt legislation to permit and facilitate representative actions in substantially similar terms to Part IVA of the *Federal Court of Australia Act 1976* (Cth); and that
- (b) Order 18 Rule 12 should be retained in its current form as a surviving alternative.

The Commission has now considered the submissions received in response to that Discussion Paper. The drafting of the Final Report has now commenced and is anticipated to be tabled in Parliament by the end of 2013.

NEW WEB-SITE

As part of its continuing objective of engagement with the broader community, the Commission launched a new web-site in November 2012, which provided improved accessibility for people with disabilities who may use assistive

technologies, and facilitated those users with slower internet connections or operating systems. The new web-site offers a "Listen" link at the top of most pages, which permits a user to listen to the page being read aloud, as well as instructions for resizing text and viewing printer-friendly pages.

AUSTRALASIAN LAW REFORM AGENCIES CONFERENCE

In September 2012, some of the members of the Commission were fortunate to attend the biannual Australasian Law Reform Agencies Conference in Canberra. The conference provided the opportunity to reflect, not only on its own body of work and the improvements it has contributed to the law, but also to consider existing and emerging issues faced by other law reform bodies throughout the world. It provided Commissioners and staff an opportunity to meet fellow law reform agencies, and to learn from their experiences, successes and disappointments in a diverse range of law reform initiatives.

COMMUNITY CONSULTATION

Each reference the Commission undertakes involves a thorough and detailed research and consultation process. The Commission has been fortunate to have had the assistance of many diligent and dedicated experts and specialists who willingly deliver their knowledge and skills to the Commission's

reports. Their involvement ensures the reports are comprehensive, accurate and considered works, which carefully record the existing laws and their operations, and approach in a considered way the alternatives to the existing arrangements. They are essential to the ongoing work of the Commission.

In particular, the Commission records its appreciation for the careful work of its writers and researchers, including Professor Neville Owen (as to Complaints Against the Judiciary) and Timothy Hammond (as to Representative Proceedings). The reports prepared by the Commission depend very much upon the diligent efforts of many individuals and organisations who, without reward of any kind, make detailed and carefully written submissions to the Commission. Their views are gratefully received, and the effort they make to distill the difficulties of current laws and to propose how those difficulties may be overcome plays a critical role in the Commission's reform proposals.

The Commission thanks the Attorney General for his interest in and support of the Commission's work and the Department of the Attorney General for their support in the areas of IT, finance and human resources.

Finally, Commissioners record their appreciation for the work of Executive Officer, Heather Kay and Executive Assistant Sharne Cranston. It takes vigilance and constant tending to keep the Commission travelling smoothly, and we are grateful and indebted for their efforts.

Richard Douglas

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. Following an evaluation process, the Commission engages the services of writers and researchers who have expertise in the area being investigated. This enables the Commission to have the benefit of particular knowledge and skills to its law reform activities.

THE COMMUNITY SERVED

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

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

STAKEHOLDERS

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

OVERVIEW OF THE LAW REFORM COMMISSION



PERFORMANCE HIGHLIGHTS

Complaints Against Judiciary

Work has been substantially completed on the Commission's reference on *Complaints Against Judiciary*. The Discussion Paper was published in September 2012 and resulted in 16 submissions being received by the Commission, the majority of which were supportive of the proposals outlined. The Final Report setting out the Commission's recommendations will be completed and forwarded to the Attorney General for tabling in Parliament by September 2013.

Enhancing Laws Concerning Family and Domestic Violence

The Commission received a new reference on family and domestic violence which must be completed by March 2014. The Commission has appointed a project writer and is in the process of undertaking foundation research. Targeted consultations will commence shortly thereafter, with a Discussion Paper due for release by the end of 2013.



Representative Proceedings

The Commission published its Discussion Paper on *Representative Proceedings* in February 2013. Work has now commenced on a Final Report and recommendations. The Commission expects to present the Attorney General with a report for tabling in Parliament by the end of 2013.

TECHNOLOGICAL AND ADMINISTRATIVE IMPROVEMENTS

On 28 November 2012, the Commission's redeveloped website became available to the public. The site, located at www.lrc.justice.wa.gov.au, has been designed to be as accessible to as many users as possible, including: people with disabilities who may use assistive technologies; those with slower internet connections or less than state-of-the-art equipment; access from a broader range of computer equipment and capabilities; and rural and regional users.

The accessibility features available on the site include: Highlighted links that appear as the reader navigates the site; a "Listen" link at the top of most pages which allows users to "listen to this page using ReadSpeaker"; instructions for resizing text and printer-friendly pages.

For ease of reference and increased accessibility, all the Commission's publications, including Background Papers, Discussion Papers, Final Reports and Annual Reports are available to download for free in Adobe Acrobat format. As from 1 July 2013 all publications will also be available for download in MS Word, which will facilitate the citation and reference to the Commission's considerable body of work.

The Commission's website received more than approximately 640,000 hits throughout 2012/13.

During the past year the Commission's staff received and dealt with over 4,300 letters, faxes, e-mail messages and telephone calls – many from members of the public concerned about issues and problems they had experienced with the justice system or with the operation of particular laws.

FINANCIAL FORECAST

The Commission's references on *Complaints Against Judiciary* and *Representative Proceedings* are nearing completion with Final Reports due by the end of the calendar year. In July 2013 the Commission received a new reference from the Attorney General on *Enhancing Laws Concerning Family and Domestic Violence* which is to be completed by March 2014. The Commission's capacity to undertake future references beyond 30 June 2014 is at present uncertain, given the decision in the 2013 State Budget to remove any allocated funding to the Commission (and requiring the Department of the Attorney General to provide for at least the administrative functions of the Commission from within its existing budget). The Commission is presently working to understand what provision, if any, is to be made for it to carry out its non-administrative, substantive, functions.



OVERVIEW OF THE LAW REFORM COMMISSION

OPERATIONAL STRUCTURE

ENABLING LEGISLATION

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

RESPONSIBLE MINISTER

The Hon Michael Mischin MLC LLB (Hons), BJuris (Hons), Attorney General.

