



LAW REFORM COMMISSION
of
WESTERN AUSTRALIA

ANNUAL REPORT

1 JULY 2014 – 30 JUNE 2015

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STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE WITH THE *FINANCIAL MANAGEMENT ACT 2006*

FOR THE YEAR ENDING 30 JUNE 2015

Hon Michael Mischin MLC
Attorney General

In accordance with section 61 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to State Parliament the Annual Report of the Law Reform Commission of Western Australia for the year ending 30 June 2015.

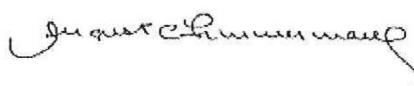
This report has been prepared in accordance with the provisions of the *Financial Management Act 2006*. The content and layout are consistent with the requirements of Treasurer's Instruction 903.

Yours sincerely



Dr David Cox
Chair
Law Reform Commission
of Western Australia

7 September 2015



Dr Augusto Zimmermann
Member
Law Reform Commission
of Western Australia

7 September 2015

ABOUT THIS REPORT

This report provides an overview of the activities of the Law Reform Commission of Western Australia ('the Commission') during 2014-15.

The overview gives 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 on the agency. The last section, Disclosure and Legal Compliance, covers all financial statements, governance requirements and a breakdown of key performance indicators.

The appendix outlines the Commission's current references.

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

Printed copies and copies supplied in alternative formats for those with disabilities may be requested from the Commission by calling the number below.

LAW REFORM COMMISSION CONTACT DETAILS

Street and postal address:

Level 12, Westralia Square
141 St Georges Terrace
Perth WA 6000

Telephone: (08) 9264 1340

Facsimile: (08) 9264 6114

Website: www.lrc.justice.wa.gov.au

Email: lrcwa@justice.wa.gov.au

MESSAGE FROM THE CHAIR

The 2014-15 financial year has been a year of consolidation for the Commission, following a number of significant changes in the previous 2013-14 financial year. Firstly, on 1 July 2014, responsibility for the Commission was transferred to the Department of the Attorney General (DotAG). DotAG is now tasked with providing all administrative support to the Commission from its own resources. This continues on from a previous service agreement with DotAG that saw administrative assistance provided to the Commission in areas including accounting, information technology provision and payroll. Accordingly, 2014-2015 marked the Commission's first full year of operation with slimmed down operational resource requirements in order to perform its statutory functions. Despite these changes, the Commission remains a statutory authority and retains its legal independence with respect to its findings.

In the past, the Commission operated on an outsourcing model, which involved engaging external, independent researchers and project writers to enable the Commission to discharge its core functions. In 2014-15, the Commission successfully experimented in the reference of the review of the *Firearms Act 1973* with a partial outsourcing model wherein a seconded DotAG staff member, who also provided administrative support to the Commission, undertook research and project writing. In the absence of a future recurrent budget for expenditure to undertake research projects, the Commission continues to seek clarification about the extent to which it will be able to continue to utilise seconded resources in the future, particularly where DotAG may not be in a position to itself provide the requisite level of assistance. This dialogue is ongoing.

With responsibility for the Commission's administrative support transferred to DotAG the Commission is no longer able to utilise previous outsourcing practices. This has resulted in the Commission now needing to follow government procurement policies in order to outsource its larger references. While this change has temporal consequences, in the case of the reference regarding provisional damages and damages for gratuitous services it has resulted in the appointment of the Commission's external researchers and project writers through an open and transparent process, thus ensuring that the best available resources can be utilised by the Commission when outsourcing some or all of its requirements.

The Commission remains committed to ensuring that its independence and functions are maintained at its current high standard. It has the benefit of an assurance from DotAG and the Attorney General that each remains committed to those objectives.

It is testament to the commitment of the Commission, the DotAG staff who have assisted the Commission and the project writers, that the Commission has remained productive throughout a period of profound structural change. In the 2014 -15 year the Commission:

- produced its final report in response to the Representative Proceedings reference;
- undertook a detailed and broad program of research as part of the reference to review the *Firearms Act 1973*;
- completed a substantial and detailed discussion paper, arising from its research, in relation to the reference to review the *Firearms Act 1973*; and
- undertook a broad and rigorous search as part of the process to appoint researchers and project writers to answer the reference on provisional damages and damages for gratuitous services.

MESSAGE FROM THE CHAIR

(continued)

COMPLETED REFERENCES

In June 2015 the Attorney General received the final report about law reform in the area of representative proceedings. The report examined whether—and if so, in what manner—the principles, practices and procedures pertaining to representative proceedings commenced in the courts of Western Australia require reform. Analysis focused on comparable jurisdictions and the way that proceedings operate in those jurisdictions to inform the Commission on ways to reduce uncertainty and lack of clarity in the area. Consideration of appropriate and effective models took into account recent developments regarding representative proceedings in other jurisdictions both nationally and internationally. The Commission received seven submissions from stakeholders. The report contained seven recommendations, including the recommendation that Western Australia enact legislation to create a scheme in relation to the conduct of representative actions, based on Part IVA of the *Federal Court of Australia Act 1976* (Cth) and that Order 18 Rule 12 of the Rules of the Supreme Court 1971 (WA) be retained. Other recommendations were that the legislative scheme include a provision based on s 33T of Part IVA of the *Federal Court of Australia Act 1976* (Cth), suggesting that it be expanded so that a court may remove and substitute a representative party where it is in the interests of justice to do so, and that a provision equivalent to s 158(2) of the *Civil Procedure Act 2005* (NSW) be included in the legislative scheme, but suggesting that a provision equivalent to s 166(2) of the *Civil Procedure Act 2005* (NSW) not be included.

CURRENT REFERENCES

In March 2014 and May 2014, the Commission received references from Attorney General, the Hon Michael Mischin MLC, in respect to the *Firearms Act 1973* and provisional damages and damages for gratuitous services, respectively. The 2015-16 financial year will see the completion of these two references.

The review into the *Firearms Act 1973* reference has required the Commission to undertake extensive engagement with law enforcement agencies in Western Australia and in the other states and Territories of Australia. The Commission has been in discussion with the State Administrative Tribunal and has had extensive consultation, both individually and as a group, with firearms user groups. A Discussion Paper arising from this consultation is nearing completion and is expected to be released shortly.

The Commission's reference on Provisional Damages and Damages for Gratuitous Services was advertised for tender in December 2014. The preferred respondent was identified and, after an extensive negotiation period, was awarded the contract. Work is currently underway.

COMMUNITY CONSULTATION

Each reference the Commission takes on 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 who were willing to bring their knowledge and skills to the preparation of the Commission's reports. The Commission sincerely appreciates the efforts made by all involved. Their views and efforts in identifying the difficulties in current laws, and proposing considered alternatives to the existing arrangements to address those difficulties, play a significant role in developing proposals and reports. The efforts made by individuals and organisations ensure that the Commission's reports are comprehensive, accurate and considered.

