



Australian Government

Australian Law Reform Commission

# ALRC

## 2011–12

REPORT 119

# 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](mailto:info@alrc.gov.au)  
Web: [www.alrc.gov.au](http://www.alrc.gov.au)

This report is also accessible online at: [www.alrc.gov.au/about/annual-reports](http://www.alrc.gov.au/about/annual-reports)

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**Australian Government**  
**Australian Law Reform Commission**

**Professor Rosalind Croucher**  
**President**

The Honourable Nicola Roxon MP  
Attorney-General  
Parliament House  
Canberra ACT 2600

28 September 2012

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 2011 to 30 June 2012.

This report has been prepared in accordance with Part 8, s 57 of the *Financial Management and Accountability Act 1997* (Cth) and ss 63(2) and 70(2) of the *Public Service Act 1999* (Cth).

Yours sincerely

A handwritten signature in black ink, reading 'Rosalind Croucher'.

Australian Law Reform Commission  
Level 40, MLC Centre, 19 Martin Place  
Sydney NSW 2000

*Tel* (02) 8238 6333  
*Fax* (02) 8238 6363

*Postal Address:*  
GPO Box 3708  
Sydney NSW 2001

*Web* [www.alrc.gov.au](http://www.alrc.gov.au)  
*Email* [rosalind.croucher@alrc.gov.au](mailto:rosalind.croucher@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.



**‘Law reform commissions—really good ones—are independent bodies and able to reflect fully, consult extensively, analyse deeply and recommend powerfully.’**

*Professor Rosalind Croucher.*



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# President's overview



ALRC President, Professor Rosalind Croucher



It gives me great pleasure to present the ALRC's Annual Report for 2011–12, a highly productive year in which we completed two inquiries—Commonwealth Laws and Family Violence and Censorship and Classification—and began work on two new inquiries, one looking into copyright laws and the digital economy and the other examining the legal barriers to mature age persons participating in the workforce and other productive work.

In our most recent inquiries, the ALRC has been asked to look far into the future, and ensure our laws will be flexible enough to respond to situations yet to be envisaged. Australia's population is ageing rapidly. By 2044–45 almost one in four Australians will be aged 65 years or older and this will have a significant implication for Australia's economy with the need to encourage people to stay at work for as long as they are able and willing. The ALRC has been asked to ensure that Australia's laws and legal frameworks support such participation while balancing the need for people to exercise choice and to be independent. Another challenge is that of the unfolding digital environment and this has been a focus for two other of our inquiries—how to ensure that Australia's laws stay relevant and responsive to the changing needs of the Australian community and continue to provide system integrity and fairness, while encouraging Australia's digital economy and innovation.

In undertaking these challenging inquiries, I am confident that the ALRC's time-tested methodology—anchored in community consultation—its independence from government and sectional interests alike, and its high calibre research and analysis, will ensure that we are well and truly up to the task. The ALRC's work will facilitate an informed government response to the challenges of this new and unfolding environment and will help to ensure that our legal system can respond appropriately and effectively.

ALRC engagement with the community has continued to be a hallmark of our inquiry process and to provide us with the evidence base on which our research relies. During this time, we have produced three consultation papers and two reports, have conducted 157 consultations and received over 2,400 submissions representing a very strong record of community engagement and participation to meet the government's law reform agenda. We have continued to develop our e-communications and have produced 29 inquiry e-newsletters, and 4 podcasts along with conducting inquiry blogs and forums to encourage a broader community engagement.

On 8 February, the Attorney-General, the Hon Nicola Roxon MP, launched our report *Family Violence and Commonwealth Laws—Improving Legal Frameworks* (ALRC Report 117, 2012). This inquiry followed our prior Family Violence inquiry amounting to a major contribution to the Australian Government's agenda to provide greater protection to the victims of family violence. In this second inquiry we were asked to focus on the treatment of family violence in Commonwealth laws and to identify what

improvements could be made to relevant legal frameworks to protect the safety of those experiencing family violence. Specifically, the ALRC was asked to look at child support and family assistance law, immigration law, employment law, social security law and superannuation law and privacy provisions.

The report makes 102 recommendations for reform that, if implemented, will ensure: greater consistency in understanding and application of the law; better identification of, and responses to, the disclosure of family violence; appropriate education and training for decision makers leading to greater consistency and fairness in decision-making of family violence claims; a greater sense of self-agency for those experiencing family violence; and that ultimately, the safety—physical, economic and financial—of people experiencing family violence will be improved.

Our second report, completed in 2011–12, was *Classification—Content Regulation and Convergent Media* (ALRC Report 118, 2012), for the Censorship and Classification inquiry. This inquiry required us to look at: existing Commonwealth, state and territory classification laws and their adequacy in the face of rapid technological change; the desirability of a strong content and distribution industry in Australia as part of the digital economy; and community expectations about classification and in particular the effect of media on children. Drawing on more than 2,300 submissions and 39 consultations, the ALRC heard loud and clear that the current classification system is poorly equipped to deal with the challenges of media convergence, and no longer fits with how people are consuming media content. The case for reform was strong and the report makes 57 recommendations in response to the needs of the new media landscape with the proposed introduction of a new National Classification Scheme to regulate the classification of media content based on a new Act, the Classification of Media Content Act.

With the completion of this inquiry in February, the ALRC farewelled Professor Terry Flew who had been appointed for one year as a Commissioner to oversee the inquiry. Professor Flew's considerable knowledge of the area of new media policy and practice greatly assisted the ALRC in this inquiry and in deciding the final recommendations of the report. Professor Flew has now returned to his position as Professor of Media and Communication, Creative Industries Faculty, Queensland University of Technology. I want to record our sincere appreciation for his considerable input into the work of the ALRC—work that was also recognised by Queensland University of Technology, awarding Professor Flew a Vice-Chancellor's award for leadership in 2012.

Two new Commissioners have been appointed to the ALRC to contribute to our current inquiries. In February, the Attorney-General, the Hon Nicola Roxon MP, appointed the Hon Susan Ryan AO and Professor Jill McKeough. Commissioner Ryan's appointment follows her appointment as Australia's first Age Discrimination Commissioner on 30 July 2011. It is indeed an honour to have Susan Ryan join the ALRC in a part-time capacity for the ALRC Age Barriers inquiry and I am delighted

that, as I lead this inquiry, I will be able to call on her long-term experience and extensive knowledge in this area.

Professor Jill McKeough has taken leave from her position as Dean of Law at the University of Technology, Sydney to take up her role as ALRC Commissioner for the Copyright inquiry. Professor McKeough is a highly regarded academic, researcher and writer with a special focus on intellectual property—including copyright, designs, patents, trade marks, confidential information, biotechnology and indigenous cultural heritage, and has published many articles and books in this area. This inquiry requires the ALRC to consult widely on controversial areas of copyright law in the digital environment and to suggest strategies for improvement. Professor McKeough's in-depth knowledge will be invaluable in helping the ALRC traverse this complex and controversial area of law.

Our two long standing part-time Commissioners, Justice Berna Collier and Justice Susan Kenny have continued to participate in all ALRC inquiries and more broadly to the governance of the ALRC, particularly important as we have transitioned to the *Financial Management and Accountability Act 1997*. Their ongoing advice, guidance and support have been greatly appreciated.

One of the important messages that the ALRC communicated through the 2011 Senate inquiry into the ALRC was the enduring nature of law reform and the fact that law reform does not happen overnight but can often take years for recommendations to be implemented. The ALRC consistently tracks the implementation of our reports and I am extremely pleased that this year has seen some significant implementation of recommendations from our Privacy report (2008), our Family Violence report (2010) and our Gene Patents report (2004). Further examples of implementation are listed in the appendices of this report and provide evidence of the quality and relevance of the ALRC's work.

I am delighted that the ALRC has once again been honoured in the Institute of Public Administration Australia (IPAA) Annual Report Awards, winning a Bronze Award for a CAC agency, for our hard copy report for 2010–11. This is the third consecutive year that we have been selected for an award and I am extremely proud that the ALRC's commitment to accountability and transparency continues to be recognised in this way. I want to especially thank our corporate team for their work in this regard.

The ALRC always starts any inquiry with an open mind, full of questions and in search of answers. I would like to take this opportunity to formally acknowledge and thank the many people from government departments and agencies, the legal profession, academia, the non government sector, industry and from the community—our stakeholders—who have contributed so much to ALRC inquiries, through consultations, through our Advisory Committees and expert panels and by taking the time to give us their submissions. The quality of the work of the ALRC is

a testament to this contribution and helps to ensure that our proposals are sensible, achievable, and that they strike the right balance between competing interests and perspectives, to deliver realisable reform to the Australian community.

I would also like to record my thanks to all the staff for their ongoing dedication to the work of the ALRC, for their professionalism, thoroughness, and hard work. I like to refer to the ALRC legal officers as like a team of elite athletes constantly developing the ALRC's intellectual capital in law reform. We are extremely lucky to have such a high performing legal research team.

I also want to acknowledge and thank our librarian superstar, Ms Carolyn Kearney, who retired this year, leaving the ALRC after 8 years of service to law reform—and to Australian law librarianship. Carolyn was a legal researcher and librarian par excellence, and it was her grasp of how the information age was developing online and her vision in sustaining and developing the ALRC's online resource library, that ensured that our legal teams always had, at their fingertips, the most up to date and relevant research resources available. Carolyn could find any article or journal, no matter how obscure, and played an integral role in our inquiry teams. She was also 'ahead of the game' on so many counts, spotting things the team hadn't even thought of yet. Carolyn's great wit, intelligence and humour also added a lively dimension to many ALRC activities. We will miss her greatly, but wish her a very deserved and exciting retirement.

The ALRC is also fortunate to be able to work with an excellent group of legal interns who participate in our voluntary legal internship program. This past year we have hosted 13 interns alongside another 3 international interns, and I thank them for their interest in the work of the ALRC and their enthusiasm for the processes of law reform.

This past year has been one of consolidation and affirmation of the ALRC's independent role in law reform. Looking forward, I expect the coming year will be another busy one for the ALRC with the Age Barriers inquiry due to report in March 2013 and the Copyright inquiry at the end of that year. It is important to note that the ALRC is only able to work on those inquiries referred to it by the Attorney-General and that the time taken by the ALRC to complete its reports is stipulated in the Terms of Reference that are issued at the time an inquiry is referred. What the next year holds for the ALRC is, therefore, in the hands of the Government.

I look forward to furthering the Government's law reform agenda, and will ensure that ALRC processes deliver reports that are independently informed, highly regarded and contribute to the Government's ability to make informed decisions in the areas we have reviewed.

Professor Rosalind Croucher

# Corporate overview

## Snapshot of 2011–12

### Appointments

- ▲ On 7 March 2012, the Hon Susan Ryan AO was appointed a part-time Commissioner for the ALRC inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work, until 31 March 2013.
- ▲ On 1 May 2012, Professor Jill McKeough was appointed as a full-time Commissioner for the inquiry into copyright and the digital economy, until 31 October 2013.

### Significant events

- ▲ On 7 February 2012 the report, *Family Violence and Commonwealth Laws—Improving Legal Frameworks* (ALRC Report 117) was tabled in Parliament.
- ▲ On 8 February 2012, the report *Family Violence and Commonwealth Laws—Improving Legal Frameworks* (ALRC Report 117), was launched at Parliament House by the Attorney-General, the Hon Nicola Roxon MP.
- ▲ On 1 March 2012, the report *Classification—Content Regulation and Convergent Media* (ALRC Report 118) was tabled in Parliament.
- ▲ On 12 March 2012, the ALRC received Terms of Reference for an inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work.
- ▲ On 29 June 2012, the ALRC received Terms of Reference for an inquiry into copyright and the digital economy.
- ▲ On 5 June 2012, the ALRC won a Bronze Award (CAC Agency) for its Annual Report at the Institute of Public Administration Australia (IPAA) Annual Report Awards.

## Publications

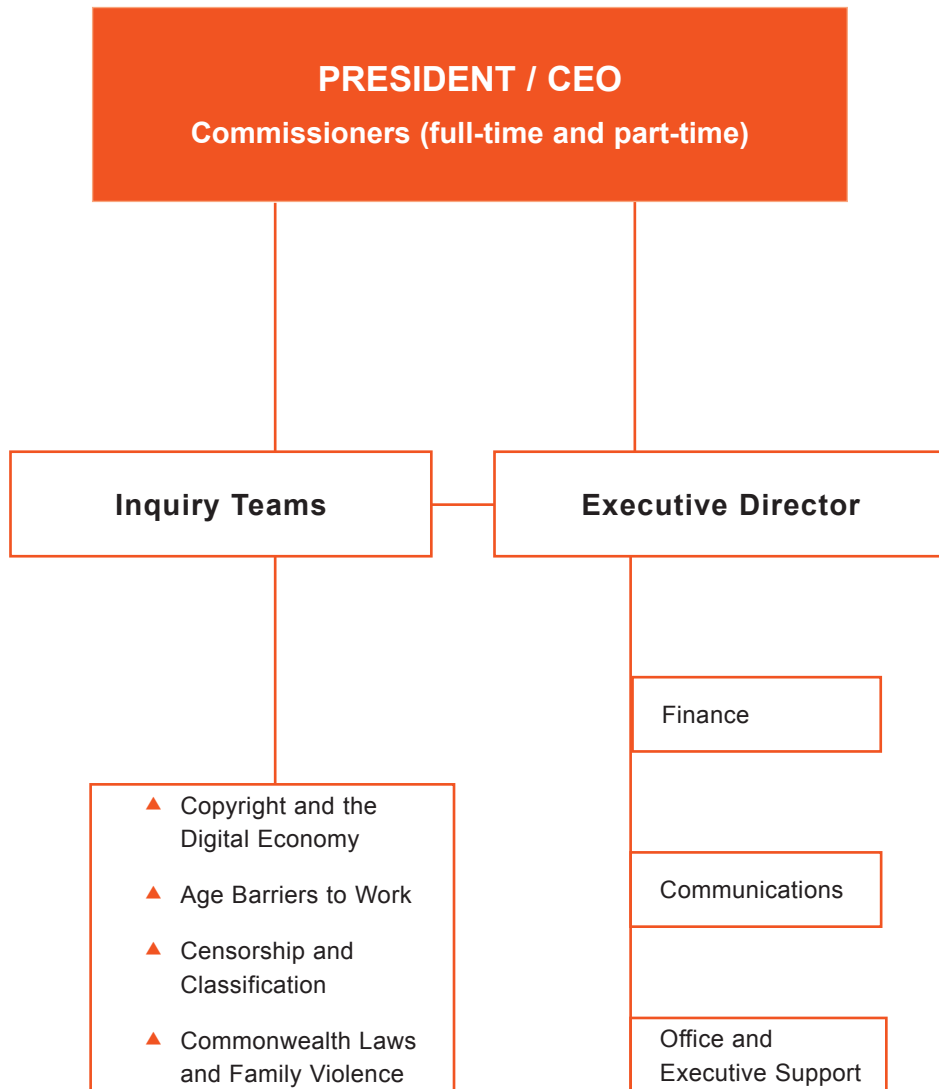
**Table 1: ALRC publications released 2011–12**

<i>Area</i>	<i>Publication title</i>	<i>Date of release</i>
Commonwealth Laws and Family Violence	<i>Commonwealth Laws and Family Violence</i> (DP 76)	18 August 2011
Censorship and Classification	<i>National Classification Scheme Review</i> (DP 77)	30 September 2011
Corporate	<i>Annual Report 2010–11</i> (ALRC Report 116)	14 October 2011
Commonwealth Laws and Family Violence	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117)	7 February 2012
Censorship and Classification	<i>Classification—Content Regulation and Convergent Media</i> (ALRC Report 118)	1 March 2012
Age Barriers to Work	<i>Grey Areas—Age Barriers to Work in Commonwealth Laws</i> (IP 41)	1 May 2012

## Performance

The ALRC has exceeded all performance indicators during 2011–12. Unique visitors and visits to our website have more than doubled during the period, as has the number of people following us on Twitter. The very significant increase in the number of submissions received and media mentions was due to the community's engagement with the Classification and Privacy inquiries, both of which have a high degree of resonance with the community at this time.

## ALRC organisational structure





## Role and functions of the ALRC

The ALRC is an independent statutory authority that operates under the *Australian Law Reform Commission Act 1996* (ALRC Act), the *Financial Management and Accountability Act 1997* and the *Public Service Act 1999*.

It is responsible to Parliament through the Attorney-General. The Minister responsible for the ALRC is the Attorney-General, the Hon Nicola Roxon MP.

The primary function of the ALRC, as set out in s 21 of the Australian Law Reform Commission 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 its recommendations.

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 Commission has made a tremendous contribution to the law reform of successive governments over the past 37 years. The quality and relevance of the Commission’s work continues today.’

*The Hon Nicola Roxon MP.*

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

# Report on performance

# Outcome and program structure

## 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

### Program 1

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

#### Deliverables

- ▲ Inquiries
- ▲ Reports
- ▲ Consultation meetings
- ▲ Consultation papers

#### Key performance indicators

- ▲ Implementation of reports
- ▲ Citations or references
- ▲ Submissions received
- ▲ Visitors to the website
- ▲ Presentations and speaking engagements
- ▲ Media mentions

# Outcome report

The Australian Law Reform Commission'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.

In delivering this outcome, the ALRC provides the government with evidence-based reports that outline recommendations for law reform to 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. In this way the ALRC contributes to the Attorney-General's mission—a just and secure society.

The ALRC has one program to achieve its outcome:

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 undertake the research and analysis that underpins recommendations for law reform and provides the basis for informed government decisions.

The ALRC typically has two inquiries in progress at any one time and, with staggered timetables, completes at least one inquiry each year.

As required by its Act, the ALRC has 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. As ALRC recommendations must represent international best practice, the ALRC also engages with other law reform and expert bodies internationally to share information and ideas and to benchmark ALRC practices and procedures.

ALRC staff speak at conferences, seminars and meetings of professional and community groups about the work of the ALRC, specific inquiries and law reform processes generally, and will engage in other consultative and educational activities relating to ALRC inquiry work.