Law Reform Commission of Western Australia (the 'Commission') 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* sets out the functions of the Commission. The Attorney General determines the order of priority in which the Commission deals with references. The Attorney General presents the Commission's reports to Parliament as soon as practicable after the Commission completes its work on each reference.

MISSION

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

STRUCTURE AND MEMBERSHIP OF THE COMMISSION

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



Chairman

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

The Commissioners nominated Mr Richard Douglas as the Chair of the



Commission. Mr Douglas BA(Hons) LLB(Hons) 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 Waldron in Perth and as an attorney with Simpson Thacher & Bartlett in New York. He specialises in civil, commercial and securities litigation and corporate reconstruction and insolvency.

Members

Mr Alan Sefton (BComm, LLB (Hons)) joined the Commission on 26 August

2011. He is an Adviser employed in the State Solicitor's Office, where he has worked in various capacities since 1992. He provides advice and acts as counsel for the State government and its agencies in relation to a range of matters, principally in areas of administrative law, land compensation, discrimination law, tax law and commercial litigation. He is a graduate of the Australian National University.



Dr Augusto Zimmermann LLB, LLM (PUC-Rio), PhD (Monash) joined the Commission on 12 June 2012. Dr Zimmermann is

a Senior Lecturer and Associate Dean for Research and Postgraduate Studies Director at Murdoch University, School of Law. He is the Founder and President of the Western Australian Legal Theory Association, a Vice-President of the Australian Society of legal Philosophy, and Editor of *The Western Australian Jurist*, a law journal published by Murdoch Law School. Dr Zimmermann was awarded the 2012 Vice Chancellor's Award for Excellence in Research, and Faculty Research Awards in 2010 and 2011.



Members' Fees

The remuneration of Commissioners is set by the Governor in Executive Council. Section 9 of the *Law Reform Commission Act 1972* (WA) states that a member 'shall be paid such remuneration and allowances as the Governor may from time to time determine'.

Fees payable to part-time members from private practice are determined on a formula related to 35 per cent of the median between the highest and lowest points of the salary scale for Associate Professors at a University in the State, as adjusted from time to time.

Fees payable to part-time members from academia are determined on a formula related to 25 per cent of the salary paid to a General Division Class 1 public servant, as adjusted from time to time.

The State Solicitor's Office representative receives no fee.

Former members of the Commission are listed in the Commission's *30th Anniversary Reform Implementation Report 1972-2002*.

Senior Officer

Heather Kay, LLB (UWA), LLM (UWA) (Executive Officer) has been with the Commission for 13 years and is responsible for coordinating administrative



and legal research activities, and managing the various references.

OVERVIEW OF THE LAW REFORM COMMISSION

ADMINISTERED LEGISLATION

Key Legislation Impacting on the Law Reform Commission's Activities

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

- 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;
- The Criminal Code Act 1913; and
- Workers Compensation and Injury Management Act 1981.

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 Commission 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 Commission 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 the Commission's 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 Commission in 2012–13.

MEETINGS OF THE COMMISSION

The Commission held nine Project Meeting, four Commission Meetings and one meeting with the Attorney General during the 2012–13 financial year. These meetings were primarily devoted to discussing the progress of the Commission's references on *Complaints Against Judiciary* and *Representative Proceedings*.

THE STAFF

The Commission has one permanent administrative employee, a full-time Executive Assistant, Ms Sharne Cranston. The Commission's part-time Finance Officer, Ms Saras Mohann left the Commission in August 2012. Due to cost savings measures, her position has not been filled.

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 2012–13

Other staff members throughout 2012–13 were:

Robert Clarke
Julie Falck
Edward Fearis
Laura Groves
Cheryl MacFarlane
Rosie Staude
Michelle Taylor
Joanna Vincent.

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

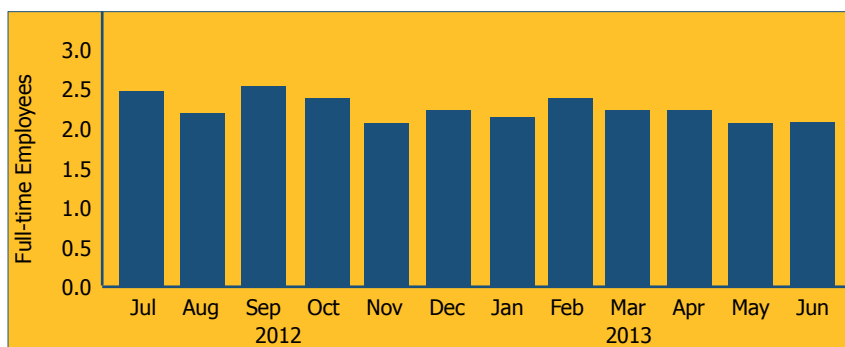
The Commission receives corporate support from the Department of the Attorney General through a service level agreement. This arrangement includes a host of services, including information technology, human resources and financial management.

The Commission acknowledges the valuable contribution made by staff within the Department of the Attorney General for the provision of these services in 2012–13.

CUSTOMER FOCUS OUTCOMES

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

Equivalent Full-Time Employees 2012–2013



OVERVIEW OF THE LAW REFORM COMMISSION

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 2012–13.

SHARED RESPONSIBILITIES WITH OTHER AGENCIES

The Law Reform Commission did not share any responsibilities with other agencies in 2012–13.

AGENCY PERFORMANCE

REPORT ON OPERATIONS

Complaint Against Judiciary

Work was substantially completed on the Commission's reference on *Complaints Against Judiciary*. The Commission has conducted thorough consultations with major stakeholders and other interested parties. Project Writer the Hon Neville Owen, former Supreme Court Judge, completed a draft Discussion Paper which the Commission finalised and published in September 2012. The Commission is in the process of completing the Final Report and recommendations to Parliament which take into account the 16 submissions received. It is expected that the Final Report will be finalised by August 2013 and sent to the Attorney General for tabling in early September 2013.

Representative Proceedings

The Commission published its Discussion Paper on *Representative Proceedings* in February 2013. The Paper was well received and submissions were generally supportive of the proposals it outlined. Work has now commenced on the Final Report which the Commission expects to finalise at the end of 2013.