The Commission is grateful to its project writer, Tim Hammond, for researching and writing the Discussion Paper and Final Report on the Representative Proceedings reference. The Commission also appreciates the work of writer and researcher, Sarah Burnside, for her work on the *Firearms Act 1973* (WA) reference, which was undertaken while she was also providing administrative support to the Commission.

MESSAGE FROM THE CHAIR

(continued)

In a methodical way, Sarah took one of the more divisive and confusing pieces of legislation in Western Australia and prepared a draft discussion paper that is engaging, easy to read and of outstanding quality. She has since moved on to face the challenges of motherhood. For this and all her future endeavours, the Commission wishes her all the very best. The Commission also thanks its former Executive Officer, Heather Kay, and former Executive Assistant, Sharne Cranston, for their invaluable assistance with the Representative Proceedings reference prior to this transition. And the Commission also gratefully acknowledges the assistance of officers from within the Department of the Attorney General.

The Commission would like to thank the Attorney General, the Hon Michael Mischin MLC, for his interest in and support of the Commission's work. The Commission would also like to acknowledge the support of DotAG for assuming responsibility in providing administrative and executive support to the Commission. The Commission also acknowledges the professionalism of the staff of DotAG during its transition to the new administrative arrangements. This professionalism enabled the Commission to maintain its productivity without any compromise to the independence or quality of its work.

In the Budget Statement papers for 2014-15 there was no allocation of new funds to support the functions of the Commission, nor has there

been any allocation within the DotAG 2014-15 budget specifically to support the work of the Commission. This follows the non-allocation of new funding arrangements for the Commission in the Budget Statements 2013-14. Existing funds held in the Law Reform Commission Account will be retained and will continue to be available to provide for the remuneration and allowances due to Commissioners and, upon approval, will be used to enable the Commission to use independent external resources, where appropriate, to assist it discharge its core functions in relation to researching, consulting and reporting.

Finally, the Commissioners would like to express their appreciation for the work of Senior Policy Officer, Ms Sarah Burnside, and Policy Officer, Ruth Brennan. Ms Burnside is currently on extended leave and a suitable replacement has been identified and has assumed her responsibilities.

The Commission is extremely grateful for their dedication and professionalism. Their work in coordinating administrative and legal research activities, managing the references and keeping the Commission operating smoothly has ensured that the referrals have been completed to a high standard. The Commissioners sincerely wish Ms Burnside the best for the future and welcome her return.

Dr David Cox

OVERVIEW OF THE LAW REFORM COMMISSION

EXECUTIVE SUMMARY

The Commission's role is to keep the law up-to-date and relevant to the needs of Western Australian society. The Commission achieves this by receiving terms of reference and reviewing selected legislation at the request of the Attorney General to identify 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, and the Attorney General then presents the Commission's reports to the State Parliament as soon as practicable after the Commission completes its work on each reference.

The Commission's output measures the progress of a reference against milestone targets. The extent to which the Commission meets the timeframes set by the Attorney General is therefore considered to be a key performance indicator which measures the extent to which the Commission is contributing to keeping Western Australian law up-to-date.

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 and administering 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, for instance, parents and doctors may be more interested in medical treatment for minors. Merchants and finance companies may seek changes to the *Sale of Goods Act 1895*, while builders and suppliers may be concerned with financial protection in the building and construction industry. Once an issue is identified, the Commission often invites stakeholders' submissions when developing its recommendations.

PERFORMANCE HIGHLIGHTS

Representative Proceedings

The Commission has completed the final report and recommendations into the Representative Proceedings reference. The Commission was requested to examine and report on whether—and if so, in what manner—the principles, practices and procedures pertaining to representative proceedings require reform. The Commission presented the Attorney General with a report for tabling in State Parliament in June 2015.

OVERVIEW OF THE LAW REFORM COMMISSION

(continued)

Firearms Act 1973

The Commission received a reference in March 2014 to examine the *Firearms Act 1973* and make recommendations for reform. This reference is due to be completed by September 2015. The review will consider the requirement for legislative and/or procedural changes regarding the licensing and storage of firearms, the definitions and categorisation of firearms, the effects of changes in firearm technology and penalties for firearms offences. The Commission will also review issues arising from recent WA Police operations, agency and Parliamentary inquiries and reports relating to firearms.

Provisional Damages and Damages for Gratuitous Services

The Commission received a further reference in May 2014 relating to compensation regimes for persons suffering from asbestos related diseases. The Commission has been asked to give particular consideration of whether reform should occur in relation to the 'once and for all' rule for damages in personal injury cases as well as whether a plaintiff should be able to be awarded damages for the value of services provided by the plaintiff to others.

TECHNOLOGICAL AND ADMINISTRATIVE CHANGES

To facilitate the citation and reference to the Commission's considerable body of work, all publications from 1 July 2013 have been made available for download in MS Word.

The Commission's website received more than 533,428 hits in 2014-15.

During the past year the Commission's staff received and dealt with 598 letters, faxes, emails 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.

Staff within the Department of the Attorney General carried out the administrative functions of the Commission.

FINANCIAL FORECAST

The Commission's reference on representative proceedings was completed with the final report presented to the Attorney General in June 2015 for tabling in State Parliament. The Commission received no new references from the Attorney General during 2014-15, although it should be noted here that two references were made in the fourth quarter of 2013-14. The final reports for both of those are currently expected to be completed in 2015-16.

DotAG provided administrative and executive support functions of the Commission in 2014-15 and was accommodated within DotAG's existing budget. The Commission is currently working with DotAG to determine how provision is being made for it to carry out its substantive role.

OVERVIEW OF THE LAW REFORM COMMISSION

(continued)

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.

The Law Reform Commission of Western Australia reviews areas of the law referred to it by the Attorney General of the day to identify potential 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* (WA) 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 State 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 Western Australian 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 no less than eight years' experience; one must be engaged in teaching law at a university in Western Australia with a status no less than that of Senior Lecturer; and the third is to be a legal officer of the State Solicitor's Office with no 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.

COMMISSIONERS

Legal Practitioner
University Law Senior Lecturer
State Solicitor's Office Legal Officer



Department of the Attorney General

Chairman

Under 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.

During 2014-15, the Commissioners elected Dr David Cox as the Chairman of the Commission. Dr Cox joined the Commission in August 2014. He has a Bachelor of Laws with Honours from Murdoch University and a Bachelor of Science with Honours and a Doctorate of Philosophy from the University of Western Australia. He is a partner of the Western Australian law firm, Jackson McDonald. His practice assists clients in identifying and protecting their intangible assets. Prior to becoming a lawyer, he was a research scientist in the fields of biochemistry and physiology.

