



Australian Government

Australian Law Reform Commission

ALRC

2009–10

FAMILY VIOLENCE

DisCovery

CONFIDENTIAL

REPORT 113

ANNUAL REPORT



Australian Government

Australian Law Reform Commission

ALRC

2009–10

REPORT 113

ANNUAL REPORT

Requests and inquiries regarding this report should be addressed to:

The Executive Director
Australian Law Reform Commission
GPO Box 3708
Sydney NSW 2001

Telephone: (02) 8238 6333
Fax: (02) 8238 6363
Email: info@alrc.gov.au

This report is also accessible online at: www.alrc.gov.au

ISBN 978-0-9807194-3-7
Print Post Approval Number: PP255003/02228

© Commonwealth of Australia 2010

This work is copyright. You may download, display, print and reproduce this material in whole or part, subject to acknowledgement of the source, for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968* (Cth), all other rights are reserved. Requests for further authorisation should be directed to the Commonwealth Copyright Administration, Copyright Law Branch, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Alternatively, an online request form is available at <www.ag.gov.au/ccca>.

Printed by Union Offset Printers



Mixed Sources
Product group from well-managed
forests and other controlled sources
Cert no. SGS-COC-006693
www.fsc.org
©1996 Forest Stewardship Council



Australian Government

Australian Law Reform Commission

**Professor Rosalind F Croucher
President**

The Honourable Robert McClelland MP
Attorney-General
Parliament House
Canberra ACT 2600

22 September 2010

Dear Attorney-General

On behalf of the members of the Australian Law Reform Commission, I am pleased to present the Commission's Annual Report for the period 1 July 2009 to 30 June 2010.

This report has been prepared in accordance with the *Commonwealth Authorities and Companies Act 1997* (Cth), the *Commonwealth Authorities and Companies (Report of Operations) Orders 2005* and the *Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2009)*.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rosalind Croucher', with a long horizontal flourish extending to the right.

Australian Law Reform Commission
Level 25, 135 King Street
Sydney NSW 2000

Postal Address:
GPO Box 3708
Sydney NSW 2001 Australia

Tel (+61-2) 8238 6333
Fax (+61-2) 8238 6363
TTY (+61-2) 8238 6379

Web www.alrc.gov.au
Email info@alrc.gov.au

Our Vision

A fair, equitable and accessible system of federal justice that contributes to a just and secure society.

Outcome Statement

The ALRC is committed to achieving its vision through informed Government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.

Contents

President's Overview	2
----------------------	---

Corporate overview

ALRC Organisational Structure	10
Role and Functions of the ALRC	11
Highlights of 2009–10	12

Report on outcome and performance

Outcome and Program Structure	14
Outcome and Performance Report	15
Program 1.1 Conducting Inquiries	16
Program 1.1 KPIs	25
Program 1.2 Community Education	35
Program 1.2 KPIs	40

Corporate governance

Corporate Governance Framework	45
Statement of Governance	46
Ministerial Powers	46
Members of the Commission	46
Corporate Plan	57
Significant Developments	57
External Scrutiny and Controls	58
Human Resource Management	59
Summary of Financial Performance	68
Other Reporting Requirements	69

Financial statements

Financial Statements	75
----------------------	----

Special features

Farewell Professor Les McCrimmon	49
Farewell Emeritus Professor David Weisbrot AM	50
ALRC Internship Program	103
ALRC Website and Gov 2.0	105
Contributions to External Inquiries	110
Obituary—Ian Davis	113
Reconciliation Action Plan Update	117

Appendices

A. Corporate Plan	123
B. Key Supporting Policies and Documents	126
C. Terms of Reference	127
D. Advisory Committee Members	133
E. Agency Resource Statement and Resources for Outcomes	135
F. Implementation Activity 2009–10	137
G. Implementation Status of ALRC Reports	146
H. Citations of ALRC Reports in Major Court Decisions	159
I. Presentations and Information Sessions and Articles Written for External Publications	163
J. ALRC Newsroom	167
K. Visitors to the ALRC	170

Glossary and indexes

Glossary	172
Index of Charts and Tables	175
Compliance Index	176
Alphabetical Index	180

President's Overview



ALRC President, Professor Rosalind F Croucher.

President's Overview

It gives me great pleasure to present my first Annual Report as President of the Australian Law Reform Commission (ALRC). The past year has been one of significant change, but also one of great productivity and achievement, in fact one of the busiest for the ALRC in recent times. We have released two final Reports and a Consultation Paper; farewelled the ALRC's longest serving President, Emeritus Professor David Weisbrot AM, and other long serving staff; welcomed a new team of highly professional legal officers; and embraced a raft of new online strategies to enhance the reach and immediacy of our work during the inquiry process.

I have come to the position of President via the legal academy, having been involved in university teaching and management since 1982, most recently as Professor and Dean of Law at Macquarie University (Nov 1999–Jan 2007), leading up to my appointment in February 2007 as Commissioner at the ALRC. My academic writing is principally in the fields of equity, trusts, property, inheritance and legal history, but my most important work has always had a law reform focus—using the lens of the past to provide understanding of the way law is and how it came to be, and to reflect lessons for the future. I loved my role as an academic and continue my academic writing when I can around the demands of the ALRC's law reform work. I also retain my Chair in Law at Macquarie University, on leave during my appointment at the ALRC. But my present role as President of the ALRC draws upon all my skills and experiences—as teacher, facilitator, manager of a research team, leader of an organisation, writer and speaker—and with an extraordinarily talented team. I was deeply honoured to be appointed to the position in December 2009.

In October, the ALRC presented its final Report on Royal Commissions and related matters—*Making Inquiries: A New Statutory Framework* (Report 111, 2009), followed by the final Report on Commonwealth Secrecy Laws—*Secrecy Laws and Open Government in Australia* (Report 112, 2009)—in November. The Royal Commissions Inquiry, overseen by Commissioner Professor Les McCrimmon, was completed in a nine month time frame; and the Secrecy Inquiry, which I oversaw as Commissioner, within 15 months. These are significant achievements for a small organisation—not many people realise that the ALRC has, on average, only 10 legal officers working on all our inquiries at any one time. Both Reports present significant law reform recommendations that go straight to the Government's aspirations of more openness in government processes, increased access to justice and more cost-effective public inquiry and legal processes.

In July, the ALRC received Terms of Reference for an inquiry into Family Violence Laws, which has occupied the ALRC's legal team fully for the last six months of this financial year. For this joint inquiry with the NSW Law Reform Commission (NSWLRC), the ALRC has worked with NSWLRC Commissioner, Emeritus Professor Hilary Astor, appointed in March, and a small team from the NSWLRC. In

December, Victorian Magistrate Anne Goldsbrough was appointed as part-time ALRC Commissioner for the Family Violence Inquiry. This inquiry covers areas of family law, family violence, criminal law, sexual assault and child protection and has proved to be one of the largest and most significant in the ALRC's recent history. The Inquiry's Terms of Reference asked the Commissions to consider what improvements could be made to laws and legal processes to protect women and children from family violence. Such a process has required us to look at the interrelationship in practice of at least nine sets of criminal laws, eight sets of child protection laws, eight sets of family violence laws and the *Family Law Act 1995*, as well as evidence laws, sentencing laws and a range of other legal processes. The *Time for Action* report of the National Council to Reduce Violence Against Women and their Children, released in March 2009, was the impetus for this current Inquiry. It highlighted that 350,000 women experience physical violence and 125,000 women experience sexual violence each year in Australia. As well as the devastating human cost, this violence comes at an enormous economic cost, with research showing that, each year, violence against women costs the nation \$13.6 billion. The importance of what this Inquiry is trying to achieve—a more integrated, seamless and accessible system of justice that will provide greater safety and protection to people dealing with family violence and sexual assault—makes it imperative that we get our proposals for reform right.

The Consultation Paper for the Family Violence Inquiry—*Family Violence: Improving Legal Frameworks* (Consultation Paper 1)—was released in April. Given the wide-ranging nature of the Terms of Reference, the Consultation Paper was a major publication, running to 1,018 pages. To facilitate stakeholder contributions in the restricted time frame for this inquiry, the Commissions released simultaneously a Consultation Paper Summary of 243 pages—another new initiative introduced this year. The production of the two documents acknowledges the different audiences to which law reform projects speak. The immediate audience is that of stakeholders and, ultimately, government, into whose hands the ALRC places the recommendations of our Reports. The other audience is that of the future—the enduring nature of law reform projects is such that the research and evidence base upon which proposals and recommendations sit must be fully explored and documented.

Consultation lies at the heart of the ALRC's inquiry processes, and the level of consultation that has been achieved during the Family Violence Inquiry is a credit to the organisation and reflects its commitment to engaging the community in the law reform process. Commissioner Goldsbrough, Commissioner Astor and myself, together with legal teams from both Commissions, have spent many weeks travelling nationally undertaking consultations, including trips to Perth, Darwin, Alice Springs, Adelaide, Hobart, Melbourne, Canberra, Brisbane, Mackay and to regional NSW. Many consultations have also been held in Sydney. I would like to take this opportunity to thank the many individuals and organisations that met with the Commissions as part of this process and shared with us their thoughts, their experiences and their suggestions so generously. We would not be able to be as

effective in the advice that we provide to government without the support, experience and assistance of the many people we meet with as part of the consultation process. As well, we rely on the considered and thought-provoking submissions that we receive—for the Family Violence Inquiry alone, the ALRC received 238 submissions—and I would like to thank everyone who has taken the time to consider our proposals in all our recent and current inquiries and to make a formal submission to the ALRC.

This year the ALRC has plunged into the world of Web 2.0 communications and has used this interactive technology to encourage greater two-way communication with the public and stakeholders through online forums and blogs. The ALRC was extremely fortunate to receive a grant from the Government's Web 2.0 Taskforce to establish an online interactive forum as part of our consultation strategy in the Family Violence Inquiry. This allowed us to strike up a strategic conversation with women's legal services around the country who are working at the legal coal face of family violence. This conversation was invaluable as we were formulating our proposals for the Consultation Paper and helped shape our thinking and analysis. It also provided an accessible way for people working in regional and remote communities to communicate with us directly and with the immediacy that this technology allows.

Another first for the ALRC this year was the establishment of the ALRC's Indigenous Advisory Committee (IAC), one of the key initiatives identified in the ALRC's Reconciliation Action Plan launched in April 2009. The inaugural meeting of the IAC was in August 2009 and this esteemed group of Indigenous law practitioners, academics and community leaders will assist the ALRC to build stronger relationships with Indigenous communities and organisations, and to ensure that the concerns and perspectives of Indigenous people are more effectively integrated into the federal law reform process. The IAC was able to assist us in developing the Indigenous consultation strategy to inform our consultations for the current Family Violence Inquiry; to advise on future potential inquiries; and to guide us in other initiatives including the establishment of an Indigenous internship program.

This year the ALRC farewelled two ALRC Commissioners and a number of staff whom I want to acknowledge and thank personally for their professionalism and long-standing commitment to the ALRC. When Emeritus Professor David Weisbrot AM stepped down in November after more than ten years in office, he had presided over 14 inquiries including the ground breaking report, *Essentially Yours: The Protection of Human Genetic Information in Australia* (ALRC 96, 2003); *Fighting Words: A review of sedition laws in Australia* (ALRC 104, 2006); and the ALRC's largest and most complicated inquiry into privacy laws, *For Your Information: Australian Privacy Law and Practice* (ALRC 108, 2008).

At the same time we also farewelled Commissioner Professor Les McCrimmon who served at the ALRC for almost five years, leading the ALRC's landmark Privacy Inquiry as well as the Inquiry into Evidence and most recently into Royal

Commissions. Senior Legal Officer Ms Kate Connors left the ALRC after 8.5 years, Executive Assistant Ms Alayne Harland after 12 years, Communications Manager Michelle Hauschild, after 12.5 years and Research Manager Jonathan Dobinson after 9 years. These long serving, highly dedicated and talented people have left their mark on all the ALRC's activities and have contributed significantly to the high quality of the ALRC's work. We thank them for their dedication to the ALRC, and wish them all the very best for their futures.

Sadly, this year also saw the passing of one of the ALRC's most respected Commissioners, Ian Davis. Ian was a Commissioner of the ALRC from 2000–2004, leading reviews of maritime insurance law, the use of federal civil and administrative penalties, and the protection of classified and security information. He joined the Queensland Law Reform Commission in 2008, where he was responsible for completing the jury directions review last year and leading the jury selection review. It was a great pleasure to share in the fun of debate at the Australasian Law Reform Agencies Conference in Vanuatu in September 2008, where he and I took the affirmative of the proposition: 'That law reform bodies are the best vehicles for law reform'. His sudden passing was a terrible shock to all of us, and on behalf of the ALRC I extend my sincerest condolences to his partner, his family and his friends. He will be greatly missed. Senior Legal Officer Isabella Cosenza has provided a very moving tribute to Ian in this Report.

The coming year promises to be a very busy one again for the ALRC, as well as one of significant change. The ALRC has received Terms of Reference for a follow-on inquiry into the impact of Commonwealth laws on those experiencing family violence and Terms of Reference for an inquiry into Discovery of Documents in Federal Courts.

The ALRC received notice of a substantial budget reduction in the coming years—as did many other Government agencies—and this will necessitate a re-thinking of our inquiry processes to use our available resources in the best ways possible, to ensure that our ability to provide timely, straightforward and sound advice to Government is not compromised. The ALRC will streamline its operations, for example by producing one consultation document, not two, where we can, and further develop online resources and communication tools. One immediate consequence of the budget reduction is that the Attorney-General has not appointed any new full-time Commissioners, preferring instead to trial the appointment of inquiry-specific part-time Commissioners who are able to bring a particular expertise to the ALRC's current inquiry work. The appointment of Magistrate Anne Goldsbrough to the Family Violence Inquiry was a result of this new approach.

The net result of these changes over the past year has been a considerable challenge to the ALRC to shift the way we undertake our work but at the same time maintaining its quality. In this context it is instructive to reflect upon the shifts in the ALRC structure over the years, responding, for example, to things such as

differences in inquiry timetables, resources and available technology. A decade ago the ALRC released the landmark report, *Managing Justice—A Review of the Federal Justice System* (Report 89, 2000), the first completed under Emeritus Professor Weisbrot's tenure as President (which commenced in June 1999). The Inquiry had been initiated on 29 November 1995, with amended Terms of Reference received on 2 September 1997. It was a massive law reform undertaking with many shifts in personnel over the five-year inquiry period. It involved, in summary, the President, a Deputy President, a full-time Commissioner, three part-time Commissioners, two team leaders, two legal specialists, at least five legal officers, a number of researchers, two project assistants, 35 legal interns, two information technology staff, one typesetter, three consultants, two library staff—in addition to advisory and working groups that fill up three pages of the Report. There were six Issues Papers and six Background Papers, together with a Discussion Paper, released during the Inquiry. The thoroughness of the undertaking and the quality of the work is demonstrated by the substantial implementation of the report in the ensuing years, as noted in each of the ALRC's Annual Reports.

Going back a further decade we find, for example, the report, *Censorship Procedure* (Report 55, 1991). It had a twelve-month timeframe, commencing in May 1990, with the report due on 1 June 1991. The ALRC team at that time included a President, Deputy President, Commissioner, a Director of Research, one legal officer, one legislative drafter, two library staff, one project assistant and one typesetter. There were also twelve consultants listed as well as nominees of state and territory governments. This is another report which has been substantially implemented.

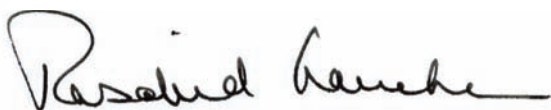
ALRC teams no longer include legislative drafters, nor three full-time Commissioners. We have one excellent librarian, who also plays a key role in research support; and one extremely capable project assistant, who manages the two inquiries that we usually have going at any one time. Where reports have tighter timelines and/or the Terms of Reference are very wide, we have to approach the task differently from the undertaking reflected in the *Managing Justice* report. The emphasis has been on developing a strong team of legal officers, both junior and senior, under the supervision of a Commissioner and/or the President, supported by an Advisory Committee of leading experts in the fields of the inquiries, as well as part-time Commissioners. It is a much less 'top heavy' structure than in earlier years. For the second half of the period covered by this Annual Report, I have been overseeing, as President and Commissioner in charge, both the Family Violence Inquiry and the Discovery Inquiry. As we encounter the challenges of new references and new approaches we have also been building a strong relationship with the Attorney-General's Department assisted by regular meetings and open lines of communication, while maintaining the independence that our constituting Act provides.

What is a continuing theme throughout the 35-year history of the ALRC is the enduring nature of law reform. Recommendations made may take many years to

implement, but their eventual introduction into law vindicates the integrity and value of the process and the vision of the Attorneys-General who gave us the Terms of Reference and those who implement the recommendations. For example, many of the recommendations that the ALRC, together with the Administrative Review Council, made fifteen years ago in the report, *Open Government: a review of the Freedom of Information Act 1982* (Cth) (Report 77, 1995), have now come to fruition in the introduction of major reforms to FOI in the period covered by this Annual Report, and as anticipated in the ALRC's *Annual Report 2008–2009*.

Another strategic priority for the ALRC in the next years will be to give effect to changes to our governance and operating structure in preparation to move from a *Commonwealth Authorities and Companies Act 1997* (CAC Act) body to one subject to the executive management model under the *Financial Management and Accountability Act 1997* (FMA Act), as required by the Attorney-General. This transition will involve the ALRC becoming a statutory agency under the *Public Service Act 1999* and will involve changes to the *Australian Law Reform Commission Act 1996* (ALRC Act).

Despite the challenges we face, I am certain that the ALRC will continue to provide the Government with clear, high quality, and practical research and advice as to the development, reform and harmonisation of Australian laws and related processes. It is with great energy, commitment and dedication that I take up the role of President and I look forward to ensuring that the high quality work of the ALRC continues and that the high regard in which the ALRC is held both in the local and international law reform community is maintained and strengthened.

A handwritten signature in black ink, reading "Rosalind Croucher". The signature is fluid and cursive, with the first name "Rosalind" written in a larger, more prominent script than the last name "Croucher".

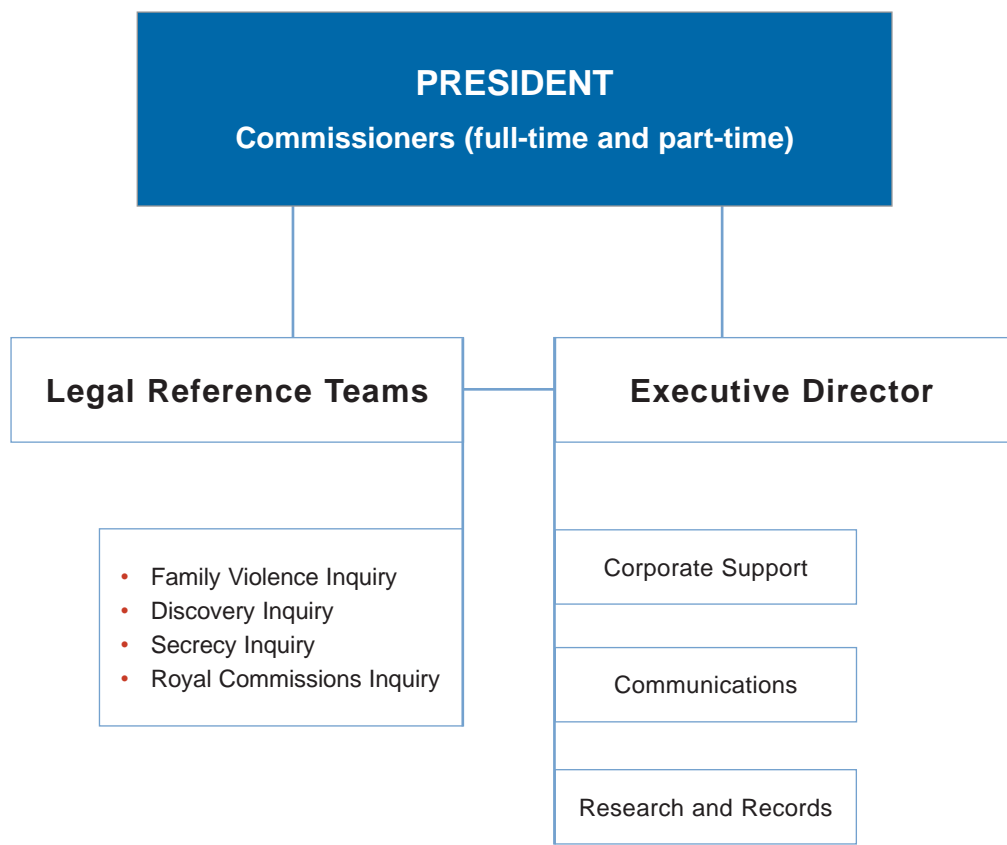
Professor Rosalind F Croucher
President



Current ALRC President, Professor Rosalind Croucher (centre) with founding ALRC Chairman, The Hon Michael Kirby AC CMG (left) and retiring ALRC President, Emeritus Professor David Weisbrot AM (right).

Corporate Overview

ALRC Organisational Structure



Role and Functions of the ALRC

The Australian Law Reform Commission (ALRC) is an independent statutory authority that operates under the *Australian Law Reform Commission Act 1996* (Cth) (ALRC Act). The Minister responsible for the ALRC is the Attorney-General, the Hon Robert McClelland MP.

The primary function of the ALRC, as set out in s 21 of the ALRC Act, is to report to the Attorney-General on the results of any review or consideration it carries out and to include in the report any recommendations it wants to make.

The ALRC is required to review Commonwealth laws relevant to those matters referred by the Attorney-General for the purposes of systematically developing and reforming the law particularly by:

- ▲ bringing the law into line with current conditions and ensuring that it meets current needs;
- ▲ removing defects in the law;
- ▲ simplifying the law;
- ▲ adopting new or more effective methods for administering the law and dispensing justice; and
- ▲ providing improved access to justice.

The ALRC is to consider proposals for making or consolidating Commonwealth laws, and must consider proposals for: the repeal of obsolete or unnecessary laws; uniformity between state and territory laws; and complementary Commonwealth, state and territory laws with reference to those matters referred to it.

The ALRC is required by s 24 to ensure that relevant laws, proposals and recommendations:

- ▲ do not trespass unduly on personal rights and liberties;
- ▲ do not make the rights and liberties of citizens unduly dependent on administrative, rather than judicial, decisions; and
- ▲ are, as far as practicable, consistent with the *International Covenant on Civil and Political Rights*.

The ALRC must also have regard to any relevant international obligations, and take into account the potential impact of its recommendations on access to justice.

Highlights of 2009–10

Membership

- ▲ ALRC President, Emeritus Professor David Weisbrot AM and ALRC Commissioner Professor Les McCrimmon's terms ended in November 2009.
- ▲ Professor Rosalind Croucher, a full time Commissioner for the ALRC, was appointed as the new President in December 2009 for a period of five years.
- ▲ Magistrate Anne Goldsbrough was appointed as a part time Commissioner from 14 December 2009 to 31 August 2010.

Significant Events

- ▲ On 17 July 2009, the Attorney-General signed Terms of Reference for a joint review with the NSW Law Reform Commission of Family Violence Laws, with a reporting date of 31 July 2010.
- ▲ On 19 August 2009 the inaugural meeting of the ALRC's Indigenous Advisory Committee was held.
- ▲ On 10 May 2010, the Attorney-General signed Terms of Reference for a Review of Discovery of Documents in Federal Courts to improve access to justice, with a reporting date of 31 March 2011.
- ▲ The ALRC journal, *Reform*, ceased publication after over 30 years and 94 issues. The final issue was focused on the topic of Housing and looked at homelessness, Aboriginal housing issues, affordability and heritage issues.
- ▲ ALRC *Annual Report 2008–09* won Bronze in the CAC Act Online Category by the Institute of Public Administration Australia (IPAA).

Anticipated Developments in 2010–11

New Website

2009–10 has involved planning, design and development of a new website that will better assist the ALRC to utilise online technology to streamline the ALRC's

processes and improve access to information and facilitate community engagement and consultation. The ALRC will launch its new website in August 2010.

Change to ALRC's governance arrangements

The Attorney-General has advised that, following an assessment against the recommendations of the *Review of the Corporate Governance of Statutory Authorities and Officeholders* (Uhrig Review) and the Government's policy on governance arrangements for agencies, the ALRC should operate under an executive management model, subject to amendment of the *Australian Law Reform Commission Act 1996* (Cth). This will involve the ALRC becoming a prescribed agency under the *Financial Management and Accountability Act 1997* (FMA Act), a statutory agency under the *Public Service Act 1999* and legally part of the Commonwealth.

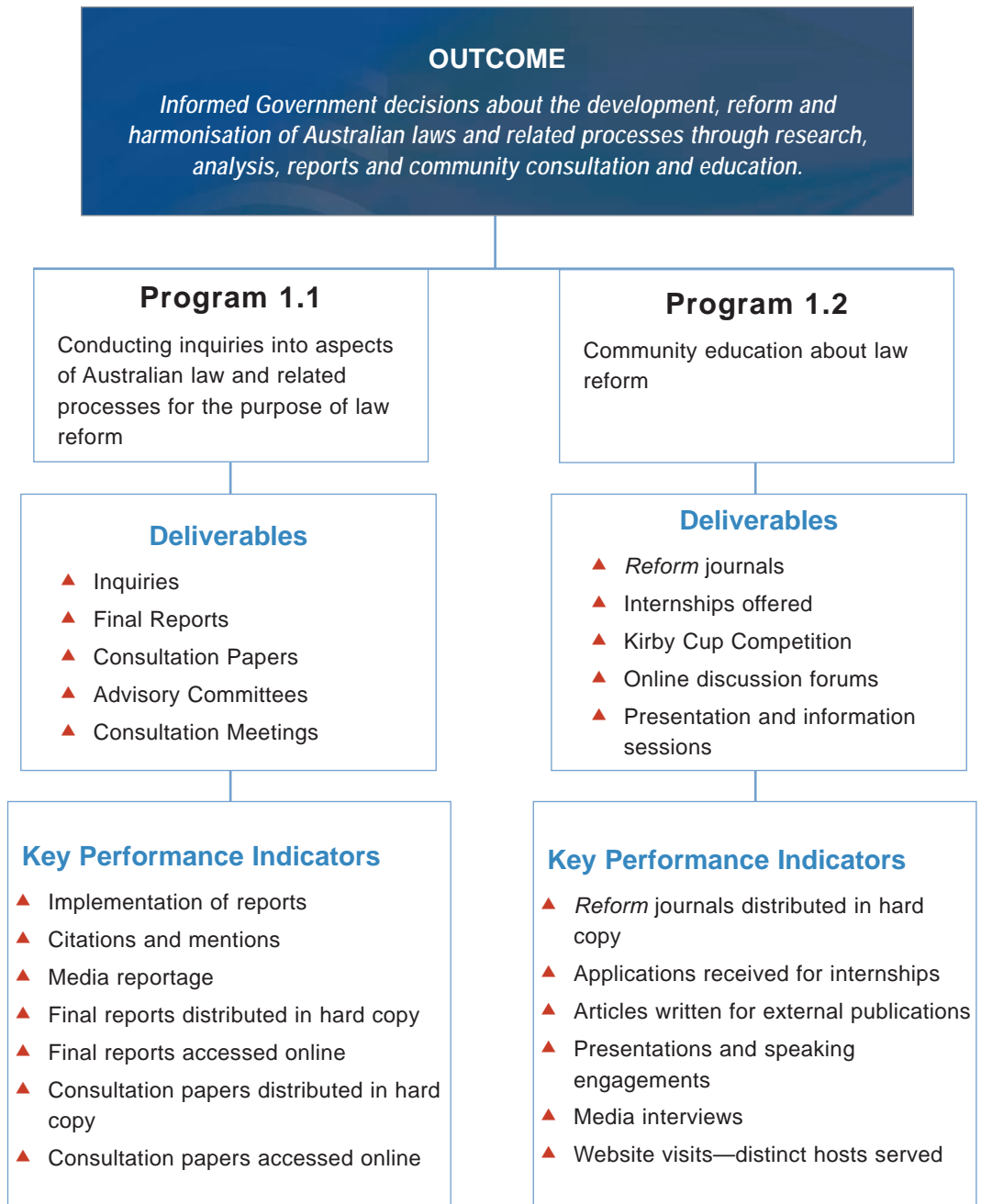
Publications

Table 1: ALRC Publications 2009–10

<i>Area</i>	<i>Publication Title</i>	<i>Date of Release</i>
Review of the <i>Royal Commissions Act 1902</i> and related issues	<i>Royal Commissions and Official Inquiries</i> (DP 75)	18 August 2009
Corporate	<i>Annual Report 2008–09</i> (Report 110)	28 October 2009
<i>Reform</i>	Housing (<i>Reform 94</i>)	10 December 2009
Review of the <i>Royal Commissions Act 1902</i> and related issues	<i>Making Inquiries: A new statutory framework</i> (Report 111)	4 February 2010
Secrecy Inquiry	<i>Secrecy Law and Open Government in Australia</i> (Report 112)	11 March 2010
Family Violence Inquiry	<i>Family Violence—Improving Legal Frameworks</i> (CP 1)	29 April 2010
Family Violence Inquiry	<i>Family Violence—Improving Legal Frameworks Summary</i> (CPS 1)	29 April 2010

Report on Performance

Outcome and Program Structure



Outcome and Performance Report

The Australian Law Reform Commission (ALRC) supports the Attorney-General and the Government in the maintenance and improvement of Australia's system of law and justice, by contributing to the process of law reform in Australia. The ALRC's outcome is:

informed Government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.

Under the *Australian Law Reform Commission Act 1996* (Cth) (ALRC Act), the ALRC's ongoing function is to undertake inquiries on matters referred to it by the Attorney-General and to review Commonwealth laws relevant to those matters for the purpose of systematically developing and reforming the law. In pursuing this function, the ALRC provides the Government with timely reports outlining recommendations for law reform that contribute to the Government's objective of achieving an equitable and accessible system of federal justice and the harmonisation of Australia's laws and practices.

The ALRC has two programs to deliver this outcome:

Program 1.1 Conducting inquiries into aspects of Australian law and related processes for the purpose of law reform—It is through the inquiry process that the ALRC is able to provide to Government the research and analysis that underpins the recommendations for law reform and provides the basis for informed Government decisions to improve Australia's legal frameworks. Through the inquiry process the ALRC fosters the participation of a broad cross section of stakeholders in the community in the process of law reform through consultation and submissions, and ensures that their views and concerns are considered in formulating recommendations to Government. Such community engagement is essential to ensure that proposed reforms are relevant and achievable and will be effective for their intended purpose.

Program 1.2 Community education about law reform—It is through educational activities that the ALRC can ensure the participation of a broad cross section of the community in the process of law reform and that the views and concerns of the wider community are considered in formulating the ALRC's recommendations to government.

The ALRC's primary stakeholders are the Australian Government and Parliament. Other core stakeholders—common to most inquiries—include the judiciary, the legal profession and academics. Each inquiry will have additional stakeholders, and may include other professionals and industry experts, peak associations and community groups.

Program1.1 Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform.

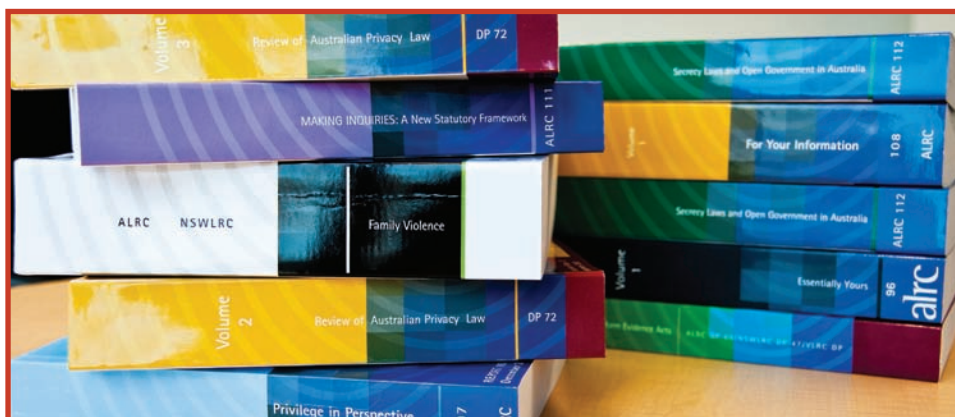
In conducting its inquiries the ALRC consults broadly with relevant stakeholders and experts interested in each area under review and researches and analyses the legal, social and administrative issues raised during the course of these consultations. As required by its Act, the ALRC also has regard to relevant international obligations; the potential impact of its recommendations on the costs of obtaining access to and dispensing justice; and personal rights and liberties, ensuring that citizens are not unduly dependent on administrative rather than judicial decisions. As part of the inquiry process, the ALRC produces a number of consultation papers that present issues and raise proposals for reform. It calls on the community to respond to the issues and proposals through both formal submissions as well as through more informal feedback mechanisms, such as online discussion forums, phone-ins, focus groups and roundtables, where appropriate. These external contributions, and the ALRC’s own research, inform the preparation of a final report with recommendations for the Government’s consideration. These final reports assist the Government to make informed decisions about reforming the law and related processes.

Table 2: Program 1.1 Deliverables		
	2009–10 Budget	2009–10 Achieved
Inquiries	2	4
Final reports	2	2
Consultation papers	3	4
Advisory Committees	2	2
Consultation meetings	70	136

Inquiries

It is usual for the ALRC to work on two inquiries at the one time. In 2009–10, the ALRC worked on four inquiries as referred to it by the Attorney-General:

- ▲ the Review into Commonwealth Secrecy Laws;
- ▲ the Review into the *Royal Commissions Act 1902* (Cth) and related issues;
- ▲ the Review into Family Violence Laws; and
- ▲ the Review into Discovery of Documents in Federal Courts.



Review into Commonwealth Secrecy Laws

During this reporting period, the ALRC worked for six months on producing the final Report for the Secrecy Inquiry, which was presented to the Attorney-General in December. On 5 August 2008, the ALRC had received Terms of Reference from the Attorney-General to review relevant laws and practices relating to the protection of Commonwealth information, including the scope and appropriateness of legislative provisions regarding secrecy and confidentiality. (Terms of Reference in full are at Appendix C).



Federal legislation contains a large number of provisions that impose duties on public servants concerning information that comes to them by virtue of their office. The ALRC's 'mapping' of federal statutes identified 506 secrecy provisions in 176 pieces of Commonwealth legislation, including 358 criminal offences. Many of these provisions create serious criminal offences for unauthorised disclosure of information. Some provisions prohibit the disclosure by a public servant of any kind of information, acquired in the course of his or her duties. Other provisions protect particular kinds of information including information relating to personal affairs, commercially sensitive information and information obtained by law enforcement and other investigatory agencies. Some federal provisions also prohibit the unauthorised collection, possession, recording, receipt and solicitation of Commonwealth information.

The ALRC was directed to consider options for ensuring a consistent approach across government to the protection of Commonwealth information, balanced against the need to maintain open and accountable government processes through providing appropriate access to information.

The ALRC released an Issues Paper, *Review of Secrecy Laws* (IP 34), in December 2008 that outlined the scope of the review, and sought stakeholder feedback on a number of questions. To facilitate communication about the nature and focus of this Inquiry, the ALRC also released an overview document, *Review of Secrecy Laws—Inquiry Snapshot*, in February 2009.

The ALRC held a 'National Secrecy Phone-In', on Wednesday 11 February and Thursday 12 February 2010, targeted primarily to Commonwealth public servants and set up an interactive online forum, 'Talk to Us ... about Secrecy', to provide another means for engaging with the Inquiry process. The ALRC received 46 formal submissions addressing the Issues Paper.

On 18 June 2009, the ALRC released a more detailed Discussion Paper, *Review of Secrecy Laws* (DP 74), that contained 65 preliminary proposals for reform. The focus of the proposals was on providing a principled basis for a revised general secrecy offence—applicable to all current and former Commonwealth officers—complemented by criteria for reviewing the plethora of specific secrecy provisions and revised administrative procedures and practices aimed at fostering effective information handling in the public sector.