AGENCY PERFORMANCE

FINANCIAL TARGETS

ACTUAL RESULTS VERSUS BUDGET TARGETS

	2012–13 Target ⁽¹⁾ \$000	2012–13 Actual \$000	Variation ⁽²⁾ \$000
Total cost of services (expense limit) (sourced from Income Statement)	1,036	798	(238) ^(a)
Net cost of services (sourced from Income Statement)	1,036	794	(242) ^(a)
Total equity (sourced from Balance Sheet)	987	1,697	710 ^(a)
Net increase/ (decrease) in cash held (sourced from Cash Flow Statement)	1	385	384 ^(a)
	No.	No.	No.
Approved full-time equivalent (FTE) staff level	2	2	NIL

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

(2) Further explanations are also contained in Note 19 'Explanatory Statement' to the financial statements.

(a) The variation 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.

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%	85.8%	(14.2%)
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	\$246,050 3,000 \$17.27 4	\$189,525 4,304 \$9.27 4	\$(56,525) 1,304 \$8.00 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 41–42 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

As set out in Chapter 5 of the 2013–14 Budget Paper No. 3, Economic and Fiscal Outlook, the Law Reform Commission's entire expenditure will be removed due to "Program Rationalisation" from 2014–15 and its administrative functions will be transferred to the Department of the Attorney General.

The level of funding that will be made available by the Department of the Attorney General (DotAG) to the Commission has yet to be determined. There is no allocation of funds to perform the Commission's tasks. As best as can be determined, the Commission must request funds or equivalent resources from DotAG. DotAG itself has no budget allocation for any expenditure on the Commission's activities. If the Commission's requests are satisfied, it appears that the recurrent funding for the Commission will simply be channelled through DotAG. If, however, DotAG is unable or unwilling to fund the Commission's requests, the Commission will not have any resources to perform its statutory functions. A reduction in funding in 2014–15 may have a significant impact on the Commission's ability to undertake any future references. In the absence of any provision for expenditure or equivalent services, it is unlikely that Commissioners would be practically capable of committing to any project which required any expenditure or other resource allocation. The Commission is seeking clarification as to the operation of the new arrangements.

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 completing work on two targeted references and received an additional reference in July 2013. As discussed above, the Commission's capacity to undertake additional references beyond the 2013–14 Financial Year is uncertain because of the absence of ascertainable future funding or other resource allocations.

DISCLOSURES AND LEGAL COMPLIANCE



Auditor General

INDEPENDENT AUDITOR'S REPORT

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 2013, the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

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 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500 FAX: 08 6557 7600

Report on Controls

I have audited the controls exercised by the Law Reform Commission of Western Australia during the year ended 30 June 2013.

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

Commission's Responsibility for Controls

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

Auditor's Responsibility

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

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

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

Opinion

In my opinion, the controls exercised by the 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 during the year ended 30 June 2013.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Law Reform Commission of Western Australia for the year ended 30 June 2013.

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

Commission's Responsibility for the Key Performance Indicators

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 and for such controls as the Commission determines necessary to ensure that the key performance indicators fairly represent indicated performance.

Auditor's Responsibility

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

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

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

Opinion

In my opinion, the key performance indicators of the 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 2013.

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.

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

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



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

FINANCIAL STATEMENTS

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

DISCLOSURES AND LEGAL COMPLIANCE

Financial Statements and Notes

CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

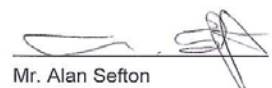
The accompanying financial statements of the Law Reform Commission of Western Australia have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2013 and the financial position as at 30 June 2013.

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



Mr. Richard Douglas
Chairman of Law Reform Commission

2 September 2013



Mr. Alan Sefton
Commissioner of Law Reform Commission

2 September 2013



Mr. Alan Andersson
Chief Finance Officer

2 September 2013

STATEMENT OF COMPREHENSIVE INCOME

For the Year Ended 30 June 2013

	Note	2013 \$	2012 \$
COST OF SERVICES			
Expenses			
Employee benefit expenses	4	350,375	338,752
Supplies and services	5	293,546	314,251
Depreciation and amortisation expense	6	–	397
Accommodation expenses	7	118,629	105,757
Other expenses	8	35,152	54,877
Total cost of services		797,702	814,034
Income			
Other revenue		3,238	3,743
Total Income other than income from State Government		3,238	3,743
NET COST OF SERVICES			
		794,464	810,291
INCOME FROM STATE GOVERNMENT			
	9		
Service appropriation		1,036,000	1,007,000
Resources received free of charge		185,847	85,697
Total income from State Government		1,221,847	1,092,697
SURPLUS FOR THE PERIOD			
		427,383	282,406
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD			
		427,383	282,406

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

FINANCIAL STATEMENTS

STATEMENT OF FINANCIAL POSITION

As at 30 June 2013

	Note	2013 \$	2012 \$
ASSETS			
Current Assets			
Cash and cash equivalents	15	1,772,488	1,387,373
Receivables	10	5,226	8,378
Total Current Assets		1,777,714	1,395,751
TOTAL ASSETS		1,777,714	1,395,751
LIABILITIES			
Current Liabilities			
Payables	12	9,146	30,573
Provisions	13	61,369	82,937
Total Current Liabilities		70,515	113,510
Non-Current Liabilities			
Provisions	13	9,959	12,384
Total Non-Current Liabilities		9,959	12,384
TOTAL LIABILITIES		80,474	125,894
NET ASSETS		1,697,240	1,269,857
EQUITY			
	14		
Contributed equity		17,000	17,000
Accumulated surplus		1,680,240	1,252,857
TOTAL EQUITY		1,697,240	1,269,857

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

STATEMENT OF CHANGES IN EQUITY

For the Year Ended 30 June 2013

	Note	Contributed equity \$	Accumulated surplus/(deficit) \$	Total equity \$
BALANCE AT 1 JULY 2011	14	17,000	970,451	987,451
Total comprehensive income for the period		—	282,406	282,406
Balance at 30 June 2012		<u>17,000</u>	<u>1,252,857</u>	<u>1,269,857</u>
BALANCE AT 1 JULY 2012		<u>17,000</u>	<u>1,252,857</u>	<u>1,269,857</u>
Total comprehensive income for the period		—	427,383	427,383
Balance at 30 June 2013		<u>17,000</u>	<u>1,680,240</u>	<u>1,697,240</u>