Members

Mr Alan Sefton (B. Comm, 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. Mr Sefton provides advice and acts as counsel for the State Government and its agencies relating to a range of matters, principally

OVERVIEW OF THE LAW REFORM COMMISSION

(continued)

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, PhD (Monash)) joined the Commission on 12 June 2012. Dr Zimmermann is Senior Lecturer and former Associate Dean (Research) and Postgraduate Studies Director at Murdoch University's School of Law. He is the founder and President of the Western Australian Legal Theory Association (WALTA), a Vice-President of the Australian Society of Legal Philosophy (ASLP), and Editor of the Western Australian Jurist law journal. A prolific writer and the author of numerous articles and academic texts, Dr Zimmermann was recently appointed as a professor of Notre Dame University's Sydney campus and was awarded the 2012 Vice Chancellor's Award for Excellence in Research, and two School Dean's Research Awards, in 2010 and 2011. Dr Zimmermann has also received the 2013 Law Lecturer of the Year Award from the Murdoch Student Law Society (MSLS), in recognition of the outstanding level of teaching, service and personal contribution he provided to the students of Murdoch Law School.

Members' Fees

The Western Australian Governor in Executive Council sets the remuneration of the Commissioners. Section 9 of the *Law Reform Commission Act 1972* 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% of the salary paid to a General Division Class I public servant, as adjusted from time to time.

The State Solicitor's Office representative receives no additional fee beyond their ordinary salary.

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

As required by the Public Sector Commission's Annual reporting framework: 2014-15 reporting year, the following table outlines the remuneration for Commission members:

Law Reform Commission of Western Australia				
Position	Name	Type of remuneration*	Period of membership	Gross/actual remuneration
Chair (part time)	Dr David Cox	Honorarium	10 months	\$46,214 pa
Member (part time)	Mr Alan Sefton	#See note below	46 months	Not applicable
Member (part time)	Dr Augusto Zimmermann	Honorarium	3 years	\$38,084 pa
Total:				\$84,298

* Sessional, per meeting, half day, or annual.

As Mr Sefton is employed at the State Solicitor's Office under the *Public Sector Management Act 1994*, he is not entitled to remuneration for his membership of the Commission.

OVERVIEW OF THE LAW REFORM COMMISSION

(continued)

Senior Officer

During 2014-15, Ms Sarah Burnside served as Senior Policy Officer assisting the Commission with responsibility for co-ordinating administrative and legal research activities and managing the various references.

ADMINISTERED LEGISLATION

Key Legislation Impacting on the Commission's Activities is listed below.

In the performance of its functions, the 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
- Workers Compensation and Injury Management Act 1981

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

At the date of signing, the Commission is not aware of any circumstances that 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 otherwise 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. Information about available publications can be found on the Commission's website at www.lrc.justice.wa.gov.au

LEGISLATIVE CHANGE

There were no statutory changes or significant judicial decisions affecting the Commission in 2014–15.

OVERVIEW OF THE LAW REFORM COMMISSION

(continued)

MEETINGS OF THE COMMISSION

The Commission held ten project meetings and one meeting with the Attorney General during the 2014-15 financial year. These meetings were primarily devoted to discussing the progress of the Commission's references, particularly the *Firearms Act 1973* and, to a lesser extent, Representative Proceedings. In addition, members of the Commission attended public consultation and private consultations meetings in furtherance of the reference relating to the *Firearms Act 1973*.

OFFICE

The Commission may be reached by telephone on (08) 9264 1340; fax (08) 9264 6114, and e-mail: lrcwa@justice.wa.gov.au

The Commission's website is www.lrc.justice.wa.gov.au

The administrative office is located at Level 12 of Westralia Square, 141 St Georges Terrace, Perth.

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:

Within its Performance Management Framework, the desired outcome for the Commission states that 'the law is reviewed as requested by the Attorney General and stakeholders are kept informed.' This is aligned to the Commission's strategic mission 'to assist in keeping the law up-to-date and relevant to the needs of Western Australian society.'

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 for it 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 Commission's Outcome Based Management Framework did not change during 2014-15.

SHARED RESPONSIBILITIES WITH OTHER AGENCIES

The Commission did not share any responsibilities with other agencies in 2014-15.

AGENCY PERFORMANCE

REPORT ON OPERATIONS

REPRESENTATIVE PROCEEDINGS

The Commission completed the Final Report on Representative Proceedings in 2014-15. The Commission received seven submissions from stakeholders including the Law Society of Western Australia, the Law Council of Australia, the Western Australian Bar Association and the Justices of the Supreme Court of Western Australia. Project writer, Tim Hammond (BA, LLB), completed the discussion paper in February 2013 and final report in June 2015. The Final Report outlined seven recommendations for reform.

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 milestone timelines – The extent to which the Commission is meeting the Attorney General's law reform requests in a timely manner			
	Not stated	33%	N/A
Service: <i>Publications on Law Reform</i>			
Key Efficiency Indicator:			
Average Cost per Publication	\$74,733	\$123,721	-\$48,988
Total Community Contacts	Not stated	598	N/A
Average Cost per Contact	N/A	\$32.67	N/A
Number of Publications on Law Reform	2	1	-1

1) Targets have not been set for 2014-15 due to the change to the Commission's funding model. An activity target for Total Community Contacts was not required to be submitted for the 2014-2015 Budget Statements.

N/A The target activity KPI and variation to KPI are not applicable as targets have not been set for 2014-15 - (refer to (1) above).

SIGNIFICANT ISSUES IMPACTING THE AGENCY

CURRENT AND EMERGING ISSUES AND TRENDS

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

A further issue resulting from this is the need to make law reform as meaningful and effective as possible.

ECONOMIC AND SOCIAL TRENDS

In continuation from the previous 2013-14 Budget Statements, no specific allocation has been made for the Commission's operations in the 2014-15 State Budget or in the out years beyond that. Responsibility for ensuring the Commission is able to discharge its administrative functions has been assumed by DotAG.

The Commission is currently tasked with the following terms of reference:

- provisional damages and damages for gratuitous services; the 'once and for all' rule in relation to personal injuries damages and damages for gratuitous services provided by plaintiffs; and
- firearms legislation.

In 2015-16 and beyond the level of support that DotAG is able to provide to the Commission, coupled with the extent to which the Commission may be able to use its own existing funds, to enable it, where appropriate, to engage external resources (independent experts and project writers), will influence the extent to which the Commission is capable of discharging its statutory responsibilities and reporting to the Attorney General on a timely basis. The Commission is continuing to seek clarification as to the operation of the new resourcing 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 has allowed it to conduct research on more than one reference at a time. It expects to continue to do so, subject to a satisfactory resolution of the resourcing issues identified above. The Commission is currently completing work on the *Firearms Act 1973* reference and the provisional damages and damages for gratuitous services reference. A well advanced Discussion Paper on the *Firearms Act 1973* was written in-house and is in the final stages of review for the reference and the Commission will subsequently release the final report. The Commission will release a discussion paper and, subsequently, the final report on the provisional damages and damages for gratuitous services reference.

DISCLOSURES AND LEGAL COMPLIANCE



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

Report on the 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 2015, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, 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 2015 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.