Where the ALRC has made relevant recommendations or has acquired special expertise or experience, it also makes submissions to inquiries on law reform issues undertaken by other bodies, especially parliamentary Committees. Submissions to external inquiries are published on the ALRC website. See Appendix K.

## Program 1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform

The objective of this program is to produce a report for each inquiry that contains the evidence base—including research and analysis, community consultation and feedback—and recommendations that will assist the government to make informed decisions about the development, reform and harmonisation of Australian laws and related processes.

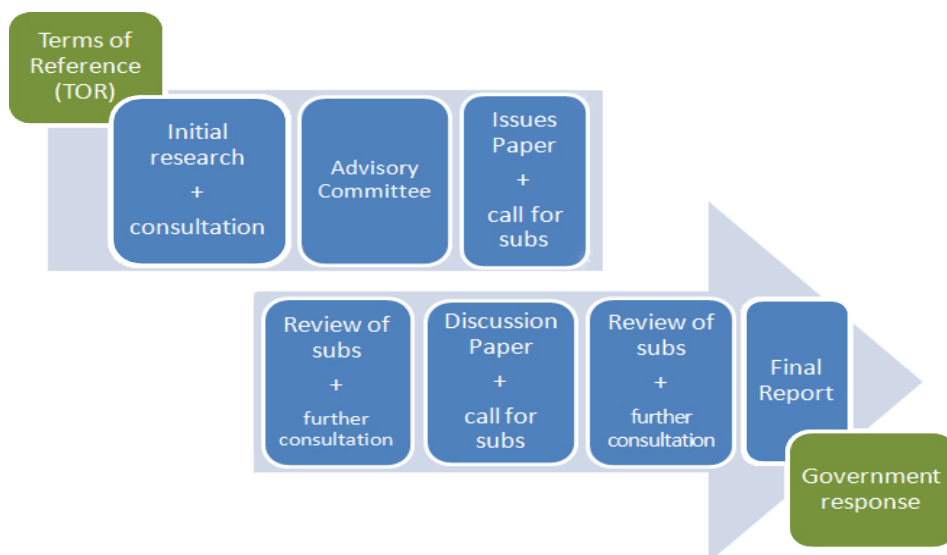
In undertaking this program during 2011–12, the ALRC has:

- ▲ conducted consultations with relevant stakeholders and experts interested in each area of law under review and reported on the consultation process;
- ▲ produced consultation documents for each inquiry;
- ▲ called for submissions in response to consultation documents, seeking information and responses to the questions and proposals, to inform final recommendations;
- ▲ provided online consultation and communication strategies to increase public awareness and access to ALRC activities; and
- ▲ presented at 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.

**Table 2: Program 1—Deliverables**

<b>Deliverables</b>	<b>2011–12 budget</b>	<b>2011–12 achieved</b>
Inquiries	2	4
Reports	2	2
Consultation meetings	80	157
Consultation papers	3	5

## The law reform process



The exact procedure for each law reform inquiry may differ according to its scope, the range of key stakeholders, the complexity of the laws under review, and the period of time allotted. However, the ALRC has a well-tested framework for developing recommendations for reform. This consists of receiving Terms of Reference, producing an issues paper, consulting stakeholders and receiving submissions, producing a discussion paper followed by further consultation and submissions and then producing a report. A full description of the ALRC law reform process is included in the Special Features section.

## Inquiries

During 2011–12, the ALRC has completed two inquiries and commenced work on another two.


### *Inquiry into family violence and Commonwealth laws*

On 9 July 2010, the ALRC received Terms of Reference for a review of the treatment of family violence in Commonwealth laws, including child support and family assistance law, immigration law, employment law, social security law, superannuation law and privacy provisions in relation to those experiencing family/ domestic violence and to report on what, if any, improvements could be made to relevant legal frameworks to protect the safety of those experiencing family/domestic violence. Terms of Reference in full are at Appendix C.



**‘Reducing all violence in our communities is a key priority for the Australian Government and ensuring the nation’s laws are compatible with this aim is crucial.’**

*The Hon Nicola Roxon  
MP.*



ALRC President, Professor Rosalind Croucher, led this inquiry, during which the ALRC conducted 110 consultations in two national rounds of stakeholder meetings, forums and roundtables, and received 160 submissions from a wide range of individuals and organisations. The ALRC published a series of issues papers on its website in March 2011, and released a discussion paper in August 2011. A number of Expert Roundtables on child support, employment, migration, social security and superannuation were held during the inquiry to assist the ALRC formulate the initial issues to be canvassed and to provide feedback on the proposals for reform. Members of the Expert Roundtables are at Appendix D.

The report, *Family Violence and Commonwealth Laws—Improving Legal Frameworks* (ALRC Report 117), was tabled in Parliament on 7 February 2012 and launched by the Attorney-General at Parliament House, Canberra on 8 February 2012.

The report contains 102 recommendations for reform of Commonwealth laws that affect people experiencing family violence. They are underpinned by seven principles that guided ALRC thinking and decision-making during the inquiry: seamless; fairness; accessibility; effectiveness; self-agency or autonomy; privacy; and system integrity.

The overall touchstone throughout the report and its recommendations is ‘improving safety’. In considering safety, the ALRC refers both to actual safety from harm and to financial security and independence, through mechanisms such as social security payments and entitlements, paid employment, and appropriate payments of child support. The net effect of the recommendations made by the ALRC would be to foster:

- ▲ consistency in understanding and application of the law as a result of the adoption of a common definition of family violence;
- ▲ appropriate education and training for decision makers leading to greater consistency and fairness in decision-making of family violence claims;
- ▲ better identification of, and responses to, the disclosure of family violence, including in service delivery areas;



**‘We are thrilled with [ ... ] the results of the Commission’s work towards answers for women and children seeking safety from violence. We commend your work and the legacy it will leave for future generations.’**

*Libby Lloyd, Chair, and Heather Nancarrow, Deputy-Chair, National Council to Reduce Violence against Women and their Children.*

- ▲ a greater sense of self-agency for those experiencing family violence by being provided information about family violence responses, and being able to act with confidence that such responses will be attentive to their needs; and
- ▲ improved safety—physical, economic and financial—of people experiencing family violence.

The ALRC is pleased there has already been some implementation of recommendations from this report. On 17 June 2012, the Minister for Immigration and Citizenship, Chris Bowen MP and the Minister for the Status of Women, Julie Collins MP, announced changes to Australia’s migration laws to help those experiencing family violence on provisional partner visas, as a partial response to the Commonwealth Family Violence report—in particular, recommendations 21–3 and 21–5.

Recommendation 21–3 stated that the *Migration Regulations 1994* should be amended to provide that an applicant can submit any form of evidence to support a non-judicially determined claim of family violence.

Recommendation 21–5 stated that the *Procedures Advice Manual 3 guidelines* (PAM) should be amended to provide that evidence other than from competent persons: may be relevant to a non-judicially determined claim of family violence; and is entitled to weight as is appropriate in the circumstances of the individual.

Implementation is scheduled for 24 November 2012. In the interim, the Department of Immigration and Citizenship (DIAC) will update policy guidelines to confirm that any evidence provided by applicants in addition to the required statutory declarations should be considered.

There has also been some implementation of recommendations from the ALRC’s first family violence report, *Family Violence—A National Legal Response* (ALRC Report 114, 2010). The *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* (the amending Act) has introduced two amendments to the *Family Law Act*—in particular, recommendations 6–4 and 17–1.

■  
**‘Australia needs a new classification scheme that applies consistent rules to media content on all platforms ... But the scheme also needs to be flexible, so it can adapt to new technologies and the challenges of media convergence.’**

*Professor Terry Flew.*

■

Recommendation 6–4 sets out a new and significantly broader definition of ‘family violence’ for the *Family Law Act*. The amending Act has introduced a revised definition of ‘family violence’ substantially consistent with the recommended definition.

Recommendation 17–1 stated that s 60CC(3)(k) of the *Family Law Act* should be amended. This section previously provided that courts must, in determining parenting matters, consider relevant final or contested family violence orders. The report recommended that the *Family Law Act* should instead require consideration of evidence provided, and findings made, in relevant family violence order proceedings.

The amending Act has amended s 60CC(3)(k) in line with this recommendation, providing that courts must consider ‘relevant inferences that may be drawn’ from family violence orders—not limited to final or contested orders. These changes to the *Family Law Act* came into effect on 7 June 2012. The remaining Family Violence report recommendations are under consideration by the Australian Government. More information about implementation of ALRC reports can be found at Appendix F.

### ***Inquiry into censorship and classification***

On 24 March 2011, the Attorney-General provided the ALRC with Terms of Reference for an inquiry into censorship and classification. The ALRC had previously conducted an inquiry into laws relating to classification and censorship in 1991, *Censorship Procedure* (ALRC Report 55). This new reference asked the ALRC to inquire into and report on the framework for the classification of media content in Australia, based on the *Classification (Publications, Films and Computer Games) Act 1995* and the *Broadcasting Services Act 1992*. Terms of Reference are at Appendix C.

On 21 April 2011, the Attorney-General announced the appointment of Professor Terry Flew as a full-time Commissioner for the Censorship and Classification inquiry. Professor Flew took leave from his position as Professor of Media and Communication in the Creative Industries Faculty at the Queensland University of Technology to oversee the inquiry.

**‘The ALRC has recommended a balanced approach, recognising that it is not practically possible in a digital age to classify everything. An effective scheme of content regulation must address this context.’**

*Professor Rosalind Croucher.*

On 20 May 2011, the ALRC released an issues paper, *National Classification Review* (IP 40), that provided an overview of the current classification system and an assessment of its strengths and weaknesses. It also discussed the important distinctions to be made between censorship and classification, and issues concerning what should be classified and who should do the classifying, in the context of rapid change in the media industries and media consumption patterns in a converging technological environment. Various options for revising the regulatory framework, including direct government regulation, co-regulation with industry, and industry self-regulation were also raised. The issues paper attracted more than 2,250 submissions—a record number for any ALRC inquiry.

On 30 September 2011, the ALRC released the *National Classification Scheme Review* discussion paper (DP 77). The discussion paper concluded that the existing classification framework was fragmented, approached content inconsistently across media platforms, and was confusing for industry and the wider community. The ALRC conducted a new series of consultations and received a further 78 submissions to the proposals contained in the discussion paper.

On 1 March 2012, the ALRC report *Classification—Content Regulation and Convergent Media* (ALRC Report 118) was tabled in Parliament. The report made 57 recommendations for a national classification scheme in the new media landscape. The key features of the proposed scheme are:

- ▲ Platform-neutral regulation with one set of laws establishing obligations to classify or restrict access to content across media platforms.
- ▲ Clear scope of what must be classified: feature films and television programs, as well as computer games likely to be MA 15+ or higher, that are both made and distributed on a commercial basis, and likely to have a significant Australian audience.
- ▲ A shift in regulatory focus to restricting access to adult content, by imposing new obligations on content providers to take reasonable steps to restrict access to adult content and to promote cyber-safety.

■

**‘A socially inclusive society is one in which everyone is valued and has the opportunity to participate fully in the life of our society, including participation in paid work where that is the person’s choice. To achieve such a society we must identify and remove the barriers to such participation, whether they be in our laws, or in the legal frameworks or procedures that surround those laws.’**

*The Hon Susan Ryan,  
Age Discrimination  
Commissioner.*

■

- ▲ Co-regulation and industry classification, with more industry classification of content and industry development of classification codes, but subject to regulatory oversight.
- ▲ Classification Board benchmarking and community standards, with a clear role for the Classification Board in making independent classification decisions that reflect community standards.
- ▲ An Australian Government scheme that replaces the current cooperative scheme with enforcement under Commonwealth law.
- ▲ A single regulator with primary responsibility for regulating the new scheme.

The ALRC recommendations acknowledge that there are a range of trends associated with media convergence that need to be factored into any new classification scheme, including increased access to high-speed broadband internet; digitisation; globalisation; accelerated innovation; the rise of user-created content and the changing nature of the media consumer; and the blurring of distinctions between public and private media consumption.

The Government is yet to respond to the report.

### ***Inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work***

Following a general announcement in February by the Attorney-General, the Hon Nicola Roxon MP, the ALRC received Terms of Reference on 12 March 2012 for an inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work.

Under the Terms of Reference, the ALRC was asked to identify any barriers in Commonwealth laws and propose reforms to address them, including in the areas of social security, superannuation, insurance, compensation and employment. Terms of Reference are at Appendix C.

On 7 February 2012, the Attorney-General announced the appointment of the Hon Susan Ryan AO, Age Discrimination Commissioner, as a part-time Commissioner for this inquiry. Ms Ryan is appointed until the conclusion of the inquiry on 31 March 2013.

The initiation of the ALRC inquiry forms part of the Australian Government response to population ageing and the Government's overarching objective to encourage longer workforce participation by mature aged people (those aged over 45 years).

On 1 May 2012, the ALRC released an issues paper, *Grey Areas—Age Barriers to Work in Commonwealth Laws* (IP 41), providing background information and highlighting the issues identified by the ALRC to date. The ALRC focused on limitations on participation; disincentives to participation (and incentives to leave); and incentives to remain in the workforce.

During the reporting period the ALRC has conducted 55 consultations and received 55 submissions.

The ALRC called for submissions in response to the questions contained in the issues paper, or to any of the background material and analysis provided. This community input helps inform the development of draft recommendations for reform to be included in the next consultation phase—the release of a discussion paper, planned for September 2012.

The report is due by 31 March 2013.

### ***Inquiry into copyright and the digital economy***

On 29 June 2012, the ALRC received Terms of Reference for an inquiry into copyright and the digital economy. The ALRC is to consider whether exceptions and statutory licences in the *Copyright Act 1968* are adequate and appropriate in the digital environment and whether further exceptions should be recommended.

The Attorney-General appointed Professor Jill McKeough as Commissioner in charge of the inquiry. Professor McKeough is a highly regarded academic, researcher and writer with a special focus on intellectual property—including copyright, designs, patents, trade marks, confidential information, biotechnology and indigenous cultural heritage.

The ALRC conducted 16 consultations during the reporting period, and will publish an issues paper in August 2012.

The report is due by 30 November 2013.

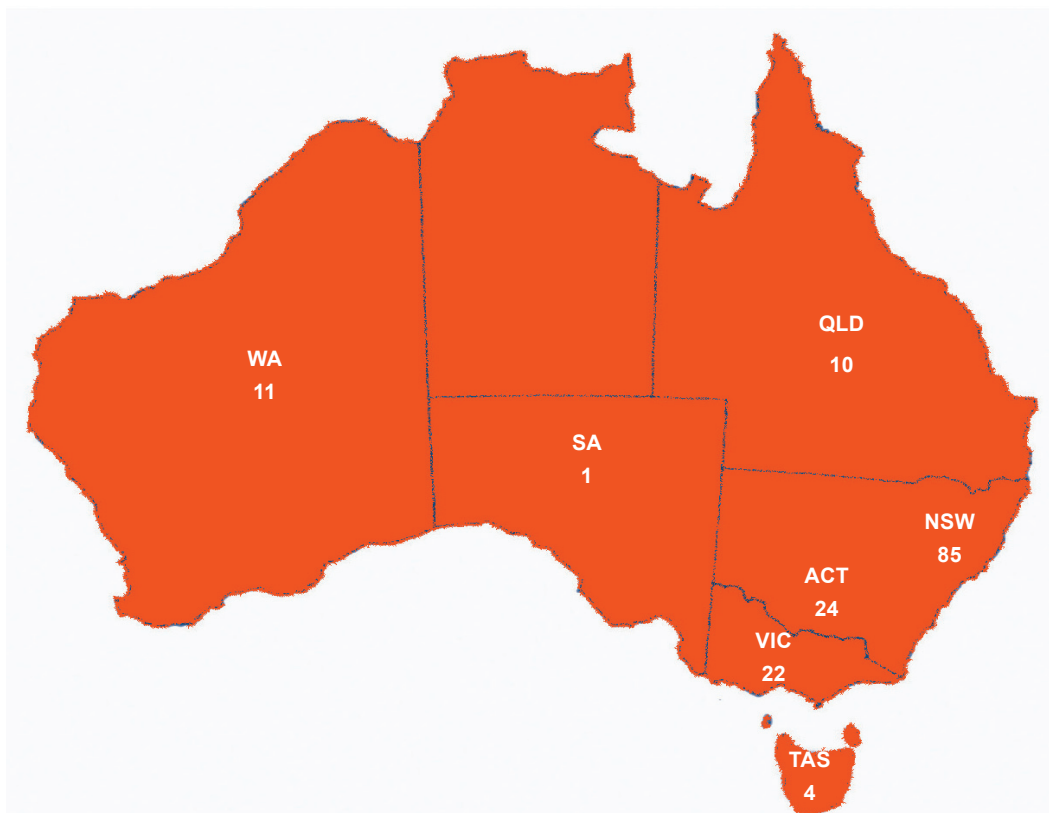
## Consultation meetings

Consultation lies at the heart of the ALRC inquiry process, and during each inquiry the ALRC meets with relevant stakeholders around the country, as appropriate to each inquiry. These consultations assist the ALRC identify key issues, shape research questions, and contribute to the ALRC's policy analysis and considerations in formulating proposals and recommendations for reform.

During 2011–12, the ALRC conducted a total of 157 consultations around the country, with respect to the following inquiries:

- ▲ Commonwealth Laws and Family Violence inquiry—51
- ▲ Censorship and Classification inquiry—35
- ▲ Copyright and the Digital Economy inquiry—16
- ▲ Age Barriers inquiry—55

### *National distribution of consultation meetings 2011–12*



**‘The ALRC is unique in its ability and experience to deal with such complex legal issues that require in-depth consultation with many diverse stakeholders, the ability to find a policy pathway that is acceptable to the community and stakeholders and where there is a need to be, and to be seen to be, completely independent.’**

*Professor Rosalind Croucher.*

## Diversity consultation strategy

This year the ALRC formalised its consultation strategies for engaging with groups who often find their voices are not heard—Indigenous peoples, those from culturally and linguistically diverse backgrounds, people with disability and members of the lesbian, gay, bisexual, transgender and intersex community. These formalised strategies act as a guide for legal teams at the beginning of each new inquiry to ensure that marginalised groups within the community are targeted for consultation and that consultation is appropriate. These strategies have already positively influenced the ALRC’s engagement with these communities. For example, at the end of the Family Violence and Commonwealth Laws inquiry, the ALRC produced one podcast and four community information sheets which outlined the key recommendations affecting each group to make the ALRC’s findings more easily accessible. At the end of the year, these strategies will be reviewed with input sought from the communities involved.