The secrecy team conducted 34 consultations in the course of the Inquiry, including in Brisbane, Canberra, Sydney and Melbourne. The ALRC received 38 submissions following the release of the Discussion Paper.

The ALRC was originally due to report to the Attorney-General on 31 October 2009. The ALRC was granted an extension to 11 December 2009 by the Attorney-General due to the volume and significance of late submissions received, as well as the need to refocus a number of the ALRC's recommendations in light of material in those submissions.

The ALRC's final Report, *Secrecy Laws and Open Government in Australia* (Report 112, 2009), was tabled in Parliament on 11 March 2010. The focus of the Report's 61 recommendations is on a new and principled framework designed to reinforce open and accountable government while ensuring adequate protection for Commonwealth information that should legitimately be kept confidential. A key focus of the Report is to 'wind back' the use of criminal sanctions for the unauthorised disclosure of information, including the repeal of s 70 of the *Crimes Act 1914* (Cth). The ALRC recommended a principled basis for a revised general secrecy offence—applicable to all current and former Commonwealth officers—complemented by criteria for review of the plethora of specific secrecy provisions, as well as revised administrative laws and practices aimed at fostering effective information handling in the public sector. The principles underpinning the ALRC's recommendations are that administrative and disciplinary frameworks should play the central role in ensuring that government information is handled appropriately and that in most cases, unauthorised disclosure of Commonwealth information can be dealt with through better education

and training and by improved information-handling practices and, where necessary, public service disciplinary procedures, rather than by criminal sanctions. Criminal sanctions should only be imposed where the unauthorised release of information has caused, or is likely or intended to cause, harm to identified public interests.

The Report also recommends that every Australian Government agency should develop and publish information-handling policies and guidelines to clarify the application of secrecy laws and that there is a role for the Office of the Information Commissioner to provide independent oversight of the manner in which Australian Government agencies discharge their information-handling responsibilities.

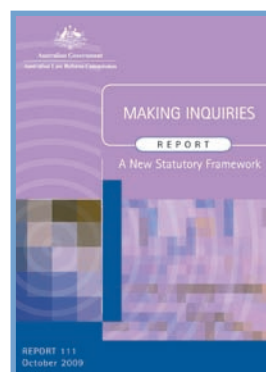
The Commissioner in charge of the Secrecy Inquiry was Professor Rosalind Croucher. Three Advisory Committee meetings were held during the Inquiry. The ALRC thanks all members of the Advisory Committee for their careful and productive consideration of the issues raised through the Inquiry process and the frank advice they provided to the Inquiry team. (A full list of the Secrecy Advisory Committee members is at Appendix D).

Review into the *Royal Commissions Act 1902* (Cth) and related issues

During this reporting period, the ALRC worked for four months on producing the final Report for the Royal Commissions Inquiry which was presented to the Attorney-General in October. On 20 January 2009, the ALRC had received Terms of Reference from the Attorney-General to review the operation and provisions of the *Royal Commissions Act 1902* (Cth) and related issues. (Terms of Reference in full are at Appendix C).

Royal Commissions occupy a unique place in the Australian system of government, being the highest form of inquiry on matters of public importance. When there are controversial issues that cannot be handled satisfactorily by the courts or the political process, there are invariably calls for the establishment of a Royal Commission.

However, in recent years, some inquiries have experienced difficulties because provisions of the *Royal Commissions Act* are antiquated or inappropriate. These difficulties have included the power to compel the provision of information, a lack of power to investigate breaches of the Act, the adequacy of penalties for a failure to comply with the Act, and the ability of Royal Commissions to communicate information about unlawful behavior to law enforcement bodies. Royal Commissions are also often expensive, running into the tens of millions of dollars.



The ALRC was directed to consider whether there is any need to develop an alternative form or forms of Commonwealth executive inquiry, with statutory foundations, to provide more flexibility, less formality and greater cost-effectiveness than a Royal Commission (particularly whether there would be any advantage in codifying special arrangements and powers that should apply to such alternative forms of inquiry).

The ALRC's final Report, *Making Inquiries: A New Statutory Framework* (Report 111, 2009), represents the culmination of the nine month inquiry. Two community consultation documents—an Issues Paper (IP 35, April 2009) and a Discussion Paper (DP 75, August 2009)—were produced before proceeding to the final Report. The final Report makes 82 recommendations for reform.

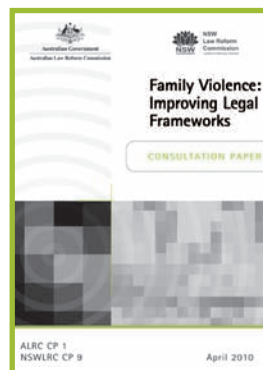
During the course of the Inquiry, the ALRC received 32 written submissions and conducted over 70 consultation meetings and roundtables, travelling to Perth, Adelaide, Melbourne, Sydney, Alice Springs, Darwin and Wellington (New Zealand). The ALRC consulted widely, including with solicitors for Inquiry participants, barristers, academics, senior public servants, witnesses who have appeared before a Royal Commission or other public inquiry, land councils and other groups representing the interests of Indigenous peoples, members of the media, union representatives, civil libertarians, and key office holders such as the Inspector-General of Intelligence and Security (IGIS) and the Commonwealth Ombudsman. The ALRC also spoke to individuals involved in major inquiries over the past 20 years—including the Commissioners in charge of the: *Inquiry into the Case of Dr Mohamed Haneef* (2008); *Equine Influenza Inquiry* (2008); *Inquiry into Certain Australian Companies in Relation to the UN Oil-For-Food Program* (2006); *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau* (2005); *Inquiry into Australian Intelligence Agencies* (2004); *Royal Commission into the Building and Construction Industry* (2003); *HIH Royal Commission* (2003); and *Royal Commission into Aboriginal Deaths in Custody* (1991).

The Report recommends the *Royal Commissions Act 1902* (Cth) be renamed the *Inquiries Act* and amended to provide for the establishment of two tiers of public inquiry—Royal Commissions and Official Inquiries—each with defined coercive and investigatory powers. Other ALRC recommendations were directed at openness and accountability, including the publication of inquiry reports and monitoring the resulting activity. The ALRC also recommends that the new legislation include requirements for the prompt tabling of Royal Commission and Official Inquiry Reports in Parliament; publishing a summary of the cost of each Royal Commission and Official Inquiry; and a framework for the protection of protected national security information utilised in the proceedings of Royal Commissions or Official Inquiries.

The Commissioner in charge of the Inquiry was Professor Les McCrimmon. The Report was tabled in Parliament on 4 February 2010.

Review into Family Violence Laws

On 24 July 2009, the ALRC received Terms of Reference for an inquiry to reform legal frameworks to improve safety for women and children in cases of family violence. (Terms of Reference in full are at Appendix C). The ALRC was asked to consider both the interaction in practice of state and territory family/domestic violence and child protection laws with the *Family Law Act* and relevant Commonwealth, state and territory criminal laws; and the impact of inconsistent interpretation or application of laws in cases of sexual assault occurring in a family/domestic violence context, including rules of evidence, on victims of such violence. In relation to both issues the Attorney-General requested that the Commission consider what, if any, improvements could be made to relevant legal frameworks to protect the safety of women and their children.



The ALRC was directed to work jointly with the New South Wales Law Reform Commission (NSWLRC) with a view to developing agreed recommendations. ALRC President, Professor Rosalind Croucher heads up the Family Violence Inquiry and on 14 December, the Attorney-General appointed Victorian Magistrate Anne Goldsbrough to the ALRC as a part-time Commissioner for the Family Violence Inquiry. In March, the NSWLRC announced the appointment of a new Commissioner, Emeritus Professor Hilary Astor, to the NSWLRC who also heads up the joint Family Violence Inquiry.

While the Terms of Reference were received in July, the ALRC was not able to commit a legal team to the Inquiry until after the completion of both the Royal Commissions and Secrecy Inquiries in October and December 2010, respectively. The NSWLRC was not able to commit its resources until that time also, given its other work commitments. With a reporting date initially of 31 July 2010—which, in effect, meant a seven month timeframe for the whole Inquiry—the ALRC and the NSWLRC (the Commissions) had to think strategically about how to proceed. It was decided to hold a substantial number of consultations to inform the Commissions' thinking early in the inquiry process and to produce one consultation document and to have one formal call for submissions, as opposed to the ALRC's established two stage consultation strategy and submission process.

An Inquiry roundtable was held in October with representatives from the Family Court system, Magistrates Courts, the Institute of Criminology and from relevant fields of academia to assist the Commissions to identify key issues that could be explored in the consultation process. Sixty individuals and organisations from around Australia, working in the areas of family violence, sexual assault and child protection, were consulted by the Commissions to inform the thinking behind the development of the Consultation Paper. In addition, the ALRC invited Mr George Zdenkowski, former



The ALRC Family Violence Inquiry Team, from left to right: Mr Jared Boorer, Ms Tina O'Brien, Ms Katherine McGree, Ms Anna Dziedzic, Ms Maha Melhem, Professor Rosalind Croucher, Ms Carolyn Adams, Ms Sara Peel, Ms Isabella Cosenza, Mr Khanh Hoang, Ms Amanda Alford and Ms Christina Raymond.

ALRC Commissioner, academic and magistrate to assist the Inquiry team as a special adviser. The ALRC also called on the expertise of other experts at key points in the Inquiry process, including Dr Jane Wangmann and Dr Annie Cossins in the areas of sexual assault and child sexual assault; Mr Stephen Odgers SC, in relation to sexual assault evidence issues; Professor Patrick Parkinson, in relation to *Family Law Act* intersections with child protection, and Hannah McGlade in relation to our Indigenous Consultation Strategy.

Two new strategies of seeking stakeholder engagement were developed for this Inquiry—an e-newsletter and an online forum. The monthly Family Violence Inquiry e-newsletters provided a way to keep stakeholders informed about the Inquiry's progress on a regular basis. Each e-newsletter also highlighted an 'issue in focus' and sought views, experiences or recommendations in relation to the particular topic. Links were provided to give immediate feedback on the issue in focus through the online comment form, as well as providing information about how to make formal submissions. The online forum was conducted from November 2009 to January 2010 amongst women's legal services, assisted by a grant from the Government 2.0 Taskforce. This provided a targeted consultation with key stakeholders from around the country who were asked to focus on specific areas under consideration each week. Both these online strategies provided extremely useful feedback for the Commissions in the preparation of the Consultation Paper. More information about these online strategies is included in the 'ALRC Website and Gov 2.0' article in the special features section.

On 29 April 2010, notwithstanding the challenging timeframe and the very wide scope of the Terms of Reference, the Commissions released two documents—a Consultation Paper, *Family Violence—Improving Legal Frameworks* (CP 1); and a Consultation Paper Summary, *Family Violence—Improving Legal Frameworks* (CPS 1). These Consultation Papers were effectively written in three months, an incredible achievement given that the Commissions had to look at the interrelationship in practice of at least nine sets of criminal laws, eight sets of child protection laws, eight sets of family violence laws and the *Family Law Act*, as well as evidence laws, sentencing laws and a range of other legal processes. The Commission's legal officers must be congratulated on producing such a significant document of high quality in the timeframe available—in particular, ALRC Senior Legal Officer Isabella Cosenza, who played a leading role from the outset of the Inquiry and ALRC Senior Legal Officer Ms Carolyn Adams who produced the Consultation Paper Summary.

The decision to produce two complementary documents was a response to the timeframe and also a recognition of the different audiences to which the inquiry process speaks. While many of our engaged stakeholders were able to quickly access the proposals and questions in the Consultation Paper Summary, the much larger Consultation Paper provided the full scope of background research and thinking underlying the questions and proposals for those wanting to consider the information more fully.

Following the release of the consultation documents the Commissions embarked on a further intensive round of consultations and presentations: in Perth, Mackay, Darwin, Alice Springs, Hobart, Melbourne, Sydney and regional New South Wales. One hundred and ten consultations were undertaken during the Inquiry.

The ALRC also developed a strategy for consultation with Indigenous stakeholders with assistance from the ALRC's Indigenous Advisory Committee and other Indigenous stakeholders. On 19–20 May, Professor Rosalind Croucher attended the *National Indigenous Family Violence Prevention Forum 2010* in Mackay, Queensland and led a yarning circle on the topic of the Family Violence Inquiry: 'Have your say—improving legal frameworks for Aboriginal and Torres Strait Islanders'. The yarning circle provided an excellent opportunity to consult with Aboriginal and Torres Strait Islander stakeholders from around Australia on the issue of family violence. The Consultation Paper Summary was available at the yarning circle and participants were encouraged to make written submissions. The ALRC produced a brochure targeted at Indigenous stakeholders and communities encouraging their participation in the Inquiry and a number of consultations were also held with Indigenous organisations and individuals around the country. More information about our Indigenous Consultation Strategies is included in the article 'Reconciliation Action Plan Update' in the special features section.

Submissions relating to the questions and proposals in the Consultation Paper were due on 4 June. However, following requests from many key stakeholders for an extension to the submission deadline, including from Commonwealth, State and Territory departments and agencies, as well as the great public interest in the recommendations that will emerge from the Inquiry and the need for the Commissions to give full consideration to the very high number of submissions received, a small extension to our reporting timeline was sought and agreed to by the Attorney-General with submissions due to the ALRC by 25 June 2010. A total of 240 submissions have now been received in response to the Consultation Paper, with 41 submissions being received after the original due date and a further 35 submissions being received after the final due date, with the latest submission being received on 9 August 2010.

The Attorney-General also granted a request for an extension to the reporting timeframe for the Inquiry. The final Report is now due to the Attorney on 11 October 2010.

Review of Discovery of Documents in Federal Courts

On 11 May 2010, the Attorney-General, the Hon Robert McClelland MP, referred to the ALRC an Inquiry to explore options to improve the practical operation and effectiveness of discovery of documents in litigation before federal courts. (Terms of Reference in full are at Appendix C). The ALRC will report to the Attorney-General on 31 March 2011. The ALRC has been advised that a part-time Commissioner for the Discovery Inquiry will be appointed in due course. Work on the Inquiry has begun, with preliminary discussions to inform both the constitution of an Advisory Committee and key issues for development of a consultation paper to be released later in the year.



Program1.1 Key performance indicators

The ALRC measures the success of its Program 1.1 in achieving its objective of informed government decisions about the development, reform and harmonisation of Australian laws and related processes (its Outcome) through three key performance indicators:

- ▲ The level of implementation of ALRC reports by government and other bodies, substantially or partially;
- ▲ The number of citations or references to ALRC reports and recommendations in parliamentary debates, in court citations and decisions, and in academic and other publications; and
- ▲ The number of mentions of the ALRC in media reportage.

Table 3: Program 1.1 Key Achievements 2009–10		
Program 1.1	Target	Actual
Implementation of reports—implemented or partially implemented	80%	90%
Citations and mentions	40	64
Media reportage	250	393

Percentage of reports implemented by those to whom recommendations are targeted

The ALRC has no direct role in implementing its recommendations. As there is no statutory requirement for the Australian Government to respond formally to ALRC reports, the ALRC monitors major developments in relation to issues covered in its past reports, and assesses the level of implementation that those reports have achieved. It is not uncommon for implementation to occur some years after the completion of a report.

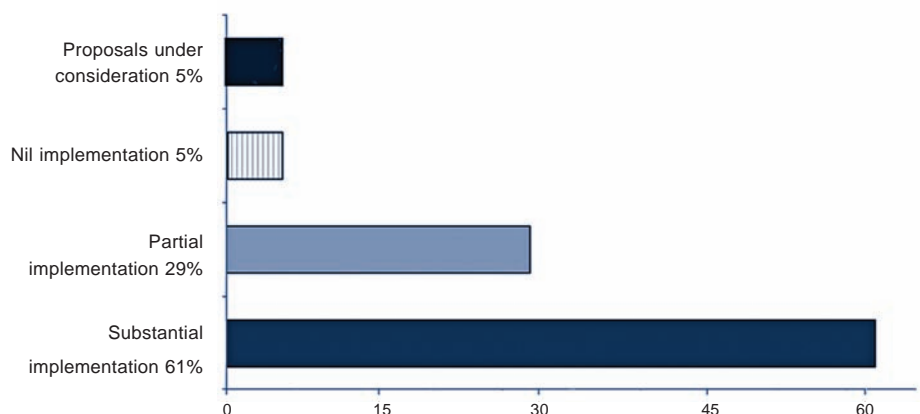
The ALRC considers that a report is *substantially implemented* when the majority of the report’s recommendations, including key recommendations, have been implemented by those to whom the recommendations are directed. *Partial implementation* refers to implementation of at least some recommendations of an ALRC report. The ALRC takes a conservative approach when considering whether a report should be characterised as having been ‘partially’ or ‘substantially’ implemented. The term *proposals under consideration* applies to reports that have received a positive response from those to whom the recommendations are directed, but are still awaiting implementation, and to those that have been completed within the past two years and are yet to receive a formal response.

Legislative and other implementation activity in the 2009–10 year, as described in Appendix F, has altered the levels of status of implementation of all ALRC reports with the following results:

- ▲ 61% of reports had been substantially implemented;
- ▲ 29% of reports had been partially implemented;
- ▲ 5% of reports without any implementation to date were currently under consideration; and
- ▲ 5% of reports had not been implemented.

Graph 1 indicates the implementation status of ALRC reports as at 30 June 2010, and Appendix F provides a detailed update on action in relation to ALRC reports during 2009–10.

Graph 1: Implementation Status of ALRC Reports as at 30 June 2010



Appendix G provides a brief overview of the implementation status of all 77 reference-related ALRC reports.

Substantial implementation

As at 30 June 2010, the ALRC had completed 77 reference-related reports. Forty-seven (61%) of those reports have been substantially implemented.

During 2009–10, activity in relation to two reports raised their status level from ‘under consideration’ to ‘substantially implemented’:

- ▲ The enactment of the *Acts Australian Information Commissioner Act 2010* (Cth) and the *Freedom of Information (Reform) Act 2010* (Cth) substantially

implemented the recommendations of *Open Government: A Review of the Federal Freedom of Information Act 1982* (Report 77, 1995); and

- ▲ The *Personal Property Securities Act 2009* (Cth) substantially implemented the recommendations of the ALRC's Report, *Personal Property Securities* (Report 64, 1993) The Act sets out a single national law governing security interests in personal property.

See Appendix F for further details.

Partial implementation

Twenty-two reports (29% of all ALRC reference-related reports) have been partially implemented. This represents two more reports in the category of partially implemented than at 30 June 2009.

For example, significant activity raised the status of the Report, *For Your Information: Australian Privacy Law and Practice* (Report 108, 2008) from 'under consideration' to 'partially implemented'.

In October 2009, the Australian Government issued the first stage of its response to Report 108. The response addressed 197 of the 295 recommendations in the Report, and accepted most of those recommendations.

In June 2010, the Australian Government issued the first of an expected maximum of four draft bills that, following public comment and Committee reports, it was anticipated would then be consolidated to comprise a new Privacy Act. The *Exposure Draft of the New Australian Privacy Principles* was referred to the Finance and Public Administration Legislation Committee for inquiry and report by 1 July 2011.

Other activities included the enactment of the *Healthcare Identifiers Act 2010* (Cth) which commenced on 29 June 2010. Its provisions are generally consistent with the ALRC's recommendations in its Report 108, in relation to the introduction of an electronic health information system.

The other report that was partially implemented was *Same Crime, Same Time: Sentencing of Federal Offenders* (Report 103, 2006) with the passage of the *Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010* (Cth). This Act amends the *Commonwealth Death Penalty Abolition Act 1973* (Cth) to extend the application of the current prohibition on the death penalty to state laws, to ensure the death penalty cannot be introduced anywhere in Australia. The Act is consistent with the ALRC's recommendations in *Same Crime, Same Time: Sentencing of Federal Offenders* (Report 103, 2006).

See Appendix F for further details.

Under consideration

In the 2009–10 year, two ALRC reports were elevated from ‘being considered’ to ‘substantially implemented’: *Open Government: A Review of the Federal Freedom of Information Act 1982* (Report 77, 1995) and *Personal Property Securities* (Report 64, 1993). Two further reports were elevated from ‘being considered’ to ‘partially implemented’: *For Your Information: Australian Privacy Law and Practice* (Report 108, 2008) and *Same Crime, Same Time: Sentencing of Federal Offenders* (Report 103, 2006).

Two new reports, were tabled and are under consideration: *Making Inquiries: A New Statutory Framework* (Report 111, 2009) and *Secrecy Laws and Open Government in Australia* (Report 112, 2009).

An example of a report under active consideration during the reporting period was *Fighting Words: A Review of Sedition Laws in Australia* (Report 104, 2006). In March 2010 the Australian Government introduced the National Security Legislation Amendment Bill 2010 which was intended to implement almost all the ALRC recommendations, which concerned sedition, treason, unlawful associations, advocating or inciting crime, and related matters. The Bill was introduced in the House of Representatives on 18 March 2010, and its second reading was on 25 May 2010. It was introduced into the Senate on 15 June 2010.

See Appendix F for further details.

Nil implementation

Four of the 77 reference-related reports completed by the ALRC (5%) have not been implemented at all, and do not appear to be under consideration. Two of these reports cover the same topic, that of public interest standing: *Standing in Public Interest Litigation* (Report 27, 1985) and *Beyond the Door-Keeper: Standing to Sue for Public Remedies* (Report 78, 1996). The other two reports are *Product Liability* (Report 51, 1989) and *Administrative Penalties in Customs and Excise* (Report 61, 1992).

Court citations

ALRC reports are cited by Australian courts and tribunals as well as in numerous academic articles and other publications.

During 2009–2010, there were more than 64 references to ALRC reports in decisions of major courts and tribunals. These included two from the High Court of Australia, 12 from the Federal Court of Australia, and 38 from state and territory Supreme Courts or Courts of Appeal, as well as decisions of other major courts and tribunals.

This number represents an increase of 49% (21 judgments) referring to ALRC reports when compared with the number calculated for the 2008–09 year.

A list of court citations identified by the ALRC is included as Appendix H.

Media interest and public debate

The ALRC actively promotes public debate on issues raised by its current and past inquiries, and on law reform generally. The ALRC monitors and records mentions of the ALRC and its work in print, online, radio and television, as well as other sources such as journal articles and Hansard.

During 2009–10, the ALRC identified 393 mentions of its work, both past and present. This number does not match the record set in the 2008–2009 year, which included 363 mentions of the Privacy Report (Report 108, 2008) alone.

However, the number recorded in the 2009–10 year is of significance considering the broad range of ALRC reports and activities that were discussed. For example, topics covered ranged from an ALRC report into *Insurance Contracts* (Report 20, 1982), to a proposed future ALRC inquiry into coastal management.

However, the ALRC's Privacy Report, *For Your Information: Australian Privacy Law and Practice* continued to dominate media and journal interest, featuring in 138, or 35%, of these media items. These were related to the fact that the Australian Government accepted many of the ALRC's recommendations and issued exposure drafts of privacy legislation during this reporting period.

The Family Violence Inquiry, for which the ALRC published Consultation Paper 1 in April 2010, received 47 media mentions during this time, or 12% of the total registered.

With the passage of new freedom of information legislation, interest was stirred in the ALRC's fifteen-year-old report, *Open Government: A Review of the Federal Freedom of Information Act 1982* (Report 77, 1995), with 16 items mentioning it.

Secrecy Laws and Open Government in Australia (Report 112, 2009) was released in March 2010. By the end of June, 39 media mentions of it had been recorded.

The announcement by the Attorney-General in May 2010 of a new ALRC Inquiry into Discovery of Documents in Federal Courts, featured in 7 media items.

There was some media attention (18 pieces noted) given to the report on *Royal Commissions, Making Inquiries: A New Statutory Framework* (Report 111, 2009), which was published in February 2010.

Past ALRC reports that also received media attention included *Genes and Ingenuity: Gene Patenting and Human Health* (Report 99, 2004), *Essentially Yours: The Protection of Human Genetic Information in Australia* (Report 96, 2003) and *Personal Property Securities* (Report 64, 1993).

Some media mentions related to the departure of Emeritus Professor David Weisbrot AM as President of the ALRC in November 2009, and the appointment of Professor Rosalind Croucher as President in December 2009.

Table 4: Media Articles 2009–10

<i>Document</i>	<i>Number of media articles</i>
Freedom of Information Report <i>Open Government: A Review of the Federal Freedom of Information Act 1982</i> (Report 77, 1995)	16
Privacy Final Report <i>For Your Information: Australian Privacy Law and Practice</i> (Report 108, 2008)	138
Secrecy Final Report <i>Secrecy Laws and Open Government in Australia</i> (Report 112, 2009)	39
Royal Commissions Final Report <i>Making Inquiries: A New Statutory Framework</i> (Report 111, 2009)	18
Family Violence Consultation Paper <i>Family Violence: Improving Legal Frameworks</i> (CP 1, 2010)	47

Another feature of the interest identified this year is the range of formats of publications recognising ALRC work, including social networks, such as blogs, as well as traditional refereed journals. The 393 media mentions, when broken down by format, had a heavy concentration on online pieces (189, or 48%)—‘online’ includes such forms as blogs, law firm or other organisations’ websites, and journals published only online. Another 80 (20%) were newspaper pieces, whether found online or in print. Journal articles numbered 70 (18% of all media reported), both online or in print versions. Journal titles included all the major Australian legal journals, as well as a smattering of overseas journals. The remaining formats were radio and TV interviews (20) and mentions in Parliamentary proceedings (19).

Media releases

The ALRC issues media releases and briefing documents at key stages in each inquiry. Media releases are distributed to general and specialised media outlets, as well as to individuals and organisations that have expressed a specific interest in receiving information from the ALRC. They are also available on the ALRC’s website.

In 2009–10, the ALRC distributed 10 media releases. A full list of media releases and briefing papers is provided at Appendix J.

The ALRC was also mentioned in a number of other articles which are listed in Appendix J.

Distribution of community consultation documents

Consultation lies at the heart of the ALRC's inquiry process and is one of the key mechanisms that the ALRC uses to inform the identification and critical analysis of key issues in each inquiry. The number of consultation papers released in the course of an inquiry is dependent on both the nature of that inquiry and the inquiry timeframe that is set by the Attorney-General. In the past, ALRC inquiries have most usually followed a two stage consultation process that included production and distribution of an issues paper, followed by a call for submissions, release of a discussion paper followed by a further call for submissions, and then release of a final report.

The ALRC has been trialling new methodologies of consultation this past year, including preparing a combination issues/discussion paper in the form of a consultation paper. It asks the questions usually found in an issues paper while offering preliminary proposals that would have been in a discussion paper. As well, the ALRC has produced document summaries, for both the Secrecy Inquiry and the Family Violence Inquiry, to assist stakeholders to access more easily the key information contained in the larger documents. All ALRC consultation documents are provided at no charge through the ALRC's website in both HTML and PDF versions. The ALRC prints a number of hard copy documents and distributes them to key stakeholders for each inquiry. The number of consultation papers printed and distributed in hard copy is dependent on the nature of each inquiry, and the interest and engagement of stakeholders. Therefore the number of documents printed and distributed each year will vary and is difficult to predict, prior to knowing the nature of upcoming inquiries.

The target for the hard copy distribution of final reports for 2009–10 was 800 hard copies distributed. The ALRC distributed 977 final reports in this reporting period.

The target for the hard copy distribution of consultation papers for 2009–10 was 600 hard copies distributed. The ALRC distributed 832 consultation papers in this reporting period.

<i>Table 5: Distribution Figures for Reports and Papers</i>			
<i>Document</i>	<i>Date released</i>	<i>Hard copy distribution</i>	<i>Accessed online see note</i>
Discussion Paper <i>Royal Commissions and Official Inquiries</i> (DP 75)	18 August 2009	207	Not available
Final Report <i>Making Inquiries: A New Statutory Framework</i> (Report 111)	4 February 2010	514	Not available
Final Report <i>Secrecy Laws and Open Government in Australia</i> (Report 112)	11 March 2010	463	Not available
Consultation Paper <i>Family Violence: Improving Legal Frameworks</i> (CP 1)	29 April 2010	200	Not available
Consultation Paper Summary <i>Family Violence: Improving Legal Frameworks</i> (CPS 1)	29 April 2010	425	Not available
Total		1809	N/A

Note: During 2009–10 the ALRC changed its web hosting and the way its reports are provided online. Previously all ALRC reports and consultation papers were only provided online through AustLII. Midway through this reporting period, the ALRC began providing access to its reports on its own website and this, coupled with a new statistical tool for measuring visits to the ALRC website, has rendered statistical comparisons with previous years and targets unreliable and incomplete. For the next reporting period, the ALRC anticipates being able to provide accurate measurement of reports and documents accessed via our website.

Submissions

The number of submissions received by the ALRC is also a measure of the public's engagement with its work and the extent to which the consultation papers have stimulated debate and discussion. However, the number of submissions received for any inquiry is also a function of the subject matter of the inquiry. Some inquiries are of great interest and relevance to many diverse stakeholder and community groups (for example, the Family Violence Inquiry). Other inquiries are of more specific interest to a specialist group of stakeholders and elicit a smaller number of submissions (for example, the Royal Commissions Inquiry).

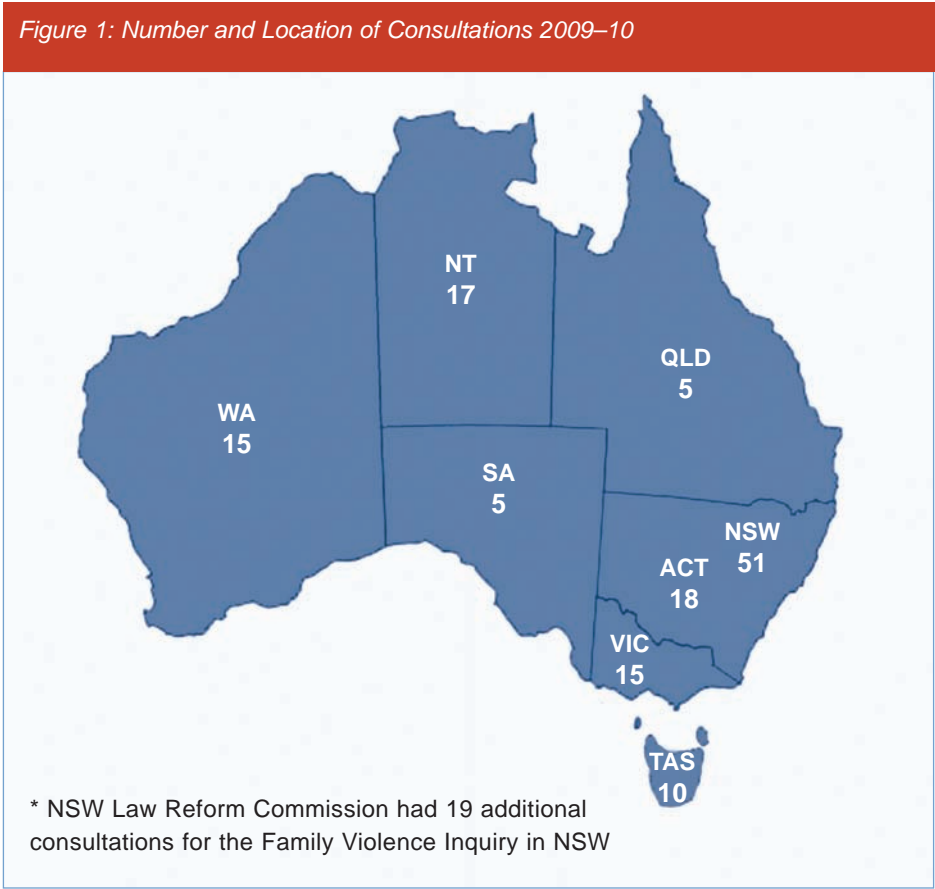
Table 6: Number of Submissions Received 2009–10		
Document	Submissions due date	Submissions received
Discussion Paper <i>Review of Secrecy Laws</i> (DP 74)	7 August 2009	38*
Discussion Paper <i>Royal Commissions and Official Inquiries</i> (DP 75)	22 September 2009	16**
Consultation Paper <i>Family Violence: Improving Legal Frameworks</i> (CP 1)	25 June 2010	219
Total Submissions Received		273

* Total number of submissions received over the course of the Secrecy Inquiry was 89 submissions.

** Total number of submissions received over the course of the Royal Commissions Inquiry was 32 submissions.

Consultations

During the inquiry process, the ALRC holds meetings with relevant stakeholders, both individuals and organisations, nationally, to assist the ALRC to identify the key issues involved, to shape the research questions and to contribute to the ALRC’s policy analysis and considerations. During 2009–10, the ALRC conducted a total of 136 consultations around the country—Secrecy Inquiry (11), Royal Commissions Inquiry (6) and Family Violence Inquiry (119).



Program 1.2 Community education about law reform

The objective of the ALRC's community education activities is to improve the community's understanding of, and participation in, law reform processes so that the proposals put to government for consideration are informed by community attitudes, debate and discussion.

Table 7: Program 1.2 Deliverables		
	2009–10 Budget	2009–10 Achieved
Online Discussion Forums	2	4
<i>Reform</i> journal—number of editions	2	1 #
Internships offered	12	16
Kirby Cup competition	1	1
Presentations and information sessions	25	21

In 2008–09 the ALRC conducted a readers survey on *Reform*. As a result of the findings of this survey, and as one way of making some necessary reductions in expenditure, the ALRC made a decision to cease production of the hard copy journal. Instead, the ALRC will focus its activities around current inquiry work and move to an online newsletter format with the upcoming launch of the ALRC's new website in August 2010. The ALRC will continue to publish the full articles from back issues of *Reform* on its website. *Reform Online* articles are available in HTML and RTF formats. Some editions are also available in PDF.

Utilisation of web-based communication tools and online discussion forums

During 2009–10, the ALRC developed web based consultation tools to broaden community access to ALRC inquiries. For example, the ALRC ran online forums for both the Secrecy and Royal Commissions Inquiries. The ALRC has further developed its online forums to include an online forum for the Family Violence Inquiry with women's legal services and a Family Violence Blog open to the public. Both forums aim to stimulate engagement with stakeholders, to provide the community with access to information about the ALRC's thinking and to provide an immediate way to contribute to the ALRC's processes. See the article 'ALRC Website and Gov 2.0' in the special features section for more information on the ALRC's online communication tools.

The ALRC also developed a regular e-newsletter for the Family Violence Inquiry which provides a quick and effective way of keeping stakeholders updated on the progress of the Inquiry, and also a means to seek further input through inclusion of a monthly 'area of focus and questions' in each of the newsletters. The ALRC had 939 subscribers to the Family Violence e-newsletter. The ALRC has also set up an e-newsletter for the Discovery Inquiry and intends to issue monthly newsletters as that inquiry progresses. Currently there are 122 subscribers at this early stage of the Inquiry.

Publication of the law reform journal *Reform*

The ALRC's law reform journal, *Reform*, provided discussion of law reform issues aimed at the legal profession, law students and policy advisers, as well as the general community. It also provided updates on the work of the ALRC and an overview of current law reform projects within Australia and internationally.