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

STATEMENT OF CASH FLOWS

For the Year Ended 30 June 2013

	Note	2013 \$	2012 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation	9	1,036,000	1,007,000
Net cash provided by State Government		<u>1,036,000</u>	<u>1,007,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments:			
Employee benefits		(367,424)	(323,030)
Supplies and services		(171,221)	(294,464)
Accommodation	7	(118,629)	(105,757)
GST payments on purchases		(26,457)	(37,919)
Receipts:			
Other receipts		3,765	3,216
GST receipts from taxation authority		29,081	40,145
Net cash provided by/(used in) operating activities	15	<u>(650,885)</u>	<u>(717,809)</u>
Net increase in cash held and cash equivalents		385,115	289,191
Cash and cash equivalents at the beginning of period		1,387,373	1,098,182
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	15	<u><u>1,772,488</u></u>	<u><u>1,387,373</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 year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The 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 2013.

2. Summary of significant accounting policies

(a) General Statement

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

The *Financial Management Act* and the Treasurer's Instructions impose legislative provisions that govern 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.

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

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

(e) Income

Revenue Recognition

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

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 to the bank account.

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.

(f) 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 and infrastructure costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

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

Subject to initial recognition, 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. Estimated useful lives for each class of depreciable asset are:

Office equipment	3 to 10 years
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(g) 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.

(h) **Leases**

The Commission holds operating leases 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.

(i) **Financial Instruments**

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

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

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Receivables

Financial Liabilities

- Payables

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

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

(j) **Cash and Cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalent assets include 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.

(k) **Accrued salaries**

Accrued salaries (see note 12 '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 fair value. The last pay day in 2012–13 was 20 June 2013, therefore an accrual of 6 days was provided for this financial year.

(l) **Receivable**

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.

(m) **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.

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

(n) 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.

Annual leave and long service leave expected to be settled more than 12 months after the end of 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.

Leave payments expected to be settled 12 months after the end of the reporting period 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 end of 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) and other funds administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees varies according to commencement and implementation dates.

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 Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or GESBS and new employees became able to choose their preferred superannuation fund. The Commission makes concurrent contributions to GESB or other funds on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Commission's liability for superannuation charges in respect of employees who are not members of the Pension Schemes or GSS.

The GESB makes all benefit payments in respect of the Pension Scheme 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'.

(o) **Superannuation expense**

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

(p) **Resources received free of charge or for nominal cost**

Assets or services received free of charge or for nominal cost that can be reliably measured are recognised as income at the fair value of the assets and/or the fair value of those services that the Commission would otherwise pay for. A corresponding expense is recognised for services received. Receipts of assets are recognised in the statement of financial position.

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

(q) **Comparative figures**

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

(r) **Key sources of estimation uncertainty**

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Long service leave

Several estimations and assumptions used in calculating the Office long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

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 2012 that impacted on the Commission.

AASB 2011-9 Amendments to Australian Accounting Standards – Presentation of items of other comprehensive income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]

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

Future impact of Australian Accounting Standards not yet operative

The 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.

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

Operating for reporting periods beginning on/after

AASB 9

1 January 2015

Financial Instruments

This Standard supersedes AASB 139 *Financial Instruments: Recognition and Measurement*, introducing a number of changes to accounting treatments.

AASB 2012-6 Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures amended the mandatory application date of this Standard to 1 January 2015. The Commission has not yet determined the application or the potential impact of the Standard.

AASB 119

1 January 2013

Employee Benefits

This Standard supersedes AASB 119 (October 2010) making changes to the recognition, presentation and disclosure requirements.

The Commission does not have any defined benefit plans, and therefore the financial impact will be limited to the effect of the discounting annual leave and long service leave liabilities that were previously measured at the undiscounted amounts.

AASB 2010-7

1 January 2013

Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretation 2, 5, 10, 12, 19 & 127]

This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The Commission has not yet determined the application or the potential impact of the Standard.

AASB 2012-6 amended the mandatory application date of this standard to 1 January 2015. The Commission has not yet determined the application or the potential impact of the Standard.

AASB 2011-10

1 January 2013

Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Interpretation 14].

This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. There is no financial impact.

AASB 1055 : Budget Reporting

1 July 2014

This Standard specifies the nature of budgetary disclosures, the circumstances in which they are to be included in the general purpose financial statements of not-for-profit entities within the GGS. The Authority will be required to disclose additional budgetary information and explanations of major variances between actual and budgeted amounts, though there is no financial impact.

	2013 \$	2012 \$
4. Employee benefit expenses		
Wages and Salaries ^(a)	300,942	277,934
Superannuation – defined contribution plans ^(b)	28,693	26,490
Annual leave and long service leave ^(c)	20,740	34,328
	<u>350,375</u>	<u>338,752</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.		
Employment on-costs liability is included at note 13 'Provisions'.		
5. Supplies and services		
Services and contracts	88,468	203,573
Resources received free of charge (note 9)	185,847	85,697
Communications	12,649	15,516
Goods and supplies	6,582	9,465
	<u>293,546</u>	<u>314,251</u>
6. Depreciation and amortisation expense		
Office equipment and furnishings	–	397
	<u>–</u>	<u>397</u>
7. Accommodation expense		
Lease rentals	118,629	105,757
	<u>118,629</u>	<u>105,757</u>
8. Other expenses		
Printing	10,488	24,354
Motor vehicle lease	8,310	8,782
Insurance ^(b)	6,052	9,703
Office equipment	–	1,999
Advertising	1,047	1,005
Other expenses ^(a)	9,255	9,034
	<u>35,152</u>	<u>54,877</u>
(a) Includes maintenance expenses, computer licenses, bank fees, freight charges, travel and accommodation, staff training, electricity, storage and transportation.		
(b) Insurance includes work compensation insurance and other insurances.		
9. Income from State Government		
Appropriation revenue received during the period:		
Service appropriations ^(a)	1,036,000	1,007,000
	<u>1,036,000</u>	<u>1,007,000</u>
Resources received free of charge from other state government agencies during the period: ^(b)		
Department of the Attorney General:		
- Financial, human resources and information technology services	179,291	80,845
Department of Finance:		
- Notional management fee related to government accommodation	6,556	4,852
	<u>185,847</u>	<u>85,697</u>
Total Income from State Government	<u>1,221,847</u>	<u>1,092,697</u>