## Distribution of consultation papers

Consultation documents are one of the key mechanisms the ALRC uses to identify and analyse the important issues in each inquiry. The number of consultation papers released in the course of an inquiry depends on the nature of that inquiry and the timeframe set by the Attorney-General. Generally, ALRC inquiries follow a two-stage consultation process that includes the release of an issues paper accompanied by a call for submissions, followed later in the inquiry by a discussion paper and a second call for submissions, and then the release of a report.

All ALRC consultation documents and reports are published on the ALRC website in both HTML and PDF versions. Reports are also produced in hard copy.

The target for hard copy distribution of reports for 2011–12 was 1,000, based on two inquiries and producing two reports. The ALRC distributed 1,300 hard copy reports in this reporting period, 700 for the Censorship and Classification inquiry and 600 for the Family Violence and Commonwealth Laws inquiry.

**Table 3: Distribution of ALRC publications 2011–12**

<b>Publication</b>	<b>Date released</b>	<b>Hard copy access</b>	<b>Online access</b>
<i>Family Violence and Commonwealth Laws</i> (DP 76) discussion paper	August 2011	N/A	7,025 page views 2,249 unique views
<i>National Classification Scheme Review</i> (DP 77) discussion paper	September 2011	N/A	8,987 page views 3,089 unique views
<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117)	February 2012	600	10,609 page views 3,487 unique views
<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117 Summary)	February 2012	600	3,894 page views 1,241 unique views
<i>Classification—Content Regulation and Convergent Media</i> (ALRC Report 118)	March 2012	700	9,490 page views 2,953 unique views
<i>Classification—Content Regulation and Convergent Media</i> (ALRC Report 118 Summary)	March 2012	700	5,319 page views 1,533 unique views
<i>Grey Areas—Age Barriers to work in Commonwealth Laws</i> (IP 41) issues paper	May 2012	N/A	6,139 page views 2,153 unique views



# Program 1: Key performance indicators

The ALRC measures the success of Program 1 in delivering its outcome through the following key performance indicators:

- ▲ implementation of ALRC reports 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;
- ▲ the number of submissions to each inquiry;
- ▲ the number of visitors to the website;
- ▲ the number of presentations and speaking engagements about ALRC inquiries;
- ▲ the number of media mentions of the ALRC and its work.

**Table 4: Key achievements 2011–12**

<i>Program 1</i>	<i>Target</i>	<i>Actual</i>
Implementation of reports—substantially or partially implemented	85%	89%
Citations and mentions	45	76
Submissions received	80	2,470
Visitors to website	>200,000	324,724
Presentations and speaking engagements	20	27
Media mentions	200	419

## Implementation of reports

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.

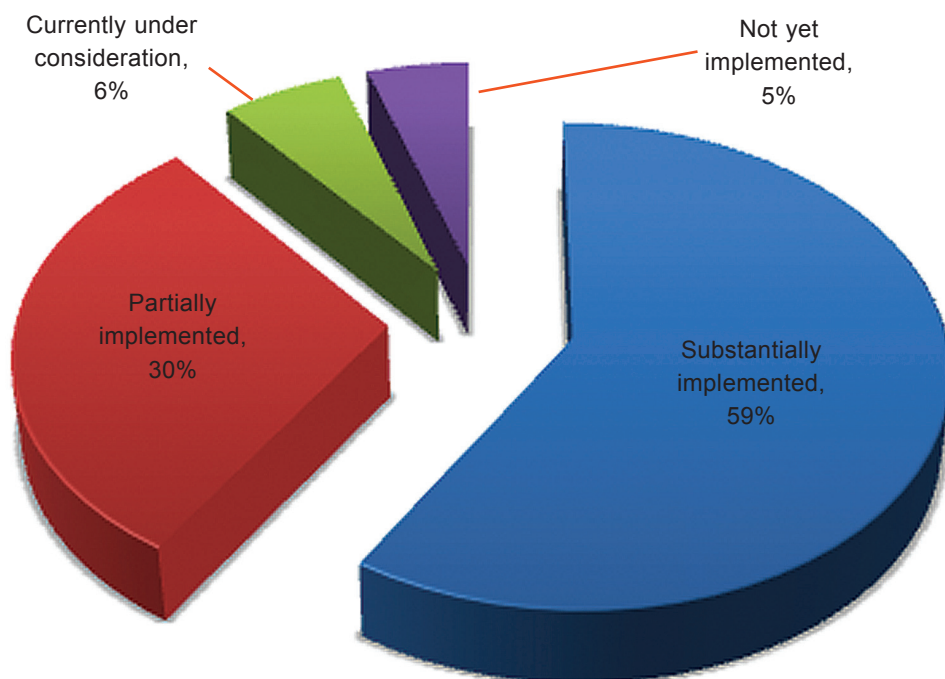
The ALRC considers that a report is substantially implemented when the majority of the report's key recommendations have been implemented by those to whom the recommendations are directed. Partial implementation refers to implementation of at least some recommendations of an ALRC report. The ALRC takes a conservative approach when considering whether a report should be characterised as having been 'partially' or 'substantially' implemented. The term '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 2011–12, as described in Appendix F, has altered the levels of implementation of all ALRC reports with the following results:

- ▲ 59% are substantially implemented;
- ▲ 30% are partially implemented;
- ▲ 6% without any implementation to date are currently under consideration; and
- ▲ 5% have not been implemented.

These figures represent a fractional decrease in the implementation rate of ALRC reports to 89%, from 90% in 2010–11. The government has yet to respond to a number of recently completed ALRC reports, including *Making Inquiries: A New Statutory Framework* (ALRC Report 111, 2010), *Secrecy Laws and Open Government* (ALRC Report 112, 2010) and *Classification—Content Regulation and Convergent Media* (ALRC Report 118, 2012).

### *Implementation status of ALRC reports as at 30 June 2012*



Appendix F provides a detailed update on action in relation to ALRC reports during 2011–12.

Appendix G provides a brief overview of the implementation status of all 81 reference-related ALRC reports. For a list of these reports, see Appendix L.

## **Court citations**

Past ALRC reports are cited by Australian courts and tribunals as well as in numerous academic articles and other publications. During 2011–2012, there were more than 70 mentions of ALRC reports within the judgments of major Australian courts and tribunals.

These included three from the High Court of Australia, 21 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, such as the Family Court of Australia and the Land and Environment Court.

This total number of 76 represents an increase of 4% in the number of judgments from major Australian courts referring to ALRC reports when compared with 2010–11.

One point of interest is that the ALRC report most often cited across the Australian courts continues to be *Evidence* (Interim) (ALRC Report 26, 1985) as it assists the judiciary by informing them of the background of the *Evidence Act 1995* and state and territory uniform Evidence Acts.

A list of these court citations is provided at Appendix H.

## Submissions

The number of submissions received by the ALRC is a measure of public 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 influenced by its subject matter—particular inquiries are likely to generate a greater, broader degree of public interest and participation than others.

**Table 5: Submissions received 2011–12**

<i>Consultation paper</i>	<i>Submissions closing date</i>	<i>Submissions received</i>
Censorship and Classification —issues paper	15 July 2011	2,253
Family Violence and Commonwealth Laws—discussion paper	30 September 2011	84
Censorship and Classification —discussion paper	18 November 2011	78
Age Barriers to Work—issues paper	14 June 2012	55
Total submissions received		2,470

## Online communications

### ALRC website

Since its re-design and development in 2010, the ALRC website has become a pivotal communication tool for the ALRC and a law reform resource for the wider public. The ALRC strives continually to build value into the website, both in terms of providing useful and accessible content relevant to stakeholders and researchers, and utilising its functionality as an online consultation tool.

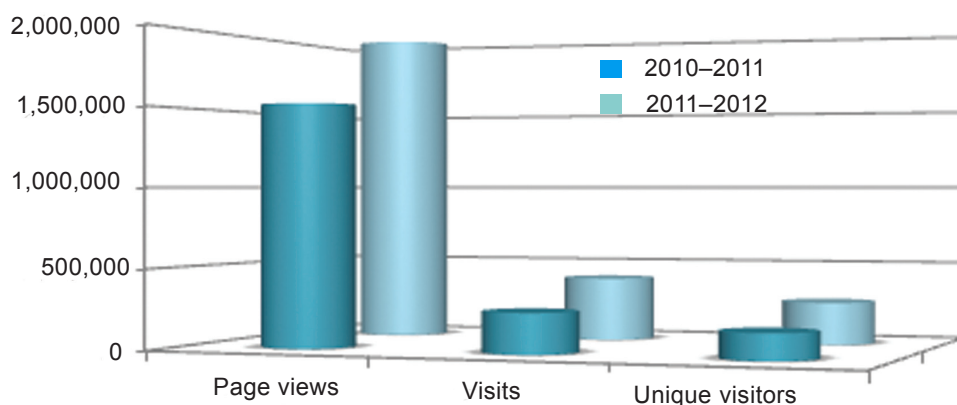
Key metrics for 2011–12:

- ▲ visits = 489,558
- ▲ page views = 2,463,691
- ▲ unique visitors = 324,724

2011–12 is the first full 12-month reporting period since the launch of the 'new' ALRC website in late August 2010. Comparing the statistics for eight months (August–June) in both reporting periods:

- ▲ visits have increased by 61%
- ▲ page views have increased by 30%
- ▲ unique visitors have increased by 65%

#### **Comparison of website traffic: August–June in 2010–11 and 2011–12**



During the reporting period the ALRC commissioned Vision Australia to review the ALRC website against the Web Accessibility Initiative Web Content Accessibility Guidelines version 2.0 (WAI WCAG 2.0) and is working towards meeting Level AA by September 2012. The National Transition Strategy requires all Australian Government websites to meet Level A by December 2012, and Level AA by December 2014.

## **E-news**

During the reporting period the ALRC published regular e-newsletters for each of its current inquiries, as well as the *ALRC Brief* (published 3–4 times a year). E-newsletters are distributed to subscribers who opt in via an online form or by direct request.

**Table 6: Distribution of e-newsletters 2011–12**

<b><i>Inquiry</i></b>	<b><i>Subscribers</i></b>	<b><i>Issues to date</i></b>
Copyright and the Digital Economy	478	2
Age Barriers	174	5
Censorship and Classification	413	10
Commonwealth Laws and Family Violence	399	12
ALRC Brief	352	5

## **Online forums**

For the Censorship and Classification inquiry, the ALRC ran two online discussion forums on its own website, at different stages of the inquiry. This represented a new strategy for the ALRC. The two forums attracted 200 comments from 32 participants, some of which were quoted in the discussion paper and report.

## **Twitter**

The ALRC's following on Twitter has grown substantially in the reporting period, from 1,820 to 3,844 followers. This level of growth is partly accounted for by the broad public interest in the Classification and Copyright inquiries.

Twitter users are also able to follow conversations about a particular inquiry, without actually following the ALRC,



by using the dedicated hashtags used for each inquiry, for example, #clasrev (Classification) and #copyrev (Copyright).

## Facebook



The Classification and Copyright inquiries, alongside the broad level of public interest they command, also have in common large numbers of internet-savvy stakeholders, comfortable aggregating their news, and engaging in discussion, via social media. To increase exposure of the ALRC's work in these areas, a Facebook page was created for each inquiry. The Classification inquiry Facebook page had been 'liked' by 145 people at the close of the inquiry (and the closure of the page). The Copyright Facebook page has, to date, 126 likes.

## YouTube

In 2005, the ALRC celebrated its 30th anniversary. To commemorate this milestone, past Presidents, Commissioners and friends of the ALRC were asked to share their perspectives on the history and achievements of one of Australia's most influential law reform bodies. The result was '*30 years of law reform—the movie*'. Previously trapped in DVD format, the ALRC has converted this document into mp4 format and made it available to all via YouTube (complete with transcript). This marks the ALRC's first entry in this space.



## Presentations and speaking engagements

Presenting at public conferences, seminars and parliamentary inquiries ensures that the work of the ALRC is publicly debated and discussed. During 2011–12, ALRC Commissioners and staff made 27 presentations at a range of events around the country. They also contributed 15 articles to a range of journals and publications. A full list of presentations and articles is at Appendix I.

## Public debate and media interest

The ALRC actively promotes public debate on issues raised by its current and past inquiries, and on law reform generally. The ALRC conducts its own media monitoring, using a variety of tools and resources.

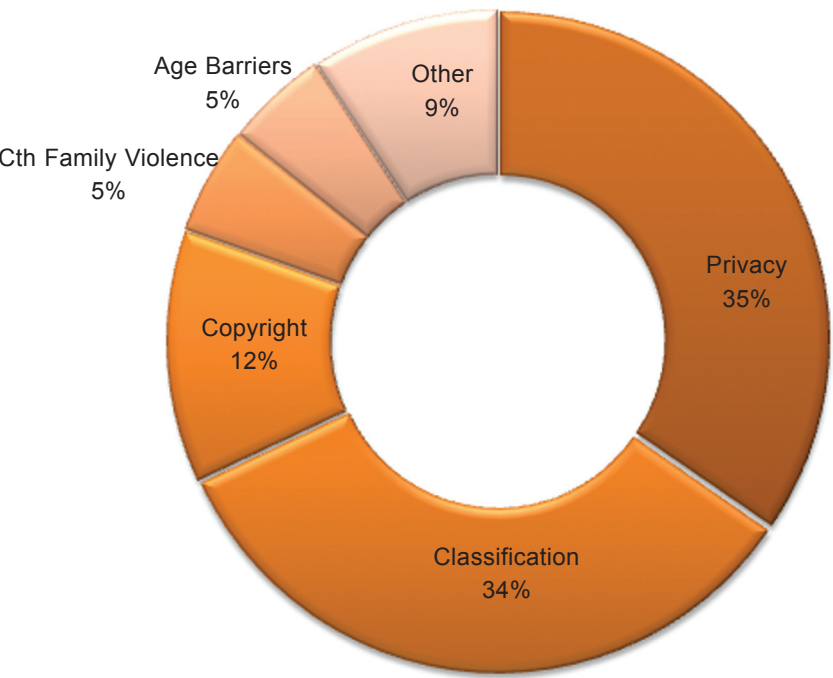
This media log is provided at Appendix J. Please note that not all media mentions are included in the media log. It includes only those media mentions that are online and are not behind a pay wall.

During 2011–12, the ALRC identified 419 mentions of its work across a range of online and traditional media. This represents an increase of approximately 30% from the previous year.

Reflecting the broad community concern about privacy issues and ongoing debate in the area, the majority of media mentions (35%) referred to the ALRC 2006–2008 inquiry about privacy law reform and the recommendations in the report, *For Your Information: Australian Privacy Law and Practice*. ALRC work on privacy has dominated media attention given to the ALRC’s work each year since *For Your Information* was first published in 2008.

Of recent and current inquiries, the Classification inquiry received the lion’s share (34%) of attention. The high level of media and public interest was borne out in the high number of submissions received for the inquiry (see Submissions, page 32). The Copyright inquiry is steadily gaining ground, attracting a 12% share within a very short period (Terms of Reference were only received in June 2012).

**Media mentions per inquiry 2011–12**





## Participation in external inquiries

Often through its inquiry work the ALRC has already conducted valuable research into areas of law or legal processes that become subject to review by other agencies or parliamentary committees. Where appropriate and relevant, the ALRC provides briefings or written submissions to parliamentary committees, ministers, government departments, and other bodies. In this way, the experience and knowledge the ALRC develops during inquiries is shared for the benefit of the Australian community.

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

- ▲ the consonance of issues raised in the review or inquiry being undertaken by the external body with issues covered in current inquiry work or past reference work of the ALRC;
- ▲ the consonance of issues raised in the review or inquiry being undertaken by the body with 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 five written submissions drawing on past inquiries. See Appendix K.

## Challenges for 2012–13

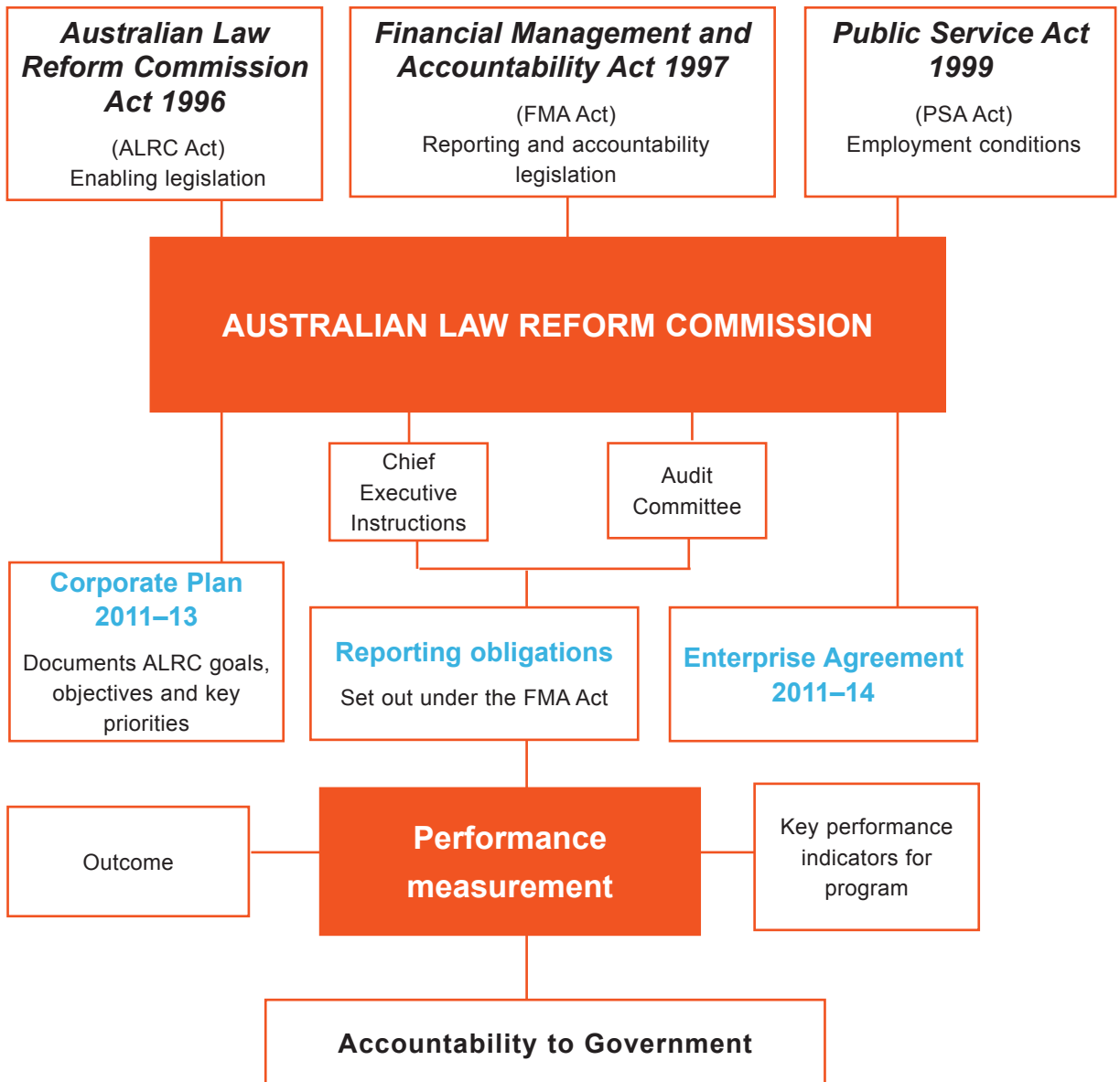
External factors that may have an impact on the ALRC's ability to achieve its outcome include the government's reform agenda and timelines, which influence both the number and scope of inquiries that are referred to the ALRC, and the rate at which the recommendations made in completed inquiries are implemented.