During 2009–10, the ALRC produced one *Reform* journal, *Reform: Housing* (Issue 94, Summer 2009) which focused on one of the most pressing issues facing Australia today, the ability to provide adequate housing for all Australians. Articles included an outline of Federal Government initiatives in this area by the responsible Minister, the Hon Tanya Plibersek MP; and an assessment of the human rights implications of the national housing strategy by the Australian Human Rights Commission President, the Hon Catherine Branson, and her colleague Dr Cassandra Goldie; and consideration of the ramifications of a policy shift to community housing options by Adam Farrar



(NSW Federation of Housing Associations). Other articles included a debate on the various aspects of homelessness by Robin Banks (Public Interest Advocacy Centre) and Chris Hartley (Homeless Persons' Legal Service), Karen Wilcox and Ludo McFerran (Australian Domestic and Family Violence Clearinghouse), and Rebecca Reynolds (Twenty10). Respected Aboriginal community leader Tom Slookee provided a personal perspective on Indigenous housing, drawing on his lengthy experience in this field. Chris Lamont (Housing Industry Association) discussed housing affordability, while Ian Winter (Australian Housing and Urban Research Institute) called for more informed and constructive debate around the social objectives of land use planning. Other articles discussed reforms required in the areas of: tenancy rights, by Deborah Pippen, (Tenants' Union ACT); housing for the elderly, by Susannah Sage Jacobson, (Public Interest Law Clearing House of Victoria); and the tensions that often arise in practice between providing housing and preserving heritage, by academic Graeme Wiffen.

Internships

An internship at the ALRC provides an opportunity for law students to increase their awareness of law reform issues and to gain an insight into the processes for developing policy and designing law reforms. Interns are supervised by legal officers and contribute to current inquiries as part of the inquiry teams, doing research, attending consultations and inquiry team meetings when opportunities arise.

The ALRC accepts law students from Australian and international universities and tertiary institutions. As there is strong demand for internships at the ALRC, there is a formal selection process. The selection criteria, closing dates for applications, and information about the selection process are available on the ALRC website. During 2009–10, the ALRC received 100 applications for the internship program and accepted 16 interns. A report on the ALRC's internship program is included in the special features section.

2009–10 Kirby Cup Law Reform Competition

The Kirby Cup Law Reform Competition is a unique opportunity for Australian law students to consider the role of law reform and law reform agencies in Australia. The format of the competition this year required law students to provide a written paper (between two and four thousand words) on a topic of law reform and present this paper at an oral advocacy round held in conjunction with the annual Australian Law Students Association (ALSA) conference. The competition is open to all students currently enrolled in a tertiary law course (including law courses offered by universities and legal practitioner admission boards). Students may participate in the competition as individuals or as a team of up to four students.

The topic for this year's competition was on animal rights and teams were asked to consider the key issues that arise from the present federal regulatory framework

for animal welfare and the appropriate law reform recommendations. They were asked to assess whether Codes of Practice for animal welfare provide a reliable and satisfactory mechanism for regulating animal welfare; or whether a National Animal Welfare Act or harmonisation of state and territory legislation would be more appropriate.

The oral advocacy part of the competition was held during the annual ALSA Conference in July 2009 in Brisbane at Griffith University. Three teams of finalists were chosen including Ella Kucharova & Rebecca Zaman (University of New South Wales)—who won the competition—Fiona Graney & Laura Costello (University of Sydney) and James Dawson & Michael Jones (ANU). Judges for the competition were then ALRC Commissioner Professor Rosalind Croucher; Griffith University Senior Law Lecturer Mr Steven White; ALRC Research Manager Mr Jonathan Dobinson; and ALRC Part-time Commissioner Justice Berna Collier. Support for the Competition was provided by Executive Assistant, Ms Tina O'Brien.

Presentations and information sessions

ALRC members and staff are frequently invited to speak at conferences and seminars in relation to the ALRC's current or past work program, or in relation to law reform in general and areas of particular expertise. In 2009–10, Commissioners and staff made presentations at 21 separate functions on behalf of the ALRC. A list of these presentations is provided in Appendix I.

Institutional visits

The ALRC regularly hosts interstate and international visitors interested in discussing general law reform issues or particular issues relating to past or current ALRC inquiries.

The ALRC hosts many visits from broad-based delegations of government officials and parliamentarians as well as visits by representatives of national and overseas law reform agencies. During 2009–10, the ALRC was pleased to host 13 visits.

A list of visitors to the ALRC during is included in Appendix K.



On 28 June 2010, the ALRC hosted a delegation from the National Assembly of Vietnam. From left to right: ALRC Senior Legal Officer Ms Carolyn Adams; National Assembly Vice-President, The Hon Mr Uong Chu Luu MP; ALRC President Professor Rosalind Croucher; and National Assembly Chairman, the Hon Mr Tran The Vuong MP.

Program 1.2 Key performance indicators

Table 8: Program 1.2 Key Achievements 2009–10

<i>Program 1.2</i>	<i>Target</i>	<i>Actual</i>
Reform journals distributed in hard copy	1200	650
Applications received for internships	15	100 applications were received with 16 internships offered
Articles written for external publications	10	16
Presentations and information sessions	25	21*
Media interviews	35	20
Website visits	30,000	39,000 total visits, with 21,290 unique visitors for six months from Feb to June 2010.

* From December 2009, the ALRC had only one full time Commissioner, thereby reducing the number of presentations and speaking engagements.

Reform journal

The ALRC made a decision to cease publication in hard copy of the journal *Reform* and only published one edition in this reporting period, hence the lower than estimated number of journals distributed. This decision was based on an unforeseen reduction in the ALRC's appropriation and the consequent need to focus on our core activity of conducting inquiries.

Applications received for internships

The ALRC's internship program continued to receive a high level of interest from law students around the country with 100 applications being received and 16 internships offered during the reporting period. A discussion of the internship program is included in the special features section.

Articles written for external publications

A total of 16 journal articles were written for external publications by ALRC Commissioners and staff. A list of these articles is in Appendix I.

Presentations and information sessions

A full list of presentations by ALRC Commissioners and staff is in Appendix I.

Media interviews

The 20 media interviews conducted mainly concerned aspects of the ALRC's Privacy Report (Report 108, 2008)—in particular media interest in credit reporting—and the announcement of the ALRC's Inquiry into Family Violence.

ALRC website

Approximately six months into the reporting period, a new web statistics tool, Google Analytics, was implemented to allow a better assessment of website traffic. As the previous analytics tool utilised a different methodology for counting visits and provided different and less reliable figures and metrics, details are only provided for the past 6 months.

During 2009–10, the ALRC ran an open tender for the development of its new website and integration with a Content Management System (CMS) in the interests of obtaining a good range of competitive quotes. The Request For Tender (RFT) was advertised on AusTender on 1 October 2009, with a closing date of 9 November 2009. There were approximately 200 requests for the RFT documents. By the closing date, the ALRC had received 26 formal tenders with budgets ranging from \$44,500–\$258,860. The ALRC shortlisted five companies to present their proposals and ranked each against a set of criteria as outlined in the ALRC's *Procurement and Purchasing Policy*.

In December 2009, the ALRC commissioned PreviousNext, a website design and development consultancy based in Sydney and Melbourne, to carry out the works using Drupal (an open source CMS). The new website is scheduled to launch in August 2010. The key functional features of the new website will be integrated social media applications and Web 2.0 tools (such as forums, blogs, rss feeds, etc), and an online submissions tool that simplifies the submission process for stakeholders and streamlines the handling and management of submissions. Key design features will be a more user-friendly and accessible presentation of ALRC final reports and consultation documents; design elements that improve accessibility; and a more user-friendly interface that increases transparency and promotes interest and participation in the ALRC's work.

The new website will also have new or enhanced accessibility features and has been designed to be fully compliant with the recently released WCAG 2.0 standards.

With the release of the Family Violence Consultation Paper and the ALRC's call for submissions, the ALRC launched the Family Violence Online Submission Form as a pilot project. The primary goals of the project were to encourage maximum

stakeholder engagement by simplifying the submission writing process, to encourage more focused responses and to simplify the management and assessment of submissions for ALRC staff.

Key features included:

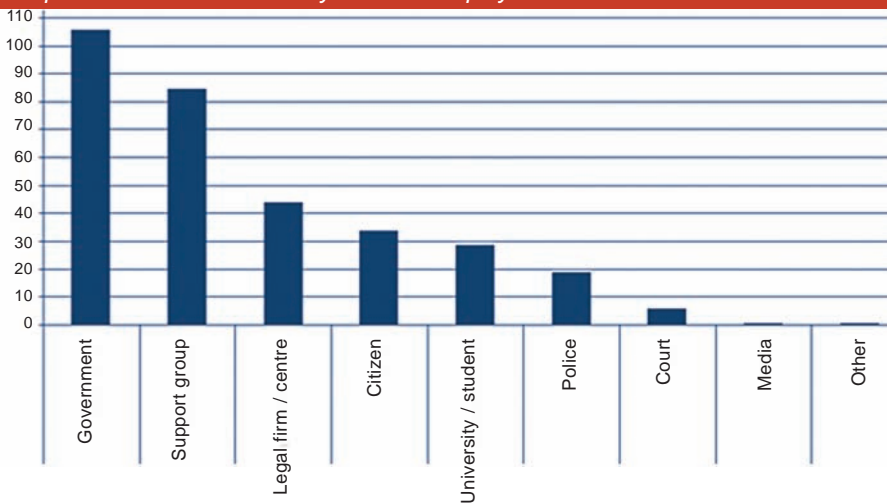
- ▲ the ability to begin a submission and save work over a number of sittings;
- ▲ an option to respond only to those questions/proposals of interest or within the experience of each respondent;
- ▲ the ability to upload a supporting document or pre-prepared submission; and
- ▲ the ability to enable the ALRC legal team to compile and download reports on responses to specific questions.

At the closing date for submissions on 25 June 2010, 64 submissions had been completed using the online submission tool. The Online Submission Form provided an opportunity to trial software associated with the Drupal CMS on which the new website is being built.

ALRC e-newsletters

In 2009 the ALRC decided to explore the potential of e-newsletters for disseminating news and generating interest in the ALRC's work. The first e-newsletter to be developed was specifically for the Family Violence Inquiry and sent on 9 November 2009 to an email list compiled from the ALRC database. The e-newsletter was promoted on the ALRC's home page and Twitter posts. A notice was also posted on *Australian Policy Online*. The original database list comprised 284 contacts. By July, after eight e-newsletters, web subscribers swelled the list to 940, representing a growth rate of 230%.

Graph 2: Breakdown of Family Violence Inquiry Web Subscribers after first 4 Issues



The ALRC has received positive feedback about the e-newsletter from recipients and stakeholders and it has proved an effective way of disseminating information and engaging stakeholders in the Inquiry, and managing stakeholder expectations. A similar strategy is in place for the new Discovery Inquiry.

Australian Law Reform Commission

FAMILY VIOLENCE INQUIRY

e-newsletter

February 2010

This month in summary

The Commission is deep in writing mode this month, with the release of the Consultation Paper planned for late April. But we have still managed to fit in some further excellent consultations. In particular, we had a second roundtable discussion with the Australian Domestic and Family Violence Clearinghouse, one of the key stakeholder groups listed in our Terms of Reference. One of the particular challenges that emerged in this and other consultations is the extraordinary breadth of Commonwealth laws with which family violence engages, including laws concerning workplace relations and social security. While a consideration of such areas is outside the Commissions' current remit, there is a clear opportunity for the Government to initiate an inquiry into how family violence is treated in these and other legislative schemes. It is only by thoroughly drawing upon all the excellent work to date, and continuing to press the inquiries further, that some progress in improving the safety of women and children can be achieved.

Issue in focus — Child protection

Each FVI e-newsletter highlights an issue in focus, providing an opportunity for you to have input into particular issues as our work progresses.

Q1: Is it (or could it be) important for a state/territory Children's/Youth Court to be able to determine matters of parental responsibility with respect to a child? Why?

Q2: What has been your experience in getting a family law court to focus on the enforcement of contact orders made in state care proceedings?

Please respond via the [online comment form](#).

You can still contribute to previous Issues in Focus:
[Role of the police](#)
[Variation and revocation of family violence protection orders](#)
[Vulnerable witnesses](#)

[back to top](#)

ALRC online consultation pilot concludes

In November we announced via this newsletter that the ALRC had received funding from the Government 2.0 Taskforce to run an online stakeholder consultation pilot, with the help of a consultancy group, Headshift. The project was to provide a case study of how an agency can improve its online engagement capabilities by following best practice in the use and management of Web 2.0 tools and community management practices. More detailed information about the project, and Headshift's report, are now available on the [Government 2.0 Taskforce website](#).



Follow us on Twitter

In this issue

This month in summary

Issue in focus — Child protection

ALRC online consultation pilot concludes

Talk to Us

To find out about making a formal submission visit the [ALRC website](#).

Family Violence links

- [Terms of Reference](#)
- [About the Inquiry](#)

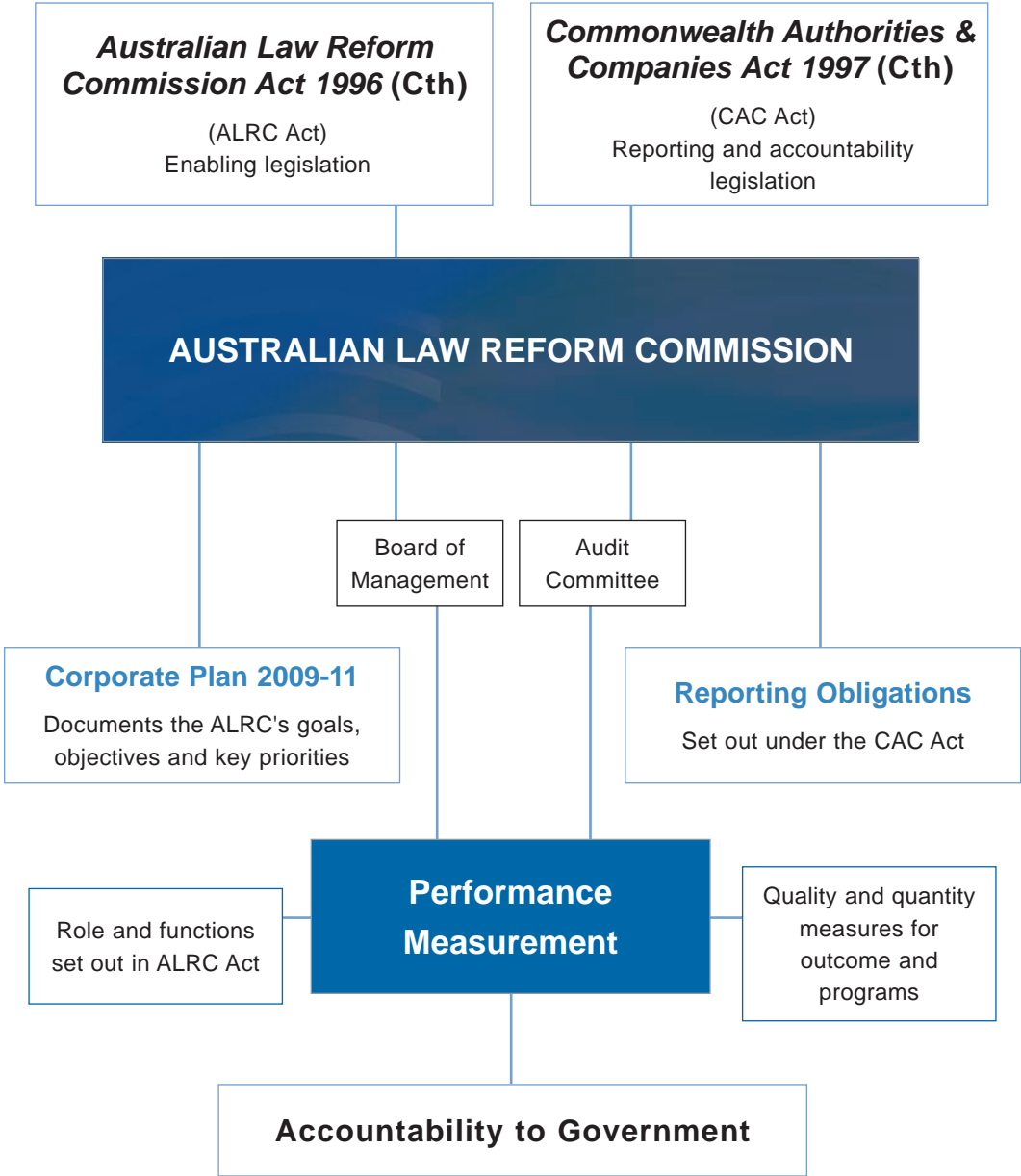
Related Inquiries links

- [Family Courts Violence Review](#)
- [Evaluation of Shared Parenting Family Law Reforms](#)

Corporate Governance



Corporate Governance Framework



Statement of Governance

Ministerial powers

The Minister responsible for the ALRC is the Attorney-General of Australia.

Under s 20 of the *Australian Law Reform Commission Act 1996* (ALRC Act), the Attorney-General may refer matters to the ALRC for review. In 2009–10, two new matters were referred to the ALRC—a review into Family Violence laws and a review into Discovery of Documents in Federal Courts.

Under s 28 of the *Commonwealth Authorities and Companies Act 1997* (Cth) (CAC Act), the Attorney-General may advise the ALRC of a requirement to comply with a general policy of the Australian Government. During 2009–10, the ALRC was not required to comply with any additional Australian Government policies.

Members of the Commission

Table 9 lists members of the ALRC during 2009–10, and their current term of appointment. On 30 June 2010, there were four members of the ALRC—one full-time member and three part-time members.

Table 9: Members 2009–10	
Commissioner	Term of Current Appointment
<i>Full-time Commissioners</i>	
Professor Rosalind Croucher BA (Hons) LLB (Syd) PhD (UNSW) AMusA (AMEB), FRSA, FACLM (Hon), FAAL, TEP	14 December 2009 to 13 December 2014
<i>Part-time Commissioners</i>	
Justice Susan Kenny BA (Hons) LLB (Hons) (Melb) DPhil (Oxon)	9 July 2009 to 8 July 2012
Justice Berna Collier BA, LLB (Qld), LLM (Melb)	2 October 2007 to 1 October 2010
Magistrate Anne Goldsbrough BA LLB (Melb)	14 December 2009 to 31 August 2010



Professor
Rosalind
Croucher.
President

Professor Croucher was appointed to a five year term as President of the ALRC from 14 December 2009 to 13 December 2014. She was a full-time Commissioner for a term of three years, commencing on 5 February 2007 to 4 February 2010.

Professor Croucher was Dean of Law at Macquarie University from 1999. Prior to this she was a member of the Law Faculty of the University of Sydney and the University of New South Wales. Professor Croucher served as Chair of the Council of Australian Law Deans (2002), Vice President (Western Pacific), International Academy of Estate and Trust Law (1998–2005), Chair of the Scientific Committee for the World Congress of Medical Law 2004 and on the Program Committee for the 8th biennial conference of the International Association of Women Judges, 2006.

Professor Croucher has lectured and published extensively principally in the fields of equity, trusts, property, inheritance and legal history.



The Hon Justice
Susan Kenny.
Part-time
Commissioner

Justice Kenny was initially appointed a part-time Commissioner of the ALRC on 14 May 2003. She was reappointed as a part-time Commissioner from 9 July 2009 to 8 July 2012. She is a Judge of the Federal Court of Australia, based in Melbourne.

During 2009–10, Justice Kenny served on the Divisions dealing with both the Secrecy and Royal Commission Inquiries.



The Hon Justice
Berna Collier.

Part-time
Commissioner

Justice Collier was appointed a part-time Commissioner for a term of three years, commencing on 2 October 2007. She has been a judge of the Federal Court of Australia, based in Brisbane, since February 2006.

During 2009–10, Justice Collier served on the Divisions dealing with both the Secrecy and Royal Commission Inquiries.



Magistrate Anne
Goldsbrough.

Part-time
Commissioner

Magistrate Goldsbrough was appointed a part-time Commissioner on 14 December 2009 to 31 August 2010.

From February 2002, Magistrate Goldsbrough was the Victorian State Supervising Magistrate for Family Violence and Family Law for 6 years until December 2007. Prior to this appointment, she was a Registrar at the Family Court in Melbourne and had an extensive family law practice. Magistrate Goldsbrough was instrumental in the development and implementation of a range of specialist family violence initiatives and practice improvements in the Magistrates' Court of Victoria. This included the Family Violence Court Division of the Magistrates' Court project in Heidelberg and Ballarat, and the Specialist Family Violence Services Project at three additional magistrates' courts in Victoria.

Farewell to Professor Les McCrimmon



When Professor Les McCrimmon's term as Commissioner ended on 30 November 2009, he had made a significant contribution to the ALRC. Professor McCrimmon had been with the ALRC for 4 years and 11 months and was the lead Commissioner for three ALRC inquiries—the ALRC's Privacy Inquiry, culminating in the landmark report, *For Your Information: Australian Privacy Law and Practice* (Report 108, 2008), a three-volume, 2700 page report containing nearly 300 recommendations for reform; the Inquiry into Evidence (*Uniform Evidence Law*, Report 102, 2005);

and, most recently, *Making Inquiries: A New Statutory Framework* (Report 111, 2009), into the *Royal Commissions Act 1902* (Cth).

Professor McCrimmon will be remembered for his record in leading inquiries which have resulted in prompt and substantial government implementation; his extraordinary project management and leadership skills; and his excellence in teaching. In 2009, he advised the Government of Botswana on the establishment of an independent law reform agency.

On a personal level, Professor McCrimmon will be remembered for infusing his passion for art into the workplace, his friendliness, thoughtfulness, warmth and collegiality.

Professor McCrimmon leaves the ALRC to take up the position of Chair of Law, Faculty of Law, Business and Arts at Charles Darwin University—a position which recognises his expertise in evidence, advocacy and privacy. The ALRC wishes him the very best in his new position.

Farewell to Emeritus Professor David Weisbrot AM



When President Professor David Weisbrot retired from the ALRC on 30 November 2009 he had made an unprecedented and indelible contribution to the ALRC, and to law reform nationally and internationally.

Professor Weisbrot was the longest serving President in the ALRC's 35-year history and presided over 14 inquiries, demonstrating exceptional intellectual and strategic leadership. Professor Weisbrot's first inquiry was into the federal civil justice system, which culminated in the landmark report, *Managing Justice: A Review of the*

Federal Civil Justice System (Report 89, 2000). Other significant inquiries followed including the ground breaking report, *Essentially Yours: The Protection of Human Genetic Information in Australia* (Report 96, 2003); *Fighting Words: A Review of Sedition Laws in Australia* (Report 104, 2006); and the ALRC's largest comprehensive inquiry into privacy laws, *For Your Information: Australian Privacy Law and Practice* (Report 108, 2008). Other inquiries during the Weisbrot presidency covered areas of marine insurance; a review of the *Judiciary Act*; civil and administrative penalties; protection of classified and security sensitive information; gene patenting; uniform evidence law; sentencing; client legal privilege; Commonwealth secrecy laws and Royal Commissions.

Professor Weisbrot played an instrumental role in establishing the Australian Academy of Law—a key aspect of the positive action recommended in *Managing Justice*, uniting members of the judiciary, legal practitioners and legal academics in promoting high standards of learning and conduct across the profession.

Professor Weisbrot is highly regarded in the national and international law reform and policy making arenas and during his presidency, the ALRC took an active a leadership role in assisting law reform in developing countries. In 2009 he was invited by the Government of Botswana to assist in the establishment of a law reform commission following his assistance to law reform bodies located in Papua New Guinea, Samoa and the Solomon Islands.

In 2003, Professor Weisbrot was awarded a Centenary Medal by the Australian Government for 'services to law reform', and in 2006 was made a Member of the Order of Australia (AM) for 'service to the law in the areas of law reform, education and access to legal services, and through contributions to research, analysis and policy development on a range of matters of public interest'.

Professor Weisbrot has taken up the position of Professor of Law and Governance at Macquarie University's Centre of Research Excellence as well as a position as Professorial Fellow at the United States Studies Centre.

Professor Weisbrot is held in the highest esteem by ALRC staff and colleagues. He will be remembered for his brilliance; exceptional skills as a writer, policy-developer and teacher; and for his commitment to social justice. But, significantly, on a personal level, he will also be remembered for being an outstanding mentor, fostering a happy, collegiate and inclusive workplace, and for his warmth, humour, and compassion.

The ALRC wishes him the very best in his new endeavours and will miss him greatly.



Remuneration

The Commonwealth Remuneration Tribunal determines the remuneration for all ALRC members.

Full Commission meetings

A meeting of all full-time and part-time ALRC members—known as the Full Commission—is convened twice a year. These meetings provide an opportunity to discuss the progress of current inquiries, the ALRC’s financial performance and other matters of interest to Commissioners. Full Commission meetings were held in Sydney on 19 August 2009 and 25 March 2010.

Divisions

Section 40 of the ALRC Act states that the President may constitute Divisions of the ALRC, which identify the members of the ALRC who are formally responsible for each inquiry. There were no new Divisions constituted in this reporting period.

Board of Management

The Board of Management—a requirement under the ALRC Act—is constituted by the President and other full-time Commissioners of the ALRC. The Board of Management is the ALRC’s governance body, with responsibility for general oversight of ALRC operations, including budget and policies.

Table 10 shows the attendance of Commissioners at Board of Management and Full Commission meetings in 2009–10.

<i>Table 10: Commissioner Attendance at BOM and Full Commission Meetings 2009–10</i>				
	<i>19 Aug 2009</i> <i>Full Commission</i>	<i>21 Oct 2009</i> <i>BOM</i>	<i>25 Mar 2010</i> <i>BOM / Full</i> <i>Commission</i>	<i>18 Jun 2010</i> <i>BOM</i>
Prof Weisbrot	✓	✓		
Prof Croucher	✓	✓	✓	✓
Prof McCrimmon	✓	✓		
Justice Collier	✓		✓	
Justice Kenny	✓		✓	
Magistrate Goldsbrough			✓	

The Executive Director attends all Board of Management meetings and staff representatives attend Board of Management meetings at the open invitation of the Board. The Audit Committee is the only sub-committee of the Board of Management.

Audit Committee

In accordance with s 32 of the CAC Act, the ALRC has an Audit Committee to oversee compliance with financial and auditing obligations and to liaise with external auditors.

The role of the Audit Committee is directed towards:

- ▲ enhancing the control framework;
- ▲ improving the objectivity and reliability of externally published financial information; and
- ▲ assisting the Board to comply with legislative and other obligations.

The Audit Committee consists of a Commissioner, the Executive Director and the Finance Manager. During 2009–10, the members of the Audit Committee were:

- ▲ Commissioner, Justice Berna Collier (from 2 June 2010)
- ▲ Commissioner, Professor Les McCrimmon (until 30 November 2009)
- ▲ Executive Director and Chief Financial Officer, Ms Sabina Wynn
- ▲ Finance Manager, Ms Maria Zacharia

A representative of the Australian National Audit Office (ANAO) is invited to attend meetings of the Audit Committee. The Audit Committee met once in the reporting period, on 20 August 2009. At this meeting the ALRC's *Fraud Plan* was reviewed and as part of this process, the methodology for recording and managing annual and long service leave was tested and approved as appropriate and accurate.

Audit

Under s 8 of the CAC Act, the Auditor-General inspects and audits the accounts and records of the ALRC's financial transactions and assets. The audit of the 2009–10 financial statements was performed by the ANAO.

Internal ALRC Policies

The ALRC's Policy Manual contains the ALRC's current policies, guidelines and procedures on a range of administrative matters. ALRC policies are regularly reviewed and revised as required. All new and revised policies are approved by the Board of Management.

New policies were developed during 2009–10 as follows:

- ▲ Access to Reference Material Policy (updated); and
- ▲ Twitter Policy.

Policies that concern interaction with members of the public are published on the ALRC website. New staff members are advised of ALRC policies as part of the induction process and all staff have access to the Policy Manual. Compliance with ALRC policies is a criterion in each employee's annual performance appraisal.

A full list of ALRC policies is included in Appendix B.

Ethics

The ALRC fosters a culture of integrity, honesty and fairness in the workplace and actively seeks to comply with all relevant laws, regulations, codes and government standards.

The ALRC's *Code of Conduct* outlines the expectations applied to staff in relation to their conduct in the performance of their job, including interactions outside and within the workplace. The ALRC's *Code of Conduct* was updated in April 2009 and requires all employees to comply with certain standards when acting in the course of their employment.

The ALRC *Code of Conduct* requires that an employee must:

- ▲ behave honestly and with integrity in the course of their employment;
- ▲ act with care and diligence in the course of their employment;
- ▲ when acting in the course of their employment, treat everyone with respect and courtesy, and without harassment;
- ▲ when acting in the course of their employment, comply with all applicable Australian laws;
- ▲ comply with any lawful and reasonable direction given by someone employed by the ALRC who has authority to give the direction;
- ▲ maintain appropriate confidentiality about dealings;
- ▲ disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their employment;
- ▲ use ALRC resources in a proper manner;
- ▲ not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's employment;

- ▲ not make improper use of:

- (a) inside information; or

- (b) the employee's duties, status, power or authority,

in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person;

- ▲ at all times behave in a way that upholds the integrity and good reputation of the ALRC; and
- ▲ while on duty overseas, at all times behave in a way that upholds the good reputation of Australia.

An ALRC employee must not disclose information which he or she obtains or generates in connection with his or her employment if it is reasonably foreseeable that the disclosure could be prejudicial to the effective working of the ALRC or the Australian Government, including the formulation or implementation of policies or programs.

An ALRC employee must not disclose information obtained or generated in connection with his or her employment if the information:

- ▲ was or is to be communicated in confidence; or
- ▲ was received in confidence by the ALRC from a person or persons outside the agency.

It is an exception to this requirement where:

- ▲ the information is disclosed in the course of the ALRC employee's duties;
- ▲ the information is disclosed in accordance with an authorisation given by the ALRC President;
- ▲ the disclosure is otherwise authorised by law; or
- ▲ the information that is disclosed is already in the public domain as the result of a disclosure of information that is lawful.

Possible breaches of the *Code of Conduct* will be dealt with in accordance with clause 47 of the *ALRC Union Collective Agreement 2007–2010*, and under procedures established by the President which satisfy the principles of natural justice. Where misconduct is found, the President may take any combination of actions specified in the *ALRC Union Collective Agreement 2007–2010*, including reduction of salary, suspension or termination of employment.

Fraud control and risk management

The ALRC has a commitment to fraud control and promoting efficient, effective and ethical use of Commonwealth resources. The ALRC is satisfied that the ALRC's *Fraud Control Plan 2008–2010*—approved by the ALRC Board of Management in July 2008—complies with the Commonwealth Fraud Control Guidelines, and ensures that appropriate fraud prevention, detection, investigation and reporting procedures and processes are in place.

In accordance with s 8.14 of the *Commonwealth Fraud Control Guidelines*, the ALRC collects any information relating to fraudulent matters and reports it to the Attorney-General's Department. No fraudulent activity was detected in 2009–10. The ALRC's *Fraud Control Plan* is reviewed annually by the ALRC's Audit Committee.

A new *Fraud Control Plan* is currently being developed and will be in place by the end of August 2010.

Risk management

The ALRC's risk assessment was reviewed in August 2009 by the Audit Committee and there were no new risks identified. The Audit Committee agreed that the ALRC had adequate controls in place, with all relevant risks being classified as 'low' or 'negligible'.

The ALRC has continued to assess and manage its risks through:

- ▲ appropriate levels of insurance, including cover for public liability, directors' liability, and property loss or damage, with nature and levels of cover reviewed annually;
- ▲ a positive approach to occupational health and safety, based on preventative strategies and early response to injury;
- ▲ provision of training to staff to ensure that they understand their responsibilities and have the skills necessary to fulfil their responsibilities;
- ▲ transparent reporting of financial management and operational matters, both internally and externally; and
- ▲ administrative policies aimed at preventing fraud and managing risk.

Independent professional advice

Board of Management members have the right, with the agreement of the President, to obtain at the ALRC's expense, independent professional advice relevant to the discharge of their responsibilities. No such advice was sought by individual members of the Board of Management during 2009–10.

Conflict of interest

Section 39 of the ALRC Act requires members to disclose any material personal interest in a matter under consideration by the Commission. There were no such disclosures in 2009–10.

Full-time members of the ALRC and the Executive Director make annual declarations of private interests, which are provided to the Attorney-General. Updated declarations of interest have been provided to the Attorney-General for 2009–10.

Director indemnity

The ALRC carries directors' and officers' liability insurance. Details are as follows:

Directors insured

- ▲ Professor Rosalind Croucher—President (current)
- ▲ Professor David Weisbrot—President (past) (from July 2009–November 2009)
- ▲ Professor Les McCrimmon—Commissioner (past) (from July 2009–November 2009)

Nature of liability

Damages arising as a consequence of a wrongful act of a director, including an error by omission or commission; a misstatement or misleading statement; or negligent breach of duty.

The ALRC has not indemnified or agreed to indemnify any current or former officer against a liability other than by coverage under the directors' and officers' liability insurance.

Insurance premium

\$7943.09 excluding GST.

Corporate Plan

The ALRC's *Corporate Plan 2009–2011* is publicly available on the ALRC website and is reproduced in Appendix A.

Significant Developments and Trends 2010–11

The ALRC has been notified of a significant financial reduction to its budget going forward as part of Budget Measures announced between 2009–10. The ALRC will lose an appropriation of around 15% over the next three years and this will require finding additional productivity savings to ensure the ALRC's ability to provide timely, straightforward and sound advice to Government is not compromised.

The reduction in funding has been responsible for a reduction in programs—from two programs to one—in order for the ALRC to achieve its Outcome. The *Corporate Plan 2009–10* has been updated to reflect this change. A reduction in the number of programs has been a necessary response to a decreasing budget.

It has also been considered necessary to reduce the number of full time Commissioners from three (including the President) to just one full time Commissioner, being the current President, Professor Croucher. While under the ALRC Act this does not impinge the Commission's powers, functions or performance, it will impact the Commission's ability to undertake several concurrent references.

The ALRC has been notified that, pursuant to the 2004 Uhrig Review, the Attorney-General requires the ALRC to move from a *Commonwealth Authorities and Companies Act 1997* (CAC Act) body to one subject to the executive management model under the *Financial Management and Accountability Act 1997* (FMA Act). This transition will require changes to the ALRC Act and will also involve the ALRC becoming a statutory agency under the *Public Service Act 1999*.

The *ALRC Union Collective Agreement 2007–2010* is due to be renegotiated by February 2011 and the ALRC will both take into account requirements of the *Fair Work Act 2009* (Cth) and associated transitional legislation, as well as our pending move to the *Public Service Act 1999*.

External Scrutiny and Controls

Parliamentary scrutiny

Representatives of the ALRC regularly appear at Senate Estimates Committee hearings to answer questions about the ALRC's operations.

The President, Emeritus Professor David Weisbrot and Executive Director Sabina Wynn were required to attend Supplementary Budget Estimates Hearings on 19 October 2009.

The ALRC was not required to attend the Senate Additional Estimates Hearing on Monday 8 February 2010.

The President, Professor Rosalind Croucher and Executive Director Sabina Wynn were required to attend Senate Budget Estimates Hearing in Canberra on Monday 24 May 2010.

In February 2010, the President, Professor Rosalind Croucher and Research Manager, Mr Jonathan Dobinson reported via telephone conference to the public hearing for the Senate Finance and Public Administration Committee's Inquiry into the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009, following a formal written submission the ALRC made to the Inquiry.

Court and tribunal decisions

There were no judicial decisions or decisions of administrative tribunals during 2009–2010 that involved the ALRC or had a significant impact on the operations of the ALRC.

Commonwealth Ombudsman

No issues relating to the ALRC were referred to the Commonwealth Ombudsman's office.

Human Resource Management

Staffing

Employees of the ALRC are appointed under s 43 of the ALRC Act. At the close of the reporting period, on 30 June 2010, the ALRC's full-time equivalent staffing level was 19.99 FTE. This figure does not include Commissioners.

Since 1996, all staff appointed under s 43 have been appointed on a fixed term basis, in accordance with the *ALRC Union Collective Agreement 2007–10*.