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

	2013	2012
	\$	\$
[Notes to above]		
(a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises only cash.		
(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 services that can be reliably measured and which would have been purchased if they were not donated. The value of resources received free of charge recognised during the period was calculated based on estimates and information provided by agencies.		
10. Receivables		
Current:		
GST receivable	5,226	7,852
Receivable	–	526
Total current	5,226	8,378
11. Property, Plant and Equipment		
Office equipment		
At cost	6,231	6,231
Accumulated depreciation	(6,231)	(6,231)
Total current	–	–
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:		
Office Equipment		
Carrying amount at start of period	–	397
Depreciation	–	(397)
Carrying amount at end of period	–	–
12. Payables		
Current		
Trade and other creditors	1,916	23,815
Accrued salaries	7,230	6,758
Total current	9,146	30,573
13. Provisions		
Current		
Employee benefit provision		
Annual leave ^(a)	8,274	11,807
Long service leave ^(b)	47,925	62,117
Superannuation on-cost	3,464	6,773
	59,663	80,697

	2013 \$	2012 \$
Other Provisions –		
Employment on-costs: ^(c)		
Carrying amount at start of period	2,240	745
Additional provisions recognised	(534)	1,495
Carrying amount at end of period	1,706	2,240
Total current provisions	61,369	82,937
Non-current		
Employee benefits provision:		
Long service leave ^(b)	9,129	11,048
Superannuation on-cost	552	1,001
	9,681	12,049
Other Provisions –		
Employment on-costs: ^(c)		
Carrying amount at start of period	335	51
Additional provisions recognised	(57)	284
Carrying amount at end of period	278	335
Total non-current provisions	9,959	12,384

(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 end of the reporting period.

(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 end of the reporting period.

(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.

Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

Within 12 months of the end of reporting period	8,274	11,807
	8,274	11,807

Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

Within 12 months of the end of reporting period	31,950	41,411
More than 12 months after the end of the reporting period	25,104	31,754
	57,054	73,165

14. Equity

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

Contributed equity:

Balance at start of period	17,000	17,000
Balance at end of period	17,000	17,000

Accumulated surplus/(deficit):

Balance at start of period	1,252,857	970,451
Result for the period	427,383	282,406
Balance at end of period	1,680,240	1,252,857
Total equity at end of period	1,697,240	1,269,857

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

	2013 \$	2012 \$
15. 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	1,772,488	1,387,373
	<u>1,772,488</u>	<u>1,387,373</u>
Reconciliation of net cost of services to net cash flows used in operating activities		
Net cost of services	(794,464)	(810,291)
Non-cash items:		
Depreciation and amortisation expense	–	397
Resources received free of charge	185,847	85,697
(Increase) / decrease in assets:		
Current receivables	526	(526)
Other current assets	–	404
GST receivable	2,626	2,224
Increase / (decrease) in liabilities:		
Current payables	(21,899)	(2,897)
Current provisions	(21,568)	2,074
Accrued salaries	472	(1,778)
Provisions	(2,425)	6,887
Net cash used in operating activities	<u>(650,885)</u>	<u>(717,809)</u>
16. Commitments		
Non cancellable operating lease commitments		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	94,353	80,805
Later than 1 year and not later than 5 years	346,284	–
	<u>440,637</u>	<u>80,805</u>

17. Explanatory Statement

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

Significant variances between estimated and actual for 2013 –

	Estimate 2013 \$	Actual 2013 \$	Variation \$
Expenses			
Employee benefits expenses	406,000	350,375	(55,625)
Supplies and Services	437,000	293,546	(143,454)
Accommodation	95,000	118,629	23,629
Other expenses	98,000	35,152	(62,848)

Employee benefits expenses

The reduction in employee benefits is largely due to a vacant position and the delay in finalising the 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 2012–2013 financial year.

Supplies and services

The supplies and service costs in 2012–2013 are less than the estimate following the delay in the progress of the projects undertaken as requested by the Attorney General.

Accommodation

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

Other expenses

The decrease is mainly due to delays in the progress of references and associated costs relating to travel, printing, postage etc that had not been incurred in this financial year 2012–2013.

Significant variances between actual results for 2013 and 2012:

	Actual 2013	Actual 2012	Variation
Expenses	\$	\$	\$
Employee benefits expenses	350,375	338,752	11,623
Supplies and services	293,546	314,251	(20,705)
Accommodation	118,629	105,757	12,872
Other expenses	35,152	54,877	(19,725)

Employee benefits expenses

The increase can be attributed to an adjustment in Commissioners' remuneration and allowances.

Supplies and services

The decrease is due to fewer new projects being undertaken in 2012–2013 compared to 2011–2012 resulting in lesser expenses relating to services and supplies.

Accommodation

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

Other expenses

The decrease is due to delays in the progress of reference and efforts made by the Commission to reduce the number of hard copy publications it produces.

18. 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.

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

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

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 18(c) 'Financial Instruments' and Note 10 'Receivables'.

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

Liquidity risk

Liquidity risk arises when the 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

Market risk is the risk the changes in market prices such as foreign exchange rates and interest rates will affect the Commission's income or the value of its holdings of financial instruments. The Commission does not trade in foreign currency and is not materially exposed to other price risk. The Commission is not exposed to interest rate risk because cash and cash equivalents are non-interest bearing and it has no borrowings, therefore, neither the carrying amount nor the future cash flows will fluctuate because of a change in market interest rate.