The challenge for the ALRC—a small single outcome agency—will be to continue to find productivity savings as costs continue to increase over the forward years with no increase in the ALRC's budget. There is limited ability to make further savings if the ALRC work program is to continue at its current level.

As a national law reform agency, it is important to ensure that the ALRC is able to speak with people from a wide cross-section of the Australian community, including from a range of geographical locations. The ALRC will continue to use online communication strategies to maximise access to its processes.

# Management and accountability

# Corporate governance framework



## Corporate governance

ALRC accountability and governance requirements are met through its Chief Executive Instructions. These reference the Model Chief Executive Instructions (CEIs) and provide the framework to ensure that the ALRC meets its obligations and responsibilities with regard to the proper use and management of public money, public property and other resources of the Commonwealth, in line with the requirements of the FMA Act.

### Ministerial powers

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

The ALRC is a statutory agency under the *Financial Management and Accountability Act 1997* (FMA Act) and an employer subject to the *Public Service Act 1999*.

The ALRC is constituted under the *Australian Law Reform Commission Act 1996* (the ALRC Act). Section 20 of the ALRC Act states that the Attorney-General may refer matters to the ALRC for review. In 2011–12, two matters were referred to the ALRC—the inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work (in March 2012), and an inquiry into copyright and the digital economy (in June 2012).

### Members of the Commission

The President is the CEO of the ALRC. During 2011–12 there were three full-time Commissioners (including the President) and three part-time Commissioners appointed. Table 7 lists members of the ALRC during 2011–12, and their current terms of appointment. On 30 June 2012, there were five members of the ALRC—two full-time members and three part-time members.

**Table 7: Members 2011–12**

<b>Commissioner</b>	<b>Term of appointment</b>
<i>Full-time Commissioners</i>	
Professor Rosalind Croucher BA (Hons), LLB (Syd), PhD (UNSW), AMusA (AMEB), FRSA, FACLM (Hon), FAAL, TEP	5 February 2007 to 4 February 2010 as Commissioner 14 December 2009 to 13 December 2014 as President
Professor Terry Flew MEc (Syd), PhD (Griffith), GradCertEd (QUT), MBA (QUT)	21 April 2011 to 28 February 2012
Professor Jill McKeough LLB (UNSW), BA (UNSW), LLM (Syd), FAAL	1 May 2012 to 31 October 2013
<i>Part-time Commissioners</i>	
The Hon Justice Susan Kenny BA (Hons), LLB (Hons) (Melb), DPhil (Oxon)	14 May 2003 to 13 May 2009 and reappointed from 9 July 2009 to 8 July 2012
The Hon Justice Berna Collier BA, LLB (Qld), LLM (Melb)	2 October 2007 to 1 October 2010 and reappointed 28 October 2010 to 26 October 2013
The Hon Susan Ryan AO BA, MA, Hon.DLitt (Macquarie), Hon.DUniv (Canb), Hon.DUniv (SA), FAICD	7 March 2012 to 31 March 2013

### **Professor Rosalind Croucher—President**



Before her appointment as ALRC Commissioner and President, Professor Croucher was Dean of Law at Macquarie University (from 1999). Prior to this she was a member of the Law Faculties 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. She is an Honorary Fellow of the Australian College of Legal Medicine and a Foundation Fellow of the Australian Academy of Law.

Professor Croucher is on leave from Macquarie University for the duration of her appointment at the ALRC.

### **Professor Terry Flew—Commissioner**

Professor Flew is Professor of Media and Communications at the Queensland University of Technology (QUT). He was Portfolio Director in the Creative Industries Faculty and the author of *New Media: An Introduction* (Oxford)—Australia's leading new media textbook, *Understanding Global Media* (Palgrave, 2007) and *The Creative Industries, Culture and Policy* (Sage, 2011).

Professor Flew is a Chief Investigator with the Australian Research Council Centre of Excellence for Creative Industries and Innovation, and a Work Program Leader in New Media Services for the Smart Services Co-operative Research Centre and is active in the International Communications Association. Professor Flew was on leave from the Queensland University of Technology for the duration of his appointment to the ALRC.



### **Professor Jill McKeough—Commissioner**



Professor Jill McKeough was appointed Dean of the Faculty of Law at the University of Technology, Sydney (UTS) in 2005. She was Head of School, Associate Dean (undergraduate) and Director of Postgraduate Programs in the Law Faculty at UNSW. In 2004 she was elected a member of the UNSW University Council, serving until her appointment at UTS.

Professor McKeough is admitted as a Barrister of the Supreme Court of NSW. She was Chair of the Council of Australian Law Deans (CALD), and is a member of the International Legal Services Advisory Council (ILSAC), a member of the Professional Standards Board of Patent and Trade Mark Attorneys and a Board member of the AustLII Foundation.

Professor McKeough's many publications include *Intellectual Property: Commentary and Materials*, 4th edition, Thomson LBC 2006 and *Intellectual Property in Australia*, 3rd edition, Lexis Nexis 2004.

Professor McKeough is on leave from UTS for the duration of her appointment at the ALRC.

### **The Hon Justice Susan Kenny—Part-time Commissioner**

Justice Susan Kenny has been a Federal Court judge since October 1998. She has previously been a Commissioner of the Human Rights and Equal Opportunity Commission, as well as President of the Administrative Review Council. She is a member of the Council of the National Judicial College of Australia, the Council of the Australian Institute of Judicial Administration, and the Executive, International Organisation for Judicial Training, Chair of the Advisory Board, Institute of Legal Studies, Australian Catholic University, a member of the International Law Advisory Board, Law School, Monash University, a Foundation Fellow of the Australian Academy of Law, and a member of the Advisory Board, Centre for International and Public Law, ANU.





### ***The Hon Justice Berna Collier—Part-time Commissioner***



Justice Berna Collier was appointed a Federal Court judge on 8 February 2006. Prior to this she was one of three national Commissioners of the Australian Securities and Investments Commission, a position she held from 5 November 2001, and a director of the Australian Prudential Regulation Authority from November 2001 until June 2003. From July 1997 until February 2006 she was Clayton Utz Professor of Commercial Law at Queensland University of Technology. Justice Collier was awarded the Centenary Medal for service to Australian society through corporate regulation in recognition of her work in this area.

### ***The Hon Susan Ryan AO—Part-time Commissioner***

The Hon Susan Ryan was appointed as Australia's first Age Discrimination Commissioner with the Australian Human Rights Commission on 30 July 2011. Ms Ryan was the Independent Chair of the IAG and NRMA Superannuation Plan, President of the Australian Institute of Superannuation Trustees from 2000 to 2007, a member of the Australian Council of Superannuation Investors from 2001 to 2007, a member of the ASX Corporate Governance Council from 2003 to 2007 and CEO of the Association of Superannuation Funds of Australia from 1993 to 1997.



From 1975 to 1988 she was a Senator for the ACT. She served in the Labor Government as Minister for Education and Youth Affairs, Minister Assisting the Prime Minister on the Status of Women and Special Minister of State.

In 1990, Ms Ryan was appointed an Officer of the Order of Australia for her contribution to Parliament. She published her autobiography, *Catching the Waves*, in 1999.

## Remuneration

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

## Policies

The Chief Executive Instructions and the ALRC Policy Manual contain 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 President.

New policies developed and implemented during 2011–12 include:

- ▲ Chief Executive Instructions
- ▲ ALRC Enterprise Agreement 2011–14
- ▲ Audit Committee Charter
- ▲ Consultative Committee Terms of Reference
- ▲ Information Classification Policy
- ▲ Health and Wellbeing Allowance Policy
- ▲ Fraud Control and Risk Management (updated)
- ▲ Managing Suspected Breaches of the APS Code of Conduct Policy
- ▲ Business Continuity Plan
- ▲ Performance Appraisal System (updated)
- ▲ Procurement and Purchasing Policy (updated)
- ▲ Travel Policy (updated)
- ▲ Conflict of Interest Policy
- ▲ Facebook 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 policies via the intranet.

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

## Corporate planning

The ALRC's Corporate Plan 2011–2013 is publicly available on the ALRC website and is reproduced in Appendix A.

## Financial management and audit

The audit of the 2011–12 financial statements was performed by the Australian National Audit Office (ANAO).

With the ALRC's move to an FMA body in July 2011, the President re-constituted an Audit Committee in compliance with s 46 of the *Financial Management and Accountability Act 1997* and reg 22C of the Financial Management and Accountability Regulations.

The objective of the ALRC Audit Committee is to provide independent assurance and assistance to the President on the ALRC's risk, control and compliance framework, and its financial statement responsibilities. The ALRC Audit Committee comprises three members, appointed by the President, as follows:

- ▲ ALRC Part-time Commissioner
- ▲ ALRC Executive Director
- ▲ External Member with financial expertise

From March 2012, the members of the Audit Committee were:

- ▲ Part-time Commissioner: Justice Berna Collier
- ▲ Executive Director: Ms Sabina Wynn
- ▲ External Member: Mr Peter Bowen, Chief Financial Officer, Federal Court

The ALRC Finance Manager attends meetings of the Audit Committee as an observer. A representative of the ANAO is also invited to attend meetings of the Audit Committee.

The former Audit Committee met on 29 August 2011 and approved the ALRC's financial statements for 2010–11, and the ALRC's 2011–12 budget. The newly constituted Audit Committee met on 22 March 2012.

The ALRC has developed an Audit Charter in line with the requirements of the FMA Act. As outlined in FMA reg 22C (4), the Chief Executive may add to, or vary, the functions of an FMA Audit Committee having regard to the agency's governance framework and assurance mechanisms and the key risks to the agency, including the risks relating to program delivery and implementation.

The variations in the ALRC Audit Charter are based on the following considerations:

- ▲ the ALRC is a single function agency with one principal activity—conducting inquiries into issues of law, as referred to it by the Attorney-General, for the purpose of formulating law reform recommendations;
- ▲ the administrative and financial processes and procedures of the ALRC vary little from year to year; and
- ▲ the relative small size of the agency and its budget means that the Charter of the Audit Committee should reflect the straightforward nature of ALRC operations.

The ALRC has developed an Audit Forward Plan that sets a meeting schedule and outlines the activities of the Audit Committee over the next financial year.

## **Fraud control and risk management**

The ALRC has a commitment to fraud control and for promoting efficient, effective and ethical use of Commonwealth resources. The ALRC conducted a fraud risk assessment and reviewed and updated its Fraud Control Plan in April 2012. This updated Plan was developed from a risk assessment and is an integral part of the ALRC's Assurance and Governance Framework. The Plan is a strategic document drawing together all fraud prevention, detection, minimisation and reporting initiatives adopted by the ALRC to control fraud. The Plan is reviewed annually by the ALRC Audit Committee. The ALRC also has a Fraud Policy Statement that sits alongside the Fraud Control Plan.

Fraud against the ALRC is defined as dishonestly obtaining a benefit, or causing a loss, by deception or other means. The President has responsibility for the corporate governance of the ALRC and for ensuring compliance with the Commonwealth Fraud Control Guidelines. The ALRC Audit Committee is responsible for the ongoing monitoring and review of the fraud control framework, including the actions agreed to in the ALRC's Fraud Control Plan. The Executive Director is the Fraud Control Officer and is responsible for ensuring that the appropriate processes are in place to manage the risk of fraud in the ALRC.

During 2011–12, the ALRC has taken all reasonable measures to minimise the incidence of fraud and has raised awareness of fraud control among employees to foster an environment that encourages employee involvement in the strategies to prevent fraud. The ALRC provides annual training in fraud prevention to all staff and this was conducted in April 2012.

Overall, the ALRC has a low to negligible residual fraud risk profile, with an effective control environment. In accordance with s 8.14 of the Commonwealth Fraud Control Guidelines (the Fraud Control Guidelines), the ALRC collects any information relating to fraudulent matters and reports it to the Attorney-General's Department and the Australian Federal Police annually. No fraudulent activity was detected in 2011–12.

## Enterprise risk management

Enterprise risk management is a vital component of public sector management and is consistent with the obligations under the FMA Act. The ALRC's Enterprise Risk Management Plan was reviewed in April 2012, as part of the Fraud Control Review. The objective of the Plan is to identify and articulate any organisational risks and to develop a mechanism to track and report on controls in place, and treatments required, to mitigate these risks.

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 work health and safety, based on preventative strategies, flexible return to work arrangements 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;
- ▲ updated administrative policies aimed at preventing fraud and managing risk; and
- ▲ developing a Fraud Control Plan and Business Continuity Plan.

## 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.

Employees of the ALRC are Australian public servants and must follow the APS Code of Conduct and APS Values which articulate the culture and operating ethos of the ALRC and provide the framework within which employment powers will be exercised

by the President. ALRC employees are expected to comply with the APS Code and other ALRC policies, and with any lawful direction given by the President and/or their supervisor.

Any suspected or real breaches of the APS Code of Conduct will be dealt with in accordance with the ALRC's *Procedures for Determining Breaches of the Code of Conduct*, established in accordance with s 15(3) of the *Public Service Act 1999*. During 2011–12, there were no suspected or actual breaches of the APS Code of Conduct.

## Conflict of interest

The ALRC Conflict of Interest Policy has been developed to protect the ALRC's reputation and integrity; to ensure that employees understand what a conflict of interest is, and how to recognise and avoid a conflict of interest; and to outline the ALRC's process for disclosing an actual or potential conflict of interest. This Policy applies to Commissioners, employees, contractors and consultants engaged or employed by the ALRC.

Section 39 of the *Australian Law Reform Commission Act 1996* (ALRC Act) requires members to disclose any material personal interest in a matter under consideration by the Commission. Section 13 (7) of the *Public Service Act 1999*, which contains the APS Code of Conduct, requires that an APS employee must disclose and take reasonable steps to avoid any conflict of interest (real or perceived) in connection with APS employment. In addition, s 10 of the Act requires that the Australian Public Service performs its functions in an impartial and professional manner.

ALRC employees are required to disclose any potential or actual conflict of interest in advance. Failing to disclose appropriately may be regarded as misconduct. The Executive Director maintains a Conflict of Interest Register that records any reported conflict of interest within the ALRC, for the purpose of monitoring and managing the conflict.

During 2011–12, there were no conflict of interest disclosures.

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 2011–12.

## Indemnity

The ALRC carries directors' liability insurance for members of the ALRC. Details are as follows:

- ▲ Professor Rosalind Croucher—President
- ▲ Professor Jill McKeough—Commissioner

### *Nature of liability*

The ALRC insures against 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' liability insurance.

### **Significant developments 2012–13**

The ALRC will complete its inquiry into Commonwealth legal barriers to older persons participating in the workforce or other productive work in March 2013 and will expect referral of a new inquiry at that time. The Copyright and the Digital Economy inquiry will be completed in November 2013.

There are no other significant developments forecast for 2012–13.

## **External scrutiny and controls**

### **Parliamentary scrutiny**

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

Commissioner, Professor Terry Flew attended the Senate Supplementary Budget Estimates Hearing on 18 October 2011 as President, Professor Rosalind Croucher, was on annual leave and Executive Director, Sabina Wynn was on sick leave.

The ALRC was not required to attend Additional Estimates in February 2012.

President, Professor Rosalind Croucher, and Executive Director, Sabina Wynn, attended Budget Estimates on 23 May 2012.

During 2011–12, the ALRC responded to 93 Questions on Notice.

# Court and tribunal decisions

There were no judicial decisions or decisions of administrative tribunals during 2011–12 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

The ALRC has one office in Sydney and all staff are located at this office. On 30 June 2012, the ALRC's full-time equivalent staffing level was 14.44 FTE. This figure does not include Commissioners (1.8 FTE).

**Table 8: Staffing profile as at 30 June 2011**

<i>ALRC classification</i>	<i>Men</i>	<i>Women</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Total</i>
Executive Director (SES-equivalent)		1	1		1
EL2/PLO (\$124,789–132,389)	1			1	1
EL1/SLO (\$92,854–121,155)	1	5	5	1	6
APS 5–6/LO (\$69,810–88,432)	1	4	5		5
APS 3–4 (\$55,108–67,777)	1	2	1	2	3
APS 1–2 (\$38,652–53,502)					
Total	4	12	12	4	16



## Staff retention and turnover

2011–12 has been a very stable year for the ALRC in terms of staff retention and turnover. One non-ongoing employee left the ALRC at the end of the employee's contract, and one ongoing employee went on maternity leave.