Table 11: Staffing profile, as at 30 June 2010					
ALRC Classification	Men	Women	Full-time	Part-time	Total
Executive Director (SES-equivalent)		1	1		1
ALRC 6 (\$83,029–105,179)	1	3	2	2	4
ALRC 5 (\$83,029–93,451)		1	1		1
ALRC 4 (\$46,448–76,772)	2	5	7		7
ALRC 3 (\$60,605–76,772)		3	3		3
ALRC 2 (\$46,448–58,840)	1	4	1	4	5
ALRC 1 (\$33,556–47,842)		1		1	1
Total	4	17	14	7	21

Table 12: ALRC Staff 2009-10

Corporate Support

Sabina Wynn	Executive Director	Full-time
Maria Zacharia	Finance Manager	Full-time
Dimitra Zinonos	Finance Assistant	Part-time
Greg Diggs	Payroll Officer	Part-time
Tina O'Brien	Executive/Project Assistant	Full-time
Trisha Manning	Office Services Coordinator	Full-time
Alayne Harland (<i>resigned Aug 2009</i>)	Executive/Project Assistant	Part-time
Esther Naulumatua	Administrative Assistant	Part-time

Communications

Marie-Claire Muir	Website Manager	Full-time
Becky Bowyer	Communications Officer	Part-time
Michelle Hauschild (<i>resigned Nov 2009</i>)	Special Projects Officer	Part-time

Research and Records

Jonathan Dobinson (<i>resigned May 2010</i>)	Research Manager	Full-time
Carolyn Kearney	Librarian	Full-time

Legal Team

Carolyn Adams	Senior Legal Officer	Full-time
Bruce Alston	Senior Legal Officer	Part-time
Isabella Cosenza	Senior Legal Officer	Full-time
Maha Melhem	Senior Legal Officer	Part-time
Althea Gibson (<i>resigned May 2010</i>)	Legal Officer	Part-time
Lisa Eckstein (<i>resigned March 2010</i>)	Legal Officer	Full-time
Joyce Chia (<i>resigned April 2010</i>)	Legal Officer	Full-time
Anna Dziedzic	Legal Officer	Full-time
Katherine McGree	Legal Officer	Full-time
Jared Boorer	Legal Officer	Full-time
Sara Peel	Legal Officer	Full-time
Khanh Hoang	Legal Officer	Full-time
Amanda Alford	Legal Officer	Full-time
Christina Raymond	Legal Officer	Full-time



The Corporate Team, from left to right: Ms Tina O'Brien, Ms Trisha Manning, Ms Becky Bowyer, Ms Marie-Claire Muir, Ms Sabina Wynn, Mr Greg Diggs, Ms Dimitra Zinonos, Ms Carolyn Kearney, Ms Maria Zacharia and Professor Rosalind Croucher.

Employment conditions

All ALRC staff members, other than the Executive Director, are covered by the *ALRC Union Collective Agreement 2007–2010*. This agreement provides for annual salary increases of 4.2%, as well as a range of measures intended to facilitate retention of older employees and employees with family and/or carer responsibilities. These include:

- ▲ paid maternity leave of 14 weeks;
- ▲ paid parental leave of two weeks;
- ▲ eligibility for parental leave in relation to long-term foster care placements;
- ▲ paid adoption leave;
- ▲ provision for older workers to sacrifice up to 100% of salary into superannuation; and
- ▲ a Work From Home Policy to assist staff to balance work and personal responsibilities.

The *ALRC Union Collective Agreement* is due to be renegotiated by February 2011.

Performance rewards and bonuses

The *ALRC Union Collective Agreement 2007–2010* includes a salary scale, with each pay point in the scale representing a 3% increase in salary. The performance appraisal provisions of the Agreement allow for good performance to be rewarded through a combination of movement up the salary scale and one-off bonuses, as summarised below.

<i>Table 13: Performance Rewards and Bonuses</i>	
<i>Performance Rating</i>	<i>Outcome</i>
Exceptional performance	2 pay point increase
Performance between strong and exceptional	1 pay point increase plus bonus of up to 2% of salary
Strong performance	1 pay point increase
Performance between adequate and strong	Bonus of up to 2% of salary
Adequate performance	No salary advancement

When an employee reaches the maximum pay point for his or her position, the President has the discretion to grant a bonus of up to 3% of annual salary based on a performance appraisal. During 2009–10, nine employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$36,811.

Details of total remuneration expenditure in 2009–10 are provided in the financial statements.

Staff development

The performance appraisal process is the main mechanism for determining professional development needs of employees but the ALRC also considers requests for education and training as they arise. The ALRC budgets for professional development at a whole-of-organisation level as well as for individual employees. Where appropriate, the ALRC organises tailored training for groups of employees with similar needs.

In 2009–10 Librarian Ms Carolyn Kearney attended a one-day refresher course in Sydney, on the Libraries Australia Document Delivery (LADD) new online platform. Ms Kearney also attended the 2009 Australian Law Librarians Association (ALLA) Annual Conference, held from 2–4 September 2009, in Darwin.

Finance Manager Ms Maria Zacharia attended an information session on the preparation for Appropriation Bills and Portfolio Budget Statements on 2 March 2010 and CBMS training on 3 March 2010, in Canberra. Ms Zacharia also attended a Fringe Benefits tax seminar on 25 February 2010.

Website Manager Ms Marie-Claire Muir, whose major project is developing a new website for the ALRC and Web 2.0 initiatives, attended a number of conferences for professional development including:

- ▲ NSW Public Sphere: Government 2.0, Sydney, 4 September 2009;
- ▲ Social Media for Government (Conference), Canberra, 11 September 2009;
- ▲ Gov2 Conference, Canberra, 19–25 October 2009; and
- ▲ Web Accessibility Techniques Workshop—Vision Australia, 22 April 2010.

On 13 May and 10 June 2010 Thomson Reuters presented training sessions to ALRC legal staff on the features of Westlaw, the major US-based legal database and on LegalOnline, the integrated online package of Australian legal publications.

Study assistance in the form of discretionary leave or reduction of work hours is available to staff undertaking tertiary studies at undergraduate and postgraduate levels. One employee sought and obtained approval for paid study leave in 2009–10.

Equal Employment Opportunity (EEO)

The ALRC is committed to equal opportunity in employment (EEO). EEO principles are applied in recruitment practices, and by providing equality of opportunity for training and development for all employees.

The ALRC has an *EEO Policy* and *Reasonable Adjustment Guidelines*. The *EEO Policy* is a statement of the ALRC's commitment to the goals of equal opportunity and affirmative action in employment, and aims to provide a work environment for staff, contractors and interns that fosters fairness, equity and respect for social and cultural diversity, and that is free from unlawful discrimination, harassment or vilification. The *EEO Policy* also sets out procedures to ensure concerns and complaints are dealt with in a prompt and appropriate manner.

The *Reasonable Adjustment Guidelines* are designed to assist in fulfilling the ALRC's legal and organisational responsibilities for providing a workplace that allows employees, contractors and interns with a disability to compete for vacancies and pursue careers as effectively as people who do not have a disability. The *Guidelines* require management to consider whether it is necessary and reasonable to make an adjustment to remove a barrier to enable a person with a disability to achieve equal opportunity, equal participation or equal performance at work.

The ALRC invites all new staff to participate in a voluntary EEO survey that allows the organisation to track the number of staff who are from groups or communities that are

specifically identified in the *EEO Policy*. All information collected through the survey is treated as confidential and is used only for reporting in a de-identified manner.

As at 30 June 2010, 17 of the ALRC's 21 staff were female. There were eight new appointments made during 2009–10 and seven of these new appointments fell within categories recognised in the *EEO Policy* (Aboriginal and Torres Strait Islander people, people with a disability, people from a non-English speaking background, and women). A breakdown of staff by gender and classification is provided in Table 10.

Work/Life balance

The ALRC is strongly committed to providing a work environment that recognises the need for a work/life balance and that enables its staff to be employed, as far as possible, in a way that is consistent with family and other personal responsibilities.

The *ALRC Union Collective Agreement 2007–2010* contains a number of conditions that are intended to ensure work/life balance practices. These include:

- ▲ formal flextime arrangements for most categories of employees and a discretionary time-in-lieu system for senior staff;
- ▲ the ability to 'purchase' additional annual leave;
- ▲ flexibility in the use of personal leave to care for family members;
- ▲ generous maternity, adoption and parental leave provisions; and
- ▲ provision to work from home in particular circumstances.

In 2009–10, six members of staff were permitted to work from home or part-time in order to meet family or personal commitments and/or to facilitate their return to work from maternity leave.

Occupational Health & Safety (OH&S)

The ALRC is committed to providing and maintaining the highest degree of health, safety and welfare of all employees by aiming to prevent all injury and illness potentially caused by working conditions. The ALRC recognises its responsibility to provide a healthy and safe workplace for employees and to provide employees with workplace-based, easily accessible information on health and safety matters.

Occupational health and safety is overseen by the ALRC Occupational Health and Safety Consultative Committee (OH&SCC), comprised of the Executive Director Ms Sabina Wynn, Senior Legal Officer Carolyn Adams (staff union representative from June 2009), Office Services Coordinator Ms Trisha Manning (safety officer), Payroll Officer Mr Greg Diggs and Executive/Project Assistant Ms Tina O'Brien.

During 2009–10 the ALRC reviewed its *Health and Safety Management Arrangements* (HSMAs) and its *Occupational Health and Safety Policy* in consultation with the

OH&SCC and determined that both documents were still relevant and did not need to be changed.

The ALRC's OH&SCC discussed a number of concerns that had been raised by staff including: managing stress and longer than normal working hours due to the current workload, diminished resources and the amount of change that the organisation had been through in the past twelve months. It was agreed that managing workloads would be very important in the coming months and that ensuring references were clearly and tightly scoped, so that the work to be undertaken was manageable within the timeframe and available resources, would be extremely important.

It was agreed that the OH&S training delivered in October 2008 was very beneficial for staff and that the ALRC should do such training at least every two years, so that people are reminded of safe working practices. In addition, as the ALRC has a number of new staff, it was felt that training would be appropriate. Training should encompass both ergonomics and workstation set up as well as managing stress. This training will be delivered in October 2010.

The ALRC makes every effort to ensure that staff have the equipment that they require to fulfil the requirements of their job without risk to their health. New staff are provided with information on OH&S as part of the induction process.

As a workplace health initiative under the *ALRC Union Collective Agreement 2007–10*, the ALRC provides free and voluntary influenza vaccinations to staff in autumn each year. In 2009–10, 15 staff took advantage of a free vaccination.

Michael Kirby Library

The ALRC's Michael Kirby Library (Kirby Library) contributes to the ALRC's objective—informed government decisions about the development, reform and harmonisation of Australian laws and related processes—through the provision of information resources and portals, and library reference services. During 2009–10, the library continued to support the work of the staff of the ALRC through organisation and delivery of journal subscriptions, monograph purchases, online databases, portals with links to relevant websites and materials, inter-library loans and reference services.

In March 2010, the ALRC purchased a stand-alone package of titles from a legal publisher which was being offered to Australian Government Attorney-General's agencies at a discounted price. This collection is comprised entirely of Australian legal publications and greatly expands the Kirby Library collection of online titles. With six new legal officers beginning work at the ALRC, and in order to achieve maximum efficiency in the use of the new and existing online resources, training sessions for all legal staff were delivered by legal publisher representatives in April 2010.

New intranet portals containing links to relevant online resources were developed by the ALRC Librarian for two new inquiries in 2009–2010, Family Violence and Discovery Documents in Federal Courts. These intranets allowed the legal teams access to a base collection of online materials for research, saving duplication of research, ensuring currency and reducing research time. The Librarian also maintains an intranet portal containing updated links to general legal resources and the library catalogue, which remains the key research tool for legal staff.

All these intranet tools took on extra importance in 2009–10, due to the joint Inquiry into Family Violence. Relevant staff of the New South Wales Law Reform Commission could share use of the ALRC intranet resources offsite, from their own offices.

The Library is also the ALRC's gateway for locating updated news and legal materials worldwide that are relevant to the ALRC's current research. The Librarian is responsible for online current awareness services and disseminating relevant electronic information to staff. The Librarian tracks and records media mentions of the ALRC's work, a task which aids in reporting on the ALRC's impact and importance of its work in the wider community.

The Library also has a presence within the various networks of law libraries in Australia and New Zealand. These networks are invaluable for professional collaboration and to share expensive resources.



ALRC Librarian, Ms Carolyn Kearney and Legal Officer, Mr Jared Boorer
in the Michael Kirby Library.

Purchasing

Purchasing within the ALRC is guided by the *Purchasing Policy and Procedures*, which are consistent with the *Commonwealth Procurement Guidelines* (January 2005). As an agency expending public money, the ALRC must be accountable for its resources and expenditure. The Government requires the ALRC to promote the proper use of resources within the framework of policies that the Government has set for itself and its agencies. These policies aim to achieve efficient, effective and ethical procurement outcomes with a focus on value for money and provide guidelines as to how these outcomes may be realised when undertaking procurement.

The ALRC's *Procurement and Purchasing Policy* was updated in May 2009 and sets 'value for money' as the core principle in procurement decisions. 'Value for money' is determined with reference to efficiency, effectiveness, accountability, transparency, ethics, Australian Government policies and environmental considerations. In a procurement process this principle requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle (whole-of-life costing) making decisions in an accountable and transparent manner.

The ALRC's *Procurement and Purchasing Policy* recognises that 'value for money' also involves adopting processes that reflect the scale and risk profile of a particular procurement and that simple procurements should be undertaken using simple processes.

Risk management is built into the ALRC's procurement processes and the extent of risk management required will vary from following routine procurement processes, to a significant undertaking involving the highest level of planning, analysis and documentation.

Where the Government establishes a coordinated procurement contract for a particular property or service, the ALRC will use the government contract established for that property or service, unless an exemption has been provided.

The ALRC publishes an *Annual Procurement Plan* on the Austender website. During 2009–10, the ALRC published one tender on the Austender website, for the development of the ALRC's website.

The ALRC has an *Environmental Management Policy* that commits the ALRC to consider the environmental impact of any purchases and to seek to minimise the ecological footprint of the ALRC's activities. Reference to this policy is made whenever the ALRC seeks to purchase major office equipment, office supplies, printing and publishing services, and other consumables and services that might impact on the environment in a negative way.

Consultancies

The ALRC did not employ any consultants during 2009–10. Some services that cannot be provided within the ALRC's existing staff resources—including web-hosting and IT services—are accounted for in the expenditure budget of the ALRC. However, these service providers do not constitute 'consultancies' as the services they provide do not involve the development of an intellectual output that assists with agency decision-making, nor do they produce an output that reflects the independent views of the service provider.

Advertising and market research

As required under Section 311A of the *Commonwealth Electoral Act 1918*, the ALRC reports that, during 2009–10, it did not undertake any advertising or market research with advertising agencies, market research organisations, polling organisations, direct mail organisations, or media advertising organisations.

Summary of Financial Performance

Financial outcomes

Operating Outcome

The 2009–10 financial statements show an operating deficit of \$0.131m. This deficit is due to the Commission being referred a third inquiry, the Family Violence Inquiry, while the Commission was still fully engaged on two other inquiries. This necessitated employing a number of additional staff to work on the Family Violence Inquiry for a limited period. The total sum amounted to \$0.121m.

Operating Revenue

The ALRC's operating revenue of \$3.450m comprised revenue from government of \$3.387m, revenue from sale of goods (publications) of \$0.005m and interest of \$0.058m.

Operating Expenses

Total operating expenses of \$3.581m were \$0.148m more than in 2008–09.

The ALRC's depreciation and amortisation expense increased by \$0.031m.

Equity

The ALRC's total equity increased by \$0.193m primarily due to a revaluation of assets which increased the reserves from \$0.062m to \$0.386m. The Commission carried out a revaluation of all asset classes as at 30 June 2010. This included revaluing leasehold fit-out for the first time (increase of \$188,000).

Total Assets

The ALRC's total assets decreased by \$0.039m.

Total Liabilities

The ALRC's total liabilities decreased by \$0.232m.

Cash Flow Statement

Overall, there was a decrease in the ALRC's cash balance by \$0.367m. This decrease was due largely to the resignation of a number of long serving staff and payment of their annual and long service leave entitlements.

Other Reporting Requirements

Ecologically Sustainable Development (ESD)

As required, under s 516A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the ALRC is required to report the environmental performance of the organisation and the organisation's contribution to *Ecologically Sustainable Development* (ESD).

The ALRC has considered whether any of its activities have significant ESD implications in accordance with the ESD Reporting Guidelines (June 2003) and has determined that in 2009–10, none of the ALRC's activities or appropriations were relevant to ESD.

The ALRC monitors energy use and takes steps to reduce consumption where possible. In 2009–10 electricity consumption decreased by 1.44%.

Environmental Management System (EMS)

The ALRC is committed to environmental best practice in office management and general operations. Through a process of continual improvement, the ALRC will develop and maintain efficient and effective environmental office practices and will comply with relevant government policy and environmental legislation.

The ALRC's EMS commits the organisation to minimise its ecological footprint by:

- ▲ incorporating environmental management considerations into core business and management practices including the organisation of the ALRC's reduction in programs, conducting inquiries and community education about law reform;
- ▲ considering environmental impacts of all purchases made and ensuring that, wherever possible, options chosen include recyclable products, minimum packaging and minimum toxic chemicals;

- ▲ creating a culture where sustainable environmental management is considered an integral element of all ALRC activities and providing information to staff as to the recycling system and to maximising energy efficiency;
- ▲ setting measurable environmental targets as part of a continual improvement process;
- ▲ regularly monitoring environmental performance and providing reports to the ALRC Board of Management and to Government, as required; and
- ▲ reviewing this policy at least every two years to ensure it is relevant and delivering desired outcomes. The next revision is due in 2011.

In minimising our environmental impact, the ALRC will consider the following:

- ▲ options for travel during the consultation process, using telephone conferencing when appropriate instead of air travel, using public transport, and sharing vehicles as far as possible;
- ▲ encouraging filing electronically, to reduce the amount of paper used;
- ▲ printing double-sided for internal documents, whenever possible;
- ▲ using recycled paper that has an environmental sustainability rating;
- ▲ encouraging the use of e-payments to reduce reliance on paper products;
- ▲ developing an online option for submitting to ALRC inquiries in order to reduce paper usage and photocopying;
- ▲ purchasing 'fair trade' consumables, if available;
- ▲ ensuring all office lights are switched off overnight;
- ▲ ensuring printers, fax machines and computers are turned off on weekends and holidays;
- ▲ encouraging all staff to use the recycling system;
- ▲ asking ALRC Commissioners who are eligible for a vehicle as part of their remuneration to treat fuel efficiency and carbon emissions as significant factors when choosing a vehicle;
- ▲ encouraging staff to use window blinds to regulate the temperature of their offices to reduce the use of the air conditioning system; and
- ▲ considering the amount of packaging when purchasing goods for the office.

The ALRC's Executive Director is the EMS officer, whose role is to ensure ongoing monitoring and continuous improvement of environmental performance. The EMS officer is responsible for developing and implementing the EMS, including the review of the established objectives and targets.

Freedom of Information Statement

The ALRC follows a policy of openness with the information it holds (set out in the *ALRC Access to Reference Material Policy*), subject to necessary qualifications where, for example, material is supplied in confidence or its disclosure might breach the privileges of Parliament. A large number of requests for information are satisfied by material provided on the ALRC's website.

In 2009–10, the ALRC received no applications for information under the *Freedom of Information Act 1982* (Cth) (FOI Act).

Section 8 of the FOI Act requires the ALRC to publish certain information in its Annual Report. Information about the ALRC's organisation, functions, decision-making powers and about public participation in the work of the ALRC is contained in this Annual Report. The other information required by the FOI Act is set out below.

The FOI Act requires the publication of a statement of the categories of documents held by the ALRC. The ALRC holds the following categories of documents:

- ▲ correspondence and working papers, including formal submissions, notes of meetings and transcripts of public hearings relating to the ALRC's references and relating to the reform of the law in general;
- ▲ databases used by staff for the purposes of communicating with persons and organisations connected with the ALRC and the conduct of its references or general operations; and
- ▲ correspondence and working papers relating to the administration of the ALRC, including personnel and financial papers.

The following categories of documents are available in hard copy for purchase by the public or accessible free of charge through the ALRC's website.

- ▲ ALRC reports, including inquiry and annual reports;
- ▲ community education and consultation documents relating to past references, including background papers, issues papers, discussion papers and summary papers; and
- ▲ past issues of *Reform*, the ALRC's law reform journal (no longer in publication).

The following categories of documents are available upon request (without the need for a formal application under the FOI Act):

- ▲ community education and consultation documents relating to current references, including any relevant background papers, issues papers, discussion papers, summary documents and final reports; and
- ▲ submissions to ALRC inquiries that have not been marked confidential by the submitter.

Commonwealth Disability Strategy

The ALRC has a broad commitment to the inclusion of, and participation by, people with disabilities. Reporting on compliance with the Commonwealth Disability Strategy continues to provide the ALRC with the impetus to improve its policy, procedures and approach to working and communicating with people with a disability.

Table 14: Commonwealth Disability Strategy		
Goal	Achievement	Revised Goal for 2010–11
Provide advice on availability of accessible formats, as publications are released.	Goal achieved. The ALRC makes all new publications available in HTML, RTF and PDF formats. Consultation papers printed in the reporting period contained advice about the availability of alternative formats. This information is also published on the ALRC’s website.	No change to goal.
Implement Communications with People with a Disability Procedures as consultations are arranged in association with ALRC inquiries.	This is an ongoing goal. The ALRC’s Communications with People with a Disability Procedures provide guidance for ALRC staff on how to consider the needs of people with a disability when organising consultation meetings.	No change to goal.

Table 14: Commonwealth Disability Strategy

<i>Goal</i>	<i>Achievement</i>	<i>Revised Goal for 2010–11</i>
Identify issues of relevance to people with a disability for each reference, and consult with appropriate disability groups on those issues.	<p>This is an ongoing goal.</p> <p>For the Family Violence Inquiry the ALRC received 6 submissions concerning people with disabilities. Issues discussed in this Inquiry include vulnerable witness protection for cognitively impaired witnesses; sexual offences against people with a cognitive impairment; guiding principles/objects clauses to include reference to people with a cognitive impairment; the difficulties faced by people with disabilities in terms of providing information to courts in initiating application forms; family violence legislation to include examples of emotional or psychological abuse which may have particular relevance to those with a disability; how economic abuse may have particular impact on those with a disability and that family violence legislation should refer to the particular impact of family violence on a wide range of marginalised persons—including those with a disability.</p> <p>For the Secrecy Inquiry the ALRC received one submission addressing disability issues.</p> <p>For Royal Commission Inquiry, the ALRC received one submission addressing disability issues.</p>	No change to goal.

Table 14: Commonwealth Disability Strategy

<i>Goal</i>	<i>Achievement</i>	<i>Revised Goal for 2010–11</i>
Provide HTML versions of all past reports, currently available only in PDF and ASCII.	<p>This is an ongoing project.</p> <p>During 2009–10, the ALRC completed HTML versions of six past reports.</p>	No change to goal.
Monitor ALRC website to ensure it remains compliant with relevant standards for access by people with a disability.	<p>This is an ongoing goal.</p> <p>ALRC staff monitor current developments in relation to accessibility. In 2009–10 the ALRC’s website manager attended training on web accessibility standards and is ensuring that the ALRC’s new website implements the recent Web Content Accessibility Guidelines Version 2.0 to make government websites more accessible to people with disabilities.</p>	No change to goal.
Consider the principles of the <i>Disability Discrimination Act 1992</i> (Cth) and incorporate them into any new or revised employment and staff development policies, practices and procedures.	<p>This is an ongoing goal.</p> <p>The ALRC considers that its policies, procedures and practices are consistent with the principles of the Act.</p>	No change to goal.
Ensure all key ALRC documents are available in HTML or RTF format on the ALRC website.	<p>All recent ALRC reports and consultation papers—including Annual Reports—are available on the ALRC website in HTML format.</p> <p>Key documents such as the <i>Corporate Plan 2009–11</i>, relevant ALRC policies, information on the internship program and information on the general work program of the ALRC, are available on the website in accessible formats.</p>	No change to goal.

Financial Statements



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Scope

I have audited the accompanying financial statements of the Australian Law Reform Commission (the Commission) for the year ended 30 June 2010, which comprise: the Statement by the Members, Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

The Commission Members' Responsibility for the Financial Statements

The members are responsible for the preparation and fair presentation of the financial statements in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, including the Australian Accounting Standards (which include the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance 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

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

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, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the members, as well as evaluating the overall presentation of the financial statements.

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

Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion, the financial statements of the Australian Law Reform Commission:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Law Reform Commission's financial position as at 30 June 2010 and their financial performance and cash flows for the year then ended.

Australian National Audit Office



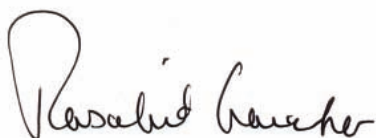
Simon Kidman
Executive Director
Delegate of the Auditor-General
Canberra
6 September 2010

**Statement by Member, Chief Executive and Chief Financial Officer
For the year ended 30 June 2010**

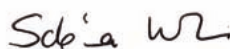
In our opinion, the attached financial statements for the year ended 30 June 2010 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Commission will be able to pay its debts as and when they become due and payable.

This statement is made in accordance with a resolution of the Members.



Professor Rosalind Croucher
President & CEO
6 September 2010



Sabina Wynn
Executive Director & CFO
6 September 2010

AUSTRALIAN LAW REFORM COMMISSION

STATEMENT OF COMPREHENSIVE INCOME

For the period ended 30 June 2010

	Notes	2010 \$	2009 \$
EXPENSES			
Employee benefits	3A	2,374,022	2,329,838
Supplier expenses	3B	1,129,322	1,023,404
Depreciation and amortisation	3C	72,896	41,982
Finance costs	3D	4,842	4,842
Write-down and impairment of assets	3E	-	32,646
Total expenses		3,581,082	3,432,712
LESS			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	4,616	30,237
Interest	4B	58,229	85,131
Other revenue	4C	285	13,445
Total own-source revenue		63,130	128,813
GAINS			
Sale of assets	4D	-	1,364
Total gains		-	1,364
Total own-source income		63,130	130,177
Net cost of services		3,517,952	3,302,535
Revenue from Government	4E	3,387,000	3,360,000
Surplus (Deficit) before income tax on continuing operations		(130,952)	57,465
Surplus (Deficit) attributable to the Australian Government		(130,952)	57,465
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation reserves		324,295	-
Total comprehensive income		193,343	-
Total comprehensive income attributable to the Australian Government		193,343	-

The above statement should be read in conjunction with the accompanying notes

AUSTRALIAN LAW REFORM COMMISSION

BALANCE SHEET for Not-For-Profit Reporting Entities

as at 30 June 2010

	Notes	2010 \$	2009 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	5A,14A,14D	1,271,808	1,638,943
Trade and other receivables	5B,14A,14D	23,340	16,982
Total financial assets		1,295,148	1,655,925
Non-Financial Assets			
Land and buildings	6A	202,183	20,485
Infrastructure, plant & equipment	6B,6C	319,380	205,359
Other	6D	100,107	73,519
Total non-financial assets		621,670	299,363
TOTAL ASSETS		1,916,818	1,955,288
LIABILITIES			
Payables			
Suppliers	7A	41,547	54,543
Other	7B	105	169
Total payables		41,652	54,712
Provisions			
Employee provisions	8A	411,336	639,377
Other	8B	105,000	95,712
Total provisions		516,336	735,089
TOTAL LIABILITIES		557,988	789,801
NET ASSETS		1,358,830	1,165,487
EQUITY			
Parent Entity Interest			
Reserves		385,759	61,464
Retained surplus (accumulated deficit)		973,071	1,104,023
Total parent entity interest		1,358,830	1,165,487
TOTAL EQUITY		1,358,830	1,165,487

The above statement should be read in conjunction with the accompanying notes

AUSTRALIAN LAW REFORM COMMISSION

CASH FLOW STATEMENT for Not-For-Profit Reporting Entities *for the period ended 30 June 2010*

	Notes	2010 \$	2009 \$
OPERATING ACTIVITIES			
Cash received			
Receipts from Government		3,387,000	3,360,000
Goods and services		4,616	30,237
Interest		58,229	85,131
Other		31,467	14,809
Net GST received		18,161	13,088
Total cash received		3,499,473	3,503,265
Cash Used			
Employees		(2,665,133)	(2,359,099)
Suppliers		(1,161,601)	(1,060,687)
Total cash used		(3,826,734)	(3,419,786)
Net cash from (used by) operating activities	9	(327,261)	83,479
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		(39,874)	(33,650)
Total cash used		(39,874)	(33,650)
Net cash used by investing activities		(39,874)	(33,650)
Net increase/(decrease) in cash held		(367,135)	49,829
Cash and cash equivalents at the beginning of the reporting period		1,638,943	1,589,114
Cash and cash equivalents at the end of the reporting period	5A	1,271,808	1,638,943

The above statement should be read in conjunction with the accompanying notes

AUSTRALIAN LAW REFORM COMMISSION

STATEMENT OF CHANGES IN EQUITY for Not-For-Profit Reporting Entities for the period ended 30 June 2010

	Retained Earnings		Asset Revaluation Reserve		Total Equity	
	2010 \$	2009 \$	2010 \$	2009 \$	2010 \$	2009 \$
Opening balance						
Balance carried forward from previous period	1,104,023	1,041,386	61,464	61,464	1,165,487	1,102,850
Adjustment for error	-	5,172	-	-	-	5,172
Adjusted opening balance	1,104,023	1,046,558	61,464	-	1,165,487	1,108,022
Comprehensive income						
Other comprehensive income	-	-	324,295	-	324,295	-
Surplus for the period	(130,952)	57,465	-	-	(130,952)	57,465
Total comprehensive income	(130,952)	57,465	324,295	-	193,343	57,465
of which:						
Attributable to the Australian Government	(130,952)	57,465	324,295	-	193,343	57,465
Closing balance as at 30 June	973,071	1,104,023	385,759	61,464	1,358,830	1,165,487
Closing balance attributable to the Australian Government	973,071	1,104,023	385,759	61,464	1,358,830	1,165,487

SCHEDULE OF ASSET ADDITIONS for Not-For Profit Reporting Entities for the period ended 30 June 2010

The following non-financial non-current assets were added in 2009–10:

	Other property, plant & equipment \$'000	Total \$'000
By purchase — Government funding	39,874	39,874
By purchase — donated funds	-	-
Total Additions	39,874	39,874

The above statement should be read in conjunction with the accompanying notes

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS for Not-For-Profit Reporting Entities

as at 30 June 2010

	2010	2009
	\$	\$
By Type		
Commitments receivable		
GST recoverable on commitments	147,225	209,774
Total commitments receivable	147,225	209,774
Other commitments		
Operating leases ¹	1,619,471	2,307,514
Total other commitments	1,619,471	2,307,514
Net commitments by type	1,472,246	2,097,740
By Maturity		
Operating lease commitments		
One year or less	700,626	678,329
From one to five years	918,845	1,629,185
Over five years	-	-
Total operating lease commitments	1,619,471	2,307,514
Net Commitments by maturity	(147,225)	(209,774)
Net Commitments by maturity	1,472,246	2,097,740

NB: Commitments are GST inclusive where relevant.

Nature of lease/general description of leasing arrangement

1. Operating leases included are effectively non-cancellable and comprise:

Leases for office accommodation.

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index. The Commission has entered into a 10 year lease agreement (through until 30 September 2012). Lease payments are subject to an annual increase of approximately 4%.

SCHEDULE OF CONTINGENCIES for Not-For-Profit Reporting Entities

As at 30 June 2010

There are no known contingencies as at 30 June 2010.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note	Description
1	Summary of Significant Accounting Policies
2	Events after the Balance Sheet Date
3	Expenses
4	Income
5	Financial Assets
6	Non-Financial Assets
7	Payables
8	Provisions
9	Cash Flow Reconciliation
10	Members' Remuneration
11	Related Party Disclosures
12	Executive Remuneration
13	Remuneration of Auditors
14	Financial Instruments
15	Reporting of Outcomes

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 1. Summary of Significant Accounting Policies

1.1 Objective of the Australian Law Reform Commission

The Australian Law Reform Commission is an Australian Government controlled entity.
The ALRC is structured to meet one outcome:

Outcome 1: Informed government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.

The continued existence of the Commission in its present form and with its present programs is dependent on Government policy and on continuing funding by Parliament for the Commission's administration and programs.

1.2 Basis of Preparation of the Financial Statements

The financial statements are required by clause 1(b) of Schedule 1 to the *Commonwealth Authorities and Companies Act 1997* and are general purpose financial statements.

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO's), being the Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ended on or after 1 July 2009); and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the Balance Sheet, when and only when, it is probable that future economic benefits will flow to the Commission or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when, and only when, the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the Commission has made the following judgements that have the most significant impact on the amounts recorded in the financial statements.

The fair value of land and buildings has been taken from the market value of similar properties as determined by an independent valuer.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.4 New Australian Accounting Standards

No accounting standard has been adopted earlier than the application date as stated in the standard.

The following new standards/ revised standards/ interpretations/ amending standards were issued prior to the signing of the Statement by the Chief Executive and Chief Financial Officer, were applicable to the current period and had a financial impact on the Commission:

The following new accounting standards (including reissued standards), interpretations are applicable to the 2009–10 financial year:

AASB101 Presentation of Financial Statements — June 2009 (Compilation)

AASB107 Statement of Cash Flows — June 2009 (Compilation)

AASB116 Property, Plant and Equipment — June 2009 (Compilation)

AASB119 Employee Benefits — June 2009 (Compilation)

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Other new standards / revised standards / interpretations / amending standards that were issued prior to the signing of the Statement by the Chief Executive and Chief Financial Officer and are applicable to the current reporting did not have a financial impact, and are not expected to have a future financial impact on the Commission.

Future Australian Accounting Standard Requirements

The following new standards, revised standards, interpretations / amending standards were issued by the Australian Accounting Standards Board prior to the signing of the statement by the Chief Executive and Chief Financial Officer, are expected to have financial impact on the entity for future reporting periods:

AASB 2 Share-based Payment — July 2009 (Compilation)

AASB 5 Non-current Assets held for Sale and discontinued Operations — December 2009 (Compilation)

AASB 7 Financial Instruments: Disclosures — February 2010 (Compilation) of Financial Statements (issued September 2007)

AASB 8 Operating Segments — December 2009 (Compilation)

AASB 9 Financial Instruments — December 2009 (Principal)

AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors — December 2009 (Compilation)

AASB 110 Events after the Reporting Period — December 2009 (Compilation)

AASB 118 Revenue — May 2009 (Compilation)

AASB 119 Employee benefits — December 2009 (Compilation)

AASB 124 Related Party Disclosures — December 2009 (Principal)

AASB 132 Financial Instruments: Presentation — October 2009 (Compilation)

AASB 139 Financial Instruments: Recognition and Measurement — December 2009 (Compilation)

AASB 2009–11 Amendments to Australian Accounting Standards arising from AASB9 (AASB 1,3,4,5,7,101,102,108,112,118,121,127,128,131,136,139,1023 & 1038 and Interpretations 10 & 12) — 07 Dec 2009

AASB 2007–6 Amendments to Australian Accounting Standards arising from AASB 123

Other new standards / revised standards / interpretations / amending standards that were issued prior to the signing of the Statement by the Chief Executive and Chief Financial Officer and are applicable to the future reporting period are not expected to have a future financial impact on the entity.

1.5 Revenue

Revenue from sale of goods is recognised when:

- . The risks and rewards of ownership have been transferred to the buyer;
- . The Commission retains no managerial involvement nor effective control over the goods;
- . The revenue and transaction costs incurred can be reliably measured; and
- . It is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- . The amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- . The probable economic benefits with the transaction will flow to the entity.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at balance date. Allowances are made when collectability of the debt is no longer probable.

Interest revenue is recognised on receipt using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

Revenue from Government

Funding received or receivable from agencies (appropriated to the agency as a CAC Act body item for payment to the Commission) is recognised as Revenue from Government unless it is in the nature of an equity injection.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

1.6 Gains

Sale of Assets

Gains from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

1.7 Employee Benefits

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for 'short-term employee benefits' (as defined in AASB 119) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefit liabilities are measured at the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Commission is estimated to be less than the annual entitlement for sick leave.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2010. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Superannuation

Since 1 July 1997, the Commission has not been an approved authority for the purposes of the *Superannuation Act 1990* (Cth) and therefore employees appointed on or after that date are not eligible for membership of the PSS.