DISCLOSURES AND LEGAL COMPLIANCE

(continued)

Report on Controls

I have audited the controls exercised by the Law Reform Commission of Western Australia during the year ended 30 June 2015.

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 2015.

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 2015.

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.

DISCLOSURES AND LEGAL COMPLIANCE

(continued)

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 2015.

Independence

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

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

This auditor's report relates to the financial statements and key performance indicators of the Law Reform Commission of Western Australia for the year ended 30 June 2015 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.



GLEN CLARKE
DEPUTY AUDITOR GENERAL
Delegate of the Auditor General for Western Australia
Perth, Western Australia
31 August 2015

CERTIFICATION OF FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2015

CERTIFICATION OF FINANCIAL STATEMENTS

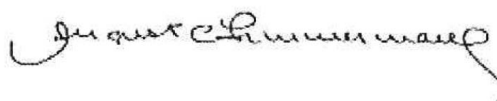
The accompanying financial statements of the Law Reform Commission of Western Australia have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2015 and the financial position as at 30 June 2015.

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



Dr David Cox

Chairman of the Law Reform
Commission WA
26 August 2015



Dr Augusto Zimmermann

Member of the Law Reform
Commission WA
26 August 2015



Mr Alan Andersson

Chief Finance Officer
26 August 2015

STATEMENT OF COMPREHENSIVE INCOME

	Note	2015 \$	2014 \$
COST OF SERVICE			
Expenses			
Employee benefits expense	4	84,175	379,625
Supplies and services	5	199,140	481,282
Accommodation expenses	6	92,479	130,883
Other expenses	7	14,903	61,137
Total cost of services		390,697	1,052,927
Income			
Other revenue		2,420	2,494
Total income other than income from State Government		2,420	2,494
NET COST OF SERVICES		388,277	1,050,433
Income from State Government	8		
Service appropriation		-	833,000
Resources received free of charge		306,522	178,205
Total income from State Government		306,522	1,011,205
(DEFICIT)/SURPLUS FOR THE PERIOD		(81,755)	(39,228)
TOTAL COMPREHENSIVE (LOSS)/INCOME FOR THE PERIOD		(81,755)	(39,228)

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

STATEMENT OF FINANCIAL POSITION

	Note	2015 \$	2014 \$
ASSETS			
Current Assets			
Cash and cash equivalents	14	1,578,633	1,680,418
Receivables	9	-	14,695
Other current assets	10	-	11,573
Total Current Assets		1,578,633	1,706,686
TOTAL ASSETS		1,578,633	1,706,686
LIABILITIES			
Current Liabilities			
Payables	11	2,376	48,674
Provisions	12	-	-
Total Current Liabilities		2,376	48,674
TOTAL LIABILITIES		2,376	48,674
NET ASSETS		1,576,257	1,658,012
EQUITY			
Contributed equity	13	17,000	17,000
Accumulated surplus	13	1,559,257	1,641,012
TOTAL EQUITY		1,576,257	1,658,012

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

STATEMENT OF CHANGES IN EQUITY

	Note	Contributed equity \$	Accumulated surplus \$	Total equity \$
Balance at 1 July 2013		17,000	1,680,240	1,697,240
Total comprehensive income for the period	13	-	(39,228)	(39,228)
Balance at 30 June 2014		17,000	1,641,012	1,658,012
Balance at 1 July 2014		17,000	1,641,012	1,658,012
Total comprehensive income for the period		-	(81,755)	(81,755)
Balance at 30 June 2015		17,000	1,559,257	1,576,257

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

STATEMENT OF CASH FLOWS

	Note	2015 \$	2014 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation			
Net cash provided by State Government	8	-	833,000
		-	833,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits ^(a)		(130,579)	(405,158)
Supplies and services		-	(389,864)
Accommodation	6	-	(123,074)
GST payments on purchases		-	(47,560)
Receipts			
Other receipts ^(b)		14,261	428
GST receipts from taxation authority		14,533	40,158
Net cash used in operating activities	14	(101,785)	(925,070)
Net (decrease) /increase in cash and cash equivalents		(101,785)	(92,070)
Cash and cash equivalents at the beginning of the reporting period		1,680,418	1,772,488
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	14	1,578,633	1,680,418

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

(a) Includes \$46,106 paid to the Department of the Attorney General (DotAG) this financial year for severance pay paid on behalf of the Commission in the previous financial year.

(b) Includes \$11,573 received from DotAG for accommodation prepaid last financial year.

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NOTES TO THE FINANCIAL STATEMENTS

Note 1: Australian Accounting Standards

General

The financial statements of the Law Reform Commission of Western Australia (the Commission) for the year ended 30 June 2015 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 2015.

Note 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 2006 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.

NOTES TO THE FINANCIAL STATEMENTS

(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.

Service

The Commission's service is publications on law reform.

As there is only one service provided by the Commission, the Schedule of Income by Service and Schedule of Asset and Liabilities by Service have not been prepared.

(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.

NOTES TO THE FINANCIAL STATEMENTS

(f) 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.

(g) 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.

(h) Accrued salaries

Accrued salaries (see note 11 '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.

(i) Receivables

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

(j) 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

(k) 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.

(l) 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.

(m) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at 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.

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

(n) Comparative figures

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

(o) 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.

NOTES TO THE FINANCIAL STATEMENTS

Note 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 2014 that impacted on the Commission.

AASB 9	Materiality
	This Standard supersedes AASB 1031 (February 2010), removing Australian guidance on materiality not available in IFRSs and refers to guidance on materiality in other Australian pronouncements. There is no financial impact.
AASB 1055	Budgetary Reporting
	This Standard requires specific budgetary disclosures in the financial statements of not-for-profit entities within the General Government Sector. The Commission will be required to disclose additional budgetary information and explanations of major variances between actual and budgeted amounts, though there is no financial impact.
AASB 2012-3	Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]
	This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of ‘currently has a legally enforceable right of set-off’ and that some gross settlement systems may be considered equivalent to net settlement. The Commission does not routinely hold financial assets and financial liabilities that it intends to settle on a net basis, therefore there is no financial impact.
AASB 2013-3	Amendments to AASB 136 – Recoverable amount disclosures for non-financial assets
	This Standard introduces editorial and disclosure changes. There is no financial impact.
AASB 2013-9	Amendments to Australian Accounting Standards - Conceptual Framework, Materiality and Financial Instruments
	This omnibus Standard makes amendments to other Standards arising from the deletion of references to AASB 1031 in other Standards for periods beginning on or after 1 January 2014 (Part B). Part B has no financial impact.
AASB 2014-1	Amendments to Australian Accounting Standards
	Part A of this Standard consists primarily of clarifications to Accounting Standards and has no financial impact for the Commission.
	Part B of this Standard has no financial impact as the Commission contributes to schemes that are either defined contribution plans, or deemed to be defined contribution plans.
	Part C has no financial impact as it removes references to AASB 1031 Materiality from a number of Accounting Standards.