**Table 9: ALRC staff 2011–12**

<i>Staff member</i>	<i>Position</i>	<i>Full-time/Part-time</i>
<i>Corporate Support</i>		
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 Assistant/Project Coordinator	Full-time
Trisha Manning	Office Services Coordinator	Full-time
<i>Communications and Information</i>		
Marie-Claire Muir	Website Manager	Full-time
Carolyn Kearney	Librarian	Part-time
<i>Legal Team</i>		
Bruce Alston	Principal Legal Officer	Part-time
Justine Clarke	Senior Legal Officer	Full-time
Jared Boorer	Senior Legal Officer	Full-time
Sara Peel	Senior Legal Officer	Full-time
Virginia Marshall (until Nov 2011)	Senior Legal Officer	Full-time
Krista Lee-Jones (on leave from April 2012)	Legal Officer	Full-time
Khanh Hoang	Legal Officer	Full-time
Amanda Alford	Legal Officer	Full-time
Julie MacKenzie (from April 2012)	Legal Officer	Full-time

## Employment conditions

All employees are covered by the ALRC Enterprise Agreement 2011–14. This Agreement is designed to ensure the ALRC values and develops its employees through:

- (a) ensuring health and wellbeing, including:
  - ▲ providing flexible conditions and working arrangements that assist employees in balancing their work and personal responsibilities;
  - ▲ providing a safe and healthy workplace; and
  - ▲ promoting a work environment that upholds and supports policies relating to staff development, anti-discrimination, consultative workplace relations, work health and safety, and workplace diversity.
- (b) supporting a responsive organisation able to meet future challenges by:
  - ▲ providing remuneration that is competitive and fair;
  - ▲ promoting arrangements that increase productivity;
  - ▲ maintaining a strong performance and merit-based culture that encourages both individual and collegial achievements and contributions, and improves overall organisational performance;
  - ▲ being consultative and encouraging open communication; and
  - ▲ encouraging responsible and accountable practices across the organisation.
- (c) facilitating productive workplace relations and collective bargaining in good faith with ALRC employees and their representatives that will assist the ALRC to identify and realise productivity improvements.

The ALRC is committed to providing a flexible working environment, while maintaining the high quality of its work. The ALRC acknowledges that employees have to balance their working lives with other commitments, including family, carer and community responsibilities. This is recognised through various provisions in the Agreement including, but not limited to, forms of leave, flexible work arrangements and a 'work from home' policy.

## Performance rewards and bonuses

The ALRC Enterprise Agreement 2011–14 makes provision for an annual increase of 3% and 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 performance to be rewarded through a mixture of movement up the salary scale and one-off bonuses, as summarised below.

**Table 10: Performance rewards and bonuses**

Performance rating	Outcome
Exceeding performance	2 pay point increase
Meets all performance expectations	1 pay point increase
Meets most performance expectations	Remain on current pay point
Does not meet performance expectations	Remain on current pay point or go down one or more pay points in accordance with procedures in Clause 20, 'Managing Underperformance'

An employee who is at the maximum salary point for a classification will be eligible for a bonus of up to 2% of his or her annual salary, based on a performance appraisal. If rated as meeting all performance expectations, the bonus will be 1%. If rated as exceeding, the bonus will be 2%. If rated as meeting most, or not meeting performance expectations, there will be no bonus awarded.

During 2011–12, 7 employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$16,866.

- ▲ 1 x SES Band 1—\$10,861
- ▲ 1 x EL1—\$1,176
- ▲ 2 x APS 6—\$2,575
- ▲ 3 x APS 4—\$2,254

Further details of total remuneration expenditure in 2011–12 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 addition, the ALRC considers attendance at relevant conferences and professional seminars to contribute to the professional development of staff.

During 2011–12, all ALRC employees attended fraud training and cross-cultural communication training. Legal officers attended presentation skills training and training in professional legal writing.

The following professional development opportunities were taken up by corporate staff during 2011–12:

- ▲ Australian Law Librarians' Association (ALLA) Annual Conference
- ▲ Records and information management in the Australian Government
- ▲ Libraries Australia Document Delivery
- ▲ Developing a Records Authority
- ▲ Classification of Content
- ▲ Fringe Benefits Tax 2012 Seminar
- ▲ Financial Statements 2011–12 Seminar
- ▲ Central Budget Management System/ACM training
- ▲ Creating an effective Information Management Strategy and Plan for your business
- ▲ Leading and managing small teams, Australian Public Service Commission Executive level training
- ▲ Taking good minutes
- ▲ Applied First Aid training

Legal officers attended the following conferences and seminars:

- ▲ *The Big Picture: Socio-Cultural Research and Australia's Policy Challenges*, ARC Centre of Excellence for Creative Industries and Innovation (CCI) Symposium
- ▲ *Communication on the Edge: Shifting Boundaries and Identities*, Australian and New Zealand Communication Association annual conference
- ▲ 7th Annual Public Sector In-House Counsel Conference 2011
- ▲ Child Support National Stakeholders Engagement Group, Canberra
- ▲ Managing Patient Confidentiality & Information Governance Forum, Melbourne
- ▲ AIJA and National Judicial College of Australia, Discovery Seminar, Melbourne
- ▲ Inform Media Regulation Forum 2012, Sydney
- ▲ *Tomorrow's Law: Disclosure of Information—Balancing Public and Private Interests*, Conference of the Centre for Legal Governance, Macquarie Law School Macquarie University Interactive Media Institute public forum, Sydney
- ▲ Knowledge/Culture/Social Change Conference, University of Western Sydney
- ▲ Child Support National Stakeholder Engagement Group meeting, Canberra
- ▲ WA Family Pathways Network Conference, Perth
- ▲ Legalwise, *Solving Problems that Keep Litigators Awake at Night*, Sydney
- ▲ Australian Copyright Council and Copyright Society of Australia, *15th Biennial Copyright Law and Practice Symposium*, Sydney
- ▲ Network Insight Institute, *Communications Policy and Research Forum 2011*, Sydney
- ▲ Australian Digital Alliance, Copyright Forum: *Growing the Digital Economy: Copyright Exceptions for the Internet Age*, Canberra
- ▲ Communications Law Centre, *Orphan Works White Paper Launch—Proposals, Discussion and Debate*, University of Technology Sydney
- ▲ Copyright Society of Australia Seminar, *Football, Meat Pies, Convergence and Copyright: A Discussion of the Federal Court's Recent Decision in Optus v NRL and its Implications*, Sydney

- ▲ Copyright Society of Australia, *Who Authorised This? A discussion of the High Court's recent decision in Roadshow v iiNet and its implications*, Sydney
- ▲ Intellectual Property Research Institute of Australia in association with the Centre for Media and Communications Law and the Faculty of Law, University of Technology Sydney, *New Models for Copyright Law Reform*, University of Technology Sydney
- ▲ Annual Labour Law Conference 2011, Sydney
- ▲ National LGBTIQ Domestic Violence Interagency Conference, Sydney
- ▲ Workplace Diversity Connected Forum, Sydney

## Study leave

Study leave is available for all ongoing employees (full-time and part-time). Study assistance provided by the ALRC is in the form of granting up to five days unpaid leave per academic year (part-time staff will be granted a pro rata amount) to facilitate an employee's study. No employees sought approval for study leave in 2011–12.

## Workplace diversity

The ALRC values workplace diversity and will promote a work environment that is free from discrimination on the basis of race, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction, social origin or union membership.

The ALRC has an Equal Employment Opportunity (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 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 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 2011, 12 of the ALRC's 16 staff were female. There was one new non-ongoing appointment made during 2011–12 and this 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 8.

## Work health & safety

The ALRC is committed to providing and maintaining the highest degree of health, safety and welfare of all employees and other persons 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 them with workplace-based, easily accessible information on work health and safety matters.

The ALRC's *Health and Safety Management Arrangements* (HSMAs) and OH&S policy establish the framework for ensuring the health, safety and welfare of all employees. As a result of recent changes brought in by the *Work Health and Safety Act 2011* (WHS Act), the ALRC is in the process of updating these arrangements and policies to ensure alignment and compliance.

The ALRC has a commitment to consult with employees and their representatives on work health and safety issues and to work together to ensure a safe work environment. The ALRC, so far as is reasonably practicable, consults with employees who are, or are likely to be, directly affected by a matter relating to work health or safety. As part of this, the ALRC shares relevant information about health, safety and welfare with employees and ensures that they are given the opportunity to express their views and to contribute in a timely fashion to the resolution of work health, safety and welfare issues.

The ALRC supports the use of a risk management approach to work health and safety. The ALRC identifies any potential risks to the health and safety of ALRC employees and puts in place strategies to minimise any potential hazards or risks. OH&S policies are accessible to workers on the ALRC file server and new staff are provided with information on work health and safety as part of the induction process.

ALRC employees have responsibilities along with management to assist the ALRC to meet the objectives of the ALRC's OH&S Policy. Under the WHS Act, workers have a primary duty to:

- ▲ take reasonable care for their own safety at work;
- ▲ take reasonable care that their own acts or omissions do not adversely affect the health and safety of other persons;
- ▲ comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the ALRC to allow it to comply with the Act; and
- ▲ co-operate with reasonable policy or procedure of the ALRC relating to health or safety at the workplace that has been notified to workers.

The ALRC has an Occupational Health and Safety Consultative Committee (OH&SCC), comprised of the Executive Director, Legal Officer and union delegate, Office Services Coordinator (safety officer), Payroll Officer and Executive Assistant/Project Coordinator. ALRC workers and management have a responsibility to report to the OH&SCC any situation that could constitute a hazard to the health, safety or welfare of any ALRC worker. Any accident or injury that occurs while an employee is undertaking ALRC work—regardless of where it is being undertaken—must be reported immediately to the OH&SCC.

One of the objectives of the OH&SCC is to assist the ALRC in disseminating information about health and safety throughout the ALRC, for example:

- ▲ in the induction of all new staff to the ALRC;
- ▲ with training and workstation assessments at least every two years;
- ▲ by managers and employees being aware of their responsibilities under the new Act through regular updates and training. Specific training with regard to the new Act will be undertaken in October 2012.

During 2011–12 there were no OH&S issues reported, and no accidents nor any dangerous occurrences during the year that required the giving of notice under Part 3 s 38 of the *Work Health and Safety Act 2011*.

As a workplace health initiative under the Enterprise Agreement, the ALRC provides free and voluntary influenza vaccinations to staff each year. In 2011–12, eight employees took advantage of a free vaccination.

In addition, all employees have access to a free and confidential counselling service that provides up to three free sessions of counselling per year. In 2011–12, two sessions of counselling were delivered.



# Summary of financial performance

## Financial outcomes

### *Operating outcome*

The 2011–12 financial statements show an operating surplus of \$0.183m. This surplus is due to a number of factors including: the ALRC negotiated a final makegood expense, representing half the amount that had been provided for originally; the ALRC earned revenue from the sale of assets, no longer needed when the ALRC moved premises; and the provision for long service leave for 2011–12.

### *Operating revenue*

The ALRC's operating revenue of \$3.143m comprised revenue from government of \$2.927m, revenue from sale of goods (publications) of \$0.006m, and other revenue of \$0.170m from AGD for Commissioner Terry Flew, \$0.022m as a resource free of charge from the ANAO for the audit, and \$0.018m from the sale of assets.

### *Operating expenses*

Total operating expenses of \$2.959m were \$1.369m less than in 2010–11. This decrease is due to the increased expenditure in 2010–11 due to the onerous contract.

The ALRC's depreciation and amortisation expenses decreased by \$0.139m. This decrease represents the write-off of the ALRC library.

### *Equity*

The ALRC's total equity increased by \$0.249m. This includes contributed equity of \$0.070m. The increase is due to the ALRC no longer carrying a provision for makegood, and a substantial decrease in liabilities for the lease on 135 King St. Sydney.

### *Total assets*

The ALRC's total assets decreased by \$0.361m. This decrease represents the payment of the onerous contract.

## **Total liabilities**

The ALRC's total liabilities decreased by \$0.610m. This decrease is due to the makegood provision having been paid out and the substantial decrease in liabilities for the lease on 135 King St. Sydney.

## **Other reporting requirements**

### **Procurement and purchasing**

Purchasing within the ALRC is guided by its Procurement and Purchasing Policy, which is consistent with the 2012 Commonwealth Procurement Rules (CPRs). 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 June 2012 to reflect the requirements of the 2012 Commonwealth Procurement Rules 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 ALRC 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 currently uses a coordinated procurement contract for travel and purchasing office machines.

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 ALRC 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.

The ALRC publishes an Annual Procurement Plan on the AusTender website. During 2011–12, the ALRC undertook one procurement for office machines through the WofG MOM panel.

## Consultancies

From time to time, the ALRC may engage a consultant where it lacks specialist expertise. Prior to engaging consultants, the ALRC takes into account the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. The decision to engage a consultant is made in accordance with the FMA Act and related regulations including the Commonwealth Procurement Guidelines (CPGs).

The ALRC did not employ any consultants during 2011–12.

## Advertising and market research

As required under s 311A of the *Commonwealth Electoral Act 1918*, the ALRC reports that, during 2011–12, it did not undertake any advertising campaigns nor conduct any market research with advertising agencies, market research organisations, polling organisations, direct mail organisations, and media advertising organisations.

## Ecologically sustainable development and environmental performance

As required under s 516A of the *Environment Protection and Biodiversity Conservation Act 1999*, 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 2011–12, none of the ALRC's activities or appropriations were relevant to ESD.

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 Environmental Management Policy commits the organisation to minimise its ecological footprint by:

- ▲ incorporating environmental management considerations into the ALRC's core business and management practices;
- ▲ 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;
- ▲ regularly monitoring environmental performance; and
- ▲ reviewing this Policy to ensure it remains relevant and delivers desired outcomes.

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 when appropriate, and sharing vehicles as far as possible;
- ▲ encouraging filing electronically, rather than in hard copy, to reduce the amount of paper used;
- ▲ printing double-sided copies for internal documents;
- ▲ using paper that is recycled and/or has an environmental sustainability rating;
- ▲ encouraging the use of e-payments;
- ▲ encouraging online submitting to ALRC inquiries to reduce paper usage;
- ▲ 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 building recycling system for waste and mixed recyclables;
- ▲ 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, particularly during summer months; and
- ▲ considering the amount of packaging when purchasing goods for the office.

The ALRC monitors energy use and takes steps to reduce consumption where possible. In 2011–12 electricity consumption decreased by 52.57%. This was largely due to our move in April 2011 to premises with half the floor space of our previous office.

## Disability strategy

In 2007–08, reporting on the employer role in inclusion and participation of people with disability was transferred to the Australian Public Service Commission's State of the Service report and the APS Statistical Bulletin. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a ten-year national policy framework for improving life for Australians with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments and will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au). The Social Inclusion Measurement and Reporting Strategy agreed by the Government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

The ALRC has a broad commitment to the inclusion of, and participation by, people with disability. The ALRC has a Reasonable Adjustment Policy that allows for people with disability to compete for vacancies and pursue careers at the ALRC as effectively as people who do not have a disability. Reasonable adjustment is the modification of some feature of the workplace or work situation to fit the individual needs of a person with disability. The principles of reasonable adjustment are to be applied in relation to all areas of ALRC employment including recruitment and selection, promotion, training, career development, and performance management. Reasonable adjustment aims to remove physical and organisational barriers which

prevent the employment, limit the performance or curtail advancement of people with disability. Reasonable adjustments might include one or more of the following:

- ▲ adjustments to the workplace, equipment or facilities, including provision of additional equipment or facilities;
- ▲ adjustments to work-related communications or information provision, including the format in which information is available;
- ▲ adjustments to work methods;
- ▲ provision of interpreters, readers, attendants or other work-related assistance;
- ▲ job redesign, with re-allocation of some duties not suitable for a person with a disability and inclusion of other duties previously the responsibility of another employee; and
- ▲ providing training to co-workers or supervisors.

The ALRC encourages consultation with people with disability by presenting our publications in a range of different formats. During the reporting period the ALRC commissioned Vision Australia to review the ALRC website against the Web Accessibility Initiative Web Content Accessibility Guidelines version 2.0 (WAI WCAG 2.0) and is working towards meeting Level AA by September 2012.

## Freedom of information

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. The ALRC's IPS is published on the website and updated annually, and contains details about the information held within the ALRC, and how it handles this information.

During 2011–12 the ALRC received two FOI requests.

Under s 11C of the FOI Act, the ALRC is required to publish a Disclosure Log of information contained in documents which it has released under the Act, subject to limitations to protect personal and business information or other information that the Australian Information Commissioner may determine is unreasonable to publish. This Disclosure Log is at <http://www.alrc.gov.au/about/foi-disclosure-log>.

Since May 2011, the ALRC publishes its Information Publication Plan on its website, as required by the *Freedom of Information Act 1982*. This IPP is at <http://www.alrc.gov.au/ips-agency-plan>.

# Financial statements



## INDEPENDENT AUDITOR'S REPORT

### To the Attorney-General

I have audited the accompanying financial statements of the Australian Law Reform Commission for the year ended 30 June 2012, which comprise: a Statement by the Chief Executive and Chief Financial Officer; the Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; and Notes to and Forming Part of the Financial Statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

#### *Chief Executive Officer's Responsibility for the Financial Statements*

The Chief Executive Officer of the Australian Law Reform Commission is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

#### *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 about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Law Reform Commission's preparation of the financial statements that give a true and fair view 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 Australian Law Reform Commission's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive Officer, 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***

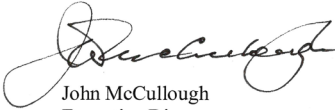
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

### ***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 *Financial Management and Accountability 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 2012 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



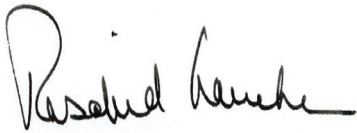
John McCullough  
Executive Director  
Delegate of the Auditor-General

Sydney  
3 September 2012

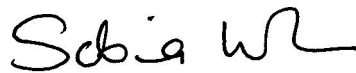
## AUSTRALIAN LAW REFORM COMMISSION

### STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2012 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 *Financial Management and Accountability Act 1997*, as amended.