Employees who were appointed prior to 1 July 1997, and who have maintained their membership of the PSS or CSS, are permitted to continue their membership of those schemes.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. The liability is reported by the Department of Finance and Deregulation as an administered item.

For employees not covered by the above, the Commission contributes to the superannuation fund nominated by the employee at the rate of 9% of salary, provided that the nominated fund is regulated by the *Superannuation Industry (Supervision) Act 1993* (Cth). In addition, in the case of an employee who elects to make an additional personal superannuation contribution, the Commission makes a matching contribution up to a maximum of 3% of the employee's annual salary.

The liability for superannuation recognised as at 30 June 2010 represents outstanding contributions for the final fortnight of the year.

1.8 Leases

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.9 Cash

Cash and cash equivalents includes cash on hand and demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

1.10 Financial Liabilities

Financial liabilities are classified as either financial liabilities at fair value through profit or loss or other financial liabilities.

Financial liabilities are recognised and derecognised upon trade date.

Trade creditors and accruals are recognised at their nominal amounts, being the amounts at which liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Supplier and other payables

Supplier and other payables are recognised at their nominal amounts. Liabilities are recognised to the extent that the goods and services have been received and irrespective of having been invoiced.

1.11 Financial Assets

The Australian Law Reform Commission classifies its financial assets in the following categories:

- . financial assets at fair value through profit or loss
- . loans and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon trade date.

Impairment of Financial Assets

Financial assets are assessed for impairment at each balance date.

1.12 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

1.13 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Balance Sheet, except for purchases costing less than \$1,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The \$1,000 threshold was selected because it facilitates efficient asset management and recording without greatly affecting asset values recognised.

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to make good provisions in property leases taken up by the Commission where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Commission's leasehold improvements with a corresponding provision for the make good recognised.

Property, plant and equipment are carried at fair value, being revalued with sufficient frequency such that the carrying amount of each asset is not materially different, at reporting date, from its fair value. Valuations undertaken in each year are as at 30 June.

Revaluations

Fair values for each class of asset are determined as shown below:

Asset Class	Fair value measured at:
Leasehold	Market selling price
Improvements	
Infrastructure, Plant & Equipment	Market selling price

Following initial recognition at cost, property, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ from assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised through the Income Statement. Revaluation decrements for a class of assets are recognised directly through the Income Statement except to the extent that they reverse a previous revaluation increment for that class.

The Commission revalued its leasehold improvements and property, plant and equipment assets as at 30 June 2010, and thereafter these assets will be revalued progressively every three years.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment are written off to their estimated residual values over their estimated useful lives to the Commission using, in all cases, the straight-line method of depreciation. Useful lives are reviewed at each balance date.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Depreciation rates applying to each class of depreciable asset are based on the following useful lives.

	2010	2009
	Lease term	Lease term
Leasehold improvements		
Plant and Equipment	3–10 years	3–10 years

Impairment

All assets were assessed for impairment at 30 June 2010. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Commission were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

1.14 Taxation

The Commission is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised as net GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 2. Events after the Balance Sheet Date

The Commission is not aware of any significant events that have occurred since balance date which warrant disclosure in these statements.

	2010	2009
<u>Note 3. Expenses</u>	\$	\$
<u>Note 3A. Employee Benefits</u>		
Wages and salaries	1,891,974	1,830,827
Superannuation		
Defined contribution plans	99,950	116,047
Defined benefit plans	152,185	138,309
Leave and other entitlements	229,913	244,655
Total employee benefits	2,374,022	2,329,838

Note 3B. Suppliers

Goods and Services

Travel and Subsistence	59,868	57,233
Consultants Fees	31,472	30,692
Printing and office requisites	59,773	51,182
Telephone and postage	41,890	44,360
Library	64,383	61,477
Staff training	6,614	12,701
Maintenance	22,652	22,497
Freight and removals	6,369	9,636
Advertising	6,843	7,080
Minor assets	10,632	9,898
Incidentals	25,121	36,394
Promotional activities	15,652	28,757
Professional services	157,158	56,882
Total goods and services	508,427	428,788

Goods and services are made up of:

Provision of goods - external parties	508,427	429,935
Total goods and services	508,427	429,935

Other supplier expenses

Operating lease rentals - external parties		
Minimum lease payments	610,860	582,072
Workers compensation premiums	10,036	11,397
Total other supplier expenses	620,895	593,469
Total supplier expenses	1,129,322	1,023,404

Note 3C. Depreciation and Amortisation

Depreciation:

Infrastructure, plant and equipment	66,593	35,680
Buildings	6,303	6,302
Total depreciation	72,896	41,982
Total depreciation and amortisation	72,896	41,982

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

<u>Note 3D. Finance Costs</u>	2010	2009
	\$	\$
Unwinding of discount	<u>4,842</u>	<u>4,842</u>
<i>Total finance costs</i>	<u>4,842</u>	<u>4,842</u>

Note 3E. Write-Down and Impairment of Assets

Asset write-downs and impairments from:		
Impairment of property, plant and equipment	-	32,646
<i>Total write-down and impairment of assets</i>	<u>-</u>	<u>32,646</u>

Note 4. Income

REVENUE

Note 4A. Sale of Goods and Rendering of Services

Provision of goods — external parties	<u>4,616</u>	<u>30,237</u>
Total sales of goods and rendering of services	<u>4,616</u>	<u>30,237</u>

Note 4B. Interest

Deposits	<u>58,229</u>	<u>85,131</u>
<i>Total interest</i>	<u>58,229</u>	<u>85,131</u>

Note 4C. Other Revenue

Academy Law Symposium	-	12,832
Other revenue	<u>285</u>	<u>613</u>
<i>Total other revenue</i>	<u>285</u>	<u>13,445</u>

Gains

Note 4D. Sale of Assets

Property, plant and equipment		
Proceeds from sale	-	1,364
Carrying value of assets sold	<u>-</u>	<u>-</u>
<i>Net gain from sale of assets</i>	<u>-</u>	<u>1,364</u>

REVENUE FROM GOVERNMENT

Note 4E. Revenue from Government

Attorney-General's Department		
CAC Act body payment item	<u>3,387,000</u>	<u>3,360,000</u>
Total revenue from Government	<u>3,387,000</u>	<u>3,360,000</u>

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

	2010	2009
	\$	\$
<u>Note 5. Financial Assets</u>		
<u>Note 5A. Cash and cash equivalents</u>		
Cash on hand or on deposit	1,271,808	1,638,943
<i>Total cash and cash equivalents</i>	1,271,808	1,638,943
<u>Note 5B. Trade and Other receivables</u>		
Good and Services		
Goods and services — external parties	5,074	3,725
<i>Total receivable for goods and services</i>	5,074	3,725
Other receivables:		
GST receivable from the Australian Taxation Office	18,266	13,257
Total other receivables	18,266	13,257
Total trade and other receivables (gross)	23,340	16,982
Receivables are expected to be recovered in:		
No more than 12 months	23,340	16,982
More than 12 months	-	-
Total trade and other receivables (net)	23,340	16,982
All receivables are with entities external to the entity. Credit terms are net 30 days (2010: 30 days).		
	2010	2009
	\$	\$
Receivables are aged as follows:		
Not overdue	23,340	16,982
Overdue by:		
- less than 30 days	-	-
- 30 to 60 days	-	-
- 61 to 90 days	-	-
- more than 90 days	-	-
Total receivables (net)	23,340	16,982

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

<u>Note 6. Non-Financial Assets</u>	2010	2009
	\$	\$
<u>Note 6A. Land & buildings</u>		
Leasehold improvements		
- Fair value	202,183	63,030
- Accumulated depreciation	-	(42,545)
	202,183	20,485
Total leasehold improvements	202,183	20,485
Total land & buildings	202,183	20,485

A revaluation of non-financial assets was undertaken in 2009–10 and is in accordance with the revaluation policies stated in Note 1. The revaluation was completed by an independent valuer — Australian Valuation Office. The valuation techniques used to estimate the fair value referenced the best available market evidence of the price at which the asset could be exchanged between knowledgeable, willing parties in an arms length transaction. For the specialised non-cash generating assets, the fair value was estimated by reference to their written-down current cost. The Commission undertook a revaluation increment of \$188,001 for land & buildings and \$140,740 for property, plant and equipment and was debited to the asset revaluation reserve by asset class and included in the equity.

No indicators of impairment were found for land and buildings.

	2010	2009
	\$	\$
<u>Note 6B. Property, Plant and Equipment</u>		
Property, plant and equipment:		
Gross carrying value (at fair value)	319,380	557,523
Accumulated depreciation	-	(352,164)
Total property, plant and equipment	319,380	205,359
Total property, plant and equipment (non-current)	319,380	205,359

No indicators of impairment were found for property, plant and equipment.

No property, plant or equipment is expected to be sold or disposed of within the next 12 months.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 6C. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2009–10)

	Land & Buildings	Other Property, Plant & Equipment	Total
	\$	\$	\$
As at 1 July 2009			
Gross book value	63,030	557,523	620,553
Accumulated depreciation/amortisation	(42,545)	(352,164)	(394,709)
Net book value 1 July 2009	20,485	205,359	225,844
Additions			
by purchase	-	39,874	39,874
Depreciation/ amortisation expense	(6,303)	(66,593)	(72,896)
Revaluations and impairments recognised in other comprehensive income	188,001	140,740	328,741
Net book value 30 June 2010	202,183	319,380	521,563
Net book value as of 30 June 2010 represented by:			
Gross book value	202,183	319,380	521,563
Accumulated depreciation/amortisation	-	-	-
	202,183	319,380	521,563

The Commission does not hold assets under construction or finance leases.

Note 6C (Cont'd). Reconciliation of the Opening and Closing Balances of Property, Plant and equipment (2008–09)

	Land & Buildings	Other Property, Plant & Equipment	Total
	\$	\$	\$
As at 1 July 2008			
Gross book value	63,030	556,519	619,549
Accumulated depreciation/amortisation	(36,243)	(316,484)	(352,727)
Net book value 1 July 2008	26,787	240,035	266,822
Additions			
by purchase	-	33,650	33,650
Depreciation/ amortisation expense	(6,302)	(35,680)	(41,982)
Disposals	-	(32,646)	(32,646)
Net book value 30 June 2009	20,485	205,359	225,844
Net book value as of 30 June 2009 represented by:			
Gross book value	63,030	557,523	620,553
Accumulated depreciation/amortisation	(42,545)	(352,164)	(394,709)
	20,485	205,359	225,844

Note 6D. Other Non-Financial Assets

	2010 \$	2009 \$
Prepayments	100,107	73,519
Total other non-financial assets	100,107	73,519

No indicators of impairment were found for other non-financial assets.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

	2010 \$	2009 \$
<u>Note 7. Payables</u>		
<u>Note 7A. Suppliers</u>		
Trade creditors and accruals	41,547	54,543
Total supplier payables	41,547	54,543
Supplier payables expected to be settled within 12 months:		
Related Entities	41,547	54,543
Total	41,547	54,543
Total supplier payables	41,547	54,543
Settlement is usually made net 30 days.		
<u>Note 7B. Payables</u>		
GST payable to ATO	105	169
Total other payables	105	169
<u>Note 8. Provisions</u>		
<u>Note 8A. Employee Provisions</u>		
Leave	370,520	593,859
Other	40,816	45,518
Total employee provisions	411,336	639,377
Employee provisions are expected to be settled in:		
No more than 12 months	400,967	610,230
More than 12 months	10,369	29,147
Total employee provisions	411,336	639,377

The classification of current provisions includes amounts for which there is not an unconditional right of deferral of one year, hence in the case of employee provisions the above classification does not represent the amount expected to be settled within one year of the reporting date. Employee provisions expected to be settled in twelve months from the reporting date are 2010: \$400,967 (2009: \$610,230), in excess of one year \$10,369 (2009: \$29,147).

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

	2010	2009
<u>Note 8B. Other Provisions</u>	<u>\$</u>	<u>\$</u>
Provision restoration obligations	105,000	95,712
	105,000	95,712
Other provisions are expected to be settled in:		
More than 12 months	105,000	95,712
<i>Total other provisions</i>	105,000	95,712
All other provisions are non-current liabilities.		
	Provision for restoration \$	Provision for restoration \$
Carrying amount 1 July 2009	95,712	90,870
Revaluation	4,446	-
Unwinding of discount or change in discount rate	4,842	4,842
Closing balance 2010	105,000	95,712

The Commission has an agreement for leasing its premises which has provisions requiring the Commission to restore the premises to their original condition at the conclusion of the lease. The Commission has made a provision to reflect the present value of this obligation.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 9. Cash Flow Reconciliation

	2010	2009
	\$	\$
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Report cash and cash equivalents as per:		
Cash Flow Statement	1,271,808	1,638,943
Balance Sheet	1,271,808	1,638,943
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(3,517,952)	(3,302,535)
Add revenue from Government	3,387,000	3,360,000
Adjustments for non-cash items		
Depreciation/amortisation	72,896	41,982
Net write down of non-financial assets	-	32,646
Gain on disposal of assets	-	(1,364)
Changes in assets/ liabilities		
Increase in receivables	6,526	19,767
Increase in prepayments	(26,588)	11,329
Decrease in supplier payables	(11,813)	(85,813)
Increase in other provisions	(9,288)	4,842
Decrease in employee provisions	(228,042)	2,625
Net cash from operating activities	<u>(327,261)</u>	<u>83,479</u>

Note 10. Members' Remuneration

	2010	2009
	\$	\$
The number of members of the Commission included in these figures are shown below in the relevant remuneration bands.		
	<u>Number</u>	<u>Number</u>
\$95,000 – \$109,999	1	-
\$169,000 – \$184,999	1	-
\$230,000 – \$244,999	-	1
\$250,000 – \$264,999	-	1
\$345,000 – \$359,999	1	-
\$360,000 – \$374,999	-	-
\$390,000 – \$404,999	-	1
Total number of members of the Commission	<u>3</u>	<u>3</u>
Total Remuneration received or due and receivable by the members of the Commission.		
	<u>637,543</u>	<u>887,418</u>

The three members included in this Note are the full-time members disclosed in Note 11.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 11. Related Party Disclosures

Members of the Commission during the year were:

Full-time members

Professor David Weisbrot (from 07/06/99 – 30/11/09)
 Professor Les McCrimmon (from 04/01/05 – 30/11/09)
 Professor Rosalind Croucher (from 05/02/07)

Part-time members

Justice Berna Collier (from 02/10/07)
 Magistrate Anne Goldsbrough (from 14/12/09)
 Justice Susan Kenny (from 14/05/09)

The aggregate remuneration of members is disclosed in Note 10.

In accordance with the *Australian Law Reform Commission Act 1996*, only members who do not hold a judicial office are to be paid such remuneration as the Remuneration Tribunal determines.

Note 12. Senior Executive Remuneration

Note 12A. Remuneration Paid to Senior Executives

Executive Remuneration

	2010	2009
The number of senior executives who received or were due to receive total remuneration of \$130,000 or more:	<u>Number</u>	<u>Number</u>
\$160,000 – \$174,999	-	1
\$190,000 – \$204,999	<u>1</u>	-
Total	<u>1</u>	<u>1</u>
Total expense recognised in relation to Senior Executive employment:	<u>2010</u>	<u>2009</u>
	\$	\$
Short-term employee benefits:		
Salary (including leave taken)	126,883	113,048
Changes in annual leave provisions	9,588	8,600
Other ¹	<u>33,316</u>	<u>20,981</u>
Total short-term employee benefits	<u>169,787</u>	<u>142,629</u>
Superannuation (post-employment benefits)	29,498	24,266
Changes in long service leave provisions	<u>3,116</u>	<u>2,795</u>
Total	<u>202,401</u>	<u>169,690</u>

Notes

1. 'Other' includes motor vehicle allowances, parking, performance bonus and other allowances.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 12B. Salary Packages for Senior Executives

Average annualised remuneration packages for substantive Senior Executives

As at 30 June 2010			
	No.	Base salary	Total
	SES	(including leave)	remuneration package¹
		\$	\$
Total remuneration *			
\$180,000 – \$194,999	1	126,883	189,282
Total	1	126,883	189,282

As at 30 June 2009			
	No.	Base salary	Total
	SES	(including leave)	remuneration package¹
		\$	\$
Total remuneration *			
\$160,000 – \$174,999	1	113,048	166,895
Total	1	113,048	166,895

*Excluding acting arrangements and part-year service

Notes

1. Non-Salary elements available to Senior Executives include:

- (a) Performance Bonus
- (b) Motor vehicle allowance
- (c) Superannuation
- (d) Parking

Long service leave and performance bonus entitlements are variable and have therefore not been included in the salary packages above.

Note 13. Remuneration of Auditors

	2010	2009
	\$	\$
The fair value of the services provided was:		
Australian National Audit office		
No other services were provided by the Auditor-General.	20,100	19,500

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 14. Financial Instruments

	2010	2009
	\$	\$
<u>Note 14A. Categories of Financial Instruments</u>		
Financial Assets		
Loans and receivables:		
Cash on hand or on deposit	1,271,808	1,638,943
Trade and other receivables	23,340	16,982
Carrying amount of financial assets	1,295,148	1,655,925
Financial Liabilities		
Other financial liabilities		
Trade creditors	41,547	54,543
Other payables	105	169
Carrying amount of financial liabilities	41,652	54,712

Note 14B. Net income and expense from Financial Assets

Loans and receivables		
Interest revenue (see note 4B)	58,229	85,131
Net gain/(loss) loans and receivables	58,229	85,131
Net gain/(loss) from financial assets	58,229	85,131

Note 14C. Net income and expense from financial liabilities

Financial liabilities

There is no income or expense from financial liabilities at amortised cost in the year ending 30 June 2010.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 14D. Fair Values of Financial Instruments

	2010		2009	
	Carrying amount	Fair value	Carrying amount	Fair value
	\$	\$	\$	\$
Financial Assets				
Cash at bank	1,271,808	1,271,808	1,638,943	1,638,943
Receivables for goods and services	23,340	23,340	16,982	16,982
Total	1,295,148	1,295,148	1,655,925	1,655,925
Financial Liabilities				
Trade creditors	41,547	41,547	54,543	54,543
Other payables	105	105	169	169
Total	41,652	41,652	54,712	54,712

Financial assets

The net fair values of cash, deposits on call and receivables approximate their carrying amounts.

Financial liabilities

The net fair value for trade creditors all of which are short-term in nature is approximated by the carrying amounts.

Note 14 E. Credit Risk

The Commission's maximum exposures to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Balance Sheet.

The Commission has no significant exposures to any concentrations of credit risk.

Note 14 F. Liquidity risk

The Commission's financial liabilities are supplier payables. The exposure to liquidity risk is based on the notion that the Commission will encounter difficulty in meeting its obligations associated with financial liabilities. This is highly unlikely due to CAC Act payments and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

Note 14 G. Market Risk

The Commission holds basic financial instruments that do not expose the Commission to certain market risks. The Commission is not exposed to 'Currency Risk' or 'Other Price Risk'.

Interest Rate Risk

The Commission is not exposed to Interest Rate Risk.

Note 15. Reporting of Outcomes

Note 15A. Outcomes of the Commission

The Commission operates predominantly in one industry, being a statutory authority whose primary function is to provide policy advice to the Federal Government and Parliament on matters referred to it by the Attorney-General.

Outcome: Informed government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.

AUSTRALIAN LAW REFORM COMMISSION
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 2010

Note 15B. Net Cost of Outcome Delivery

	Outcome 1		Total	
	2010 \$	2009 \$	2010 \$	2009 \$
Expenses	3,581,082	3,432,712	3,581,082	3,432,712
Income from non-government sector				
Activities subject to cost recovery	-	-	-	-
Other				
Total	-	-	-	-
Other own-source income	63,130	130,177	63,130	130,177
Net cost of outcome delivery	3,517,952	3,302,535	3,517,952	3,302,535

Note 15C. Major Classes of Expenses, Income, Assets and Liabilities by Outcome

	Outcome				Total	
	2010 \$	2009 \$			2010 \$	2009 \$
Expenses:						
Employees	2,374,022	2,329,838			2,374,022	2,329,838
Suppliers	1,129,322	1,023,404			1,129,322	1,023,404
Depreciation and amortisation	72,896	41,982			72,896	41,982
Finance Costs	4,842	4,842			4,842	4,842
Write-down and impairment of assets	-	32,646			-	32,646
Total	3,581,082	3,432,712			3,581,082	3,432,712
Income						
Income from Government	3,387,000	3,360,000			3,387,000	3,360,000
Sale of goods and services	4,616	30,237			4,616	30,237
Interest	58,229	85,131			58,229	85,131
Gain from disposal of assets	-	1,364			-	1,364
Other	285	13,445			285	13,445
Total	3,450,130	3,490,177			3,450,130	3,490,177
Assets						
Cash and cash equivalents	1,271,808	1,638,943			1,271,808	1,638,943
Trade and other receivables	23,340	16,982			23,340	16,982
Land and Buildings	202,183	20,485			202,183	20,485
Property, Plant and equipment	319,380	205,359			319,380	205,359
Other Non-Financial Assets	100,107	73,519			100,107	73,519
Total	1,916,818	1,955,288			1,916,818	1,955,288
Liabilities						
Suppliers	41,547	54,543			41,547	54,543
Other payables	105	169			105	169
Employee Provisions	411,336	639,377			411,336	639,377
Other Provisions	105,000	95,712			105,000	95,712
Total	557,988	789,801			557,988	789,801

The Commission's outcomes are described in Note 15A.

Special Features

Farewell Professor Les McCrimmon	49
Farewell Emeritus Professor David Weisbrot AM	50
ALRC Internship Program	103
ALRC Website and Gov 2.0	105
Contributions to external inquiries	110
Obituary for Ian Davis	113
Reconciliation Action Plan Update	117

ALRC Internship Program

The internship program is an important part of the ALRC's community education activities. An internship at the ALRC provides an opportunity for students to increase their awareness of law reform issues and improve their research and writing skills, while contributing to an ALRC inquiry. Interns join a team for one of the ALRC's current inquiries and are supervised by legal officers.

In 2009–10, there were 16 internship places offered and these were filled with students of an exceptionally high calibre.

Four applicants from overseas universities received placements. The ALRC has an intern partnership with the University of Maryland in the United States and in August 2009 both Mr Aaron Besser and Ms Michelle Salomon completed their internship programs, while Mr Steven Dunst and Mr James Small joined the ALRC in January 2010 from Harvard University as part of its Clinical Placement Program. These students made a valuable contribution to the ALRC's inquiries, including comparative research into and analysis of the laws of Australia and United States.

The 12 other students who completed internships at the ALRC came from the: Australian National University; University of Melbourne; University of Western Australia; University of New South Wales; University of Sydney; and Queensland University of Technology.

Students were involved in a range of ALRC activities, including: undertaking research for the ALRC's inquiries; assisting in the development of online consultation forums; and attending consultation meetings with inquiry stakeholders.



Mr Steven Dunst (left) and Mr James Small (right) from Harvard University.

The ALRC plans to launch an Indigenous internship program in the next reporting period. The ALRC has committed to creating opportunities for Indigenous law students to be involved with the ALRC as interns as part of the ALRC's *Reconciliation Action Plan*.

Table 15: ALRC Interns 2009–10

<i>Name</i>	<i>Institution</i>	<i>Inquiry</i>
Aaron Besser	Maryland	Family Violence
Michelle Salomon	Maryland	Secrecy/Family Violence
Mariam Jacob	UNSW	Family Violence
Vasudha Sathanapally	USyd	Royal Commissions
Calvin Shaw	UNSW	Family Violence
Philip Boncardo	USyd	Family Violence
Mia Hollick	UMelb	Family Violence
Zhiyan Cao	UNSW	Family Violence
Tracey Kingsbury	UWA	Family Violence
Danielle Trudgett	QUT	FOI
Steven Dunst	Harvard	FOI
James Small	Harvard	Family Violence
Anna Spies	UNSW	Family Violence
Tamara Phillips	USyd	Family Violence
Frances Stephenson	ANU	Family Violence
Dorothea Anthony	USyd	Family Violence

In many ways the internship surpassed my expectations. I had not realised that I would be performing a similar level of work as the Legal Officers or have exposure to such a wide range of the ALRC's operations and functions.

Dorothea Anthony—University of Sydney

My expectations have been exceeded in every possible way. I have appreciated the fact that the work I have done will be of value to the ALRC and used by the organisation, the fantastic level of supervision and support from staff, the collegiate nature of the time, and the way we were welcomed from the very first day.

Danielle Trudgett—Queensland University of Technology

The ALRC and Gov 2.0

Over the past two years, governments worldwide have demonstrated an increasing interest in the use of online tools and platforms to facilitate community engagement and collaboration. By way of the Government 2.0 (Gov 2.0) work program, the Australian Government is committed to incorporating, where appropriate, web 2.0 technologies into routine business practices. The Government 2.0 taskforce, established in 2008, noted the potential of 'Web 2.0 tools',—including blogs, 'wikis' and social media—to gather 'the information, knowledge, perspectives, resources and even, where possible, the active collaboration of anyone wishing to contribute to public life' (Government 2.0 Taskforce website).

Aside from the development of the new ALRC website which addresses this goal—with the addition of forums, blogs, rss and integration with social media tools—the ALRC has experimented with the use of Web 2.0 tools as part of its consultative process.

The ALRC on Twitter (<http://twitter.com/AusLawReform>)

The ALRC established a presence on the information networking site, Twitter, in October 2009. The ALRC Web Manager regularly posts messages, known as 'tweets', about the ALRC's work, inquiries and consultations. The Web Manager also monitors Twitter, to see who is 'talking' to or about the Commission, its inquiries or relevant topics in other 'conversations'.

Typical ALRC posts or 'tweets' include:

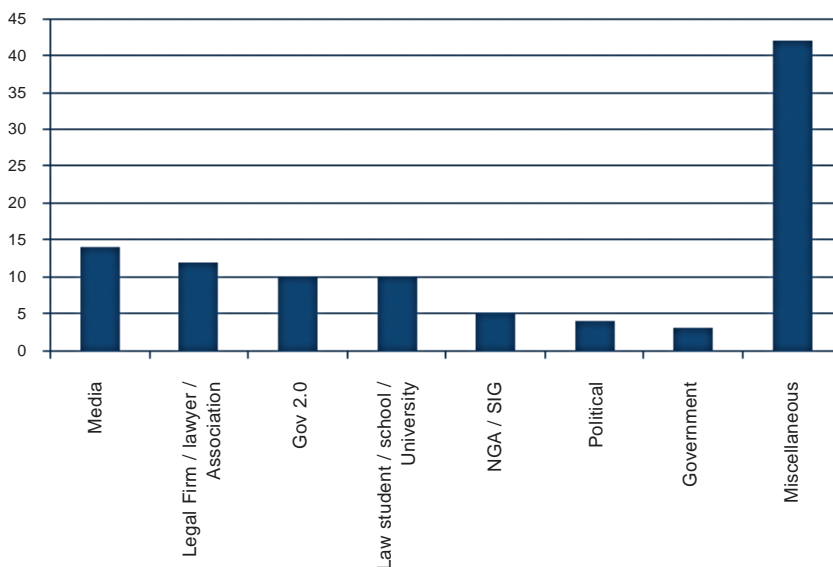
- ▲ new content on the ALRC's website and forums;
- ▲ invitations for submissions to ALRC inquiries;
- ▲ updates about ALRC internships;
- ▲ subscribing to e-newsletters;
- ▲ information updates regarding Commissioners and inquiry teams; and
- ▲ links to other materials and resources, including online newspaper articles and multimedia relevant to ALRC inquiries past and present, the ALRC's *Reconciliation Action Plan* (RAP), and the work of the ALRC generally.



Twitter is proving an increasingly important avenue for informing the public about the ALRC's work generally, and its current inquiries and consultations.

As at 30 June 2010, the ALRC had made 425 tweets and had over 500 followers. The ALRC's 'tweets' had been 'retweeted' or mentioned by other Twitter members 138 times. An analysis of users following the ALRC on Twitter found that approximately:

- ▲ 14% are journalists or media entities;
- ▲ 12% are law firms or legal organisations;
- ▲ 10% are law students, law schools or universities;
- ▲ 10% identified a strong interest in Gov 2.0/online engagement/social media;
- ▲ 5% are NGAs or Special Interest Groups (SIGs);
- ▲ 4% are politicians or political organisations;
- ▲ 3% are government agencies; and
- ▲ 42% are miscellaneous (their interests are not identified in their profiles).



The ALRC's Twitter policy can be found on the ALRC website at www.alrc.gov.au/about/policies/twitter-policy.

Family Violence Online Consultation Pilot

The Government 2.0 Taskforce administered a project fund to support the development of Web 2.0 tools and applications that enable engagement between government and the community, or support the innovative use of government information.

In October 2009, the ALRC and the social business consultancy Headshift made a successful application for the funding to conduct an online consultation pilot for the ALRC's Family Violence Inquiry. The grant covered the costs of Headshift's services and hosting and programming requirements.

Headshift was engaged in November 2009 to assist the ALRC to run an online engagement pilot (Project 15) with stakeholders in the Family Violence Inquiry. The project provided a case study of how an agency might improve its online engagement capabilities by following best practice in the use and management of Web 2.0 tools and community management practices.

The Family Violence Consultation Pilot was a closed online community that enabled frank and open discussion in a secure environment between the ALRC and a specific group of stakeholders—women's legal services—spread across Australia. The ALRC

identified a number of key issues and invited participants to discuss them and any other relevant issues. The responses were used to inform the ALRC's consideration of the issues raised by the Family Violence Inquiry. Suggestions and case studies provided may be included in the relevant inquiry publication with participants having the option to remain anonymous.

The Case Study Report, completed by Headshift (available at the Government 2.0 Taskforce website: <http://gov2.net.au/projects/project-15/>), outlined the engagement process for the design and set-up of the online community, including some early findings and recommendations for future applications of a similar nature and provides a valuable model for agencies considering online consultation.

Family Violence Inquiry Blog

With the release of the Consultation Paper for the Family Violence Inquiry in April 2009, the ALRC began its second social media pilot project in the form of a blog. This enabled comments and dialogue about individual questions, proposals and paragraphs of the Consultation Paper.

From the launch of the FVI blog on 29 April 2010 to the close on 25 June 2010, there were:

- ▲ 2034 visits from 1139 unique visitors;
- ▲ 165 comments from 18 different participants; and
- ▲ 65 registered users.

The Inquiry blog was promoted alongside the Online Submission Form on the ALRC website, via the Inquiry *e-newsletter*, on the *Australia Policy Online News Service* and via the ALRC Twitter feed.

In addition, the blog was featured as Blog of the Week on *Open Forum* (openforum.com.au). *Open Forum* is an independent collaborative discussion website focused on social, political, economic, ecological and cultural issues and challenges.

The FVI blog also featured in the Australian Gov 2.0 Showcase (<http://showcase.govspace.gov.au/70/alrc-family-violence-inquiry-blog>). This website was set up by the Department of Finance and Deregulation to create a showcase of Australian government innovation in the Gov 2.0 space.

An interactive demonstration, explaining how the blog operated, can be viewed via the showcase, or directly at <http://screenr.com/XLp>.

ALRC Family Violence Inquiry Blog

The Family Violence Inquiry will be one of the largest and most significant in the ALRC's recent history. On 29 April 2010 the ALRC released its Consultation Paper, and at the same time launched the Family Violence Blog, set up to encourage public discussion and debate of the (more than 200!) questions and proposals contained in the Family Violence Consultation Document! The invitation to join this discussion is open to all.

Each individual question and proposal can be commented on and discussed publicly. People can pick and choose items that are of particular relevance to them, without feeling overwhelmed that they need to respond to the whole Consultation Document.

[illegible]

Alternate versions

- avi 6.8m

Browse

Coverage (11)

- International (8)
- Local (2)
- National (5)
- State (4)

Level of Government (11)

- Federal (5)
- State (6)
 - Australian Capital Territory (1)
 - New South Wales (4)
 - Western Australia (1)

Topics (11)

- Business (1)
- Communication (4)
- Community (5)
- Culture (2)
- Education (3)
- Environment (1)
- Geography (2)
- Government (2)
- Information & Communications Technology (4)
- Sciences (2)
- Society (1)
- Technology (5)
- Tourism (1)

Pages

Contact details

Contributions to external inquiries

The ALRC provides briefings to parliamentary committees, ministers, government departments, and other bodies to ensure that its reports and recommendations are well understood and taken into account in legal policy development, and that the experience and knowledge developed during references are shared for the benefit of the Australian community.

The ALRC also makes written submissions where appropriate.

The ALRC is guided by a protocol that outlines when it is appropriate for the ALRC to make an external submission. The considerations include:

- ▲ the consonance of issues raised in the review or inquiry being undertaken by the external body and issues covered in current or past reference work of the ALRC;
- ▲ the consonance of issues raised in the review or inquiry being undertaken by the body and the expertise and knowledge of current Commissioners and staff members; and
- ▲ the availability of, and impact upon, ALRC resources.

Where appropriate, submissions are made available on the ALRC website.

During the reporting period, the ALRC made seven written submissions drawing on past inquiries.

Table 16. Submissions made by the ALRC to Other Inquiries

<i>Agency Conducting Inquiry</i>	<i>Date of Submission</i>	<i>Subject Matter</i>	<i>Related ALRC Reference</i>
Department of Immigration and Citizenship	4 Sep 2009	Review of Personal Identifier Provisions in the <i>Migration Act 1958</i> —Preliminary Report	<i>For Your Information: Australian Privacy Law and Practice</i> (Report 108, 2008); <i>Secrecy Laws and Open Government in Australia</i> (Report 112, 2009)
Senate Standing Committee on Legal and Constitutional Affairs	16 Oct 2009	Inquiry into the Telecommunications (Interception and Access) Amendment Bill 2009	<i>For Your Information: Australian Privacy Law and Practice</i> (Report 108, 2008); <i>Secrecy Laws and Open Government in Australia</i> (Report 112, 2009)
Senate Standing Committee on Finance and Public Administration	20 Jan 2010	Inquiry into the Freedom of Information Amendment (Reform) Bill 2009 (Cth) and the Information Commissioner Bill 2009 (Cth)	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i> (Report 77, 1995); <i>Federal Record: A Review of Archives Act 1983</i> (Report 85, 1998); <i>For Your Information: Australian Privacy Law and Practice</i> (Report 108, 2008); <i>Secrecy Laws and Open Government in Australia</i> (Report 112, 2009)
Senate Standing Committee for the Scrutiny of Bills	9 Apr 2010	Inquiry into the Future Direction and Role of the Scrutiny of Bills Committee	<i>Managing Justice: A Review of the Federal Civil Justice System</i> (Report 89, 1999); <i>Equality Before the Law: Women's Equality</i> (Report 69 Part 2, 1994); <i>Multiculturalism and the Law</i> (Report 57, 1992)

Table 16. Submissions made by the ALRC to Other Inquiries

<i>Agency Conducting Inquiry</i>	<i>Date of Submission</i>	<i>Subject Matter</i>	<i>Related ALRC Reference</i>
Senate Standing Committee of Privileges	15 Apr 2010	Inquiry into the Tax Amendment (Confidentiality of Taxpayer Information) Bill 2009 (Cth)	<i>Secrecy Laws and Open Government in Australia</i> (Report 112, 2009)
Senate Standing Committee on Legal and Constitutional Affairs	3 May 2010	Inquiry into the provisions of the National Security Legislation Amendment Bill 2010 and Parliamentary Joint Committee on Law Enforcement Bill 2010	<i>Fighting Words: A Review of Sedition Laws in Australia</i> (Report 104, 2006)
Corporate Legislation & Parliamentary Support Unit Corrective Services NSW	25 Jun 2010	Statutory Review of Compulsory Drug Treatment Program	<i>Same Crime, Same Time—Sentencing of Federal Offenders</i> (Report 103, 2006)

Obituary for Ian Davis 1958–2010

It is with immeasurable sadness that the ALRC acknowledges that its much loved former Commissioner, Ian Peter Davis, passed away suddenly on 15 May 2010, at a swimming event in Noosa.