NOTES TO THE FINANCIAL STATEMENTS

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.

Note 3: Disclosure of changes in accounting policy and estimates *(continued)*

		Operative for reporting periods beginning on/ after
AASB 9	Financial Instruments This Standard supersedes AASB 139 Financial Instruments: Recognition and Measurement, introducing a number of changes to accounting treatments. The mandatory application date of this Standard was amended to 1 January 2018 after being amended by AASB 2012-6, AASB 2013-9 and AASB 2014-1 Amendments to Australian Accounting Standards. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2018
AASB 2010-7	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, 139, 1023 and 1038 and Int 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 mandatory application date of this Standard has been amended by AASB 2012-6 and AASB 2014-1 to 1 January 2018. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2018

NOTES TO THE FINANCIAL STATEMENTS

Note 3: Disclosure of changes in accounting policy and estimates *(continued)*

		Operative for reporting periods beginning on/ after
AASB 2013-9	Amendments to Australian Accounting Standards Conceptual Framework, Materiality and Financial Instruments Part C of this omnibus Standard defers the application of AASB 9 to 1 January 2017. The application date of AASB 9 was subsequently deferred to 1 January 2018 by AASB 2014-1. The Commission has not yet determined the application or the potential impact of AASB 9.	1 Jan 2015
AASB 2014-1	Amendments to Australian Accounting Standards Part E of this Standard makes amendments to AASB 9 and consequential amendments to other Standards. It has not yet been assessed by the Commission to determine the application or potential impact of the Standard.	1 Jan 2015
AASB 2014-5	Amendments to Australian Accounting Standards arising from AASB 15 This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 15. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2017
AASB 2014-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2014) This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 9 (December 2014). The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2018

NOTES TO THE FINANCIAL STATEMENTS

Note 3: Disclosure of changes in accounting policy and estimates *(continued)*

		Operative for reporting periods beginning on/ after
AASB 2014-8	Amendments to Australian Accounting Standards arising from AASB 9 (December 2014) – Application of AASB 9 (December 2009) and AASB 9 (December 2010) [AASB 9 (2009 & 2010)] This Standard makes amendments to AASB 9 Financial Instruments (December 2009) and AASB 9 Financial Instruments (December 2010), arising from the issuance of AASB 9 Financial Instruments in December 2014. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2015
AASB 2015-2	Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049] This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. There is no financial impact.	1 Jan 2016
AASB 2015-3	Amendments to Australian Accounting Standards arising from the Withdrawal of AASB 1031 Materiality This Standard completes the withdrawal of references to AASB 1031 in all Australian Accounting Standards and Interpretations, allowing that Standard to effectively be withdrawn. There is no financial impact.	1 Jul 2015

NOTES TO THE FINANCIAL STATEMENTS

	2015 \$	2014 \$
Note 4: Employee benefits expense		
Wages and salaries ^(a)	76,918	219,731
Severance paid	-	78,446
Superannuation - defined contribution plans ^(b)	7,470	24,363
Annual leave and long service leave ^(c)	(213)	57,085
	84,175	379,625
^(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.		
Note 5: Supplies and services		
Business and Financial Services*	89,219	114,193
Information Services*	75,344	56,203
Services and contracts*	26,521	291,573
Communications*	7,909	11,677
Goods and supplies*	147	7,636
	199,140	481,282
Note 6: Accommodation expenses		
Lease rentals*	92,479	123,074
Management fee	-	7,809
	92,479	130,883

NOTES TO THE FINANCIAL STATEMENTS

	6,587	
	-	
	-	
	1,113	
	7,203	
	14,903	
(b) Includes maintenance expenses, computer licenses, bank fees, freight charges, travel and accommodation, staff training, electricity, storage and transportation. * Payment for these expenses in the 2014/2015 financial year was made by the Department of the Attorney General as administrative functions of the Commission were transferred to the Department from 1 July 2014.		
Note 8: Income from State Government		
Appropriation received during the period:	-	833,000
Service appropriation ^(a)	-	833,000
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	306,522	170,396
Department of Finance		
- Notional management fee related to government accommodation	-	7,809
	306,522	178,205
Total Income from State Government	306,522	1,011,205

(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.

NOTES TO THE FINANCIAL STATEMENTS

	-	
	-	
	-	
	-	
	-	
	-	
	24	
	2,352	
	-	
	2,376	

- (a) The last pay day in 2014-15 was 18 June 2015, therefore an accrual of 8 days was provided for this financial year.
- (b) Amount due to the Department of the Attorney General for severance pay paid on behalf of the Commission.

NOTES TO THE FINANCIAL STATEMENTS

The Commission no longer has employees as the administrative function was transferred to the Department of the Attorney General effective from 1 July 2014.
Members of the Commission are not entitled to paid leave.

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

Balance at start of period	1,641,012	1,680,240
Result for the period	(81,755)	(39,228)
Balance at end of period	1,559,257	1,641,012

Total Equity at end of period	1,576,257	1,658,012
--------------------------------------	------------------	------------------

NOTES TO THE FINANCIAL STATEMENTS

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	1,578,633	1,680,418
	1,578,633	1,680,418
Reconciliation of net cost of services to net cash flows used in operating activities		
Net cost of from services	(388,277)	(1,050,433)
Non-cash items		
Resources received free of charge	306,522	178,205
(Increase)/decrease in assets		
Current receivables	2,066	(2,066)
Other current assets	11,573	(11,573)
GST receivable	12,629	(7,403)
Increase/(decrease) in liabilities		
Other payables ^(a)	(46,106)	44,214
Provisions	-	(71,328)
Accrued salaries	(192)	(4,686)
Net cash used in operating activities	(101,785)	(925,070)
Note 15: Commitments		
Non-cancellable operating lease commitments		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	-	93,750
Later than 1 year and not later than 5 years	-	257,878
	-	351,628

^(a) Amount due to the Department of the Attorney General for severance pay paid on behalf of the Commission.

NOTES TO THE FINANCIAL STATEMENTS

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

Credit risk 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 17(c) 'Financial instrument disclosures' and Note 9 'Receivables'.

The Commission does not have any significant credit risks 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 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 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.