Professor Rosalind Croucher  
Chief Executive



Sabina Wynn  
Chief Financial Officer

3 September 2012

3 September 2012

# AUSTRALIAN LAW REFORM COMMISSION

## Statement of Comprehensive Income

For the period ended 30 June 2012

	Notes	2012 \$	2011 \$
<b>EXPENSES</b>			
Employee benefits	3A	2,258,824	2,095,719
Supplier	3B	670,063	1,983,411
Depreciation and amortisation	3C	25,612	164,625
Finance costs	3D	4,842	4,842
Write-down and impairment of assets	3E	–	79,096
<b>Total expenses</b>		<b>2,959,341</b>	<b>4,327,693</b>
<b>LESS</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	6,100	8,011
Interest	4B	–	66,331
Other revenue	4C	191,530	48,473
<b>Total own-source revenue</b>		<b>197,630</b>	<b>122,815</b>
<b>GAINS</b>			
Sale of assets	4D	17,896	10,000
<b>Total gains</b>		<b>17,896</b>	<b>10,000</b>
<b>Total own-source income</b>		<b>215,526</b>	<b>132,815</b>
<b>Net cost of services</b>		<b>2,743,816</b>	<b>4,194,878</b>
Revenue from Government	4E	2,927,000	3,152,000
<b>Surplus / (Deficit) on continuing operations</b>		<b>183,184</b>	<b>(1,042,878)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation surplus		(3,710)	(250,333)
<b>Total other comprehensive income after income tax</b>		<b>(3,710)</b>	<b>(250,333)</b>
<b>Total comprehensive income</b>		<b>179,474</b>	<b>(1,293,211)</b>

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

## AUSTRALIAN LAW REFORM COMMISSION

### Balance Sheet

*as at 30 June 2012*

	Notes	2012 \$	2011 \$
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	838,408	1,317,656
Trade and other receivables	5B	94,648	21,214
<b>Total financial assets</b>		<b>933,056</b>	<b>1,338,870</b>
<b>Non-Financial Assets</b>			
Property, plant & equipment	6A,6B	108,298	58,152
Other non-financial assets	6C	138,891	143,679
<b>Total non-financial assets</b>		<b>247,189</b>	<b>201,831</b>
<b>Total Assets</b>		<b>1,180,245</b>	<b>1,540,701</b>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	21,084	46,199
Other payables	7B	245,285	229,566
<b>Total payables</b>		<b>266,369</b>	<b>275,765</b>
<b>Provisions</b>			
Employee provisions	8A	436,777	303,088
Other provisions	8B	—	109,842
Lease Provision	8C	162,005	786,386
<b>Total provisions</b>		<b>598,782</b>	<b>1,199,316</b>
<b>Total Liabilities</b>		<b>865,150</b>	<b>1,475,081</b>
<b>Net Assets</b>		<b>315,094</b>	<b>65,620</b>
<b>EQUITY</b>			
Contributed equity		70,000	—
Reserves		131,717	135,427
Retained surplus (accumulated deficit)		113,377	(69,807)
		<b>315,094</b>	<b>65,620</b>
<b>Total Equity</b>		<b>315,094</b>	<b>65,620</b>

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

# AUSTRALIAN LAW REFORM COMMISSION

## Statement of Changes in Equity

for the period ended 30 June 2012

	Retained Earnings		Asset Revaluation Reserve		Contributed equity/capital		Total Equity	
	2012	2011	2012	2011	2012	2011	2012	2011
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Opening balance</b>								
Balance carried forward from previous period	(69,807)	973,071	135,427	385,759	-	-	65,620	1,358,830
<b>Adjusted opening balance</b>	(69,807)	973,071	135,427	385,759	-	-	65,620	1,358,830
<b>Comprehensive income</b>								
Other comprehensive income/ (deficit)	-	-	(3,710)	(250,333)	-	-	(3,710)	(250,333)
Surplus/(Deficit) for the period	183,184	(1,042,878)	-	-	-	-	183,184	(1,042,878)
<b>Total comprehensive income</b>	183,184	(1,042,878)	(3,710)	(250,333)	-	-	179,474	(1,293,211)
<b>Transactions with owners</b>								
<b>Contributions by owners</b>								
Departmental capital budget	-	-	-	-	70,000	-	70,000	-
<b>Sub-total transactions with owners</b>	-	-	-	-	70,000	-	70,000	65,620
<b>Closing balance as at 30 June</b>	113,377	(69,807)	131,717	135,427	70,000	-	315,094	65,620

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

# AUSTRALIAN LAW REFORM COMMISSION

## Cash Flow Statement

*for the period ended 30 June 2012*

	Notes	2012 \$	2011 \$
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriations		2,860,500	–
Receipts from government		–	3,152,000
Sale of goods and rendering of services		6,100	9,002
Interest		–	66,194
Other		61,952	48,473
Net GST received		122,644	118,288
<b>Total cash received</b>		<b>3,051,196</b>	<b>3,393,957</b>
<b>Cash Used</b>			
Employees		(2,116,139)	(2,116,724)
Suppliers		(1,422,733)	(1,210,743)
<b>Total cash used</b>		<b>(3,538,872)</b>	<b>(3,327,467)</b>
<b>Net cash from (used by) operating activities</b>	9	<b>(487,676)</b>	<b>66,490</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		17,896	10,000
<b>Total cash received</b>		<b>17,896</b>	<b>10,000</b>
<b>Cash used</b>			
Purchase of property, plant and equipment		(79,468)	(30,642)
<b>Total cash used</b>		<b>(79,468)</b>	<b>(30,642)</b>
<b>Net cash used by investing activities</b>		<b>(61,572)</b>	<b>(20,642)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity		70,000	–
<b>Total cash from financing activities</b>		<b>70,000</b>	<b>–</b>
<b>Net increase (decrease) in cash held</b>		<b>(479,248)</b>	<b>45,848</b>
Cash and cash equivalents at the beginning of the reporting period		1,317,656	1,271,808
<b>Cash and cash equivalents at the end of the reporting period</b>	5A	<b>838,408</b>	<b>1,317,656</b>

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

# **AUSTRALIAN LAW REFORM COMMISSION**

## **SCHEDULE OF COMMITMENTS**

as at 30 June 2012

	2012	2011
	\$	\$
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Net GST recoverable on commitments <sup>1</sup>	( 255,105)	( 348,851)
<b>Total commitments receivable</b>	<u>( 255,105)</u>	<u>( 348,851)</u>
<b>Commitments payable</b>		
<b>Other commitments</b>		
Operating leases <sup>2</sup>	2,683,610	3,698,314
<b>Total other commitments</b>	<u>2,683,610</u>	<u>3,698,314</u>
<b>Net commitments by type</b>	<u>2,428,505</u>	<u>3,349,463</u>
<b>By MATURITY</b>		
<b>Commitments Receivable</b>		
<b>Operating lease income</b>		
One year or less	(50,574)	(93,973)
From one to five years	(191,985)	(161,054)
Over five years	(12,546)	(93,824)
<b>Total operating lease income</b>	<u>(255,105)</u>	<u>(348,851)</u>
<b>Operating lease commitments</b>		
One year or less	541,741	1,020,204
From one to five years	2,028,995	1,706,729
Over five years	112,874	971,381
<b>Total operating lease commitments</b>	<u>2,683,610</u>	<u>3,698,314</u>
<b>Total commitments payable</b>	<u>2,683,610</u>	<u>3,698,314</u>
<b>Net Commitments by maturity</b>	<u>2,428,505</u>	<u>3,349,463</u>

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

## AUSTRALIAN LAW REFORM COMMISSION

### SCHEDULE OF COMMITMENTS (cont.)

#### **Nature of lease/general description of leasing arrangement**

1. Commitments were GST inclusive where relevant.
2. Operating leases included are effectively non-cancellable and comprise:

#### **Leases for office accommodation.**

##### **135 King Street, Sydney**

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index.

Lease payments are subject to an annual increase of approximately 4%.

##### **19 Martin Place, Sydney**

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index.

Lease payments are subject to an annual increase of approximately 4%.

### SCHEDULE OF CONTINGENCIES

As at 30 June 2012

There are no known contingencies as at 30 June 2012. (2011: Nil)



**AUSTRALIAN LAW REFORM COMMISSION**  
**NOTES TO AND FORMING PART OF THE FINANCIAL**  
**STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

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## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies

##### 1.1 Objectives of the Australian Law Reform Commission

The Australian Law Reform Commission (the Commission) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the Commission is to report to the Attorney-General on the results of any review for the purposes of developing and reforming the law.

The Commission is structured to meet one 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.

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.

Commission activities contributing towards this outcome are classified as departmental. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Commission in its own right.

##### 1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997* (Cth).

The financial statements have been prepared in accordance with:

- a) Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2011; and
- b) 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 and liabilities 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.

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

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 executor contracts 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 advises that no accounting assumptions, judgements 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

##### Adoption of New Australian Accounting Standards Requirements

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

No new accounting standards, amendments to standards and interpretations issued by the Australian Accounting Standards Board that are applicable in the current period, have had a material effect on the Commission.

##### Future Australian Accounting Standards Requirements

New standards, amendments to standards and interpretations that are applicable to future periods, have been issued by the Australian Accounting Standards Board, and are applicable to future periods, are not expected to have a financial impact on the Commission.

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

##### 1.5 Revenue

Revenue from the sale of goods is recognised when:

- a) the risks and rewards of ownership have been transferred to the buyer;
- b) the Commission retains no managerial involvement or effective control over the goods;
- c) the revenue and transaction costs incurred can be reliably measured; and
- d) it is probable that the economic benefits associated with the transaction will flow to the Commission.

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:

- a) the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- b) the probable economic benefits associated with the transaction will flow to the Commission.

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 end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

##### Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition. Refer to Note 11.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 1: Summary of significant accounting policies (cont.)

#### Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the Commission gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case Revenue, is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

#### **1.6 Gains**

##### Sale of Assets

Gains from disposal of assets are recognised when control of the assets have passed to the buyer.

#### **1.7 Transactions with the Government as Owner**

##### Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

##### Restructuring of Administrative Arrangements

Net assets received from, or relinquished to, another Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

##### Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity. In 2011–12, by agreement with the Department of Finance and Deregulation, the Commission received \$70,000 as a Departmental Capital Budget (DCB).

#### **1.8 Employee Benefits**

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of the end of reporting period are measured at their nominal amounts.

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### **Note 1: Summary of significant accounting policies (cont.)**

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

Other long-term employee benefits are measured as net total of 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 leaves 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 leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Commission's employer superannuation contribution rates, to the extent that the leave is likely to be taken during service rather than paid out on termination.

The estimate of the present value of the long service leave liability takes into account attrition rates and pay increases through promotion and inflation.

#### Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Commission recognises a provision for terminations when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

#### Superannuation

The Commission's employees are members of the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

PSS is a defined benefit scheme 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.

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

The Commission makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Commission accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June 2012 represents outstanding contributions for the final fortnight of the year.

#### 1.9 Leases

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

#### 1.10 Cash

Cash is recognised at its nominal amount. Cash and cash equivalents include:

- a) cash on hand;
- b) 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.

#### 1.11 Financial Assets

The Commission classifies its financial assets in the following categories:

- a) 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.

##### Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

##### Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

*Financial assets held at cost*—If there is objective evidence that an impairment loss has been incurred, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

#### **1.12 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'.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

#### **1.13 Acquisition of Assets**

Assets are recorded at cost on acquisition except as stated in 1.14. 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.

#### **1.14 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 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 'makegood' provisions in property leases taken up by the Commission where there exists an obligation to restore the property to its original condition. In 2011–12 financial year, the Commission restored the premises of 135 King St. Sydney to its original condition. The cost was offset against the makegood provision and the balance has been transferred to profit and loss.



## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

##### Revaluations

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

<b>Asset class</b>	<b>Fair value measurement</b>
Infrastructure, plant and equipment	Market selling price

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

Revaluation adjustments were made on a class basis. Any revaluation increment was credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets were recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount.

##### Depreciation

Depreciable property, plant and equipment assets 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.

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:

	<b>2012</b>	<b>2011</b>
Plant and equipment	3–10 years	3–10 years

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 1: Summary of significant accounting policies (cont.)

##### Impairment

All assets were assessed for impairment at 30 June 2012. 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.

#### **1.15 Taxation / Competitive Neutrality**

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 net of GST except:

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

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### 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.

#### Note 3: Expenses

	2012	2011
	\$	\$
<b><u>Note 3A. Employee Benefits</u></b>		
Wages and salaries	1,730,904	1,678,665
Superannuation:		
Defined contribution plans	111,823	103,813
Defined benefit plans	155,626	133,420
Leave and other entitlements	260,471	179,821
<b>Total employee benefits</b>	<b>2,258,824</b>	<b>2,095,719</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 3: Expenses (cont.)

	2012	2011
	\$	\$
<b>Note 3B. Supplier</b>		
<b>Goods and Services</b>		
Consultants Fees	16,196	70,632
Library	90,329	77,704
Professional services	73,675	58,214
Printing and office requisites	28,976	50,821
Freight and removals	2,225	36,445
Telephone and postage	26,170	31,030
Incidentals	12,836	19,868
Minor assets	6,222	10,386
Staff training	27,594	9,633
Maintenance	14,497	6,770
Promotional activities	5,874	3,711
Advertising	3,142	1,889
Travel	52,072	37,788
IT services	31,603	27,120
<b>Total goods and services</b>	<b>391,411</b>	<b>442,011</b>
<b>Goods and services are made up of:</b>		
Provision of goods—external parties	369,411	370,284
Provision of goods—related parties	22,000	71,727
<b>Total goods and services</b>	<b>391,411</b>	<b>442,011</b>
<b>Other supplier expenses</b>		
Operating lease rentals—external parties		
Minimum lease payments	268,394	1,532,433
Workers compensation expenses	10,258	8,966
<b>Total other supplier expenses</b>	<b>278,652</b>	<b>1,541,399</b>
<b>Total supplier expenses</b>	<b>670,063</b>	<b>1,983,410</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 3: Expenses (cont.)

	2012	2011
	\$	\$
<b>Note 3C. Depreciation and Amortisation</b>		
Depreciation:		
Property, plant and equipment	25,612	74,767
Buildings	—	89,858
<b>Total depreciation</b>	<b>25,612</b>	<b>164,625</b>
<b>Total depreciation and amortisation</b>	<b>25,612</b>	<b>164,625</b>

### Note 3D. Finance Costs

Unwinding of discount	4,842	4,842
<b>Total finance costs</b>	<b>4,842</b>	<b>4,842</b>

### Note 3E. Write-Down and Impairment of Assets

Asset write-downs and impairments from:		
Impairment of property, plant and equipment	—	79,096
<b>Total write-down and impairment of assets</b>	<b>—</b>	<b>79,096</b>

### Note 4: Income

#### OWN-SOURCE REVENUE

### Note 4A. Sale of Goods and Rendering of Services

Provision of goods—external parties	6,100	8,011
<b>Total sales of goods and rendering of services</b>	<b>6,100</b>	<b>8,011</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 4: Income (cont.)

#### OWN-SOURCE REVENUE (cont.)

	2012	2011
	\$	\$
<b>Note 4B. Interest</b>		
Deposits	—	66,331
<b>Total interest</b>	<b>—</b>	<b>66,331</b>

#### **Note 4C. Other Revenue**

Reimbursement of Commissioner cost— Attorney-General's Department	169,530	48,473
Resources received free of charge— services	22,000	—
<b>Total other revenue</b>	<b>191,530</b>	<b>48,473</b>

#### GAINS

#### **Note 4D. Sale of Assets**

Property, plant and equipment:		
Proceeds from sale	17,896	10,000
<b>Net gain from sale of assets</b>	<b>17,896</b>	<b>10,000</b>

#### REVENUE FROM GOVERNMENT

#### **Note 4E. Revenue from Government**

##### Appropriations

Departmental appropriations	2,927,000	—
<b>Attorney-General's Department</b>		
CAC Act body payment item	—	3,152,000
<b>Total revenue from Government</b>	<b>2,927,000</b>	<b>3,152,000</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 5: Financial Assets

	2012 \$	2011 \$
<b>Note 5A. Cash and cash equivalents</b>		
Cash on hand or on deposit	838,408	1,317,656
<b>Total cash and cash equivalents</b>	<b>838,408</b>	<b>1,317,656</b>
<b>Note 5B. Trade and Other receivables</b>		
<b>Good and Services:</b>		
Goods and services—external parties	2,296	5,817
<b>Total receivable for goods and services</b>	<b>2,296</b>	<b>5,817</b>
<b>Appropriations receivable:</b>		
For existing programs	66,500	—
<b>Total appropriations receivable</b>	<b>66,500</b>	<b>—</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	25,852	15,397
<b>Total other receivables</b>	<b>25,852</b>	<b>15,397</b>
<b>Total trade and other receivables (gross)</b>	<b>94,648</b>	<b>21,214</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	94,648	21,214
More than 12 months	—	—
<b>Total trade and other receivables (net)</b>	<b>94,648</b>	<b>21,214</b>
<b>Receivables are aged as follows:</b>		
Not overdue	94,648	21,214
<b>Total receivables (gross)</b>	<b>94,648</b>	<b>21,214</b>

All receivables are with entities external to the Commission. Credit terms are net 30 days (2011: 30 days).

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 6: Non-Financial Assets

	2012	2011
	\$	\$
<b><u>Note 6A. Property, Plant and Equipment</u></b>		
<b>Other property, plant and equipment:</b>		
Fair value	142,630	80,561
Accumulated depreciation	(34,332)	(22,409)
<b>Total other property, plant and equipment</b>	<b>108,298</b>	<b>58,152</b>
<b>Total property, plant and equipment</b>	<b>108,298</b>	<b>58,152</b>

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.

The revaluation is conducted in accordance with Note 1. The last revaluation was 30 June 2010.



# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 6: Non-Financial Assets (cont.)