Ian was a distinguished leader in law reform, highly respected for his talents both nationally and internationally. Ian served as a full-time Commissioner of the ALRC from 2000 to 2004. He was the lead Commissioner on three of the ALRC's references: the reviews of marine insurance law; the use of federal civil and administrative penalties in federal regulatory law; and the protection of classified and security sensitive information in the course of investigations and proceedings. During this time Ian was also the Supervising Commissioner responsible for overseeing the biannual publication of the ALRC's *Reform* journal, which explored a range of contemporary legal issues including: customary law; older people and the law; women in the law; and media and the courts.

At the time of his passing, Ian was a Commissioner of the Queensland Law Reform Commission, where he had served since July 2008. Ian led the inquiry into jury directions in 2009 and, more recently, was leading the review into jury selection.

Ian was a brilliant lawyer, with a sharp and inquiring mind. He displayed creativity, intellect, pragmatism—a skill that he had honed as a successful commercial litigation partner—and a profound sense of social justice in devising law reform solutions to address complex legal and social issues. He derived great personal and professional satisfaction from his work in law reform. The pursuit of fair and just laws for the benefit of all resonated strongly with his ideals and principles.

The full impact of Ian's invaluable legacy to the reform of the law and legal practice, and the improvement of our justice system will, no doubt, become more



evident and fully appreciated in the years to come. For example, one of the recommendations for which Ian was responsible in making in the 2004 review of the protection of classified and security sensitive information was recently implemented by the Australian Government. The recommendation was that a revised *Australian Government Protective Security Manual* should be placed in the public domain, with any sensitive protective security information removed. In June 2010, the Australian Government announced a new protective security policy framework to be published online with parts of it made publicly available for the first time, significantly increasing transparency.

Ian was an effortless and talented writer, a voracious reader, a profound thinker, a gifted linguist, and a polished and highly articulate public speaker. He demonstrated his natural flair for debating at the Australasian Law Reform Agencies Conference in Vanuatu in 2008, presenting a witty, intelligent and entertaining argument for the affirmative on the topic *That Law Reform Bodies are the Best Vehicles for Law Reform*.

As a seasoned expert in the methodology of open law reform processes, Ian contributed an informative and thoughtful essay, *Targeted Consultations*, to the book *The Promise of Law Reform*, which was published to celebrate the ALRC's 30th anniversary in 2005.



ALRC President and Commissioners in 2000.
Left to right: Professor Anne Finlay, Professor Brian Opeskin, Emeritus Professor David Weisbrot AM and Mr Ian Davis.

Ian was much loved by colleagues and staff who highly valued his friendship. It is difficult to capture in words Ian's unique blend of attributes. He was a wonderful man with a generous spirit, a big heart, a healthy sense of humour, a hearty laugh, and a zest for life. Ian is remembered with great affection as a cultured and multi-talented man with seemingly boundless energy who had a penchant for wearing bright colours, a knack for computer databases, and an eclectic range of skills and interests.

During his time at the ALRC, Ian was our in-house human encyclopaedia, travel consultant, good food guide and IT trouble shooter. He generated a sense of calm and collegiality. Team members have fond memories of relaxed team meetings convened over coffee, tea and sweets at nearby cafes. A skilled conversationalist, he was equally at ease discussing books, travel, history, politics, sport, swimming, food and life. His life appeared to epitomise an harmonious work-life balance.

Reading was one of his many passions. Ralph Waldo Emerson said that

*If we encounter a man of rare intellect, we should ask him
what books he reads.*

Ian had a massive collection of fiction and non-fiction books on many subjects in various languages. We remember his joy in recounting how he had managed to track down copies of *The Little Prince*—one of his favourite children's books—translated into a multitude of languages. He treasured his books. He devoured knowledge and retained it. He had, quite simply, an astonishing memory.

Ian was a master of language. He was a guru on grammar and on the origin of words—a skill that came to him quite naturally, being a fluent and proficient speaker of a number of languages. He was both the king of cryptic crosswords and the king of trivia—possessing an incredible general knowledge, enriched by his passion for travelling widely and learning about other cultures.

Ian was a humanitarian, a supporter of Amnesty International, and a volunteer at community legal centres. He was an elite ocean swimmer who contributed much to Masters Swimming Australia. He was a lover of the arts, music and theatre—passions he shared with his partner Jerry, of whom he spoke most fondly.

But what staff members especially remember is that, despite Ian's sheer brilliance, enormous capacity and extraordinary talent, he was easy-going, exceedingly modest and unpretentious—never blowing his own trumpet. In many ways he did not need to. He had presence. Those fortunate enough to

have had dealings with him felt the resonance of his true genius and charm. To quote from *The Little Prince*,

It is only with the heart that one can see rightly. What is essential is invisible to the eye.

In our hearts, we knew that Ian was an extraordinarily special man, and that we were blessed, enriched, and profoundly privileged to know him and to work alongside him. When Ian left the ALRC in 2004, staff and colleagues felt a deep sense of loss, and stayed in contact with him. In 2009, Ian travelled from Brisbane to Sydney to attend, together with his partner Jerry, Professor David Weisbrot's surprise party to celebrate his 10th anniversary as President of the ALRC. When ALRC staff travelled to Brisbane to conduct consultations or attend conferences, they would make a point of catching up with Ian.

It is a sign of the high esteem and affection in which Ian was held that his funeral was attended by the immediate past President and past Deputy President of the ALRC, as well as many past and present ALRC staff from various parts of the organisation, including legal, executive support, finance, and communications.

Ian is, and will continue to be, deeply missed. In our hearts, he will always remain a special member of the ALRC family and, through our work as law reformers, we will continue to honour his memory, remembering and treasuring what he taught us. As Thomas Campbell said in *Hallowed Ground*,

*To live in hearts we leave behind
Is not to die.*

Past and present staff and members of the ALRC extend their deepest sympathy to Ian's partner Jerry Scelzi, his parents Roy and Gwyn Davis, his brother Roger, his sister-in-law Nikki and his nephews Brett, Matt and Ben.

Vale Ian Davis.

Isabella Cosenza
Senior Legal Officer
July 2010

Reconciliation Action Plan

The ALRC's *Reconciliation Action Plan* (RAP) outlines the ALRC's vision for reconciliation and the strategies that the ALRC will adopt to contribute to and promote reconciliation between Indigenous and non-Indigenous Australians. The ALRC believes that the laws of Australia must have proper regard to Indigenous interests, and must protect and promote Indigenous culture and improve social and economic outcomes for Indigenous people. In particular, for the ALRC, *respect* for Indigenous peoples; *participation and representation* of Indigenous peoples; and *consideration and understanding* of issues that are important to Indigenous peoples are essential features of the journey to, and achievement of, reconciliation in Australia and these ideas form the basis for the current RAP.

Since launching its first RAP in April 2009, the ALRC has developed and achieved a number of the initiatives which involve both practical and symbolic steps towards reconciliation. In order to implement and monitor the RAP, the ALRC established a RAP Committee that is chaired by the Executive Director, with representation from across the organisation. The RAP Committee is responsible for developing the ALRC's RAP, and for monitoring, delivering and evaluating these initiatives. The ALRC's RAP Committee has held two meetings during 2009–10 in November and April.

The ALRC has established an Indigenous Advisory Committee (IAC) and two meetings have been held—on 19 August 2009 and on the 28 July 2010 (just outside this reporting period). The IAC provides input on all activities of the ALRC including the development of an Indigenous Consultation Strategy for the current Family Violence Inquiry, the setting up of an Indigenous internship program, suggestions for future inquiries and development of our RAP. The ALRC issued a media release regarding the inaugural IAC meeting (*Historic first meeting of the ALRC's Indigenous Advisory Committee*) on 15 September 2009 and a number of radio interviews followed with BBM FM in Cairns and the Talk Black program, on Koori Radio in Sydney. Reconciliation Australia also ran a story on the meeting in its November newsletter. A list of members of the IAC is at Appendix D.



The ALRC RAP Committee, front from left to right: Ms Sara Peel, Professor Rosalind Croucher, Ms Katherine McGree, Ms Christina Raymond, Ms Sabina Wynn; back from left to right: Mr Greg Diggs, Ms Tina O'Brien, Mr Khanh Hoang, Ms Carolyn Kearney, Ms Amanda Alford, Ms Marie-Claire Muir, Ms Maha Melhem.

The development of an Indigenous Consultation Strategy (the Strategy) for the Family Violence Inquiry was a key achievement for the ALRC this year. This was developed with input from the IAC, RAP Committee, and legal officers and articulated the way in which the ALRC could appropriately engage with Indigenous stakeholders and communities with specific reference to the current inquiry. The Strategy acknowledged that family violence is a significant issue for Aboriginal and Torres Strait Islander peoples. As was noted in the Report of the National Council to Reduce Violence against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (2009):

Aboriginal and Torres Strait Islander women report higher levels of physical violence during their lifetime than do non-Aboriginal and non-Torres Strait Islander Australian women, and they are much more likely to experience sexual violence and to sustain injury.

The Strategy was also reflective of the fact that the focus of the ALRC's Inquiry is what, if any, improvements can be made to relevant *legal frameworks*, with a particular focus on how the numerous laws across and within jurisdictions interact. Therefore, the ALRC's approach to consultation for the Family Violence Inquiry was to consult with both Indigenous and non-Indigenous experts (including people who work in the field in legal centres, women's centres and in community and non government organisations, as well as with judges, lawyers and academics) and representative bodies rather than with affected individuals in the community. This approach informed

the ALRC's approach to consultation for the Inquiry more generally, as well as to the Indigenous Consultation Strategy.

The ALRC recognises the need to continue to build upon existing networks and contacts with Indigenous communities and Indigenous academic networks, in part because it is this contact that will assist us to involve Indigenous people in our programs and activities. The ALRC is hopeful that its indigenous internship program may be one way of sourcing future Indigenous legal staff.

The ALRC's RAP commits the organisation to regular cross cultural training for all staff. Building upon previous cultural awareness training delivered by Tranby Aboriginal College in February 2009, additional training is planned for November 2010. The ALRC has reviewed its RAP and reported against actions to help the organisation evaluate the strategies and initiatives that have been achieved and those that are still to be realised, and to articulate the lessons learnt in this process to date.

Another initiative was the launch on 24 September 2009 of a new online consultation tool, promoted on the ALRC's website. The online consultation tool requests comments and ideas: about consulting with Indigenous peoples and communities; about future law reform inquiries of particular benefit to Indigenous people and communities; and encouraging Indigenous law students to participate in the ALRC's internship program. To date the ALRC has received 11 responses to this online consultation tool.

Finally, as expressed publicly during NAIDOC Week in July 2010, the ALRC is indebted to the many people who give their time, careful consideration and expertise to the ALRC in its research work. This year's NAIDOC week theme recognised 'the many unsung Aboriginal and Torres Strait Islander people who have made huge contributions to Australian society'. The ALRC acknowledged and paid tribute to all the Indigenous Australians who have very generously given their time and supported us in our Inquiry into Family Violence, who have met and consulted with us, participated in our online forums, made formal submissions and given us the benefit of their experiences and incredible stories—Indigenous Australians working in community legal services, in refuges, rape crisis centres, in children's services, in the police and in government services, and in other community organisations.

In particular the ALRC would like to acknowledge and thank the following organisations, amongst others:

- ▲ The North Australian Aboriginal Family Violence Legal Service;
- ▲ North Australian Aboriginal Justice Agency;
- ▲ Top End Women's Legal Service;
- ▲ Dawn House;
- ▲ Darwin Aboriginal and Islander Women's Shelter;

- ▲ Darwin Domestic Violence Legal Service;
- ▲ Central Australian Aboriginal Family Legal Unit;
- ▲ Central Australian Women's Legal Service;
- ▲ Central Australian Aboriginal Legal Aid Service;
- ▲ Ngaanyatjarra Pitjantjatjara Yankuytjatjara Women's Council;
- ▲ the National Indigenous Family Violence Prevention Forum;
- ▲ the Aboriginal Legal Service;
- ▲ Wirringa Baiya Aboriginal Women's Legal Centre;
- ▲ Aboriginal Family Violence Prevention & Legal Service Victoria; and
- ▲ National Indigenous Family Violence Prevention Forum.

The ALRC also acknowledges and thanks the Aboriginal women's legal services and family violence prevention legal centres across the country who participated in our online forum, including:

- ▲ National Network of Aboriginal and Torres Strait Islander Women's Legal Services;
- ▲ Aboriginal and Torres Strait Islander Women's Legal and Advisory Service (Qld);
- ▲ Aboriginal & Torres Strait Islander Women's Legal Service North Queensland;
- ▲ Aboriginal and Torres Strait Islander Corporation Family Violence Prevention and Legal Service (Victoria);
- ▲ Marninwarntikura Women's Resource Centre—Family Violence Project (WA);
- ▲ Victorian Aboriginal Legal Service Cooperative Ltd (Vic);
- ▲ North Australian Aboriginal Family Violence Legal Service (NT); and
- ▲ Yamatji Family Violence Protection Legal Service (WA).

The ALRC also received significant support from a number of individuals and thanked them for their generosity and commitment to helping us in our task of reforming the law to achieve greater safety for women and children; Megan Davis, Hannah McGlade, Dorinda Cox, Victoria Hovane, Kylie Cripps, Louise Taylor, Antoinette Braybrook, Larissa Behrendt and many others.

Through the development of the RAP and our engagement with Indigenous people and organisations, the ALRC is increasingly aware of the importance of letting those we have consulted with know about the progress of an Inquiry and the implementation of recommendations, particularly where their input may have led to a particular outcome, especially if it is a positive one. This is an important commitment to make to all those people who consult with the ALRC.

The ALRC's RAP and detailed RAP report are available on the ALRC's website.



The artwork, *Windstorm Over the Desert*, was produced by Maurice A Shipp for the purposes of promoting the ALRC's *Reconciliation Action Plan* (RAP). The artwork description provided by Maurice Shipp is included in the RAP as follows.

The red represents the ochre of the desert.

The yellow represents the slopes of the sand dunes with the brown and white representing each peak within the dunes.

The brown and the white also represent the high points and the low points in the work of the ALRC.

The ranges also represent paths of knowledge leading to a journey of knowledge that each individual within the organization is working toward collectively.

The white circles and spiral shapes represent both an individual windstorm and a group of storms following, the individual windstorm represents movement and the combination of both the singular and the group signifies that change is looming.

A change in direction, a new direction, a positive change that will allow a renewed sense of purpose and growth.

Appendices

A: Corporate Plan 2009–2011	123
B: Key Supporting Policies and Documents	126
C: Terms of Reference 2009–10	127
D: Advisory Committee Members and Consultants	133
E: Agency Resource Statement and Resource for Outcomes	135
F: Implementation Activity 2009–10	137
G: Implementation Status of ALRC Reports	146
H: Citations of ALRC Reports in Major Court Decisions	159
I: Public Presentations and Contributions to Newspapers and Journals	163
J: ALRC Newsroom	167
K: Visitors to the ALRC during 2009–10	170

Appendix A: Corporate Plan 2009–2011

Our vision

A fair, equitable and accessible system of federal justice that contributes to a just and secure society.

Outcome statement

Government outcomes are the intended results, impacts or consequences of actions by the government on the Australian community. The ALRC's outcome is:

Informed Government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.

Our strategies

The strategy that the ALRC will use to achieve its intended outcome is to undertake inquiries into areas of law reform referred to it by the Attorney-General. In conducting its inquiries, the ALRC will consult with relevant government, industry and community stakeholders and experts interested in the area under review and comprehensively research and analyse the legal policy issues raised during the course of this research.

Program 1.1—Conducting inquiries into aspects of Australian law and related processes for the purpose of law reform

In 2010–11 and in forward years, the ALRC is expecting to conduct at least two inquiries at the one time. As part of the inquiry process, the ALRC will produce a number of consultation papers that present issues, ask questions and raise proposals for reform and will call on the community to respond through both formal submission processes and more informal feedback mechanisms, including online discussion forums, phone-ins and focus groups, where appropriate. These external contributions and the ALRC's own research will inform the preparation of a final Report with recommendations for the Government's consideration for each inquiry undertaken. The ALRC may constitute an expert advisory committee for an inquiry to assist in the analysis and formulation of key recommendations and proposals for reform, where appropriate.

The ALRC will encourage new ways for the community to participate directly in the inquiry process through online consultation strategies, web based discussion forums and online submission processes. As required by its Act, the ALRC also will have regard to relevant international obligations; the potential impact of its

recommendations on the costs of getting access to and dispensing justice; and personal rights and liberties, ensuring that citizens are not unduly dependent on administrative rather than judicial decisions.

To achieve international best practice, the ALRC will continue to share information and ideas with other law reform and expert bodies internationally for the purpose of benchmarking the ALRC's practices and procedures.

Deliverables

Program 1.1—Conducting inquiries

The ALRC will:

- ▲ conduct inquiries, as referred by the government;
- ▲ undertake community consultation with relevant stakeholders and experts interested in each area of law under review and report on the consultation process;
- ▲ produce consultation documents, as appropriate, to each inquiry;
- ▲ call for submissions at each consultation phase and seek information and responses to the questions and proposals presented that will be considered by the ALRC in formulating its final recommendations;
- ▲ provide web-based consultation and communication strategies to effectively and efficiently broaden access to the ALRC's activities by the community;
- ▲ present at public conferences, seminars and parliamentary inquiries, ensuring that the work of the ALRC is publicly debated and discussed and contributes to the community's knowledge about the government's law reform agenda.

Key performance indicators (KPIs)

Program 1.1—Conducting inquiries

The ALRC will measure the success of Program 1.1 in delivering its objective, through the following key performance indicators:

- ▲ the level of implementation that ALRC reports achieve by Government and other bodies, substantially or partially, over time;
- ▲ the number of citations or references to ALRC reports and recommendations in parliamentary debates, in court citations and decisions, and in academic publications and other publications, and in media reports;

- ▲ readership of the ALRC's reports and consultation papers (distributed and accessed via the ALRC and the ALRC's website);
- ▲ the number of submissions to each inquiry;
- ▲ the number of media mentions of ALRC reports and recommendations;
- ▲ the number of speaking engagements and presentations about the ALRC's inquiries.

The implementation by Government over time of ALRC recommendations gives an indication of the ALRC's relative success in facilitating informed decision-making by Government. It is recognised that ALRC reports and recommendations are not self-executing. There is no statutory requirement for the Australian Government to respond formally to an ALRC report within a certain timeframe, nor is there a specified timeframe for implementation of recommendations. This can result in delay between the presentation of a final report to Government and the adoption of recommendations and their translation into legislation or other procedures. Therefore, implementation over time is a better measure of the ALRC's success in achieving its desired outcome. Having the ALRC's recommendations discussed on many levels in government, by stakeholders and in the media generally also provides an indication of the relevance of the ALRC's work to fostering discourse that leads to informed decision-making.

The ALRC does not control the subject matter of the inquiries referred to it and often the subject matter determines the level of stakeholder and community interest in the inquiry at all the different stages. This means that some of the KPIs mentioned above will directly reflect the nature of the specific inquiry rather than the ALRC's work in particular.

July 2010

Appendix B: Key Supporting Policies and Documents

Information about the Australian Law Reform Commission's functions, objectives, policies and activities can be found in the following documents.

Administration

- ▲ Corporate Plan 2009–2011*
- ▲ Environmental Management Policy*
- ▲ Fraud Policy Statement & Fraud Control Plan 2008–2010*
- ▲ Parliament House Security Pass Policy
- ▲ Reconciliation Action Plan*
- ▲ Welcome to Country and Acknowledgement of Country Protocols

Finance

- ▲ Cabcharge E-Ticket and Charge Card Policy
- ▲ Personal Use of Office Telephone Policy
- ▲ Policy on Depreciation of Works of Art
- ▲ Procurement and Purchasing Policy
- ▲ Travel Policy
- ▲ Credit Card Policy

Human Resources

- ▲ Code of Conduct
- ▲ Equal Employment Opportunity (EEO) Policy
- ▲ Leave Application Policy
- ▲ Performance Appraisal System Policy and Guidelines
- ▲ Promotions Policy
- ▲ Reasonable Adjustment Guidelines

Information Management

- ▲ Access to Inquiry Material Policy*
- ▲ Approval for Use of ALRC Copyright Policy*
- ▲ Copyright Management Policy*
- ▲ Internet & Email Policy
- ▲ Library Collection Policy
- ▲ Records Management Policy
- ▲ Privacy Policy*
- ▲ Temporary Reference Collection Policy
- ▲ Twitter Policy*

Communications & Publications

- ▲ Communications With People With a Disability Policy*
- ▲ Communications With People With a Disability Procedures
- ▲ Media Liaison Policy
- ▲ Twitter Policy*
- ▲ Publications Distribution Policy*

OH&S

- ▲ Occupational Health & Safety Policy
- ▲ Health & Safety Management Arrangements
- ▲ Work From Home Policy

Interns

- ▲ Intern Placement Policy*
- ▲ School Students and Legal Practical Work Experience Policy*

*Available on the ALRC website.

Appendix C: Terms of Reference 2009–10

Review of Secrecy Laws

I, ROBERT McCLELLAND, Attorney-General of Australia, having regard to:

- ▲ the desirability of having comprehensive, consistent and workable laws and practices in relation to the protection of Commonwealth information;
- ▲ the increased need to share such information within and between governments and with the private sector;
- ▲ the importance of balancing the need to protect Commonwealth information and the public interest in an open and accountable system of government; and
- ▲ previous reports (including previous reports of the Commission) that have identified the need for reform in this area

REFER to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, options for ensuring a consistent approach across government to the protection of Commonwealth information, balanced against the need to maintain an open and accountable government through providing appropriate access to information.

1. In carrying out its review, the Commission will consider:
 - a. relevant laws and practices relating to the protection of Commonwealth information, including the scope and appropriateness of legislative provisions regarding secrecy and confidentiality;
 - b. whether there is a need to consolidate and modernise relevant provisions currently in the *Crimes Act 1914* and other Commonwealth legislation for inclusion in the *Criminal Code*;
 - c. the way in which secrecy laws in the *Crimes Act* interact with other laws and practices, including those relating to secrecy, privacy, freedom of information, archiving, whistle-blowing, and data-matching;
 - d. whether there should be different considerations for secrecy laws relating to the protection of national security and other sensitive Commonwealth information; and any related matter.
2. In carrying out its review, the Commission is to identify and consult with key stakeholders, including relevant Commonwealth, State and Territory agencies and private sector bodies.

3. The Commission will provide its final report to me by 31 October 2009.

Dated: 5 August 2008

Robert McClelland

Attorney-General

Review of the *Royal Commissions Act 1902* and Related Issues

I, ROBERT McCLELLAND, Attorney-General of the Commonwealth of Australia, having regard to the need to ensure that the executive government has available to it forms of inquiry on matters of public importance which are effective and efficient in the context of contemporary requirements, refer to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, the operation and provisions of the *Royal Commissions Act 1902* (the Act) and the question whether an alternative form or forms of Commonwealth executive inquiry should be established by statute.

1. In carrying out its review, the Commission is to consider:
 - e. whether there is any need to develop an alternative form or forms of Commonwealth executive inquiry, with statutory foundations, to provide more flexibility, less formality and greater cost-effectiveness than a Royal Commission (particularly whether there would be any advantage in codifying special arrangements and powers that should apply to such alternative forms of inquiry);
 - f. whether there is any need to develop special arrangements and powers for inquiries involving matters of national security;
 - g. the appropriate balances between powers for persons undertaking inquiries and protections of the rights and liberties of persons interested in, or potentially affected by, inquiries;
 - h. the appropriateness of restrictions on the disclosure of information to, and use of information by, Royal Commissions and other inquiries, including restrictions contained in other legislation (but not including those arising from the operation of client legal privilege); and
 - i. suggestions for changes to the Act proposed or raised by Royal Commissions.
2. In carrying out its review, the Commission will identify and consult with key stakeholders, including relevant Commonwealth, State and Territory agencies.

3. The Commission will provide its final report to me by 30 October 2009.

Dated: 14 January 2009
Robert McClelland
Attorney-General

Family Violence Inquiry

The 2009 report of the National Council to Reduce Violence against Women and their Children, *Time for Action*, acknowledged the complex interaction between state and territory family/domestic violence and child protection laws and the *Family Law Act 1975* (Cth). The National Council also stressed the importance of consistent interpretation and application of laws relating to family/domestic violence and sexual assault, including rules of evidence, in ensuring justice for victims of such violence.

At its meeting of 16-17 April 2009, the Standing Committee of Attorneys-General agreed that Australian law reform commissions should work together to consider these issues.

I refer to the Australian Law Reform Commission for inquiry and report pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* the issues of:

1. the interaction in practice of state and territory family/domestic violence and child protection laws with the *Family Law Act* and relevant Commonwealth, state and territory criminal laws; and
2. the impact of inconsistent interpretation or application of laws in cases of sexual assault occurring in a family/domestic violence context, including rules of evidence, on victims of such violence.

In relation to both issues I request that the Commission consider what, if any, improvements could be made to relevant legal frameworks to protect the safety of women and their children.

Scope of the reference

In undertaking this reference, the Commission should be careful not to duplicate:

- a. the other actions being progressed as part of the Immediate Government Actions announced by the Prime Minister on receiving the National Council's report in April 2009;
- b. the evaluation of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* reforms being undertaken by the Australian Institute of Family Studies; and

- c. the work being undertaken through SCAG on the harmonisation of uniform evidence laws, in particular the development of model sexual assault communications immunity provisions and vulnerable witness protections.

Collaboration and consultation

In undertaking this reference, the Commission should:

- a. have regard to the National Council's report and any supporting material in relation to domestic violence and sexual assault laws;
- b. work jointly with the New South Wales Law Reform Commission with a view to developing agreed recommendations and consult with other state and territory law reform bodies as appropriate;
- c. work closely with the Australian Government Attorney General's Department to ensure the solutions identified are practically achievable and consistent with other reforms and initiatives being considered in relation to the development of a National Plan to Reduce Violence against Women and their Children or the National Framework for Protecting Australia's Children, which has been approved by the Council of Australian Governments; and
- d. consult with relevant courts, the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, relevant state and territory agencies, state and territory Legal Aid Commissions, the Family Law Council, the Australian Domestic Violence Clearinghouse and similar bodies in each state and territory.

Timeframe

Considering the scale of violence affecting Australian women and their children and acknowledging the Australian Government's commitment to developing a National Plan through COAG for release in 2010, the Commission will report no later than 31 July 2010.*

Dated: 17 July 2009
Robert McClelland
Attorney-General

* Extended to 10 September 2010

Review of Discovery Laws to Improve Access to Justice

The 2009 report by the Access to Justice Taskforce, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* examined access to civil justice in the federal system from a system-wide, strategic perspective. In considering barriers to justice in relation to court based dispute resolution, the Taskforce noted the high and often disproportionate cost of discovery and recommended further enquiry on the issue.

I refer to the Australian Law Reform Commission for inquiry and report pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* the issues of:

- ▲ the law, practice and management of the discovery of documents in litigation before federal courts;
- ▲ ensuring that cost and time required for discovery of documents is proportionate to the matters in dispute, including but not limited to:
 - the effectiveness of different types of discovery orders
 - the effectiveness and enforceability of requiring parties to identify and disclose critical documents as early as possible
 - the effectiveness of different costs orders
- ▲ to limit the overuse of discovery, reduce the expense of discovery and ensure key documents relevant to the real issues in dispute are identified as early as possible;
- ▲ the impact of technology on the discovery of documents.

In conducting its inquiry, the Commission's objective is to identify law reform options to improve the practical operation and effectiveness of discovery of documents. In particular, the Commission shall have regard to:

- ▲ alternatives to discovery;
- ▲ the role of courts in managing discovery, including the courts' case management powers and mechanisms to enable courts to better exercise those powers in the context of discovery;
- ▲ implications of the cost of discovery on the conduct of litigation, including means to limit the extent to which discovery gives rise to satellite litigation and the use of discovery for strategic purposes;
- ▲ costs issues, for example cost capping, security for discovery costs, and upfront payment; and
- ▲ the sufficiency, clarity and enforceability of obligations on practitioners and parties to identify relevant material as early as possible.

Collaboration and Consultation

In undertaking this reference, the Commission should:

- ▲ have regard to the experiences of other jurisdictions, including jurisdictions outside Australia, provided there is sufficient commonality of approach that any recommendations can be applied in relation to the federal courts; and
- ▲ consult with key stakeholders including relevant courts and the legal profession.

Timeframe

The Commission will report no later than 31 March 2011.

Dated: 10 May 2010

Robert McClelland

Attorney-General

Appendix D: Advisory Committee Members and Consultants

Secrecy Inquiry Advisory Committee Members

Ms Lynelle Briggs, Australian Public Service Commissioner
Mr Ian Carnell, Inspector-General of Intelligence and Security
Mr Chris Craigie SC, Commonwealth Director of Public Prosecutions
Professor Robin Creyke, College of Law, Australian National University
Mr Simon Daley, Australian Government Solicitor
Mr Chris Erskine SC, Blackburn Chambers
Justice Paul Finn, Federal Court of Australia
Mr Kevin Fitzpatrick, Chief Tax Counsel, Australian Taxation Office
Mr Stephen Gageler SC, Solicitor-General of Australia
Mr John McGinness, Director, National Judicial College of Australia
Professor John McMillan, Commonwealth Ombudsman
Mr Andrew Metcalfe, Secretary, Department of Immigration and Citizenship
Associate Professor Moira Patterson, Law Faculty, Monash University
Mr Peter Timmins, Timmins Consulting
Ms Annette Willing, Australian Government Attorney-General's Department

Royal Commissions Inquiry Advisory Committee Members

Ms Sheila Butler, former Secretary to several recent Commonwealth public inquiries
Emeritus Professor Enid Campbell AC OBE, former Dean, Faculty of Law and Sir Isaac Isaacs Professor of Law, Monash University
The Hon Stephen Charles QC, former judge of the Victorian Court of Appeal
The Hon Terence Cole AO RFD QC, former judge of the New South Wales Court of Appeal
Mr Simon Daley, Australian Government Solicitor
Ms Megan Davis, Director, Indigenous Law Centre, University of New South Wales
The Hon Tony Fitzgerald AC QC, former judge of the New South Wales Court of Appeal
Dr Scott Prasser, Senior Lecturer in Management, Faculty of Business, University of the Sunshine Coast

Acting Justice Ronald Sackville AO QC, New South Wales Court of Appeal
Mr Michael Sexton SC, New South Wales Solicitor-General
Ms Iris Stevens, former judge of the District Court of South Australia
Dr Kristin van Barneveld, Director, Policy and Research, Community and Public Sector Union
Mr Bret Walker SC, Barrister, St James Hall
The Hon Hal Wootten AC QC, former judge of the New South Wales Supreme Court and Foundation Dean of Law, University of New South Wales
Mr George Zdenkowski, Visiting Professor of Law at the University of Tasmania, and former New South Wales Magistrate

Indigenous Advisory Committee

Mr Maurice Shipp, National Aboriginal Community Controlled Health Organisation
Ms Neva Collings, Environmental Defender's Office
Ms Megan Davis, Indigenous Legal Centre
Mr Warren Mundine, NSW Native Titles Services
Mr Darryl French, Tranby Aboriginal College
Mr Steven Ross, Murray Lower Darling River Indigenous Nations
Mr Lincoln Crowley, NSW Indigenous Barristers Strategy Working Party

Family Violence Inquiry

Special Advisers

Mr George Zdenkowski
Dr Jane Wangmann
Dr Anne Cossins

Expert Readers

Mr Stephen Odgers SC
Professor Patrick Parkinson
Ms Hannah McGlade

Appendix E: Agency Resource Statement and Resources for Outcomes

1. Agency Resource Statement 2009–10

	Actual available appropriation for 2009–10 \$'000	Payments made 2009–10 \$'000	Balance remaining 2009–10
	(a)	(b)	(a) – (b)
Ordinary Annual Services			
Departmental appropriation ¹	3,387	3,581	
Total	3,387	3,581	-194
Administered expenses			
Outcome 1: Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.			
Payments to CAC Act Bodies	3,387		
Total	3,387	3,581	
Total ordinary annual services	3,387	3,581	
Total Resourcing	3,387	3,581	

¹ Appropriation Bill (No.1) 2009–10.

2. Resources for Outcomes

Expenses and Resources for Outcome 1			
Outcome 1:			
Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.	Budget*	Actual Expenses	Variation
	2009–10	2009–10	2009–10
	\$'000	\$'000	\$'000
	(a)	(b)	(a) – (b)
Program 1.1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform.			
Departmental expenses			
Ordinary annual services (Appropriation Bill No. 1)	3,175	3,183	(8)
Revenues from independent sources	146	59	81
Total for Program 1.1	3,321	3,242	79
Program 1.2: Community education about law reform.			
Departmental expenses			
Ordinary annual services (Appropriation Bill No. 1)	212	204	8
Revenues from Independent Sources	20	4	16
Total for Program 1.2	232	208	24
Outcome 1 Totals by appropriation type			
Departmental expenses			
Ordinary annual services (Appropriation Bill No. 1)	3,387	3,387	
Revenue from independent sources	166	63	
Total expenses for Outcome 1	3,553	3,450	103
Average Staffing Level (number)			
	2009-10	2009-10	
	18	19	(1)

* Full year budget, including any subsequent adjustment made to the 2009–10 Budget.

Appendix F: Implementation Activity 2009–10

The following provides an overview of activity in relation to ALRC reports during 2009–10.

For Your Information: Australian Privacy Law and Practice, Report 108 (2008)

Australian Government Response

On 14 October 2009, the Australian Government issued the first stage of its response to ALRC Report 108. The response addresses 197 of the 295 recommendations in the ALRC report. These recommendations relate to:

- ▲ the name, structure, objects, definitions and scope of the *Privacy Act 1988* (Cth);
- ▲ developing technology;
- ▲ interaction, inconsistency and fragmentation in the regulation of personal information in Australia;
- ▲ the privacy principles;
- ▲ the powers and functions of the Office of the Privacy Commissioner;
- ▲ credit reporting; and
- ▲ health services.

The Australian Government accepted the majority of those recommendations.

Exposure drafts of Australian privacy amendment legislation.

On 24th June 2010 the Senate referred the following to the Finance and Public Administration Legislation Committee for inquiry and report by 1 July 2011:

An Exposure Draft of the New Australian Privacy Principles which are intended to form part of a new *Privacy Act*. Alongside it was issued a *Companion Guide to the Exposure draft: Australian Privacy Principles*.

This draft was the first of a number of components that are also anticipated to be released for public comment, and then be consolidated to comprise a new *Privacy Act*.

Each subsequent part will be referred to a Senate Committee for consideration as the drafting of it is completed. It is anticipated that there will be a maximum of three further parts to be referred to this Committee. These are:

- ▲ The introduction of comprehensive credit reporting and enhanced protections for credit reporting information;

- ▲ specific health information protections; and
- ▲ the functions and powers of the Australian Information Commissioner.

The Government added that once the Senate committee has reported on all of the parts, the Bill would be consolidated and introduced into Parliament.

In October 2009, the Government stated that once the first stage reforms have been finalised, Stage Two of the response will consider the remaining 98 recommendations in the ALRC report that the Government has not yet accepted or rejected. This stage will deal with a number of significant and contentious issues, including:

- ▲ clarification or removal of exemptions (including the current employee records exemption);
- ▲ a scheme for compulsory data breach notification;
- ▲ a statutory cause of action for serious invasions of privacy;
- ▲ privacy and decision making issues for children and authorised representatives; and
- ▲ handling of personal information under the *Telecommunications Act 1997* (Cth).