NOTES TO THE FINANCIAL STATEMENTS

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

Financial Assets

Cash and cash equivalents

1,578,633 1,680,418

Receivables^(a)

- 2,066

1,578,633 1,682,484

Financial Liabilities

Financial liabilities measured at amortised cost^(a)

2,376 48,674

Total

2,376 48,674

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

NOTES TO THE FINANCIAL STATEMENTS

Note 16: Financial instruments (continued)

(c) Financial instruments 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					
		Past due but not impaired					Impaired financial assets
Carrying Amount	Not past due and not impaired	Up to 1 month	1-3 months	3 months to 1 year	More than 5 years		
\$	\$	\$	\$	\$	\$		\$
2015							
Cash and cash equivalents	1,578,633	1,578,633	-	-	-	-	-
Receivables ^(a)	-	-	-	-	-	-	-
1,578,633	1,578,633	-	-	-	-	-	-
2014							
Cash and cash equivalents	1,680,418	1,680,418	-	-	-	-	-
Receivables ^(a)	2,066	2,066	-	-	-	-	-
1,682,484	1,682,484	-	-	-	-	-	-

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

NOTES TO THE FINANCIAL STATEMENTS

Note 16: Financial instruments (continued)

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 \$	Past due but not impaired				
			Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2015							
Financial Assets							
Cash and cash equivalents	1,578,633	1,578,633	1,578,633	-	-	-	-
Receivables ^(a)	-	-	-	-	-	-	-
	1,578,633	1,578,633	1,578,633	-	-	-	-
Financial Liabilities							
Payables	2,376	2,376	2,376	-	-	-	-
	2,376	2,376	2,376	-	-	-	-
2014							
Financial Assets							
Cash and cash equivalents	1,680,418	1,680,418	1,680,418	-	-	-	-
Receivables ^(a)	2,066	2,066	2,066	-	-	-	-
	1,682,484	1,682,484	1,682,484	-	-	-	-
Financial Liabilities							
Payables	48,674	48,674	48,674	-	-	-	-
	48,674	48,674	48,674	-	-	-	-

^(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

	2015 \$	2014 \$
Note 17: Remuneration of members of the Commission 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:		
Within 12 months of the end of the reporting period		
\$		
0 ^(a)	1	1
40,001 - 50,000	2	2
\$	\$	
Base remuneration and superannuation	84,388	89,091
Total remuneration of members of the Commission^(b)	84,388	89,091
^(a) Member is employed by the State Solicitors Office under the <i>Public Service Management Act 1994</i> , he is not entitled to remuneration of his membership.		
^(b) 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:		
\$		
150,001 - 160,000 ^(c)	-	1
160,001 - 170,000	-	-
\$	\$	
Base remuneration and superannuation	-	104,216
Annual leave and long service leave accruals	-	23,246
Other benefits	-	24,747
Total remuneration of Senior Officers^(d)	-	152,209

NOTES TO THE FINANCIAL STATEMENTS

	2015 \$	2014 \$
Note 17: Remuneration of members of the Commission and senior officers		
(c) This records the senior officer remuneration up to 21 March 2014 at which point the officer took up a secondment placement with another agency.		
(d) 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. There are no senior officers as the Commission's administrative function was transferred to the Department of the Attorney General, effective from 1 July 2014.		
Note 18: Remuneration of auditor		
Remuneration paid or payable to the Auditor General in respect of the audit for current financial year is as follows:		
Auditing the accounts, financial statements and key performance indicators	12,100	11,800

Note 19: Supplementary financial information

There were no losses of public moneys or other public property through theft or default during the financial year (2014: nil).

There were no write offs of public money or other public property during the financial year (2014: nil).

There were no gifts of public property during the financial year (2014: nil).

There were no contingent liabilities as at 30 June 2014 (2014: nil).

The Commission had no related bodies during the financial year (2014: nil).

The Commission had no affiliated bodies during the financial year (2014: nil).

KEY PERFORMANCE INDICATORS

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

KEY PERFORMANCE INDICATORS

CERTIFICATION OF KEY PERFORMANCE INDICATORS

FOR THE YEAR ENDED 30 JUNE 2015

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Law Reform Commission of Western Australia's performance, and fairly represent the performance of the Law Reform Commission of Western Australia for the financial year ended 30 June 2015

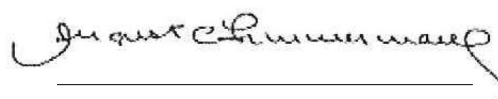


Dr David Cox

Chairman

Law Reform Commission WA

26 August 2015



Dr Augusto Zimmermann

Member

Law Reform Commission WA

26 August 2015

KEY PERFORMANCE INDICATORS

Detailed Information in Support of 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 Western Australian 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) which 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.

KEY PERFORMANCE INDICATORS

The percentages of references progressing as planned against target timelines

Target: 100% progressing as planned

	2014-2015 Target	2014-2015 Actual	2013-2014	2012-2013
% on target	100%	33%	100%	85%

(a) In 2014-15, the final report date has been set as per the Attorney General's request outlined in the Terms of Reference. In previous years, the date was set by the Commission as there was no reference to completion dates in the Terms of Reference.

References	2014-2015	2013-2014	2012-2013
Carried Forward	3	2	2
New	0	3	2
Total to be Reviewed	3	5	2
References Completed During the Year	1 ^(a)		
References with Elapsed time	2 ^(b)		

a) Refer to Table A for progress against target milestones and explanations for variances to milestones.

b) Refer to Table A and C for progress against target milestones and explanations for variances to milestones.

The Commission carried out work on three references in the year 2014-15. The effectiveness of each reference is measured separately as shown below.

KEY PERFORMANCE INDICATORS

Representative Proceedings

Table A shows the progress to date, phases completed and target completion dates for the Representative Proceedings project in 2014–15.

Table A – Progress towards Representative Proceedings project

Milestones	Terms of Reference Referred to LRC	Business Case Completed/ Signed	Tender Process Completed / Contracts Awarded & Signed	Project Writer Engaged	First Draft of Discussion Paper
Target Date	N/A	N/A	N/A	N/A	N/A
Actual Date	July 2011	N/A	October 2011	October 2011	September 2012

Milestones	Discussion Paper Published & Released	Provide LRC Report on Response to Discussion Paper & Submissions	Draft Report Submitted to LRC	Final Report Forwarded to Attorney General
Target Date	June 2012	N/A	N/A	February 2013 ^(a)
Actual Date	February 2013 ^(b)	N/A	October 2013	June 2015 ^(c)

^(a) The target date for completion is as per the Attorney General's request outlined in the Terms of Reference.

^(b) The delay in engaging a project writer resulted in a delay in completing the Discussion Paper by the expected June 2012 deadline.

^(c) The Final Report which was anticipated in February 2013 exceeded the target due to delays in finalisation.

N/A Milestone not applicable for this KPI.

KEY PERFORMANCE INDICATORS

The Firearms Act 1973

Table B shows the progress to date, phases completed and target completion dates for the *Firearms Act 1973* project in 2014–15.

Table B – Progress towards the *Firearms Act 1973* project

Milestones	Terms of Reference Referred to LRC	Project Plan Completed/ Signed	Tender Process Completed / Contracts Awarded & Signed	Project Writer Engaged ^(c)	First Draft of Discussion Paper
Target Date ^(b)	N/A	N/A	N/A	June 2014	N/A
Actual Date	March 2014	April 2014	N/A	June 2014	N/A

Milestones	Discussion Paper Published & Released	Provide LRC Report on Response to Discussion Paper & Submissions	Draft Report Submitted to LRC	Final Report Forwarded to Attorney General
Target Date	February 2015	N/A	May – August 2015	September 2015 ^(a)
Actual Date	September 2015 ^(d) (Anticipated)	N/A		^(e)

^(a) The target date for completion is as per the Attorney General's request outlined in the Terms of Reference.