#### Note 6B. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2011–12)

	Property, Plant & Equipment \$	Total \$
As at 1 July 2011		
Gross book value	350,022	350,022
Accumulated depreciation / amortisation	(291,870)	(291,870)
Net book value 1 July 2011	58,152	58,152
Additions		
by purchase	79,468	79,468
Depreciation /expense	(25,612)	(25,612)
Revaluations and impairments recognised in other comprehensive income	(3,710)	(3,710)
Net book value 30 June 2012	108,298	108,298
Net book value as of 30 June 2012 represented by:		
Gross book value	429,490	429,490
Accumulated depreciation and impairment	(321,192)	(321,192)
Net book value 30 June 2012	108,298	108,298

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

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 6: Non-Financial Assets (cont.)

#### Note 6B. (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2010–11)

	Buildings	Property, Plant & Equipment	Total
	\$	\$	\$
<b>As at 1 July 2010</b>			
Gross book value	202,183	319,380	521,563
Accumulated depreciation and impairment	–	–	–
<b>Net book value 1 July 2010</b>	<b>202,183</b>	<b>319,380</b>	<b>521,563</b>
<b>Additions</b>			
by purchase	–	30,642	30,642
Depreciation expense	(89,858)	(74,767)	(164,625)
Revaluations and impairments recognised in other comprehensive income	(112,325)	(138,007)	(250,332)
<b>Net book value 30 June 2011</b>	<b>–</b>	<b>(79,096)</b>	<b>(79,096)</b>
<b>Net book value as of 30 June 2011 represented by:</b>	<b>–</b>	<b>58,152</b>	<b>58,152</b>
Gross book value	–	350,022	350,022
Accumulated depreciation and impairment	–	(291,870)	(291,870)
<b>Net book value 30 June 2011</b>	<b>–</b>	<b>58,152</b>	<b>58,152</b>

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

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 6: Non-Financial Assets (cont.)

	2012	2011
	\$	\$
<b>Note 6C. Other Non-Financial Assets</b>		
Prepayments	138,891	118,029
Other	–	25,650
<b>Total other non-financial assets</b>	<b>138,891</b>	<b>143,679</b>
<b>Total other non-financial assets- are expected to be recovered in:</b>		
No more than 12 months	138,891	143,679
<b>Total other non-financial assets</b>	<b>138,891</b>	<b>143,679</b>

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

### Note 7: Payables

	2012	2011
	\$	\$
<b>Note 7A. Suppliers</b>		
Trade creditors and accruals	21,084	46,199
<b>Total supplier payables</b>	<b>21,084</b>	<b>46,199</b>
<b>Supplier payables expected to be settled within 12 months:</b>		
External entities	21,084	46,199
<b>Total</b>	<b>21,084</b>	<b>46,199</b>
<b>Total supplier payables</b>	<b>21,084</b>	<b>46,199</b>

Financial statements

Annual Report 2011–12

Settlement was usually made within 30 days.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 7: Payables (cont.)

	2012	2011
	\$	\$
<b><u>Note 7B. Other Payables</u></b>		
Lease incentive	149,047	142,323
Wages and salaries	96,238	87,243
<b>Total other payables</b>	<b>245,285</b>	<b>229,566</b>
<b>Total other payable are expected to be settled in:</b>		
No more than 12 months	96,238	87,243
More than 12 months	149,047	142,323
<b>Total other payables</b>	<b>245,285</b>	<b>229,566</b>

### Note 8: Provisions

#### Note 8A. Employee Provisions

Leave	436,777	303,088
<b>Total employee provisions</b>	<b>436,777</b>	<b>303,088</b>
<b>Employee provisions are expected to be settled in:</b>		
No more than 12 months	284,964	267,877
More than 12 months	151,813	35,211
<b>Total employee provisions</b>	<b>436,777</b>	<b>303,088</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### **Note 8: Provisions (cont.)**

	2012	2011
	\$	\$
<b><u>Note 8B. Other Provisions</u></b>		
Provision for restoration obligations	—	109,842
<b>Other provisions are expected to be settled in:</b>		
More than 12 months	—	109,842
<b>Total other provisions</b>	<b>—</b>	<b>109,842</b>

All other provisions are non-current liabilities.

	Provision for restoration \$	Provision for restoration \$
<b>Carrying amount 1 July 2011</b>	<b>109,842</b>	105,000
Unwinding of discount or change in discount rate	<b>4,842</b>	4,842
Amounts used	<b>(49,140)</b>	—
Profit & Loss	<b>(65,544)</b>	—
<b>Closing balance 2012</b>	<b>—</b>	<b>109,842</b>

The Commission has an agreement for leasing its premises at 135 King St. Sydney, which has provisions requiring the Commission to restore the premises to its original condition at the conclusion of the lease. The Commission has made a provision to reflect the present value of this obligation. In 2011–12 financial year, the Commission restored the premises to its original condition.

	2012	2011
	\$	\$
<b><u>Note 8C. Lease Provisions</u></b>		
Provision for lease	<b>162,005</b>	786,386
	<b>162,005</b>	786,386

The Commission has a rent provision resulting from vacating its previous premises, 135 King St. Sydney.

The provision will be applied to the lease term ending 30 September 2012.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 9: Cash Flow Reconciliation

	2012 \$	2011 \$
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Report cash and cash equivalents as per:</b>		
Cash Flow Statement	838,408	1,317,656
Balance Sheet	838,408	1,317,656
<b>Difference</b>	<b>—</b>	<b>—</b>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(2,743,816)	(4,194,878)
Add revenue from Government	2,927,000	3,152,000
<b>Adjustments for non-cash items</b>		
Depreciation / amortisation	25,612	164,625
Net write down of non-financial assets	—	79,096
Gain on disposal of assets	(17,896)	(10,000)
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	(73,434)	2,126
(Increase) / decrease in prepayments and other non financial assets	4,788	(43,572)
Increase / (decrease) in supplier payables	(25,115)	146,870
Increase / (decrease) in other provisions	(734,232)	791,228
Increase / (decrease) in employee provisions	149,417	(21,005)
<b>Net cash from operating activities</b>	<b>(487,676)</b>	<b>66,490</b>

# **AUSTRALIAN LAW REFORM COMMISSION**

## **NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

### **Note 10: Senior Executive Remuneration**

#### **Note 10A. Senior Executive Remuneration Expense for the Reporting Period**

	2012	2011
	\$	\$
<b>Short-term employee benefits:</b>		
Salary	592,035	130,294
Annual leave accrued	45,563	9,990
Performance bonuses	10,861	10,423
Motor vehicle and other allowances	72,222	24,493
<b>Total short-term employee benefits</b>	<b>720,681</b>	<b>175,200</b>
<b>Post-employment benefits:</b>		
Superannuation	107,725	30,474
<b>Total post-employment benefits</b>	<b>107,725</b>	<b>30,474</b>
<b>Other long-term benefits</b>		
Long-service leave	11,171	3,247
<b>Total other long-term benefits</b>	<b>11,171</b>	<b>3,247</b>
<b>Total employment benefits</b>	<b>839,576</b>	<b>208,921</b>

#### **Notes:**

- Note 10A was prepared on an accrual basis (therefore the performance bonus expenses disclosed above may differ from cash 'Bonus paid' in Note 10B).
- Note 10A excludes acting arrangements and part-year service where total remuneration expensed for a senior executive was less than \$150,000.
- In 2010–11 financial year the Australian Law Reform Commission was a CAC authority.

**AUSTRALIAN LAW REFORM COMMISSION**  
**NOTES TO AND FORMING PART OF THE FINANCIAL**  
**STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

**Note 10: Senior Executive Remuneration (cont.)**

**Note 10B. Average Annual Reportable Remuneration paid to Substantive Senior Executives During the Reporting Period**

		2012				
Average annual reportable remuneration <sup>1</sup>	Senior Executives No.	Reportable Salary <sup>2</sup>	Contributed Superannuation <sup>3</sup>	Reportable Allowances <sup>4</sup>	Bonus Paid <sup>5</sup>	Total
Total remuneration*		\$	\$	\$	\$	\$
\$150,000 to \$179,999	1	121,668	19,878	16,575	–	158,121
\$180,000 to \$209,999	1	145,945	28,317	16,582	10,861	201,705
\$370,000 to \$399,999	1	321,980	49,650	–	–	371,630
<b>Total</b>	<b>3</b>					

		2011				
Average annual reportable remuneration <sup>1</sup>	Senior Executives No.	Reportable Salary <sup>2</sup>	Contributed Superannuation <sup>3</sup>	Reportable Allowances <sup>4</sup>	Bonus Paid <sup>5</sup>	Total
Total remuneration*		\$	\$	\$	\$	\$
\$180,000 to \$209,999	1	130,294	27,607	16,582	10,423	184,906
<b>Total</b>	<b>1</b>					

In 2010–11 financial year the Australian Law Reform Commission was a CAC authority.



## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note 10: Senior Executive Remuneration (cont.)

#### **Note 10B: Average Annual Reportable Remuneration paid to Substantive Senior Executives During the Reporting Period (cont.)**

##### **Notes:**

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on the headcount of the individuals in the band.

2. 'Reportable salary' includes the following: a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column); b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits).

3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to senior executives in that reportable remuneration band during the reporting period, including any salary sacrificed amounts, as per the individuals' payslips.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the commission during the financial year.

6. Various salary sacrifice arrangements were available to senior executives including superannuation, motor vehicle and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

#### **Note 10C. Other Highly Paid Staff**

During the reporting period, there was no employees (2011: no employees) whose salary plus performance bonus were \$150,000 or more.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 11: Remuneration of Auditors

Financial statement audit services were provided free of charge to the Commission by the Australian National Audit Office (ANAO) in the current year.

	2012	2011
	\$	\$
<b>Fair value of the services provided</b>		
Financial statement audit services	22,000	21,500
<b>Total</b>	<b>22,000</b>	<b>21,500</b>

The ANAO provided audit engagements free of charge to the Commission.

In 2010–11 financial year the Australian Law Reform Commission was a CAC authority.

### Note 12: Financial Instruments

	2012	2011
	\$	\$
<b><u>Note 12A. Categories of Financial Instruments</u></b>		
<b>Financial Assets</b>		
<b>Loans and receivables:</b>		
Cash on hand or on deposit	838,408	1,317,656
Trade and other receivables	2,296	5,817
<b>Total</b>	<b>840,704</b>	<b>1,323,473</b>
<b>Carrying amount of financial assets</b>	<b>840,704</b>	<b>1,323,473</b>
<b>Financial Liabilities</b>		
<b>At amortised cost:</b>		
Trade creditors	21,084	46,199
Other	245,285	142,323
<b>Total</b>	<b>266,369</b>	<b>188,522</b>
<b>Carrying amount of financial liabilities</b>	<b>266,369</b>	<b>188,522</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 12: Financial Instruments (cont.)

	2012 \$	2011 \$
<b><u>Note 12B. Net Income and Expense from Financial Assets</u></b>		
<b>Loans and receivables</b>		
Interest revenue	—	66,331
<b>Net gain loans and receivables</b>	—	66,331
<b>Net gain from financial assets</b>	—	66,331

There is no interest income from financial assets not at fair value through profit or loss in the year ending 30 June 2012 (2011: \$66,331).

### **Note 12C. Net Income and Expense from Financial Liabilities**

#### **Financial liabilities—at amortised cost**

There is no income or expense from financial liabilities not at fair value through profit or loss in the year ending 30 June 2012 (2011:nil).

### **Note 12D. Fair Values of Financial Instruments**

	2012		2011	
	Carrying amount	Fair value	Carrying amount	Fair value
	\$	\$	\$	\$
<b>Financial Assets</b>				
Cash at bank	838,408	838,408	1,317,656	1,317,656
Receivables for goods and services (net)	2,296	2,296	5,817	5,817
<b>Total</b>	<b>840,704</b>	<b>840,704</b>	<b>1,323,473</b>	<b>1,323,473</b>
<b>Financial Liabilities</b>				
Trade creditors	21,084	21,084	46,199	46,199
Other payables	245,285	245,285	142,323	142,323
<b>Total</b>	<b>266,369</b>	<b>266,369</b>	<b>188,522</b>	<b>188,522</b>

**AUSTRALIAN LAW REFORM COMMISSION**  
**NOTES TO AND FORMING PART OF THE FINANCIAL**  
**STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

**Note 12: Financial Instruments (cont.)**

**Note 12D. Fair Values of Financial Instruments (cont.)**

**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 12E. 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.

All the assets are due within 12 months and are not past due date.

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

**Note 12F. Liquidity Risk**

The Commission's financial liabilities are supplier payables. The exposure to liquidity risk is based on the notion that the Commission will not encounter difficulty in meeting its obligations associated with financial liabilities.

**Note 12G. 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.

**AUSTRALIAN LAW REFORM COMMISSION**

**NOTES TO AND FORMING PART OF THE FINANCIAL  
STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

**Note 13: Financial Assets Reconciliation**

		2012	2011
		\$	\$
<b><u>Financial Assets</u></b>			
	<b>Notes</b>		
<b>Total financial assets as per balance sheet</b>		<b>933,056</b>	1,338,870
Less: non-financial instrument components:			
Appropriations receivable	5B	<b>66,500</b>	–
Other receivables	5B	<b>25,852</b>	15,397
Total non-financial instrument components		<b>92,353</b>	15,397
<b>Total financial assets as per financial instruments note</b>		<b>840,704</b>	1,323,473

AUSTRALIAN LAW REFORM COMMISSION  
NOTES TO AND FORMING PART OF THE FINANCIAL  
STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

Note14: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

	2012 Appropriations							Appropriation applied in 2012 (current and prior years) \$	Variance \$	
	Appropriation Act		FMA Act							Total appropriation \$
			Section 30	Section 31	Section 32					
	Annual Appropriation \$	Appropriations reduced <sup>1</sup>	AFM <sup>2</sup>	\$	\$	\$	\$			\$
DEPARTMENTAL										
Ordinary annual services	2,997,000	-	-	-	24,169	-	3,021,169	2,954,669	66,500	
Total departmental	2,997,000	-	-	-	24,169	-	3,021,169	2,954,669	66,500	

Notes:

1. Appropriations reduced under Appropriation Acts (Nos. 1, 3) 2011–12: sections 10, 11, 12 and 15 and under Appropriation Acts (nos. 2, 4 & 5) 2011–12: sections 12, 13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. In 2012, there was no reduction in departmental and non-operating departmental appropriations.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note14: Appropriations (cont.)

#### Notes (cont.):

2. In 2011–12, there was no adjustment that met the recognition criteria of a formal addition or reduction in revenue (in accordance with FMO Div 101) but at law the appropriations had not been amended before the end of the reporting period.

3. The variance amount contributes to amounts paid to the Official Public Account on 30 June 2012. The amounts consist of revenue received from sale of publications, sale of assets purchased when the ALRC was a CAC authority. Also an amount has been provided for long service leave.

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note14: Appropriations (cont.)

Table B: Departmental and Administered Capital Budgets ('Recoverable GST exclusive')

	2012 Capital Budget Appropriations				Capital Budget Appropriations applied in 2012		
	Appropriation Act		FMA Act	Total Capital Budget Appropriations \$	Payments for non-financial assets <sup>3</sup> \$	Payments for other purposes \$	Total payments \$
	Annual Capital Budget \$	Appropriations reduced <sup>2</sup> \$	Section 32 \$				
<b>DEPARTMENTAL</b>							
<b>Ordinary annual service—Departmental Capital Budget<sup>1</sup></b>	70,000	—	—	70,000	70,000	—	70,000
							Variance \$
							—

### Notes:

1. Departmental and Capital Budgets are appropriated through Appropriation Acts (No. 1, 3, 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual Appropriations.
2. Appropriations reduced under Appropriation Acts (No. 1, 3, 5) 2011–12: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition.



# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note 14: Appropriations (cont.)

**Table C: Unspent Annual Appropriations ('Recoverable GST exclusive')**

	2012
<b>Australian Law Reform Commission</b>	<b>\$'000</b>
<b>DEPARTMENTAL</b>	
Appropriation Act (No 1)	66,500
<b>Total</b>	<b>66,500</b>

**AUSTRALIAN LAW REFORM COMMISSION**  
**NOTES TO AND FORMING PART OF THE FINANCIAL**  
**STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012**

**Note15: Reporting of Outcomes**

The Commission operates predominately in one industry, and its primary function is to report to the Federal Government and Parliament on the results of any review that has been referred to it by the Attorney-General.

**Note 15A: Net Cost of Outcome Delivery**

	Outcome 1		Payments to CAC Act bodies*		Total	
	2012	2011	2012	2011	2012	2011
	\$	\$	\$	\$	\$	\$
<b>Departmental</b>						
Expenses	2,959,341	–	–	4,327,693	2,959,341	4,327,693
Own-source income	215,526	–	–	132,815	215,526	132,815
<b>Net cost/(contribution) of outcome delivery</b>	<b>3,174,867</b>	<b>–</b>	<b>–</b>	<b>4,194,878</b>	<b>3,174,867</b>	<b>4,194,878</b>

# AUSTRALIAN LAW REFORM COMMISSION

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### Note15: Reporting of Outcomes (cont.)