Healthcare Identifiers Act 2010 (Cth)

In 2006, the Council of Australian Governments (COAG) agreed to a national approach to developing individual and healthcare identifiers as part of an electronic health records system.

The Act provides that:

- ▲ Medicare Australia will be responsible for establishing and operating the health identifier system;
- ▲ collection, use and disclosure of an individual health identifier will be subject to the privacy and other laws applicable to that information; and
- ▲ unauthorised disclosure of an individual health identifier may be pursued as a breach of privacy under the *Privacy Act* and subject to criminal penalties set out in the Bill.

The provisions of the Act are generally consistent with the ALRC's recommendation in relation to electronic health information systems in Chapter 61 of ALRC Report 108 (Recommendation 61–1).

The *Healthcare Identifiers Act 2010* received assent on 28 June 2010, and commenced on 29 June 2010.

Fighting Words: A Review of Sedition Laws in Australia, Report 104 (2006)

National Security Legislation Amendment Bill 2010 (Cth)

On 18 March 2010, the National Security Legislation Amendment Bill 2010 (Cth) was introduced into the Australian Parliament. If passed, the Bill will implement a number of recommendations in *Fighting Words*.

Schedule 1 of the National Security Legislation Amendment Bill implements the bulk of the ALRC's recommendations in ALRC Report 104, including:

- ▲ the removal of the term 'sedition' from federal criminal law and replacing it with references to 'urging violence offences', including in the heading to Part 5.1 and Division 80 of the *Criminal Code* (Cth) (Recommendation 2–1);
- ▲ the repeal of the *Crimes Act 1914* (Cth) provisions concerning unlawful associations (Recommendation 4–1);
- ▲ the repeal of s 30C of the *Crimes Act* which contains the offence of advocating or inciting to crime (Recommendation 9–3); and
- ▲ the amendment of the treason offences in s 80.1(1)(e)–(f) of the *Criminal Code* to provide, among other things that conduct must 'materially' assist an enemy, making it clear that mere rhetoric or expression of dissent are not sufficient, and ensuring a proclamation of an enemy is not sufficient (Recommendation 11–2).

The bill was introduced in the House of Representatives on 18 March 2010, and its second reading was on 25 May 2010. It was introduced into the Senate on 15 June 2010.

Same Crime, Same Time: Sentencing of Federal Offenders, Report 103 (2006)

Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2009 (Cth)

The *Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010* (Cth) received assent on 13 April 2010. The Act amends the *Commonwealth Death Penalty Abolition Act 1973* (Cth) to extend the application of the current prohibition on the death penalty to state laws, to ensure the death penalty cannot be introduced anywhere in Australia. The Act is consistent with the ALRC recommendations in ALRC Report 103 that federal sentencing legislation should prohibit the following sentencing options in relation to federal offenders:

- ▲ capital punishment;

- ▲ corporal punishment;
- ▲ imprisonment with hard labour; and
- ▲ any other form of cruel, inhuman or degrading punishment (Recommendation 7–16).

Federal Sentencing Database

The ALRC has been advised that the National Judicial College of Australia has established a federal sentencing database. In ALRC Report 103, the ALRC recommended that the Australian Government should continue to support the development of a comprehensive national database on the sentences imposed on all federal offenders (Recommendation 21–1).

Genes and Ingenuity: Gene Patenting and Human Health, Report 99 (2004)

Senate Standing Committee on Community Affairs Inquiry into Gene Patents

In March 2009, the ALRC made a submission to the Senate Standing Committee on Community Affairs Inquiry into Gene Patents. The ALRC drew on its experience from the ALRC inquiry into the intellectual property aspects of genetic material and technologies, which culminated in ALRC Report 99.

The ALRC noted that the core subject matter of the Committee's Terms of Reference was squarely considered as part of the ALRC's 19-month long inquiry, and these issues were addressed in ALRC Report 99. The ALRC emphasised that the ALRC inquiry had found that the patenting of gene sequences is not the major obstacle to providing cost-effective healthcare to Australians in the era of the 'New Genetics'. The ALRC also submitted that because monopoly exploitation rights granted by a patent extend (with some limited exceptions) for twenty years—many or most of the problems caused by patents granted over gene sequences, or overly broad patents, are transient ones.

The Committee was to report by June 2010. However, the Senate has extended the reporting time for the Gene Patents Inquiry until 2 September 2010.

Essentially Yours: The Protection of Human Genetic Information in Australia Report 96 (2003)

On 19 December 2009, The National Health and Medical Research Council (NHMRC), in cooperation with the Office of the Privacy Commissioner (OPC), released new guidelines to assist health practitioners in making decisions about disclosing genetic information to their patient's genetic relatives.

In 2003, the ALRC's joint inquiry with the Australian Health Ethics Committee led to an amendment of the *Privacy Act* regarding the disclosure of genetic information by health practitioners.

The amendment required the development and issuing of these guidelines under s 95AA of the *Privacy Act*, which specify the strict requirements that must be met by health practitioners if they are faced with the difficult decision of having to disclose genetic information without patient consent.

The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation, Report 92 (2001)

Draft Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2009 (Cth)

In July 2009, the Attorney-General's Department released a Draft Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2009 (Cth). The Bill is the result of a review which commenced in 2006.

Key proposals in the exposure draft legislation are directed towards reducing delays in current processes, ensuring Australia does not become a safe haven for fugitives and the proceeds of crime, and expanding the range of law enforcement tools available through the mutual assistance process. The proposed reforms maintain appropriate safeguards and judicial review, and strengthen certain human rights protections in the existing legislation.

The ALRC made a submission to the review highlighting recommendations made in ALRC Report 92.

Currently, functions under the *Extradition Act 1988* (Cth) and the *Mutual Assistance Act in Criminal Matters Act 1987* (Cth) are exercisable by state and territory magistrates. Part 1 of the Bill contains amendments which would enable Federal Magistrates to perform functions under these Acts, in addition to state and territory magistrates. It is proposed to confer on Federal Magistrates all functions currently conferred on state and territory magistrates under the *Extradition Act* and the *Mutual Assistance Act* (with the exception of those conferred by Division 2 of Part VI relating to proceeds of crime proceedings which can only be heard before state and territory magistrates). Part 1 of Schedule 2 of the Bill would limit jurisdiction to review extradition decisions to federal courts.

The provisions of the Bill are generally consistent with Recommendation 20–2 of ALRC Report 92. However, Recommendation 20–2 stated that federal legislation should be amended to provide that original and appellate jurisdiction in matters arising under the *Extradition Act* be conferred exclusively on federal courts. As stated above,

state and territory magistrates will continue to have original jurisdiction in relation to extradition and mutual assistance matters.

Managing Justice: A Review of the Federal Civil Justice System, Report 89 (2000)

Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009 (Cth)

The *Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009* (Cth) received assent on 7 December 2009. The Act amends the *Federal Court of Australia Act 1976* (Cth) to allow the Federal Court to refer a proceeding, or one or more questions arising in a proceeding, to a referee for report. This will be useful in many cases, including where technical expertise is required. In ALRC Report 89, the ALRC recommended that the Federal Court should consider the use of referees (or 'assessors') in native title proceedings (Recommendations 76 and 77).

Access to Justice (Civil Litigation Reforms) Amendment Act 2009 (Cth)

The *Access to Justice (Civil Litigation Reforms) Amendment Act 2009* (Cth) received assent on 4 December 2009. The overarching purpose of the Act is to facilitate the just resolution of disputes according to law as quickly, inexpensively and efficiently as possible. Under the Act, parties to a proceeding are required to conduct the proceeding in a way that is consistent with the overarching purpose. The Act also broadens the responsibilities of the head of the Court to ensure the 'effective' discharge of the business of the court, in addition to their current power to ensure 'the orderly and expeditious discharge' of the business of the Court. The Act also introduces various powers of judges to case manage matters, including by limiting the number of witnesses called, and referring matters to alternative dispute resolution.

A number of the amendments in the Act are consistent with recommendations made by the ALRC in *Managing Justice* which generally supported the further development of federal court and tribunal procedures to encourage prehearing conferences and other communication and contact between relevant experts.

Judicial misbehaviour and incapacity

On 7 December 2009, the Senate Legal and Constitutional Affairs Committee released a report on *Australia's Judicial System and the Role of Judges*. The report contains a number of recommendations relating to judicial misbehaviour, including that the Australian Government establish a federal judicial commission modelled on the Judicial Commission of New South Wales (Recommendation 4).

The Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2010 (Cth) is a private member's Bill, sponsored by Duncan Kerr MP. The Bill was introduced

into the House of Representatives on 22 February 2010. The objective of the Bill is to establish an independent Parliamentary Commission to test complaints of judicial misbehaviour or incapacity referred to it by either House of the Parliament.

The ALRC considered complaints against judges in ALRC Report 89, including whether the Australian Government should establish a federal judicial commission modelled on the Judicial Commission of New South Wales. However, the ALRC concluded that such a model would not be permitted under the *Australian Constitution*. The ALRC therefore recommended that:

- ▲ Each federal court and tribunal should develop and publish a protocol for defining, receiving and handling bona fide complaints against judicial officers and members, as well as complaints about court systems and processes (Recommendation 11); and
- ▲ The federal Parliament should develop and adopt a protocol governing the receipt and investigation of serious complaints against federal judicial officers. For these purposes, a 'serious complaint' is one which, if made out, warrants consideration by the Parliament of whether to present an address to the Governor-General praying for the removal of the judicial officer in question, pursuant to s 72 of the Australian Constitution (Recommendation 12).

By 30 June 2010, The Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2010 (Cth) had not proceeded beyond its first Reading in the House of Representatives.

Open Government: A Review of the Federal Freedom of Information Act 1982, Report 77 (1995)

The *Australian Information Commissioner Act 2010* (Cth) and *Freedom of Information (Reform) Act 2010* (Cth) were passed by Parliament on 13 May 2010 and received assent on 31 May 2010. These Acts will mainly commence on 1 November 2010, with some provisions commencing 6 months later on 1 May 2011.

On 26 November 2009, the Australian Government had introduced the Information Commissioner Bill 2009 (Cth) and Freedom of Information Amendment (Reform) Bill 2009 (Cth) into the Australian Parliament. Enactment of this legislation would substantially implement many ALRC Report 77 recommendations, in particular:

- ▲ the insertion of a new objects clause that explains clearly the underlying rationale for the *FOI Act* and its significance for the proper working of representative democracy (implementing Recommendations 1–5 of ALRC Report 77);
- ▲ the establishment of a dedicated Freedom of Information Commissioner;

- ▲ the extension of the *FOI Act* to require agencies to take contractual measures to ensure that they have access to information relevant to the performance of Commonwealth contracts, where the information is created or held by contracted service providers or subcontractors delivering services for or on behalf of the Commonwealth (consistent with Recommendation 99 of ALRC Report 77);
- ▲ the abolition of application fees for access requests under Part III of the *FOI Act*, which is consistent with Recommendations 82, 88, 92 and 93 of ALRC Report 77;
- ▲ the reformulation of a public interest test weighted in favour of disclosure of documents—although the ALRC did not specifically recommend the formulation proposed by s 11A, many features of the reformulation are consistent with ALRC Report 77 recommendations, including Recommendations 6, 38 and 39;
- ▲ the amendment of the Cabinet documents exemption to ensure that it only covers documents at the core of the Cabinet process (Recommendations 46–48);
- ▲ the amendment of the internal working documents exemption to relate to deliberative processes (Recommendations 51–52);
- ▲ the repeal of exemptions for Executive Council documents, documents arising out of companies and securities legislation and documents relating to the conduct of an agency of industrial relations (Recommendations 50, 57, 72); and
- ▲ the amendment of the exemption provision for documents subject to legal professional privilege so that the exemption cannot be claimed in circumstances where the privilege has been waived (Recommendation 67).

A number of ALRC Report 77 recommendations had not been incorporated into the Bills. These were highlighted in the ALRC's Submission to the Senate Finance and Public Administration Committee inquiry into the Bills.

On 26 February 2010, in a media release issued by Senator the Hon Joe Ludwig (Cabinet Secretary and Special Minister of State)—the Australian Government announced the appointment of Professor John McMillan AO as the Information Commissioner Designate.

The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* (Cth) received assent on 6 October 2009, which also implemented a number of ALRC Report 77 recommendations.

Personal Property Securities, Report 64 (1993)

In ALRC Report 64, the ALRC identified the need for a single national system to determine priorities between competing personal property security interests and to

provide a means of resolving disputes between security interest holders and third parties, including a national register of personal property security interests.

On 14 December 2009, the *Personal Property Securities Act 2009* (Cth) received Royal Assent. The Act sets out a single national law governing security interests in personal property. The Act also addresses the creation and extinguishment of security interests in personal property and sets out rules for determining priority among competing interests in personal property, and establishes a single national online register of personal property securities (PPS Register).

Spent Convictions, Report 37 (1987)

A communiqué following the Standing Committee of Attorneys-General (SCAG) meeting on 5 and 6 November 2009 reported that SCAG's work on a nationally consistent spent convictions scheme was finalised with the public release of the Model Spent Convictions Bill.

In ALRC Report 37, the ALRC recommended that a Commonwealth statute should be enacted making it unlawful to discriminate on the basis of spent convictions in areas relating to employment, in the provision of goods, services, and in the availability of facilities. Although the focus of the reference was on Commonwealth laws and practices, the ALRC recommended that the states and territories be encouraged to adopt a similar approach.

Appendix G: Implementation Status of ALRC Reports

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 Aug 2008	<i>Healthcare Identifiers Act 2010 (Cth)</i> ; Exposure drafts of Australian privacy amendment legislation	PARTIAL (See Appendix F)
ALRC 107	<i>Privilege in Perspective</i>	13 Feb 2008		UNDER CONSIDERATION
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i>	13 Sep 2006	National Security Legislation Amendment Bill 2010 (Cth)	UNDER CONSIDERATION (See Appendix F)
ALRC 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders</i>	22 Jun 2006	<i>Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Cth)</i> ; federal sentencing database	PARTIAL (See Appendix F)
ALRC 102	<i>Uniform Evidence Law</i>	8 Feb 2006	<i>Evidence Amendment Act 2008 (Cth)</i> ; <i>Evidence Amendment Act 2007 (NSW)</i> ; <i>Evidence Act 2008 (Vic)</i> ; <i>Statutes Amendment (Evidence and Procedure) Act 2008 (SA)</i> ; <i>Evidence Amendment (Journalists' Privilege) Act 2007 (Cth)</i>	SUBSTANTIAL
ALRC 99	<i>Genes and Ingenuity: Gene Patenting and Human Health</i>	31 Aug 2004	House of Representatives Standing Committee on Legal and Constitutional Affairs, <i>Review of Technological Protection Measures Exceptions</i> (2006); Senate Standing Committee on Community Affairs Inquiry into Gene Patents	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION (See Appendix F)

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i>	23 Jun 2004	<i>National Security Information Amendment Act 2005 (Cth); National Security Information (Criminal Procedure) Act 2004 (Cth)</i>	SUBSTANTIAL
ALRC 96	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i>	29 May 2003	<i>Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth) [amendment of definition of 'disability' to include 'genetic predisposition to disability', prohibition on employer requesting certain information from employee]; Section 95AA Guidelines For National Privacy Principles About Genetic Information; National Pathology Accreditation Advisory Council, Classification of Human Genetic Testing 2007 Edition (2007); National Statement on Ethical Conduct in Human Research (2007); Privacy Legislation Amendment Act 2006 (Cth); Human Genetics Advisory Committee established (2006); IFSA Standards Genetic Information and Family Medical History (2005); Family Law Regulations 2004 (Cth) [parentage testing forms]; Crimes Legislation Enhancement Act 2003 (Cth) [inter-jurisdictional sharing of DNA information with participating jurisdictions]. National Health and Medical Research Council Guidelines on the provision of genetic information to relatives (2009)</i>	SUBSTANTIAL (See Appendix F)

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 95	<i>Principled Regulation: Federal Civil & Administrative Penalties in Australia</i>	19 Mar 2003	<i>A Guide To Framing Commonwealth Offences, Civil Penalties And Enforcement Powers (2004)</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903</i>	2 Oct 2001	<i>Family Law Amendment Act 2005 (Cth) [appeals from Family Court]; High Court Rules 2004 [special leave applications]; Jurisdiction of Courts Legislation Amendment Act 2002 (Cth) [appellate jurisdiction of Federal Court]; Supreme Court Amendment Act 2001 (ACT) [ACT Court of Appeal]</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION (See Appendix F)
ALRC 91	<i>Review of the Marine Insurance Act 1909</i>	22 May 2001	<i>Financial Services Reform (Consequential Provisions) Act 2001 (Cth) [Repeal s 59, 60 of MIA Act]</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 Feb 2000	Australian Academy of Law established (2005); <i>Administrative Appeals Tribunal Amendment Act 2005</i> (Cth); <i>Family Law Rules 2004</i> (Cth); <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth) [allows a single judge to dismiss an appeal for want of prosecution or failure to comply with a direction of the Court]; National Pro Bono Resource Centre established (2002); Council of Australian Tribunals established (2002); National Judicial College established (2002); Launch of Australian Law Online (2001); FLC review of social science literature proposal (2001); AUTC law discipline review (2001–02); changes to case management in Family Court of Australia and the Federal Court of Australia; <i>Family Law Amendment Act 2000</i> (Cth) [arbitration of family law property matters]; <i>Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009</i> (Cth) [assessors]; <i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i> (Cth)	SUBSTANTIAL (See Appendix F)
ALRC 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	15 Jun 1999	<i>Proceeds of Crime Act 2002</i> (Cth)	SUBSTANTIAL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 85	<i>Australia's Federal Record: A Review of Archives Act 1983</i>	2 Jul 1998	<i>Archives Amendment Act 2008</i> (Cth) [objects clause, definition of 'record', NAA as executive agency]; <i>Census Information Legislation Amendment Act 2000</i> (Cth); E-Permanence Strategy	PARTIAL
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	19 Nov 1997	<i>Evidence Amendment Act 2008</i> (Cth); <i>Measures to Combat Serious and Organised Crime Act 2001</i> (Cth) [examination & cross-examination of child witnesses]; NSW Law Society <i>Representation Principles for Children's Lawyers</i> (2000); increase of age of criminal responsibility to 10— <i>Children and Young People Act 1999</i> (ACT); <i>Justice Act 1997</i> (Tas)	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC 82	<i>Integrity: But Not by Trust Alone</i>	10 Dec 1996	<i>Law Enforcement Integrity Commissioner Act 2006</i> (Cth); <i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006</i> (Cth)	SUBSTANTIAL
ALRC 80	<i>Legal Risk in International Transactions</i>	8 Oct 1996	<i>Cross Border Insolvency Act 2008</i> (Cth); <i>Electronic Transactions Act 2000</i> (Cth)—complementary legislation in all states and territories.	PARTIAL
ALRC 79	<i>Making Rights Count: Services for People with a Disability</i>	10 Oct 1996	<i>Disability Services Amendment (Improved Quality Assurance) Act 2002</i> (Cth)	PARTIAL
ALRC 78	<i>Beyond the Door Keeper: Standing to Sue for Public Remedies</i>	30 May 1996		NIL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i>	24 Jan 1996	<i>Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 (Cth); Australian Information Commissioner Act 2010 (Cth); Freedom of Information Amendment (Reform) Act 2010 (Cth)</i>	SUBSTANTIAL (See Appendix F)
ALRC 75	<i>Costs Shifting—Who Pays for Litigation</i>	25 Oct 1995	<i>Migration Litigation Reform Act 2005 (Cth)</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC 74	<i>Designs</i>	31 Aug 1995	<i>Designs Act 2003 (Cth)</i>	SUBSTANTIAL
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i>	20 Jun 1995	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i>	8 Mar 1995	<i>Aged Care Act 1997 (Cth)</i>	SUBSTANTIAL
ALRC 70	<i>Child Care for Kids</i>	8 Nov 1994	<i>Child Care Legislation Amendment Act 1998 (Cth) [confidentiality]; Child Care Legislation Amendment Act 1998 (Cth) [sanctions for breach]</i>	PARTIAL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 69	<i>Equality Before the Law:</i> <i>Part I: Justice for Women</i> <i>Part II: Women's Equality</i>	25 Jul 1994 21 Dec 1994	<i>Sex Discrimination Amendment Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Domestic Violence Act 1995 (Norfolk Is)</i>	SUBSTANTIAL
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i>	29 Jun 1994	<i>Trade Practices Amendment (No 1) Act 2001 (Cth)</i>	PARTIAL
ALRC 67 (Interim)	<i>Equality Before the Law: Women's Access to the Legal System</i>	3 Mar 1994	see ALRC 69	SUBSTANTIAL
ALRC 65	<i>Collective Investments: Other People's Money</i>	30 Sep 1993	<i>Managed Investments Act 1998 (Cth)</i>	SUBSTANTIAL
ALRC 64	<i>Personal Property Securities</i>	27 May 1993	<i>Personal Property Securities Act 2009 (Cth)</i>	SUBSTANTIAL (See Appendix F)
ALRC 63	<i>Children's Evidence: Closed Circuit TV</i>	26 May 1993	<i>Evidence (Closed-Circuit Television) (Amendment) Act 1994 (ACT); Crimes Amendment (Children's Evidence) Act 1996 (NSW)</i>	SUBSTANTIAL
ALRC 61	<i>Administrative Penalties in Customs and Excise</i>	9 Sep 1992		NIL
ALRC 60	<i>Customs and Excise</i>	7 May 1992	<i>Customs Amendment Act (No1) 1997 (Cth); Customs Excise and Bounty Amendment Act 1995 (Cth)</i>	PARTIAL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 59	<i>Collective Investments: Superannuation</i>	28 Apr 1992	<i>Superannuation Industry (Supervision) Act 1993 (Cth); Superannuation Resolution of Complaints Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC 58	<i>Choice of Law</i>	28 May 1992	<i>Choice of Law (Limitation Periods) Act 1993 (NSW); Choice of Law (Limitation Periods) Act 1993 (Vic); Choice of Law (Limitation Periods) Act 1994 (WA); Choice of Law (Limitation Periods) Act 1994 (NT)</i>	PARTIAL
ALRC 57	<i>Multiculturalism and the Law</i>	28 Apr 1992	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW); Racial Hatred Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Crimes and Other Legislation Amendment Act 1994 (Cth)</i> See also: Consumer Credit Code; Insurance Council of Australia, Insurance Code of Practice	SUBSTANTIAL
ALRC 55	<i>Censorship Procedure</i>	11 Sep 1991	<i>Classification (Publications, Films and Computer Games) Act 1995 (Cth)—</i> complementary legislation in each state and territory	SUBSTANTIAL
ALRC 52	<i>Guardianship and Management of Property</i>	20 Dec 1989	<i>Guardianship and Management of Property Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 51	<i>Product Liability</i>	15 Aug 1989	Alternative option implemented by <i>Trade Practices Amendment Act 1992 (Cth)</i>	NIL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 50	<i>Community Law Reform for the ACT: 4th Report—Informed Decision-Making in Medical Procedures</i>	21 Nov 1989	National Health and Medical Research Council Guidelines on the provision of information to patients	PARTIAL
ALRC 48	<i>Criminal Admiralty Jurisdiction and Prize</i>	27 Nov 1990	<i>Crimes Legislation Amendment Act 1992 (Cth); Crimes (Ships and Platforms) Act 1992 (Cth); Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999 (Cth)</i>	SUBSTANTIAL
ALRC 47	<i>Community Law Reform for the ACT: 3rd Report—Enduring Powers of Attorney</i>	6 Apr 1989	<i>Powers of Attorney (Amendment) Act 1989 (ACT); Property Law Amendment Act 1990 (Qld)</i>	SUBSTANTIAL
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	13 Dec 1988	<i>Federal Court (Amendment) Act 1991 (Cth) [did not adopt costs recommendations]</i>	SUBSTANTIAL
ALRC 45	<i>General Insolvency Inquiry</i>	13 Dec 1988	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth); Corporate Law Reform Act 1992 (Cth)</i>	SUBSTANTIAL
ALRC 44	<i>Sentencing</i>	25 Aug 1988	<i>Crimes Legislation Act (No 2) 1993 (ACT); Periodic Detention Act 1995 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	24 Mar 1988	Interim report—see ALRC 44	PARTIAL

Table 17: Implementation Status of ALRC Reports

Report	Title	Tabling date	Implementation brief	Degree of implementation
ALRC 42	<i>Occupiers' Liability</i>	13 Apr 1988	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 40	<i>Service and Execution of Process</i>	9 Dec 1987	<i>Service and Execution of Process Act 1992 (Cth); Service and Execution of Process Amendment Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC 39	<i>Matrimonial Property</i>	16 Sep 1987	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC 38	<i>Evidence</i>	5 Jun 1987	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW)</i>	SUBSTANTIAL
ALRC 37	<i>Spent Convictions</i>	3 Jun 1987	<i>Crimes Legislation Amendment Act 1989 (Cth); Human Rights and Equal Opportunity Commission Regulations (Cth); Model Spent Convictions Bill (Cth)</i>	SUBSTANTIAL (See Appendix F)
ALRC 36	<i>Debt Recovery and Insolvency</i>	21 Oct 1987	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); Magistrates Court (Enforcement of Judgments) Act 1994 (ACT); Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC 35	<i>Contempt</i>	3 Jun 1987	<i>Family Law Amendment Act 1989 (Cth)</i>	PARTIAL
ALRC 33	<i>Civil Admiralty Jurisdiction</i>	2 Dec 1986	<i>Admiralty Act 1988 (Cth)</i>	SUBSTANTIAL
ALRC 32	<i>Community Law Reform for the ACT: 2nd Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework</i>	23 Oct 1986	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act (No 2) 1991 (ACT)</i>	SUBSTANTIAL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i>	12 Jun 1986	<i>Crimes and Other Legislation Amendment Act 1994 (Cth)</i> [Investigation Procedures]; <i>Evidence Act 1995 (Cth)</i> [Interpreters and interrogation]; <i>Safety and Rehabilitation and Compensation Act 1988 (Cth)</i> s 4 [Customary marriage recognition]; Adoption legislation in NSW, NT, SA, Vic; <i>De Facto Relationships Act 1984 (NSW)</i> ; <i>Administration and Probate Act 1979 (NT)</i> ; <i>Family Provision Act 1970 (NT)</i> ; Child Placement Principle—see child welfare laws in each state and territory; <i>Native Title Act 1993 (Cth)</i> [fishing, hunting, and gathering rights]	PARTIAL
ALRC 30	<i>Domestic Violence</i>	20 Mar 1986	<i>Domestic Violence Amendment Act 1991 (ACT)</i> ; <i>Domestic Violence Act 1986 (ACT)</i>	SUBSTANTIAL
ALRC 28	<i>Community Law Reform for the ACT: 1st Report—Contributory Negligence in Fatal Accident Cases and Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases</i>	29 Nov 1985	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i> ; <i>Compensation (Fatal Injuries) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 27	<i>Standing in Public Interest Litigation</i>	29 Nov 1985	See ALRC 78	NIL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 26 (Interim)	<i>Evidence</i>	21 Aug 1985	See ALRC 38	SUBSTANTIAL
ALRC 24	<i>Foreign State Immunity</i>	10 Oct 1984	<i>Foreign States Immunities Act 1985 (Cth)</i>	SUBSTANTIAL
ALRC 22	<i>Privacy</i>	14 Dec 1983	<i>Privacy Act 1988 (Cth); Telecommunications (Interception) Amendment Act 1987 (Cth)</i>	SUBSTANTIAL
ALRC 20	<i>Insurance Contracts</i>	16 Dec 1982	<i>Insurance Contracts Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC 18	<i>Child Welfare</i>	12 Nov 1981	<i>Children's Services Act 1988 (ACT)</i>	SUBSTANTIAL
ALRC 16	<i>Insurance Agents and Brokers</i>	11 Sep 1980	<i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC 15 (Interim)	<i>Sentencing of Federal Offenders</i>	21 May 1980	<i>Crimes Amendment Act 1982 (Cth); Crimes Compensation Act 1982 (NT); Criminal Injuries Compensation Act 1983 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 14	<i>Lands Acquisition and Compensation</i>	22 Apr 1980	<i>Lands Acquisition Act 1989 (Cth); Lands Acquisition Act 1978 (NT)</i>	SUBSTANTIAL
ALRC 12	<i>Privacy and the Census</i>	15 Nov 1979	<i>Census and Statistics Amendment Act 1981 (Cth)</i>	SUBSTANTIAL
ALRC 11	<i>Unfair Publication: Defamation and Privacy</i>	7 Jun 1979		NIL

Table 17: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC 9	<i>Complaints against Police (Supplementary Report)</i>	9 Jun 1978	See ALRC 1	SUBSTANTIAL
ALRC 7	<i>Human Tissue Transplants</i>	21 Sep 1977	<i>Transplantation and Anatomy Act 1978 (ACT)</i> [legislation based on the report has been enacted in all states and territories]	SUBSTANTIAL
ALRC 6	<i>Insolvency: The Regular Payment of Debts</i>	4 Nov 1977	<i>Bankruptcy Amendment Act 1996 (Cth)</i> ; <i>Bankruptcy Amendment Act 1980 (Cth)</i>	SUBSTANTIAL
ALRC 4	<i>Alcohol, Drugs and Driving</i>	23 Sep 1976	<i>Motor Traffic (Alcohol and Drugs) Act 1977 (ACT)</i>	SUBSTANTIAL
ALRC 2	<i>Criminal Investigation</i>	8 Nov 1975	<i>Defence Force (Discipline) Act 1984 (Cth)</i> ; <i>Crimes (Investigation of Commonwealth Offences) Act 1991 (Cth)</i> ; <i>Crimes Amendment (Forensic Procedures) Act 1998 (Cth)</i> . See also <i>Police Administration Act 1978 (NT)</i>	SUBSTANTIAL
ALRC 1	<i>Complaints against Police</i>	7 Aug 1975	<i>Complaints (Australian Federal Police) Act 1981 (Cth)</i> . See also <i>Police (Allegations of Misconduct) Act 1977 (NSW)</i> ; <i>Police Administration Act 1979 (NT)</i>	SUBSTANTIAL

Appendix H: Citations of ALRC Reports in Major Court Decisions

Table 18: Citations of ALRC Reports in Major Court Decisions

<p><i>Same Crime, Same Time</i> (Report 103, 2006)</p>	<ul style="list-style-type: none"> • <i>Hawkins v Hawkins</i> (2009) 3 ACTLR 210 (Supreme Court of the ACT) • <i>Bryce v Chief Executive Officer of Customs (No 2)</i> [2010] QSC 125 (Supreme Court of Qld) • <i>Bertilone v The Queen</i> (2009) 231 FLR 383 (Court of Appeal of Western Australia)
<p><i>Uniform Evidence Law</i> (Report 102, 2005)</p>	<ul style="list-style-type: none"> • <i>Australian Competition and Consumer Commission v Pratt (No 3)</i> (2009) 175 FLR 558 (Federal Court of Australia) • <i>DPP v McRae</i> [2010] VSC 114 (Supreme Court of Victoria)
<p><i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (Report 96, 2003)</p>	<ul style="list-style-type: none"> • <i>Brianna & Brianna</i> [2010] FamCAFC 97 (Full Court of the Family Court of Australia)
<p><i>Securing Compliance: Civil and Administrative Penalties in Australian Federal Regulation</i> (DP 65, 2002)</p>	<ul style="list-style-type: none"> • <i>Australian Securities & Investments Commission v Soust (No 2)</i> (2010) 78 SASR 1 (Federal Court of Australia) • <i>Australian Securities and Investments Commission v Citofresh International (No 3)</i> (2010) 77 ACSR 392 (Federal Court of Australia)
<p><i>Managing Justice: A Review of the Federal Civil Justice System</i> (Report 89, 2000)</p>	<ul style="list-style-type: none"> • <i>Aon Risk Services Australia Ltd v Australian National University</i> (2009) 239 CLR 175 (High Court of Australia) • <i>Agricultural & Rural Finance Pty Ltd v Atkinson</i> [2010] NSWSC 425 (Supreme Court of NSW) • <i>Bemert v Swallow</i> [2010] FamCAFC 100 (Full Court of the Family Court of Australia) • <i>Cordon Investments Pty Ltd v Lesdor Properties Pty Ltd</i> [2009] NSWSC 1370 (Supreme Court of NSW) • <i>Cleary Bros (Bombo) Pty Ltd v Waste Recycling and Processing Corporation</i> [2009] NSWSC 1248 (Supreme Court of NSW) • <i>Australian National Maritime Museum v VDM (WA) Pty Ltd</i> [2009] NSWSC 1037 (Supreme Court of NSW) • <i>Westpoint Management (in Liquidation) v QBE Insurance (Australia)</i> [2009] NSWSC 989 (Supreme Court of NSW)

Table 18: Citations of ALRC Reports in Major Court Decisions

<i>Seen and Heard: Priority for Children in the Legal Process</i> (Report 84, 1997)	<ul style="list-style-type: none"> • <i>R v J</i>, JA 105 SASR 563 (Supreme Court of SA)
<i>The Unrepresented Party</i> (BP 4, 1996)	<ul style="list-style-type: none"> • <i>Tey v City of Gosnells</i> [2010] WASC 96 (Supreme Court of WA)
<i>Designs</i> (Report 74, 1995)	<ul style="list-style-type: none"> • <i>Keller v LED Technologies Pty Ltd</i> [2010] FCAFC 55 (Full Court of the Federal Court of Australia) • <i>McClure v The Mayor and Councillors of the City of Stirling (No 3)</i> (2009) 170 LGERA 138 (Supreme Court of WA)
<i>Equality Before the Law: Justice for Women</i> (Report 69, 1994)	<ul style="list-style-type: none"> • <i>Kozarova v DEEWR</i> (2009) 234 FLR 304 (Federal Magistrates Court of Australia)
<i>Collective Investments: Other People's Money</i> (Report 65, 1993)	<ul style="list-style-type: none"> • <i>National Australia Bank Ltd v Norman</i> (2009) 180 FCR 243 (Full Court of the Federal Court of Australia) • <i>Brookfield Multiplex Ltd v International Litigation Funding Partners</i> (2009) 180 FCR 11 (Full Court of the Federal Court of Australia)
<i>General Insolvency Inquiry</i> (Report 45, 1988)	<ul style="list-style-type: none"> • <i>Lehman Brothers Holdings Inc v City of Swan</i> (2010) 265 ALR 1 • <i>Silvia v Fea Carbon Pty Ltd</i> [2010] 210 FCA 515 (Federal Court of Australia) • <i>Mijac Investments Pty Ltd v Graham (No 2)</i> (2009) 72 ACSR 684 (Federal Court of Australia) • <i>City of Swan v Lehman Brothers Australia Ltd</i> (2009) 179 FCR 243 (Full Court of the Federal Court of Australia) • <i>One Tel v Watson</i> [2009] NSWCA 282 (Court of Appeal of NSW) • <i>Boral Bricks v Davey</i> [2010] QSC 131 (Supreme Court of Qld)