^(b) Interim milestone targets based on initial project plans approved by the Commission.

^(c) The Project writer utilised was a Department of the Attorney General resource.

^(d) The Discussion Paper is anticipated to be released September 2015 due to ongoing demand for consultation and discussion from stakeholders.

^(e) At 30 June 2015, the project is still in progress.

N/A Milestone not applicable for this KPI.

KEY PERFORMANCE INDICATORS

Provisional Damages and Damages for Gratuitous Services

Table C shows the progress to date, phases completed and target completion dates for the Provisional Damages and Damages for Gratuitous Services project in 2014–15.

Table C – Progress towards Provisional Damages and Damages for Gratuitous Services Project

Milestones	Terms of Reference Referred to LRC	Business Case Completed/ Signed	Tender Process Completed / Contracts Awarded & Signed	Project Writer Engaged	First Draft of Discussion Paper
Target Date ^(c)	N/A	N/A	N/A	N/A	N/A
Actual Date	May 2014	November 2014	^(d)		

Milestones	Discussion Paper Published & Released	Provide LRC Report on Response to Discussion Paper & Submissions	Draft Report Submitted to LRC	Final Report Forwarded to Attorney General
Target Date	N/A	N/A	N/A	June 2015 ^(a)
Actual Date				^(b)

^(a) The target date for completion is as per the Attorney General's request outlined in the Terms of Reference.

^(b) The Final Report which was anticipated in June 2015 has been delayed due to circumstances associated with tender and contract negotiations. At 30 June 2015, the project is still in progress.

^(c) Interim target dates will be confirmed on award and sign-off of contract.

^(d) Tender and contract negotiations have been completed and are subject to final sign-off approvals.

N/A Milestone not applicable for this KPI.

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.

KEY PERFORMANCE INDICATORS

Service: Publications on Law Reform

The delivery of the Commission's service 'Publications on Law Reform' is achieved through work undertaken in the production of reports compiled in relation to references and by the extent to which the Commission was able to reach stakeholders and inform them on matters of law reform.

Total publications worked on for the year refers to work undertaken in relation to references received by the Commission in the 2014-15 financial year and comparative years.

Total Community Contacts refers to correspondence with stakeholders by Commission representatives. Activity relates to Commission publications and matters of law reform, consisting of: submissions received; incoming and outgoing mail; emails to the Commission's email address (lrcwa@justice.wa.gov.au); phone calls and faxes.

Total Publications and Community Contacts and their Average Cost

The following table shows the total number of publications and the average cost per publication in 2014-15 and previous financial years. The table also identifies the total community contacts and the average cost per contact in the same period.

	Target 2014-2015	Actual 2014-2015	2013-2014	2012-2013
Service:				
Total Publications ^(a)	3	3	5 ^(b)	2 ^(b)
Average Cost Per Publication	\$74,733	\$123,721 ^(c)	\$200,056 ^(b)	\$378,908 ^(b)
Total Community Contacts ²	N/A*	598	3,329	4,304
Average Cost Per Contact	N/A	\$32.67 ^(d)	\$15.50	\$9.27

* Targets have not been set for 2014-15 due to the change to the Commission's funding model. An activity target for Total Community Contacts was not required to be submitted for the 2014-2015 Budget Statements. The Commission will re-implement the practice of target setting for 2015-16 reporting.

^(a) Total Publications refers to the number of references referred to the Commission by the Attorney General and includes published, in-progress and completed references during the financial year.

^(b) Comparative figures have been re-stated to be consistent with the definition of Total Publications stated in note (a) listed above.

^(c) The increase in average cost per publication over the target is due to the delay in the tender process for the provisional damages and damages for gratuitous services reference and the estimated budgeting of costs in the previous financial year brought forward to 2014-15.

^(d) Increases in average cost per contact over prior year are due to a reduced number of contacts in this year. The reduction is due to the decreased demand relating to Community Contacts in the representative proceedings reference and the lower number of completed publications during the year.

MINISTERIAL DIRECTIVES

There have been no ministerial directives in this reporting period.

OTHER FINANCIAL DISCLOSURES

CAPITAL WORKS

The Commission has no capital works projects.

EMPLOYMENT AND INDUSTRIAL RELATIONS

Staff Profile

	2014-15	2013-14
Full-time permanent	Nil	Nil
Full-time contract	Nil	Nil
Part-time measured on an FTE basis	Nil	Nil
On secondment	Nil	1

STAFF DEVELOPMENT

The Commission is committed to developing and training its employees to ensure a highly skilled, professional workforce with the ability to adapt both to changing business technology and changing social and economic conditions in Western Australia.

WORKERS COMPENSATION

No workers compensation claims were recorded during the financial year.

GOVERNANCE DISCLOSURES

No member of the Commission or staff assisting had any interest in or benefit from any contract that the Commission entered.

OTHER LEGAL REQUIREMENTS

ADVERTISING AND SPONSORSHIP

In accordance with section 175ZE of the *Electoral Act 1907* (WA), the Commission incurred the following expenditure relating to advertising and sponsorship during the 2014-15 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 that 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 full awareness and understanding of the needs of people with disabilities.

The Commission's office—located on Level 12 of Westralia Square at 141 St Georges Terrace, Perth—has wheelchair access, lift access to the upper floors and convenient public parking nearby.

This annual report is designed to be print-accessible to people with disabilities and can be supplied in alternative formats on request. 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.

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 uses DotAG's human resource services and is confident that departmental human resource management principles have adequate checks in place to ensure compliance requirements are met.

The Commission has adopted the Public Sector Commission's Code of Conduct template for government boards. Various measures are in place to ensure that Members and staff assisting the Commission are familiar with the WA Public Sector Commission's Code of Ethics and the Commission's own Code of Conduct. The Commission's Code of Conduct is made available to Members and departmental staff assisting. The Senior Policy Officer assisting the Commission monitors compliance.

In 2014-15 no breach claims were lodged in relation to either the Public Sector Standards or the WA Public Sector Commission's Code of Ethics.

GOVERNMENT POLICY REQUIREMENTS

RECORDKEEPING PLAN

In accordance with section 29 of the *State Records Act 2000*, the Commission must review its Recordkeeping Plan (RKP) every five years or when there is any significant change to the organisation's functions. As such, the Commission reviewed its RKP in January 2014 and provided a report and appropriate documentation to the State Records Commission as evidence of the evaluation of its recordkeeping practices. The RKP review report was tabled at the State Records Commission meeting on 21 March 2014 and the RKP's approval renewed for a further five years. The Commission must submit a report of the next review to the State Records Office again in 2019.