(b) Categories of Financial Instruments

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

	2013	2012
	\$	\$
Financial Assets		
Cash and cash equivalents	1,772,488	1,387,373
Receivables ^(a)	—	526
	<u>1,772,488</u>	<u>1,387,899</u>
Financial Liabilities		
Financial liabilities measured at amortised cost	9,146	30,573
	<u>9,146</u>	<u>30,573</u>

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

(c) Financial Instrument disclosures

Credit risk

The following table details the Commission's maximum exposure to credit risk 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 Commission does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

Ageing analysis of financial assets

	Carrying amount \$	Non past due and not impaired \$	Past due but not impaired					Impaired financial assets \$
			Up to 1 month \$	1–3 months \$	3 mnths–1 year \$	1–5 years \$	More than 5 years \$	
2013								
Cash and cash equivalent	1,772,488	1,772,488	–	–	–	–	–	–
Receivables ^(a)	–	–	–	–	–	–	–	–
	1,772,488	1,772,488	–	–	–	–	–	–
2012								
Cash and cash equivalent	1,387,373	1,387,373	–	–	–	–	–	–
Receivables ^(a)	526	526	–	–	–	–	–	–
	1,387,899	1,387,899	–	–	–	–	–	–

(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 of financial assets and financial liabilities.

Maturity analysis of financial assets and financial liabilities

	Carrying amount \$	Nominal amount \$	Maturity dates				
			Up to 1 month \$	1–3 months \$	3 mnths–1 year \$	1–5 years \$	More than 5 years \$
2013							
Financial assets							
Cash and cash equivalent	1,772,488	1,772,488	1,772,488	–	–	–	–
Receivables ^(a)	–	–	–	–	–	–	–
	1,772,488	1,772,488	1,772,488	–	–	–	–
Financial liabilities							
Payables	9,146	9,146	9,146	–	–	–	–
	9,146	9,146	9,146	–	–	–	–
2012							
Financial assets							
Cash and cash equivalent	1,387,373	1,387,373	1,387,373	–	–	–	–
Receivables ^(a)	526	526	526	–	–	–	–
	1,387,899	1,387,899	1,387,899	–	–	–	–
Financial liabilities							
Payables	30,573	30,573	30,573	–	–	–	–
	30,573	30,573	30,573	–	–	–	–

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

Fair values

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

NOTES TO THE FINANCIAL STATEMENTS (cont'd)

19. 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:

	2013	2012
\$ 10,001 - \$ 20,000	–	1
\$ 30,001 - \$ 40,000	–	1
\$ 40,001 - \$ 50,000	1	–
\$ 50,001 - \$ 60,000	1	–
Total remuneration of members of the Commission ^(a)	\$95,761	\$54,316

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

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:

\$160,001 – \$170,000	1	1
Total remuneration of senior officers ^(a)	\$162,154	\$163,465

(a) The total remuneration includes the superannuation expense, accrued salaries, leave liabilities, fringe benefits tax payable and taxable value incurred by the Commission in respect of members and senior officers other than senior officers reported as members of the Commission.

No member or senior officer is a member of the Pension Scheme.

20. Remuneration of Auditor

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

Auditing the accounts, financial statements and performance indicators	\$11,600	\$11,200
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21. Supplementary Financial Information

- There were no losses of public moneys or other public property through theft or default during the financial year (2012: nil).
- There were no write offs of public money or other public property during the financial year (2012: nil).
- There were no gifts of public property during the financial year (2012: nil).
- There were no contingent liabilities as at 30 June 2013 (2012: nil).
- There were no events occurring after the end of the reporting period.
- The Commission had no related bodies during the financial year (2012: nil).
- The Commission had no affiliated bodies during the financial year (2012: nil).

22. Remuneration of Auditor

Since 30 June 2013, the State Budget Papers for 2013/14 have provided that the Commission will receive no further funding after 2013/14, and the budget papers indicate that from 2014/15, the Commission's administrative functions will be transferred to the Department of the Attorney General. There are presently no formal arrangements for future funding of the Commission's activities.

Other than above, there were no further events occurring after the end of the reporting period.

KEY PERFORMANCE INDICATORS

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

KEY PERFORMANCE INDICATORS

CERTIFICATION OF PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2013

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



Mr. Richard Douglas
Chairman of Law Reform Commission

2 September 2013

KEY PERFORMANCE INDICATORS

GOVERNMENT 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 2012–13. The effectiveness of each of the reference is measured separately as shown below.

Complaints Against Judiciary

Key:

- (a) The delay in engaging a project writer resulted in a delay in completing the draft Discussion Paper by the expected December 2011 deadline.
- (b) The draft Discussion Paper was completed in July 2012.
- (c) The Discussion Paper was published and distributed in September 2012.
- (d) The Final Report is due to be completed in August 2013

Table A shows the progress to date, the phases completed and target completion dates for the *Complaints Against Judiciary* reference in 2012–13.

Table A – Progress towards Complaints Against Judiciary

May 2011	Complaints Against Judiciary Terms of Reference signed on 30 May 2011.
June 2011	Foundation research commenced
September 2011	Project Writer engaged
December 2011 ^(a)	Discussion Paper due to be completed
July 2012 ^(b)	Discussion Paper completed
September 2012 ^(c)	Discussion Paper published and distributed
August 2013 ^(d)	Final Report due 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 Complaints Against Judiciary (elapsed time)

At 30 June 2013	Target	92.59%
	Actual	92.59%
	Variance	NIL

KEY PERFORMANCE INDICATORS

Representative Proceedings

Table C shows the progress to date, the phases completed and target completion dates for the *Representative Proceedings* reference in 2012–2013.

Key:

- (a) The delay in engaging a project writer resulted in a delay in completing the draft Discussion Paper by the expected June 2012 deadline.
- (b) The Discussion Paper was completed and published in February 2013.
- (c) The Final Report which was anticipated in February 2013 will now be completed by December 2013.

Table C – Progress towards Representative Proceedings

July 2011	Representative Proceedings Terms of Reference signed on 6 July 2011.
August 2011	Foundation research commenced
October 2011	Project Writer engaged
June 2012 ^(a)	Discussion Paper due to be completed
February 2013 ^(b)	Discussion Paper completed and published
December 2013 ^(c)	Final Report due 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 Representative Proceedings (elapsed time)

At 30 June 2013	Target	100%
	Actual	79%
	Variance	–21%

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 to reach stakeholders and inform them on matters of law reform.