Table 18: Citations of ALRC Reports in Major Court Decisions	
<i>Evidence</i> (Report 38, 1987)	<ul style="list-style-type: none"> • <i>Delaney v Delaney</i> [2009] FamCA 752 (Family Court of Australia) • <i>Donnell v Dovey</i> [2010] FamCAFC 15 (Full Court of the Family Court of Australia) • <i>Director of Public Prosecutions v Nair</i> [2009] ACTCA 17 (Court of Appeal of the ACT) • <i>Ying v Song</i> [2009] NSWSC 1344 (Supreme Court of NSW) • <i>Sheikholeslami v Tolcher</i> [2009] NSWSC 920 (Supreme Court of NSW) • <i>Habib v Nationwide News Pty Ltd</i> [2010] NSWCA 34 (Court of Appeal of NSW) • <i>LJW v R</i> [2010] NSWCCA 114 (Court of Criminal Appeal of NSW)
<i>Contempt</i> (Report 35, 1987)	<ul style="list-style-type: none"> • <i>Jacobova v Stein</i> [2009] FamCA 1105 • <i>R v Darmody</i> [2010] VSCA 41
<i>Civil admiralty jurisdiction</i> (Report 33, 1986)	<ul style="list-style-type: none"> • <i>Euroceanica (UK) Ltd v The Ship 'Gem of Safaga'</i> (2009) 182 FCR 1 • <i>EMAS Offshore Pte Ltd v The Ship 'APC Aussie 1'</i> (2009) 258 ALR 454 • <i>The Ship 'Gem of Safaga' v Euroceanica (UK) Ltd</i> (2010) 182 FCR 27 (Full Court of the Federal Court of Australia) • <i>CSL Australia Pty Limited v Formosa</i> [2009] NSWCA 363 (Court of Appeal of NSW)
<i>Community Law Reform for the Australian Capital Territory. Second Report: Loss of Consortium and Compensation for Loss of Capacity to Do Housework</i> (Report 32, 1986)	<ul style="list-style-type: none"> • <i>Becker v Queensland Investment Corporation and Bovis Lend Lease Pty Ltd</i> [2009] ACTSC 134 (Supreme Court of the ACT)
<i>The Recognition of Aboriginal Customary Laws</i> (Report 31, 1986)	<ul style="list-style-type: none"> • <i>R v Morgan</i> [2010] VSCA 15 (Court of Appeal of Victoria)

Table 18: Citations of ALRC Reports in Major Court Decisions

<p><i>Evidence (Interim)</i> (Report 26, 1985)</p>	<ul style="list-style-type: none"> • <i>Damiani v Damiani</i> [2010] FamCA 217 (Family Court of Australia) • <i>Whittaker v Child Support Registrar</i> (2010) 264 ALR 473 (Federal Court of Australia) • <i>Radisich v Molina</i> [2009] FMCA 1121 (Federal Magistrates Court of Australia) • <i>Director of Public Prosecutions v Nair</i> [2009] ACTCA 17 (Court of Appeal of the ACT) • <i>Re Brunoro</i> [2009] ACTSC 125 (Supreme Court of the ACT) • <i>R v JF</i> (2009) 237 FLR 142 (Supreme Court of the ACT) • <i>Ying v Song</i> [2009] NSWSC 1344 (Supreme Court of NSW) • <i>McGuirk v University of NSW</i> [2009] NSWSC 1058 (Supreme Court of NSW) • <i>Blomfield v Nationwide News Pty Ltd</i> [2009] NSWSC 977 (Supreme Court of NSW) • <i>Wilson and Partners Ltd v Nicholls</i> [2009] NSWSC 790 (Supreme Court of NSW) • <i>Tim Barr Pty Ltd v Narui Gold Coast Pty Ltd</i> (2009) 258 ALR 598 (Supreme Court of NSW) • <i>Jackson v Lithgow City Council</i> [2010] NSWCA 136 (Court of Appeal of NSW) • <i>Habib v Nationwide News Pty Ltd</i> [2010] NSWCA 34 (Court of Appeal of NSW) • <i>LJW v R</i> [2010] NSWCCA 114 (Court of Criminal Appeal of NSW) • <i>DPP v Williams (Ruling No 1)</i> [2010] VSC 34 (Supreme Court of Victoria) • <i>P v Tasmania</i> [2009] TASSC 81 (Supreme Court of Tasmania) • <i>Hinneberg v Brannaghan</i> [2009] VSC 356 (Supreme Court of Victoria)
<p><i>Foreign State Immunity</i> (Report 24, 1984)</p>	<ul style="list-style-type: none"> • <i>Australian Competition and Consumer Commission v P.T. Garuda Indonesia Ltd</i> [2010] FCA 551 (Federal Court of Australia)
<p><i>Insurance Contracts</i> (Report 20, 1982)</p>	<ul style="list-style-type: none"> • <i>Zurich Australian Insurance Ltd v Metals & Minerals Insurance</i> (2009) 240 CLR 391 (High Court of Australia) • <i>Nelson v Hollard Insurance Company Pty Ltd</i> [2010] NSWSC 199 (Supreme Court of NSW)
<p><i>Lands Acquisition and Compensation</i> (Report 14, 1980)</p>	<ul style="list-style-type: none"> • <i>Roads Corporation v Love</i> (2010) 173 LGERA 1 (Supreme Court of Victoria)

Appendix I: Public Presentations and Articles Written for External Publications

Public Presentations 2009–10

27 Jul 2009	President David Weisbrot participated in a meeting of the Steering Committee of the NCYLC/Mallesons Children's Law Awards, in Sydney.
30 Jul 2009	President David Weisbrot presented ' <i>Genetics in the Australian Workplace: GATTACA or a Fair Go?</i> ' at the Disability and Age Discrimination Law Reform Summit, in Sydney.
27 Aug 2009	Commissioner Rosalind Croucher presented ' <i>Statutory Wills</i> ', at the Heart Foundation Office, College Street, Sydney.
27–28 Aug 2009	Ms Carolyn Adams, Senior Legal Officer, presented ' <i>ALRC Review of Secrecy Laws</i> ', at the 5th Annual Public Sector In House Counsel Conference held in Canberra.
7 Sep 2009	President David Weisbrot presented a public seminar on ' <i>Human Genetics: translating research and public consultation into policy and law reform</i> ', at Charles Darwin University, in Darwin.
14 Sep 2009	Commissioner Les McCrimmon gave a presentation ' <i>Statutory Case of Action for a Serious Invasion of Privacy: Will the Truth be at Risk?</i> ' at Griffith University Faculty of Law Socio-legal Research Centre Seminar Series, in Brisbane.
25 Sep 2009	Commissioner Rosalind Croucher presented ' <i>The ALRC's preliminary approach of Family Violence Inquiry</i> ' to the Attorney-General's Department.
1 Oct 2009	Commissioner Rosalind Croucher attended the Family Violence Conference—Towards Best Practice and presented ' <i>Reducing Violence against Women and their Children—The ALRC's Project</i> ', in Brisbane. Ms Isabella Cosenza, Senior Legal Officer together with NSWLRC's Senior Legal Officers Ms Donna Hayward and Ms Nicole Abadee, also attended the conference.

16 Oct 2009	Ms Erin Mackay, Legal Officer gave a presentation ' <i>Indigenous Traditional Knowledge</i> ' at the 14th Biennial Copyright Law and Practice Symposium, hosted by the Australian Copyright Council and the Copyright Society of Australia.
31 Oct 2009	Presentation by President David Weisbrot ' <i>From Public Engagement to Public Policy: Competing Stakeholders and the Path to Law Reform</i> ', Conference on the Future of Public Participation, Banff, Canada.
12 & 13 Nov 2009	Commissioner Rosalind Croucher attended the Family Law Council Meeting in Canberra. Prof Croucher gave a report on the ALRC Family Violence Inquiry.
20 Nov 2009	President David Weisbrot gave a presentation at The Rule of Law in Australia Conference, ' <i>Reform and Review—who are the protectors of our rights and liberties and how well are they doing their job?</i> ' in Sydney.
23 Nov 2009	Commissioner Rosalind Croucher gave a report on the ALRC Family Violence Inquiry at the Family Law Forum hosted by Chief Justice Bryant in Melbourne.
4 Dec 2009	Acting President Rosalind Croucher gave a presentation on the Family Violence Inquiry at the Putting Safety First Forum, held in Brisbane and hosted by Central Queensland University.
11 Feb 2010	President Rosalind Croucher gave a Report about the Family Violence Inquiry to the Family Law Council via telephone link.
15 Feb 2010	President Rosalind Croucher and Research Manager Jonathan Dobinson appeared as witnesses via telephone conference to the Senate Finance and Public Administration Committee's public hearing for its Inquiry into the FOI and Information Commissioner Bills.

20–21 Apr 2010	President Rosalind Croucher gave a presentation at the Domestic Violence Court Assistance Network Queensland Conference (Brisbane) ' <i>Navigating the Maze—The ALRC's/NSWLRC's Family Violence Inquiry</i> '. Ms Sara Peel, Legal Officer also attended the conference.
10 May 2010	President Rosalind Croucher made a presentation on the Family Violence Inquiry to the New South Wales Legal Assistance Forum—Family Violence Forum (NLAf) at the NSW Law Society.
19 May 2010	Magistrate Anne Goldsbrough gave a presentation to the Victorian Government Family Violence Steering Group.
19–20 May 2010	President Rosalind Croucher and Ms Sara Peel, Legal Officer, attended the National Indigenous Family Violence Prevention Forum 2010 in Mackay Queensland, and the President led a Yarning Circle on the Family Violence Inquiry.
20 May 2010	President Rosalind Croucher gave the Occasional Address, University of Southern Queensland Graduation, held at Sydney Olympic Park, Sydney.
28 May 2010	Presentation by Ms Carolyn Adams, Senior Legal Officer, at the NSW Women's Refuge Movement State Conference, ' <i>ALRC/NSWLRC Family Violence Inquiry: Next Steps</i> ' in Sydney.

Articles written for other external publications

1. K Connors (Senior Legal Officer), 'Review of the *Royal Commissions Act*', *Law Institute Journal of Victoria*, July 2009.
2. B Alston (Senior Legal Officer), 'ALRC proposals to wind back federal secrecy laws', *Law Institute Journal of Victoria*, September 2009.
3. I Cosenza (Senior Legal Officer), 'The War at Home- re-assessing the rules of engagement and our legal armoury' *Reform*, Issue 94, December 2009.
4. J Chia (Legal Officer), 'Inquiring into Inquiries: the Review of the *Royal Commissions Act*', *Reform*, Issue 94, December 2009.

5. M Saloman (Intern), 'Testing the bounds of Secrecy: A better approach to protecting government information from unauthorised disclosures', *Reform*, Issue 94, December 2009.
6. J Dobinson (Research Manager), 'ALRC to develop national legal framework to tackle family violence', *Victorian Law Journal*, November 2009.
7. K Hoang (Legal Officer), 'Family Violence Improving Legal Frameworks', *Tasmanian Law Letter*, April 2010.
8. S Wynn (Executive Director), 'ALRC trials online consultation strategies for the Family Violence Inquiry', *Law Institute Journal of Victoria*, May 2010.
9. R Croucher (Commissioner), 'Delenda est Carthago! Sir Robert Richard Torrens and his Attack on the Evils of Conveyancing and Dependent land Titles: A Reflection on the Sesquicentenary of the Introduction of his Great Law Reforming Initiative', 11 (2) *Flinders Journal of Law Reform*, 197–262, September 2009.
10. R Croucher (Commissioner), 'Towards Uniform Succession Law in Australia', 83 *Australian Law Journal*, 728–751, November 2009.
11. R Croucher (Commissioner), 'Quirks and Curios: Rescued Footnotes in the History of Succession Law', 83 *Australian Law Journal*, 609–620, September 2009.
12. R Croucher (Commissioner), 'An interventionist, paternalistic jurisdiction'? The place of statutory wills in Australian succession law', 32(3) *University of New South Wales Law Journal*, 674–698, November 2009.
13. R Croucher (Commissioner), '150 years of Torrens—Too much, too little, too soon, too late?', 31 *Australian Bar Review*, 245–278, November 2009 (publication of the Forbes Lecture in Legal History for 2008).
14. R Croucher (Commissioner), *Appealing to the Future—Michael Kirby and his Legacy*. I Freckelton and H Selby (eds), Federation Press 2009, *Reform*, vol 94, 65–66, December 2009 (an abridged version of the review in (2009) *University of New South Wales Law Journal*).
15. R Croucher (Commissioner), *Appealing to the Future—Michael Kirby and his Legacy*. I Freckelton and H Selby (eds), Federation Press 2009, in (2009) 32 *University of New South Wales Law Journal* 1073–1081 (November).
16. R Croucher (Commissioner), 'Inspired Law Reform or Quick Fix? Or, 'Well, Mr Torrens, what do you reckon now?' A Reflection on Voluntary Transactions and Forgeries in the Torrens System', 30(2) *Adelaide Law Review* 291–327, December 2009.

Appendix J: ALRC Newsroom

Media Releases 2009–10

- ▲ ALRC/NSWLRC release Consultation Paper on Family Violence Reform (29 April 2010)
- ▲ ALRC reforms strike a blow to the old culture of secrecy (11 March 2010)
- ▲ ALRC recommends ‘two-tier’ plan for flexible, cost-effective public inquiries (4 February 2010)
- ▲ Magistrate Anne Goldsbrough appointed Part-time Commissioner, Australian Law Reform Commission (11 January 2010)
- ▲ Professor Rosalind Croucher appointed new ALRC President (15 December 2009)
- ▲ ALRC farewells ALRC President, Emeritus Professor David Weisbrot AM (30 November 2009)
- ▲ Government gives giant ‘tick’ to ALRC privacy recommendations (14 October 2009)
- ▲ Historic first meeting of the ALRC’s Indigenous Advisory Committee (15 September 2009)
- ▲ ALRC calls for greater flexibility, more options for Royal Commissions and other official inquiries (18 August 2009)
- ▲ ALRC to develop national legal framework to tackle family violence (24 July 2009)

ALRC in the News 2009–10

- ▲ ‘Class action against family violence laws’, *ABC News* (07 June 2010).
- ▲ ‘Cloud Computing: What does it mean for SMEs?’, *Openforum.com.au* (05 June 2010).
- ▲ ‘Time for government and business to act tough online’, *The Australian* (01 June 2010).
- ▲ ‘Drug secrecy law trumps FOI’, *Open and Shut* (01 June 2010).
- ▲ “‘Right to know’ about Campbell has Channel 7 making news”, *Open and Shut* (24 May 2010).
- ▲ ‘Misplaced privacy mars a worthwhile reform’, *The Australian* (26 March 2010).
- ▲ ‘Allan Kessing mulls tilt at politics’, *The Australian* (19 March 2010).
- ▲ ‘Labor drops terror hoax offence’, *The Age* (19 March 2010).
- ▲ ‘Praise for whistleblower protection proposals that deliver Dreyfus +’, *Open and Shut* (18 March 2010).
- ▲ ‘Mohamed Haneef bungle leads to changes in counter-terrorism laws’, *news.com.au* (18 March 2010).
- ▲ ‘A chance to tackle the culture of secrecy in government’, *The Punch* (16 March 2010).
- ▲ ‘Changes to secrecy laws good news for whistleblowers and freedom of expression’, *Radio Atticus* (podcast) (15 March 2010).

- ▲ 'ALRC tables recommendations for secrecy law shakeup', *Lawyers Weekly* (12 March 2010).
- ▲ 'Whistleblowing: push to shield PS', *The Canberra Times* (12 March 2010).
- ▲ 'Whistleblower law reform proposal tabled in Parliament', *news.com.au* (11 March 2010).
- ▲ 'ALRC on secrecy, calls for new balanced framework', *Open and Shut* (11 March 2010).
- ▲ 'Esprit de l'escalier: how blogs can help government agencies and public servants do their jobs better', *Club Troppo* (5 March 2010).
- ▲ 'Former ALRC President Emeritus Professor David Weisbrot recognised in NHMRC Excellence Awards', NHMRC Media Release (5 March 2010).
- ▲ 'Parliament outside the transparency and accountability loop', *Open and Shut* (24 February 2010).
- ▲ 'ALRC tells government how to do Commissions on the cheap', *Civil Liberties Australia* (7 February 2010).
- ▲ 'Expensive Royal Commissions to make way for new level of inquiry', *The New Lawyer* (5 February 2010).
- ▲ 'Senate Committee given food for thought on FOI Reform', *Open and Shut* (3 February 2010).
- ▲ 'US Studies Centre announces the appointment of former ALRC President, Emeritus Professor David Weisbrot AM, as Professor of Legal Policy, University of Sydney' (1 February 2010).
- ▲ 'ALRC renews data loss financial penalty call', *ComputerWorld* (15 January 2010).
- ▲ 'Exceptions to 30 year rule still rule', *Open and Shut* (7 January 2010).
- ▲ 'Should you notify customers of data breaches?', Review from Langes+ Lawyers (4 January 2010).
- ▲ 'Who is a journalist? Yes it will matter...', *Open and Shut* (22 December 2009).
- ▲ 'Project 15: ALRC Family Violence Consultation Project', Government 2.0 Taskforce blog (21 December 2009).
- ▲ 'Gov 2.0 Draft Report needs to toughen up', *Open and Shut* (14 December 2009).
- ▲ 'Fed Govt calls in Symantec for advice on draft data notification breach laws', *Computerworld* (11 December 2009).
- ▲ 'Law Reform Commissions—do we really need them?', *The Law Report, ABC Radio National* (8 December 2009).
- ▲ 'Federal Government still interested in examining private sector disclosure rules', *Open and Shut* (7 December 2009).
- ▲ 24 November 2009: 'Planned Changes To Credit Reporting', CreditCard Finder
- ▲ 'New powers for spooks snooping on the internet', *IT Wire* (17 November 2009).
- ▲ 'Greens object to underbaked network interception bill', *IT News* (17 November 2009).
- ▲ 'Confidence in a Digital Age', speech by Senator the Hon Joe Ludwig at the Australian Privacy Awards 2009 (16 November 2009).
- ▲ 'Champions of animal rights line up for Oscars', *Brisbane Times* (15 November 2009)

- ▲ 'Seeing right through you', *Sydney Morning Herald* (4 November 2009).
- ▲ 'There should be a law against it', *Open and Shut* (November 2009).
- ▲ 'Climate change a threat to coastal development', *ABC News* (26 October 2009).
- ▲ 'Business sighs of relief as reference to ALRC slips below the radar', *Open and Shut* (26 October 2009).
- ▲ 'NSW Govt backs industry fund model', *Money Management* (22 October 2009).
- ▲ 'Credit changes likely [in NZ]', *Otago Daily Times* (21 October 2009).
- ▲ 'Privacy study prompts public response', *PS News* (20 October 2009).
- ▲ 'Privacy legislation set to be overhauled', National Interest, *ABC Radio* (16 October 2009).
- ▲ 'A decision that is to everyone's credit', *The Age* (16 October 2009).
- ▲ 'Government adopts ALRC credit reporting recommendations', *The Sheet* (15 October 2009).
- ▲ 'Late bill payments to be recorded', *Sydney Morning Herald* (15 October 2009).
- ▲ 'Government to re-write Privacy Act', *The Australian* (14 October 2009).
- ▲ 'Rewrite of privacy law for 21st century', *Open and Shut* (14 October 2009).
- ▲ 'Feds: Privacy overhaul "technology neutral"', *IT Wire* (14 October 2009).
- ▲ 'Federal Government releases response to *Privacy Act* recommendations', *Computerworld* (14 October 2009).
- ▲ 'Privacy reform steps up a notch', *Lawyers Weekly* (13 October 2009).
- ▲ 'Electronic records create challenges: DNA', *The Australian* (3 October 2009).
- ▲ 'ALRC going for open source CMS website', *Computerworld* (2 October 2009).
- ▲ 'The Oz splashes out on whistleblower protection', *Open and Shut* (2 October 2009).
- ▲ 'The Australian Law Reform Commission has established an Aboriginal and Torres Strait Islander committee to assist in building stronger relationships with our community...', *Blackchat*, Koori Radio (24 September 2009).
- ▲ 'Success is in 2009 Queensland Rhodes Scholar's genes, Connections', Faculty of Business Economics & Law, University of Sydney (September 2009).
- ▲ 'Discussion Underway About Privacy Cause of Action', *Open and Shut* (21 August 2009).
- ▲ 'Invasion of Privacy Actions Get Mixed Receptions', *Lawyers Weekly* (20 August 2009).
- ▲ 'Finding the Right Balance After 9/11', *The Australian* (13 August 2009).
- ▲ 'Auditor General to shine some light on Parliament opacity', *Open and Shut* blog (13 August 2009).
- ▲ 'Crackdown on violence in the home', *The Age* (24 July 2009).
- ▲ 'Animal Justice', Australia Talks, *ABC Radio National* (21 July 2009).

Appendix K: Visitors to the ALRC during 2009–10.

Table 19: Visitors to the ALRC

<i>Date</i>	<i>Visitor</i>
28 June 2010	President, Professor Rosalind Croucher; Executive Director Sabina Wynn and Senior Legal Officer, Carolyn Adams, met with a delegation from the National Assembly of Vietnam to discuss the role of law reform bodies and the process of law reform in Australia.
13 May 2010	Mr Bruce Alston, Senior Legal Officer, met with Professor D'Arcy Holman, University of Western Australia, in relation to issues discussed in <i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (Report 96, 2003).
15 April 2010	The President hosted a visit by Professor Peter Butt and a delegation from the Malaysian Government. The visit was organised by Dr Paul Babie of the Adelaide University.
9 March 2010	President, Professor Rosalind Croucher, Executive Director Sabina Wynn, and Research Manager Jonathan Dobinson hosted a visit from the Vietnam Lawyer's Association (VLA). The VLA is a national organisation of legal professionals in Vietnam. The delegation consisted of ten lawyers and two staff members from the Australian Human Rights Commission and an interpreter. The delegation asked questions regarding the functions of the ALRC and the work we undertake.
2 Dec 2009	The ALRC met with eight members of the Kenyan Law Reform Commission.
30 Nov 2009	A farewell function was held for the President, Professor David Weisbrot and Commissioner Professor Les McCrimmon. The event was attended by past and present staff and guests including the Hon Michael Kirby AC CMG, Sir Laurence Street, the Hon Philip Ruddock, Ms Judith Fergin—US Consul General, and Chief Justice James Spigelman. A total of 80 people attended.
29 Oct 2009	Family Violence Inquiry held a meeting of an Expert Panel. The meeting ran from 4–7pm. Eight panel members attended the meeting along with members of the New South Wales Law Reform Commission.

Table 19: Visitors to the ALRC

13 Oct 2009	President, Professor David Weisbrot, Commissioner, Professor Les McCrimmon and Research Manager, Jonathan Dobinson hosted a visit by Mr Peter Kosmala, US Assistant Director of IAPP, The International Association of Privacy Professionals.
24 Sep 2009	The ALRC hosted the third and final Advisory Committee meeting for the Secrecy Inquiry.
19 Aug 2009	The ALRC hosted the inaugural Indigenous Advisory Committee meeting.
16 July 2009	The ALRC hosted the first Royal Commissions Advisory Committee meeting.
7 July 2009	The ALRC hosted an all staff meeting to celebrate NAIDOC week with Aboriginal Legal Service and Senior Legal Officer Mr Caleb Franklin and Zone Manager for Central South Eastern Zone, Mr Shawn Stubbings, who spoke about Aboriginal legal issues.

Glossary

ACT	Australian Capital Territory
AC	Companion of the Order of Australia Award
ALLA	Australian Law Librarians Association
ALRC	Australian Law Reform Commission
ALRC Act	<i>Australian Law Reform Commission Act 1996 (Cth)</i>
ALSA	Australian Law Students' Association
AM	Member of the Order of Australia Award
ANAO	Australian National Audit Office
ANU	Australian National University
AO	Order of Australia Award
ASCII	American Standard Code for Information Interchange. ASCII is a standard document coding system that can be opened by any computer. ASCII files have no formatting and provide people with a print disability with access to published information via computer
AustLII	Australian Legal Information Institute
AWAs	Australian Workplace Agreements
AUTC	Australian Universities Teaching Committee
BOM	Board of Management
CAC Act	<i>Commonwealth Authorities and Companies Act 1997 (Cth)</i>
CMG	Companion Order of St Michael and St George Award
CMS	Content Management System
COAG	Council of Australian Governments
CP	Consultation Paper published by the ALRC as part of their inquiry process. A Consultation Paper is a combination of Issues and Discussion Paper—asking questions and offering preliminary proposals.
Cth	Commonwealth of Australia
DP	Discussion Paper published by the ALRC as part of their inquiry process. A Discussion Paper usually contains draft proposals and seeks feedback from communities and stakeholders.
EEO	Equal Employment Opportunity
EEO Policy	ALRC's Equal Employment Opportunity Policy
EMS	Environmental Management System
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ESD	Ecologically Sustainable Development

FLC	Family Law Council
FMA Act	<i>Financial Management and Accountability Act 1997</i> (Cth)
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1982</i> (Cth)
GST	Goods and Services Tax
HSMAS	Health and Safety Management Arrangements
HTML	HyperText Markup Language. The coded format used to create documents on the World Wide Web and control how web pages appear
IAC	Indigenous Advisory Committee
IP	Issue Papers released by the ALRC as part of the inquiry process. Issues Papers assist the research phase of an inquiry.
IPAA	Institute of Public Administration Australia
KPI	Key Performance Indicators
LADD	Libraries Australia Document Delivery
OH&S	Occupational health and safety
OH&SCC	Occupational Health and Safety Consultative Committee
MIA Act	<i>Marine Insurance Act 1909</i> (Cth)
MP	Member of Parliament
NAA	National Archives of Australia
NAIDOC	NAIDOC originally stood for 'National Aborigines and Islanders Day Observance Committee'. This committee was once responsible for organising national activities during NAIDOC Week and its acronym has since become the name of the week itself.
NHMRC	National Health and Medical Research Council
NLAF	New South Wales Legal Assistance Forum
NSW	New South Wales
NSWLRC	New South Wales Law Reform Commission
NT	Northern Territory
OBE	Order of the British Empire Award
OPC	Office of the Privacy Commissioner
PAES	Portfolio Additional Estimates Statements
PBS	Portfolio Budget Statement
PDF	Portable Document Format. PDF documents require (free) Adobe Acrobat Reader software. Some PDF documents create access difficulties for some users
PNG	Papua New Guinea
QC	Queen's Counsel

Qld	Queensland
QUT	Queensland University of Technology
RAP	Reconciliation Action Plan
RFD	Reserve Force Medal
RTF	Rich Text Format. RTF files are ASCII files with additional commands for formatting.
SA	South Australia
SC	Senior Counsel
SCAG	Standing Committee of Attorneys-General
SES	Senior Executive Service
Tas	Tasmania
UMelb	University of Melbourne
UNSW	University of New South Wales
USyd	University of Sydney
UWA	University of Western Australia
Vic	Victoria
WA	Western Australian
WCAG	Web Content Accessibility Guidelines

Index of Charts, Graphs, Figures and Tables

Graphs

Graph 1: Implementation Status of ALRC Reports as at 30 June 2010	26
Graph 2: Breakdown of Family Violence Inquiry Web Subscribers after first 4 Issues	42

Figures

Figure 1: Number and Location of Consultations 2009–10	34
--	----

Tables

Table 1: ALRC Publications 2009–10	13
Table 2: Program 1.1 Deliverables	16
Table 3: Program 1.1 Key Achievements 2009–10	25
Table 4: Media Articles 2009–10	30
Table 5: Distribution Figures for Reports and Papers 2009–10	32
Table 6: Number of Submissions Received 2009–10	33
Table 7: Program 1.2 Deliverables	35
Table 8: Program 1.2 Key Achievements 2009–10	40
Table 9: Members 2009–10	46
Table 10: Commissioner Attendance at BOM and Full Commission Meetings in 2009–10	52
Table 11: Staffing Profile, as at 30 June 2010	59
Table 12: ALRC Staff 2009–10	60
Table 13: Performance Rewards and Bonuses	62
Table 14: Commonwealth Disability Strategy	72
Table 15: ALRC Interns	104
Table 16: Submissions made by the ALRC to Other Inquiries	111
Table 17: Implementation Status of ALRC Reports	146
Table 18: Citations of ALRC Reports in Major Court Decisions	159
Table 19: Visitors to the ALRC	170

Compliance Index

The ALRC Annual Report is prepared in accordance with the requirements for Annual Reports approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the *Public Service Act 1999* (Cth).

	Letter of transmittal	Mandatory	iii
	Table of contents	Mandatory	1
	Alphabetical index	Mandatory	180
	Compliance index	Mandatory	176
	Glossary	Mandatory	172
	Contact officer(s)	Mandatory	ii
	Internet home page address and Internet address for report	Mandatory	ii
Overview	Review by departmental secretary— Overview of President	Mandatory	2
	Summary of significant issues and developments	Suggested	12
	Overview of department's performance and financial results	Suggested	14
	Outlook for following year	Suggested	57
	Significant issues and developments— portfolio	Portfolio departments— suggested	Not Applicable
	Overview description	Mandatory	11
	Role and functions	Mandatory	11
	Organisational structure	Mandatory	10
	Outcome and program structure	Mandatory	14
	Where outcome and output structures differ from PBS format, details of variation and reasons for change	Mandatory	No difference
	Portfolio structure	Portfolio departments— mandatory	Not Applicable
Report on Performance	Review of performance during the year in relation to outputs and contribution to outcomes	Mandatory	15
	Actual performance in relation to performance targets set out in PBS/ PAES	Mandatory	16
	Performance of purchaser/ provider arrangements	If applicable, mandatory	Not applicable

	Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	Mandatory	25
	Narrative discussion and analysis of performance	Mandatory	25
	Trend information	Mandatory	57
	Factors, events or trends influencing departmental performance	Suggested	Not applicable
	Significant changes in nature of principal functions/ services	Suggested	None anticipated
	Performance against service charter customer service standards, complaints data, and the department's response to complaints	If applicable, mandatory	No service charter
	Social justice and equity impacts	Suggested	Not applicable
	Discussion and analysis of the department's financial performance	Mandatory	69
	Discussion of any significant changes from the prior year or from budget.	Suggested	57
	Agency resource statement and summary resource tables by outcomes	Mandatory	135
	Developments since the end of the financial year that have affected or may significantly affect the department's operations or financial results in future	If applicable, mandatory	Nothing to report
Corporate Governance	Statement of the main corporate governance practices in place	Mandatory	44
	Names of the senior executive and their responsibilities	Suggested	46
	Senior management committees and their roles	Suggested	52
	Corporate and operational planning and associated performance reporting and review	Suggested	123
	Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risks	Suggested	56

	Agency heads are required to certify that their agency complies with the Commonwealth Fraud Control Guidelines.	Mandatory	56
	Policy and practices on the establishment and maintenance of appropriate ethical standards	Suggested	54
	How nature and amount of remuneration for SES officers is determined	Suggested	52
	Contribution of risk management in achieving outcome	Suggested	56
External Scrutiny	Significant developments in external scrutiny	Mandatory	58
	Judicial decisions and decisions of administrative tribunals	Mandatory	59
	Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	Mandatory	No reports
Management of Human Resources	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	Mandatory	59
	Workforce planning, staff turnover and retention	Suggested	61
	Impact and features of collective agreements, determinations, common law contracts and AWAs	Suggested	61
	Training and development undertaken and its impact	Suggested	62
	Occupational health and safety performance	Suggested	64
	Productivity gains	Suggested	Not reported
	Statistics on staffing	Mandatory	59
	Collective agreements, determinations, common law contracts and AWAs	Mandatory	61
	Performance pay	Mandatory	62
Assets management	Assessment of effectiveness of assets management	If applicable, mandatory	Not applicable
Purchasing	Assessment of purchasing against core policies and principles	Mandatory	67

Consultants	The number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST).	Mandatory	68
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	Mandatory	None to report
Exempt contracts	Contracts exempt from the AusTender	Mandatory	67
Commonwealth Disability Strategy	Report on performance in implementing the Commonwealth Disability Strategy	Mandatory	72
Financial Statements	Financial Statements	Mandatory	75
Other Information	Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i> (Cth))	Mandatory	64
	Freedom of Information (subsection 8(1) of the <i>Freedom of Information Act 1982</i> (Cth))	Mandatory	71
	Advertising and Market Research (Section 311A of the <i>Commonwealth Electoral Act 1918</i> (Cth))	Mandatory	68
	Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth))	Mandatory	69
Other	Grant programs	Mandatory	Not applicable
	Correction of material errors in previous annual report	If applicable, mandatory	None to report

Alphabetical Index

A

Advisory Committees, 133–134
Advertising and market research, 68
Agency Resource Statement, 135
ALRC Act, 8, 11, 15, 44, 46, 52, 57, 58, 59, 172
Anticipated Developments, 12
see also Significant Developments
Attorney-General, iii, 46
Audit Committee, 53
Audit Report, 53, 75–76

B

Board of Management, 52
Blog, 108

C

CAC Act, 8, 13, 45, 53, 58, 172
Citations, 159–162
Collective Agreement, 58, 61, 62
Collier, Justice Berna, 46, 48, 52, 53
Compliance index, 176–179
Conflict of Interest, 57
Consultancies, 68
Consultations, 4, 34
Consultation documents, 31–32
Contributions to external inquiries, 110–112
Corporate Plan, 57, 123–125
Corporate Governance, 44
Corporate Governance Framework, 45
Croucher, Prof Rosalind, iii, 2, 12, 19, 21, 22, 23, 30, 38, 46, 47, 52, 57, 58, 61, 76, 118, 163, 164, 165, 166,

D

Davis, Ian, 6, 113–116
Disability strategy, 72–74
Discovery Inquiry, 12, 24, 131
Divisions of the ALRC, 52

E

Ecologically sustainable development, 69
Employment conditions, 61
E-newsletters, 42–43

Environmental Management System, 69–71
Equal Employment Opportunity, 63–64
Ethics, 54–55
Expert Readers, 134
External Inquiries, 110–112
External publications
External scrutiny and controls, 58

F

Family Violence Inquiry, 3, 21–24, 42, 107–109, 129, 134
Family Violence Inquiry Blog, 108
Farewells:
 McCrimmon, Les, 49
 Weisbrot, David, 50–51
Financial performance summary, 68–69
Financial statements, 75–101
FMA Act, 8, 13, 58, 173
Fraud control, 56
Freedom of information statement, 71–72
Full Commission meetings, 52

G

Glossary, 172–174
Goldsbrough, Anne, 4, 12, 46, 48, 52
Governance, 13, 45, 46
Government 2.0, 105–109

H

Highlights, 12–13
Human Resource Management, 59

I

Implementation of reports, 25–28, 137–158
Indemnities and insurance, 57
Index of tables and graphs, 175
Indigenous Advisory Committee, 5, 12, 117–121, 134
Inquiries, 16–24
see also External Inquiries
Internship program, 37, 40, 103–104

J

Judicial & tribunal decisions, 59

K

Kenny, Justice Susan, 46, 47, 52
Kirby Cup Law Reform Competition, 37–38
KPIs, 14, 25, 40, 124–125

M

McCrimmon, Prof Les, 3, 5, 12, 49
Media, 29, 41, 167–169
Members, 12, 46–48
Michael Kirby Library, 65–66
Ministerial Powers, 46

N

Newsroom, 167

O

Occupational health and safety, 64–65
Ombudsman, 59
 see also External scrutiny
Online forums, 22, 35, 41–43, 107–108
Organisational structure, 10
Outcome and Performance Report, 15
Outcome and Program Structure, 14
Outcome Statement,

P

Parliamentary inquiries, 58
 see also External scrutiny
Performance Report, 15
Policies, 53–54, 126
Presentations and information sessions, 38, 163–165
President's overview, 3–9
Program 1.1, 15, 16, 25, 123–125
Program 1.2, 15, 35, 123–125
Publications, 13
 distribution, 31–32
 external publications, 165–166
 see also Implementation
Public debate, 29–30
Purchasing Policy, 67

R

Reconciliation Action Plan, 117–121
Reform (ALRC journal), 36–37, 40

Remuneration, 52
Risk management, 56
Role and functions of the ALRC, 11
Royal Commissions Inquiry, 19–20, 128, 133

S

Secrecy Inquiry, 17–19, 127, 133
Senate Estimates Committee, 58
Significant Developments, 57–58
 see also Anticipated Developments
Significant Events, 12
Special Advisors, 134
Staff, 59–60
Staff development, 52–53
Stakeholders, 15
Statement of Governance, 46
Submissions to ALRC, 33

T

Terms of reference, 127–132
Transmittal letter, iii
Trends, 57–58
Twitter, 105–106

U

Uhrig Review, 13, 58

V

Vision statement, iv, 123
Visitors to the ALRC, 170–171
 see also Institutional visits

W

Web 2.0, 105
Website, 12, 35, 41–43, 105
Weisbrot, Prof David, 3, 5, 12, 50–57
Work/life balance, 64