The Commission's RKP provides an accurate reflection of its recordkeeping program and is complied with by all staff. New departmental inductees working with the Commission are required to complete DotAG's Recordkeeping Awareness Training course through the Enterprise Learning Management System. Staff at DotAG have been trained in record-keeping practices.

SUBSTANTIVE EQUALITY

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

Since the Commission uses staff resources through DotAG, training opportunities are available through DotAG's Corporate Learning and Development Division. 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 2014-15 reporting period, no worker's compensation claims were lodged, nor was any time lost from work as a result of work-related illness or injury.

In the event of a work-related injury, the Commission will 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 2014-15

Measure	Actual Results		Results against Target	
	2012-13 (1)	2014-15 (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⁾	Greater than or equal to 80%	
Percentage of managers trained in occupational safety, health and injury management responsibilities	100%	100%	Greater than or equal to 80%	

Note ⁽¹⁾ This is a three-year trend. Thus, the year is to be three years prior to current reporting year (i.e. current year is 2014-15; previous year is 2012-13).

Note ⁽²⁾ The reduction may be calculated over a three year period.

Note ⁽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 Commission engages specialists with experience and expertise to increase the overall efficiency of the reviews. The Commission uses a project-based model that allows for the management of multiple references at the same time.

APPENDIX I: CURRENT REFERENCES

(continued)

FIREARMS ACT 1973

Pursuant to section 11(2) (b) of the *Law Reform Commission Act 1972* (WA) I request that the Commission examine the law and make recommendations for reform in the following area.

REVIEW OF WESTERN AUSTRALIA'S *FIREARMS ACT 1973*

Reference

That the Law Reform Commission of Western Australia:

1. Provide advice on and recommend appropriate legislative and/or procedural changes with regard to the licensing and storage of firearms, definitions and categorisation of firearms, and effects of changes in firearm technology incorporating national initiatives where appropriate.
2. Provide advice on and recommend appropriate legislative changes regarding penalties for firearm offences and in so doing consider consistency with penalties in other Australian States and Territories.
3. Review of any relevant issues arising from recent 'Operation Unification', the Auditor General's Reports on the firearms licensing, Joint Standing Committee on Delegated Legislation Report 68, Explanatory Report in relation to the Firearms Amendment Regulations 2013 and any other relevant Parliamentary Inquiry.
4. Provide advice on any other relevant matters.

I would be grateful if the Commission could conclude its investigation on this matter and provide a report to me by 1 September 2015.

MICHAEL MISCHIN MLC

24 February 2014

The Commission received a reference in March 2014 to examine the *Firearms Act 1973* and make recommendations for reform. The Commission was asked to conclude the investigation and provide a report by 1 September 2015. A discussion paper is anticipated to be released in September 2015 seeking public comment.

APPENDIX I: CURRENT REFERENCES

(continued)

PROVISIONAL DAMAGES AND DAMAGES FOR GRATUITOUS SERVICES

Recognising the impact that asbestos has had on the health of Western Australians, the compensation claims that have come before the courts, and the private member's Asbestos Disease Compensation Bill 2013 recently introduced in the Legislative Council; pursuant to section 11(2) (b) of the *Law Reform Commission Act 1972* (WA), I request that the Commission examine the law and make recommendations for reform in the following area.

PROVISIONAL DAMAGES AND DAMAGES FOR GRATUITOUS SERVICES

The Law Reform Commission is to enquire into compensation regimes for persons suffering from asbestos related diseases with particular regard to the following areas:

I. Modifying the 'once and for all' rule - 'provisional' damages

1. Whether the 'once and for all' rule applicable to judgments in personal injury actions should be reformed so that, where the victim of a tort develops, subsequent to judgment, an injury or disease which is of a different or more serious character than the injury or disease from which the person suffered at the time of judgment, a Court will be authorised in certain circumstances to award further damages to that victim.
2. If such reform is recommended, the form of the proposed regime for award further damages, including but not limited to identifying:
 - (a) the circumstances in which a Court is to be authorised to award further damages, including whether such a power –
 - i. should be available in all personal injury claims or should be confined to claims of a particular class, such as claims relating to the contraction of an asbestos related disease;
 - ii. should be available whenever a different or more serious injury or disease develops or only where the potential for the development of a different or more serious injury or disease was expressly identified at the time of the initial judgment;
 - (b) the manner in which an award of further damages is to be approached by a Court, including
 - i. whether the entirety of the damages the subject of the initial judgment should be assessed afresh or only a head or heads of the damages further assessed;
 - ii. how the damages the subject of the initial judgment are to be taken into account;
 - iii. in circumstances where the initial judgment was entered by consent or where heads of the damages awarded had been agreed between the parties;

APPENDIX I: CURRENT REFERENCES

(continued)

- (c) whether there should be any time limit for bringing an application for further damages;
- (d) whether, generally or (in view of section 4(2a) of the Law Reform (*Miscellaneous Provisions*) Act 1941) in the case of actions for latent injury attributable to the inhalation of asbestos, it should be open to the estate of a deceased victim to seek from a Court an award of further damages which could have been sought from the victim during his or her lifetime.

2. Damages for the value of services provided by the plaintiff to others

1. Whether, where a personal injury prevents a plaintiff from providing gratuitous services, domestic or otherwise, to another person, the damages recoverable by the plaintiff should include a specific head of damages calculated by reference to the value of those services.
2. If the inclusion in an award of such a head of damages is recommended:
 - (a) whether such a head of damages should be awarded in all personal injury claims or should be confined to claims of a particular class, such as claims relating to the contraction of an asbestos related disease;
 - (b) the criteria that ought to be applied in the assessment of such a head of damages including, but not limited to:
 - i. the character of the services which should attract compensation;
 - ii. the character of the relationship between the plaintiff and the recipients of the services which the plaintiff is prevented from providing;
 - iii. whether regard should be had to the likelihood that the services would have been provided by the plaintiff;
 - iv. whether damages should be awarded only where expenditure has been incurred in consequence of the plaintiff being prevented from providing a particular service;
 - (c) whether such damages should be awarded only in respect of services which the plaintiff was prevented from providing during his or her lifetime or whether, in the case of injury or disease resulting in death, damages should be awarded for the "lost years", ie for the years in which the services might have been provided after the plaintiff's actual death until the date to which he or she was expected to have lived had the injury or disease not occurred.

I would be grateful if the Commission could conclude its investigation on this matter and provide a report to me by 30 June 2015.

MICHAEL MISCHIN MLC
9 May 2014

APPENDIX I: CURRENT REFERENCES

(continued)

The Commission received a reference to enquire into compensation regimes for persons suffering from asbestos related diseases with particular regard to the areas of modifying the 'once and for all' rule—'provisional' damages and damages for the value of services provided by the plaintiff to others. The Commission was asked to conclude the investigation and provide a report by 30 June 2015. Scoping work began on the reference and, the Commission anticipates, a discussion paper will be released part-way through the process, which will seek public comment.