	Target 2012–2013	Actual 2012–2013	2011–2012	2010–2011
SERVICE:				
Total publications	4	4	5	3
Average cost per publication	\$246,050	\$189,525 ^(a)	\$154,666	\$278,660 ^(d)
Total community contacts	3,000	4,304 ^(b)	6,642	6,449
Average cost per contact	\$17.27	\$9.27 ^(c)	\$6.13	\$6.82 ^(e)

- (a) The average cost per publication was less than anticipated due to the actual total cost of services being significantly less than the 2012-13 target. The average cost per publication was more in 2012-13 than in 2011-12 because the Commission produced fewer publications.
- (b) The total number of community contacts was less in 2012-13 than in 2011-12 because the Commission undertook only two references and had fewer mail outs of reports and other publications.
- (c) The average cost per contact was less than anticipated due to the higher total number of community contacts than the 2012-13 target. The average cost per contact increased from 2011-12 as a result of fixed costs being allocated to a lower number of contacts.
- (a) In the 2010–2011 Annual Report, this figure was incorrectly transposed and appeared as \$278,600. The correct "Average cost per publication" for 2010–11 should have been recorded as \$278,660. The Commission apologises for any inconvenience caused.
- (b) In the 2010–2011 Annual Report, this figure was incorrectly transposed and appeared as \$6.28. The correct "Average cost per contact" for 2010–11 should have been recorded as \$6.82. The Commission apologises for any inconvenience caused.

OTHER FINANCIAL DISCLOSURES

CAPITAL WORKS

The Commission has no capital works projects.

EMPLOYMENT AND INDUSTRIAL RELATIONS

Staff Profile

	2012–13	2011–12
Full-time permanent	2	2
Full-time contract	Nil	Nil
Part-time measured on an FTE basis	Nil	Nil
On secondment	Nil	0.6

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 Commission.

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 2012–13 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 Commission 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, the 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 2012–13 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 FTE in total), training opportunities have been limited. Although an external audit of the Commission's occupational safety and health management systems has not occurred, 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 2012–13 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.

ANNUAL PERFORMANCE FOR 2012–13

Measure	Actual Results		Results against Target	
	2010-11 ⁽¹⁾	2012-13 ⁽¹⁾	Target	Comment on result
Number of fatalities	0	0	0	
Lost time injury and/or disease incidence rate	0	0	0	
Lost time injury and/or disease severity rate	0	0	0 ⁽²⁾	
Percentage of injured workers returned to work:				
(i) within 13 weeks	N/A ⁽³⁾	N/A ⁽³⁾	100%	
(ii) within 26 weeks	N/A ⁽³⁾	N/A ⁽³⁾	≥ 80%	
Percentage of managers trained in occupational safety, health and injury management responsibilities	100%	100%	≥ 80%	

Notes:

- (1) This is a three-year trend, thus, the year is to be three years prior to current reporting year (ie, current year is 2012–13; previous year is 2010–11).
- (2) The reduction may be calculated over a three year period.
- (3) There were no injured workers during this reporting year.

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 and a full-time Executive Assistant and engages

additional temporary staff as needed to assist with particular projects. The Commission 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 Commission endeavours to use the public tender procedure to select writers, editors and researchers for each project.

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

Work has continued on the Commission's reference on Complaints Against Judiciary. The Discussion Paper was published in September 2012 and resulted in 16 submissions being received by the Commission, the majority of which were supportive of the proposals outlined. The Final Report setting out the Commission's recommendations will be completed in August 2013 and forwarded to the Attorney General for tabling in Parliament in September 2013.

CURRENT REFERENCES

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

The Commission published its Discussion Paper on Representative Proceedings in February 2013. Work has now commenced on a Final Report and recommendations. The Commission expects to present the Attorney General with a report for tabling in Parliament by the end of 2013.

ENHANCING LAWS CONCERNING FAMILY AND DOMESTIC VIOLENCE – PROJECT 104

I, Michael Mischin, Attorney General for the State of Western Australia, hereby refer the following matter to the Law Reform Commission of Western Australia.

That the Law Reform Commission of Western Australia:

- Investigate and consider the benefits (or otherwise) of having separate family and domestic violence legislation including the outcomes and effectiveness of separate legislation;
- Provide advice on the utility and legal consequences of separating family and domestic violence restraining orders from the

Restraining Orders Act 1997; and

- Provide advice on the provisions of law which should be included in family and domestic violence legislation (whether in a separate Act or otherwise).

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

The Commission is requested to deliver its report and recommendations by no later than 31 March 2014.

Michael Mischin MLC
15 July 2013

The Commission received a new reference on Enhancing Laws Concerning Family and Domestic Violence in July 2013. As a result, a project writer has now been appointed and foundation research has commenced. Due to the limited timeframe within which to complete the reference, the Commission expects to have a Discussion Paper available by the end of 2013 with the Final Report to be completed by March 2014.

APPENDIX II: PUBLICATIONS

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

Year	Topic	Ref No	Publication type
2013	Representative Proceedings	103	Discussion Paper
2012	Complaints Against the Judiciary	102	Discussion Paper
	Review of Community Protection (Offender Reporting) Act 2004	101	CD-ROM
	Review of Coronial Practice in Western Australia	100	CD-ROM
	Review of Community Protection (Offender Reporting) Act 2004	101	Final Report
	Review of Coronial Practice in Western Australia	100	Final Report
	Annual Report 2011–12		
2011	Review of Community Protection (Offender Reporting) Act 2004	101	Discussion Paper
	Review of Coronial Practice in Western Australia	100	Discussion Paper
	Annual Report 2010–11		
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	99	CD-ROM
	Annual Report 2009–10		
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	96	CD-ROM
	Annual Report 2008–2009		
2008	Compensation for Injurious Affection	98	Final Report
	Problem-Oriented Courts (H Blagg)	96	Research Paper
	Problem-Oriented Courts: Court Intervention Programs	96	Consultation Paper
	Annual Report 2007–2008		
2007	Law Reform Process (in 10 languages)		Brochures
	Review of the Law of Homicide	97	Report
	Compensation for Injurious Affection	98	Discussion Paper
	Annual Report 2006–2007		
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	94	Background Papers
	Annual Report 2004–2005		
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

Year	Topic	Ref No	Publication type
2003	Aboriginal Customary Laws ('ACL') Judicial Review of the Administrative Decisions Contempt by Disobedience Final Report on the Law of Contempt Annual Report 2002–2003	94 95 93(III) 93	Video Report Discussion Paper Report
2002	30th Anniversary Reform Implementation Report Reports and Working Papers 1972–2002 Boxed set containing all LRCWA publications – Project Nos 1–92 Judicial Review of the Administrative Decisions Contempt in the Face of the Court Contempt by Publication Annual Report 2001–2002	95 93(I) 93(II)	Report CD-ROM CD-ROM Discussion Paper Discussion Paper 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

PUBLICATIONS

Year	Topic	Ref No	Publication type
1991	Criminal process and mental disorder Effect of marriage or divorce on wills Medical treatment for the dying Evidence of children and other vulnerable witnesses Professional privilege for confidential communications Annual Report 1990–1991	69 76 Pt II 84 87 90	Report Report Report Report Discussion Paper
1990	Confidentiality of medical records and medical research Effect of marriage or divorce on wills Administration Act Evidence of children and other vulnerable witnesses Annual Report 1989–1990	65 Pt II 76 Pt II 88 87	Report Discussion Paper Report Discussion Paper Report
1989	Confidentiality of medical records and medical research Payment of witnesses in civil proceedings Police Act offences Incitement to racial hatred Incitement to racial hatred Annual Report 1988–1989	65 Pt II 83 85 86 86	Discussion Paper Report Discussion Paper Issues Paper Report Report
1988	Local Courts Minors' contracts Administration of assets 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	11 26 Pt II 34 Pt V	Report Working Paper Working Paper

Year	Topic	Ref No	Publication type
	Liability of highway authorities for non-feasance	62	Report
	Privacy	65	Working Paper
	Interest on judgments	70	Report
	Absconding Debtors Act	73	Report
	Annual Report 1980–1981		Report
1980	Liability for stock straying on to the highway (2nd W/P)	11	Working Paper
	Admissibility in evidence of computer records	27	Report
	Recognition of interstate and foreign grants of probate and administration	34 Pt IV	Working Paper
	Unclaimed money	51	Report
	Privilege for journalists	53	Report
	Exemption from jury service	71	Report
	Retention of court records	72	Report
	Absconding Debtors Act	73	Working Paper
	Annual Report 1979–1980		Report
1979	Annual Report 1978–1979		Report
	Defamation	8	Report
	Appeals from Courts of Petty Sessions	55 Pt I	Report
	Small Debts Court	63	Report
	Bail	64	Report
	Retention of court records	72	Working Paper
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

PUBLICATIONS

Year	Topic	Ref No	Publication type
1975	Tenancy bonds	41	Report
	Criminal injuries compensation	46	Working Paper
	Criminal injuries compensation	46	Report
	Suitors' Fund Act	49	Working Paper
	Local body election practices	52	Working Paper
	Local body election practices	52	Report
	Alternatives to cautions	60	Working Paper
	Alternatives to cautions	60	Report
	Annual Report 1974–1975		Report
1974	Commercial arbitration and commercial causes	18	Report
	Special constables	29	Working Paper
	Competence and compellability of spouses as witnesses	31	Working Paper
	Land Agents Act	37	Report
	Production of medical and technical reports in court proceedings	40	Working Paper
	Tenancy bonds	41	Working Paper
	Mortgage brokers	45	Working Paper
	Mortgage brokers	45	Report
	liens	54	Working Paper
	Contractors' liens	54	Report
1973	Annual Report 1973–1974		Report
	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
1972	Annual Report 1972–1973		Report
	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
1971	Distribution on intestacy	34 Pt I	Working Paper
	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

Year	Topic	Ref No	Publication type
1971	Associations Incorporation Act	21	Working Paper
	Succession rights of adopted children	24	Working Paper
	Succession rights of adopted children	24	Report
1970	Testator's Family Maintenance Act	2	Report
	Succession rights of illegitimate children	3	Report
	Committal proceedings	4	Report
	Summary trial of indictable offences	6	Report
	Disposal of uncollected goods	7	Report
	Liability for stock straying on to the highway (1st working paper)	11	Working Paper
	Liability for stock straying on to the highway (1st report)	11	Report
	Affiliation proceedings	13	Report
	Motor car manslaughter	17	Report
	Motor car manslaughter	17	Working Paper
1969	Protection for purchasers of land	1 Pt I	Report
	Interim hearings in personal injury cases	5	Report
	Defamation: privileged reports	8	Working Paper
1968	Protection for purchasers of land	1 Pt I	Working Paper
	Testator's Family Maintenance Act	2	Working Paper
	Succession rights of illegitimate children	3	Working Paper
	Committal proceedings	4	Working Paper
	Interim hearings in personal injury cases	5	Working Paper
	Summary trial of indictable offences	6	Working Paper
	Disposal of uncollected goods	7	Working Paper

APPENDIX III: HISTORY OF REFERENCES

FOLLOWING IS THE HISTORY OF REFERENCES RECEIVED BY THE LAW REFORM COMMISSION OF WESTERN AUSTRALIA AND THE LEGISLATIVE ACTION ON THE REPORTS FROM 1968–2013.

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 subdivisinal 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 Final Report: Feb 2012	113 recommendations for reform of coronial practice in Western Australia	
101	Review of Community Protection (Offender Reporting) Act 2004 Referred: April 2009 Discussion Paper: Feb 2011 Final Report: Jan 2012	20 recommendations for the reform of the <i>Community Protection (Offender Reporting) Act 2004</i>	
102	Complaints against Judiciary Referred: May 2011	Project is ongoing	
103	Representative Proceedings Referred: July 2011	Project is ongoing	
104	Family and Domestic Violence Referred: July 2013	Project is ongoing	