#### Note15B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1 <sup>1</sup>		Total	
	2012	2011	2012	2011
	\$	\$	\$	\$
<b>Expenses</b>				
Employees	2,258,824	2,095,719	2,258,824	2,095,719
Suppliers	670,063	1,983,411	670,063	1,983,411
Depreciation and amortisation	25,612	164,625	25,612	164,625
Finance costs	4,842	4,842	4,842	4,842
Write-down and impairment of assets	–	79,096	–	79,096
<b>Total</b>	<b>2,959,341</b>	<b>4,327,693</b>	<b>2,959,341</b>	<b>4,327,693</b>
<b>Income</b>				
Sale of goods and services	6,100	8,011	6,100	8,011
Income from government	2,927,000	3,152,000	2,927,000	3,152,000
Gains from disposal of assets	17,896	10,000	17,896	10,000
Other	191,530	48,473	191,530	48,473
Interest	–	66,331	–	66,331
<b>Total</b>	<b>3,142,527</b>	<b>3,284,815</b>	<b>3,142,527</b>	<b>3,284,815</b>
<b>Assets</b>				
Cash and cash equivalents	838,408	1,317,656	838,408	1,317,656
Trade and other receivables	94,648	21,214	94,648	21,214
Property, plant and equipment	108,298	58,152	108,298	58,152
Other	138,891	143,679	138,891	143,679
<b>Total</b>	<b>1,180,244</b>	<b>1,540,701</b>	<b>1,180,244</b>	<b>1,540,701</b>
<b>Liabilities</b>				
Suppliers	21,084	46,199	21,084	46,199
Lease incentive	245,285	142,323	245,285	142,323
Employee provisions	436,777	390,331	436,777	390,331
Lease provision	162,005	786,386	162,005	786,386
Other provisions	–	109,842	–	109,842
<b>Total</b>	<b>865,150</b>	<b>1,475,081</b>	<b>865,150</b>	<b>1,475,081</b>

## AUSTRALIAN LAW REFORM COMMISSION

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

#### Note15: Reporting of Outcomes (cont.)

#### **Note15B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome (cont.)**

The Commission's Outcome is described in Note 1.1. Net costs included intra-government costs that were eliminated in calculating the actual Budget Outcome. Refer to Outcome 1 Resourcing Table on page 145 of this Annual Report.

#### Note 16: Net Cash Appropriation Arrangements

	2012 \$
	<hr/>
<b>Total comprehensive income less depreciation/amortisation expenses previously funded through revenue appropriations<sup>1</sup></b>	<b>153,862</b>
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	<b>25,612</b>
	<hr/>
<b>Total comprehensive income—as per the Statement of Comprehensive Income</b>	<b>179,474</b>
	<hr/> <hr/>

1. From 2010–11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

# Special features

## Law reform process

The ALRC typically has two inquiries in progress at any one time and, with staggered timetables, completes 1–2 inquiries in a year. The process for each inquiry may differ according to the scope of inquiry, the range of stakeholders, the complexity of the laws under review, and the period of time allotted for the inquiry by the Attorney-General. While the exact procedure needs to be tailored to suit each inquiry, the ALRC usually works to a process that has been tested over 35 years of law reform.

### Terms of Reference

The Australian Government identifies an area of Commonwealth law that needs to be updated, improved or developed for various reasons including:

- ▲ there is community concern about a particular issue that needs to be addressed through the process of law reform;
- ▲ recent events or legal cases have highlighted a deficiency with the law;
- ▲ scientific or technological developments have made it necessary to update the law or create new laws.

The Attorney-General may then refer an inquiry (also known as a reference) to the ALRC into the area of law needing reform. This written request is called the ‘Terms of Reference’ (TOR). The TOR set out the subject matter of an inquiry, provide background to the referral and will often ask the ALRC to consult with various stakeholders. The TOR always stipulate when the ALRC must provide its report to the Attorney-General. The first stage of any inquiry involves the ALRC examining the TOR and scoping the inquiry—determining what falls inside and outside the TOR.

### Consultations

The ALRC conducts many consultations around the country with inquiry stakeholders including: government departments, judges and magistrates, other legal professionals, industry groups, non government organisations, special interest groups, academics and other members of the community. Essentially, the ALRC seeks to consult with people who have expertise and experience in the laws under review, as well as people likely to be affected by the laws in question.

Once an inquiry is underway, the ALRC usually forms an advisory committee or panel of experts. Members of these committees are selected because of the expertise of each committee member in a particular area relevant to the area of law under review. An advisory committee will not necessarily include representatives from each stakeholder group, as these may be consulted separately. The advisory committee has particular value in helping the ALRC to identify the key issues, as well as in providing quality assurance in the research and consultation processes. Advisory committees usually meet at least twice during an inquiry, before the publication of a consultation document and report.

## Issues papers

The number of consultation documents produced during an inquiry varies according to the needs of the inquiry and its timeframe, but usually consists of an issues paper and a discussion paper. Sometimes, if the timeframe is quite short, the ALRC will only produce one consultation document and then the report.

An issues paper is usually the first official publication of an inquiry. It provides a preliminary look at issues surrounding the inquiry and often suggests principles which could guide proposals for reform. It poses questions regarding the subject area and seeks advice from the community about the issues that need to be considered as the inquiry progresses, as well as informing the community about the range of issues already identified. The issues paper invites feedback in the form of submissions.

## Submissions

The ALRC makes a formal call for submissions whenever it releases an issues paper or discussion paper. Through the submissions it receives, the ALRC can gauge what people think about current laws, how they should be changed and can test its proposals for reform with stakeholders prior to finalising them. Submissions can contain comments on matters raised in an issues or discussion paper, or might discuss anything relevant to the topic under review.

Naturally there are many different views advanced through submissions, and the evaluation of submissions is not like a ballot. The ALRC considers the opinions and arguments expressed in submissions together with other forms of consultation and in-depth research. When writing a report, the ALRC may select quotes from submissions that are expressive of different views and which illustrate the scope of stakeholder perspectives.

The ALRC publishes public submissions on its website as soon as practicable.

## Discussion papers

Discussion papers are typically much more detailed documents than issues papers. They provide a detailed account of ALRC research, including a summary of the various consultations and submissions undertaken and received, and set out draft proposals for reform. Following the release of a discussion paper, the ALRC will call for further submissions and undertake additional consultation.

## Formulating recommendations

Recommendations in the report describe the key reforms that the ALRC considers should be made either to laws or legal processes. In formulating recommendations, the ALRC draws not only on submissions, but also on its face to face consultations, academic and industry research, international research and models, and its considerable experience in law reform.

During the process of formulating recommendations, the ALRC has regard to any policy aims expressed in the Terms of Reference and the principles for reform identified for each particular inquiry. The ALRC is also directed by its Act, the *Australian Law Reform Commission Act 1996*, to ensure its recommendations remove defects in the law, simplify the law, update it and provide improved access to justice, amongst other things. Coming to a final recommendation is, therefore, a process where many different inputs are balanced to achieve desirable policy outcomes.

## Reports

Each inquiry culminates in a report that makes specific recommendations for changes to the law or legal processes. It also describes in detail the ALRC's research and explains how the ALRC has arrived at its recommendations for reform, the evidence base for the recommendations.

## Government response

The Attorney-General is required to table the report in Parliament within 15 sitting days of receiving it, after which it can be made available to the public.

The Australian Government decides whether to implement the recommendations, in whole or in part. There is no set timeframe in which the Government is required to respond, and some reports are implemented several years after they have been completed. Implementation of ALRC recommendations are tracked and recorded each year in the ALRC Annual Report. See Appendix G.



## ALRC internship program

The internship program is an important part of the ALRC inquiry program. An internship at the ALRC provides an opportunity for students to increase their awareness of law reform processes 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 the Commissioner in charge of the inquiry and/or legal officers.

The ALRC accepts students in their penultimate or final year of an undergraduate or graduate law degree, from any university including overseas institutions. The number of interns accepted at any one time will depend upon the current work program of the Commission. In 2011–12, there were 15 internships offered and the ALRC was pleased to include students of an exceptionally high standard from around Australia and abroad. Students came from the ACT, Victoria and NSW. Three overseas students spent time with us including Scott McIntosh from Harvard University Law School, and Sharity Bannerman and Laurie Holmes, who joined us for six weeks from the University of Maryland.

All our interns provided an excellent standard of work across the ALRC inquiries and were involved in a range of ALRC activities attending, when possible, consultation meetings with inquiry stakeholders, Advisory Committee meetings and inquiry team meetings.

The ALRC is indebted to our student interns whose excellent research skills and enthusiasm ensures a very high quality input to the ALRC's work.

ALRC policies in relation to internships, student placements and professional legal practice are available on the ALRC website at <http://www.alrc.gov.au/about/legal-internship-program>.



Left to right: ALRC President, Professor Rosalind Croucher, Sharity Bannerman, Laurie Holmes

## Interns July 2011 to June 2012

**Table 11: Interns 2011–2012**

<i>Name</i>	<i>Institution</i>	<i>Inquiry</i>	<i>Duration of internship</i>
Robert Chiarella	USyd	Commonwealth Laws and Family Violence	12 Aug–26 Sept 2011
Adam Arnold	UNSW	Classification; Copyright	15 Aug–29 Nov 2011
Sean Lau	UNSW	Classification; Commonwealth Laws and Family Violence	16 Aug–15 Nov 2011
Nina Abbey	UTS	Commonwealth Laws and Family Violence	15 Aug–7 Nov 2011
Scott McIntosh	Harvard University	Classification	3 Jan–20 Jan 2012
Riki Sutherland	ANU	Classification	9 Jan–27 Jan 2012
Brooke Greenwood	ANU	Classification	9 Jan–27 Jan 2012
Emille Boulot	Monash University	Classification	6 Feb–24 Feb 2012
Ellenor Hayes	University of Newcastle	Classification	6 Feb–24 Feb 2012
Jillian Morrison	UWS	Age Barriers to Work	6 Mar–29 May 2012
Ellen Chapple	ANU/USyd	Copyright	7 Mar–29 May 2012
Hannah Innes	USyd	Age Barriers to Work	9 Mar–29 May 2012
Lindi Todd	UNSW	Copyright	7 Mar–29 May 2012
Laurie Holmes	Uni of Maryland	Age Barriers to Work	4 Jun–13 Jul 2012
Sharity Bannerman	Uni of Maryland	Age Barriers to Work	4 Jun–13 Jul 2012

## Michael Kirby and the Kirby Cup

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. To enter, law students must provide a written paper (2,000–4,000 words) on a given topic of law reform.

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 2011 was chosen to feed into the ALRC's Classification and Copyright inquiries:

*It is generally accepted that the internet has had a real impact on a variety of traditional creative industries. The internet provides a medium through which there is great potential for Australian users to infringe copyright in music and films and commit classification offences such as selling or distributing unclassified films and computer games. How should the law respond to these challenges?*

This year the Kirby Cup was jointly won by Tyler Fox and Melchor Raval.



Left to right: Tyler Fox, The Hon Michael Kirby, Melchor Raval.

Tyler Fox is studying a Bachelor of Laws at the University of Newcastle and his winning entry, 'Breaking the Internet', examined the current laws in Australia particularly as they pertain to copyright and privacy and canvassed a number of possible law reform responses to the problems raised. Melchor Raval is a student in the School of Business Law and Taxation at Monash University and his winning entry used Australian case studies, in particular of gaming, and focused on international law and comparisons.

Both winners met the Hon Michael Kirby AC CMG at a small function at the ALRC on 6 December 2011, when they were presented with their certificates. Their names are now inscribed on the perpetual 'Kirby Cup' that is kept on display at the offices of the ALRC—a record of all past winners of this prestigious law reform competition.

The Kirby Cup is one way that the ALRC provides insight to law students across Australia into the processes of law reform and our inquiries.

## **'Chairman Emeritus'**

As a particular mark of respect, admiration and affection, the ALRC took the opportunity to proudly confer on Michael Kirby the honorary title of 'Chairman Emeritus', acknowledging his role as inaugural Chairman of the ALRC, from 1975 to 1984. The gathering of ALRC colleagues, Kirby Cup recipients and their families was an ideal occasion to present Michael Kirby with his testamur, adding to his astonishing collection of honorary degrees and other prestigious awards.



The Hon Michael Kirby with ALRC Staff

## International outreach

The ALRC has, since the 1970s, played an important educative role in the processes of law reform internationally. This engagement contributes to regional goodwill and to Australia's leadership role in democratic institution-building, particularly within Australasia.

In recent years, ALRC engagement with overseas law reform has, for budgetary reasons, become more constrained. However, the ALRC still offers assistance to developing law reform bodies, which often require training in the processes of policy development and law reform, as well as in consultation strategies and managing stakeholder engagement, particularly of government and parliamentary stakeholders.

### Professional development

In June 2011, the ALRC welcomed Kaisarina Salesa, Senior Legal Analyst, with the Samoa Law Reform Commission, for a two-week secondment. During this time Ms Salesa was able to shadow senior legal and corporate staff in their daily work, as well as to participate in formal learning sessions on policy development, online communication, consultation strategies, research and writing, and corporate governance. ALRC staff were also able to learn from Ms Salesa about the challenges of law reform in Samoa.



Kaisarina Salesa, Senior Legal Analyst, Samoa Law Reform Commission with ALRC President, Professor Rosalind Croucher.



## Delegations

In 2011–12 the ALRC received delegations from the Nigerian Law Reform Commission and from Malawi—keen to learn about and discuss Australia’s approach to law reform, including:

- ▲ the relationship between independent law reform and parliamentary processes and drafting;
- ▲ working relationships with legal professionals and law reformers;
- ▲ functions of the ALRC and relationships with other human rights organisations; and
- ▲ the development of law to take account of changing social economic, technological and political circumstances.

These delegations provide a further opportunity for Australia’s independent system of law to be better understood by our neighbours.



Delegation from the Nigerian Law Reform Commission with Professor Rosalind Croucher (centre) and to her left, Chairman of the NLRC, the Hon Justice Kalgo.

# Reconciliation Action Plan update

The ALRC first developed its Reconciliation Action Plan (RAP) in 2009. In April 2012 this plan was updated following a close consideration of our achievements to date and the lessons learnt since the original plan was developed. The ALRC's RAP for 2012–14 is available on the ALRC website at <http://www.alrc.gov.au/about/indigenous-consultation/reconciliation-action-plan>.

The ALRC sees reconciliation between Indigenous and non-Indigenous Australians as comprising both processes and outcomes. Both of these require meaningful and ongoing dialogue between Indigenous peoples and the ALRC. 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.

The ALRC recognises that our RAP needs to achieve practical outcomes. Therefore, we commit under our RAP to:

- ▲ engage and consult with Indigenous groups, individuals and organisations;
- ▲ promote Indigenous representation in the ALRC workforce and internship program;
- ▲ promote a meaningful understanding of issues relevant to Indigenous peoples amongst ALRC staff;
- ▲ consider the impact on Indigenous peoples in developing recommendations for reform; and
- ▲ strive in all aspects of our work to protect and promote the rights of Indigenous peoples.

In June 2012, ALRC staff participated in Indigenous cross cultural training facilitated by Jade Kennedy from Arrilla Indigenous Training and Development Consultants. This one day workshop held at Tranby Aboriginal College, assisted the further development of consultation strategies and engagement with Indigenous communities.

The ALRC has developed a number of resources relating to Indigenous consultation and law reform issues since its first RAP in 2009 including a specialised information sheet, *Family Violence and Commonwealth Laws—Indigenous Peoples* that outlines the key recommendations concerning Indigenous peoples that were made in the

2011–12 Family Violence and Commonwealth Laws inquiry and an Indigenous consultation plan that was produced to inform consultation strategies for the Family Violence inquiry in 2010. The ALRC also produced a podcast interview with Professor Rosalind Croucher that covered the key recommendations of the inquiry of relevance to Indigenous communities, and furthered both our consultation with and feedback to our Indigenous stakeholders.

In May 2012, the ALRC joined other agencies in the Attorney-General's portfolio in signing and supporting the Attorney-General's Indigenous Statement of Commitment.

As part of NAIDOC week 2012, the ALRC publically acknowledged and thanked, on our website, the Indigenous organisations who have contributed to our work in recent and current inquiries including:

- ▲ Aboriginal Family Law Services, Perth
- ▲ Aboriginal Family Violence Prevention and Legal Service Victoria
- ▲ Aboriginal Legal Service of Western Australia
- ▲ Emily Webster, Central Australian Aboriginal Legal Aid Service
- ▲ Virginia Marshall, Senior Legal Officer, Family Violence and Commonwealth Laws inquiry
- ▲ Jade Kennedy, Arrilla Indigenous Training and Development Consultants
- ▲ Reconciliation Australia

In meeting with the ALRC for consultations and by providing written submissions, these stakeholders have given generously of their time and support to ALRC law reform processes.

The ALRC's report on its RAP for 2011–2012 is included on our website <http://www.alrc.gov.au/about/indigenous-consultation>.



# Appendices

## Appendix A: Corporate Plan 2011–2013

### 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. 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 mechanisms, including through online communication strategies, where appropriate. These external contributions and the ALRC's own research and analysis will inform the preparation of a final report with recommendations for the Government's consideration for each inquiry undertaken. The ALRC has one program to achieve its outcome.

### Program 1: Conducting Inquiries into Aspects of Australian Law and Related Processes for the Purpose of Law Reform

In 2011–2013 the ALRC is expecting to conduct at least two inquiries at any 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 consultations 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 will usually constitute an expert Advisory Committee for each inquiry to assist in the analysis and formulation of key recommendations and proposals for reform.

The ALRC will further develop online resources and communication strategies to maximise access to its processes by the Australian community, to ensure that the community's highly valued contribution to law reform continues to be facilitated, for example through web-based discussion forums, blogs, e-newsletters and online submission processes.

As required by its Act, the ALRC will also 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.

Staff of the ALRC will speak at conferences, seminars and meetings of professional and community groups about the work of the ALRC and law reform processes generally and will engage in other consultative and educational activities relating to the ALRC's current and past inquiries.

As the ALRC's recommendations must represent international best practice, the ALRC will also engage with other law reform and expert bodies internationally to share information and ideas and to benchmark ALRC practices and procedures.

Where the ALRC has made relevant recommendations or has acquired special expertise or experience, it will also make submissions to inquiries undertaken by other bodies, especially parliamentary committees, on the law reform issues raised in those inquiries.

## Our Deliverables

### Program 1—Conducting inquiries

The ALRC will conduct inquiries as referred by the government and will:

- ▲ undertake community consultation nationally with stakeholders and experts relevant to each area of law under review and report on the consultation process;

- ▲ constitute an expert advisory committee for each inquiry, as required;
- ▲ produce consultation documents, as appropriate, to each inquiry;
- ▲ provide web-based consultation and communication strategies to effectively and efficiently broaden access to the ALRC's activities by the community;
- ▲ produce a final report containing recommendations for law reform for each inquiry;
- ▲ 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; and
- ▲ track and report on implementation of its recommendations.

External factors that may impact on the ALRC's abilities to achieve its outcome include the government's reform agenda and timelines, which influence both the number and scope of inquiries that are referred to the ALRC. The ALRC's work is highly dependent on a wide range of public and private stakeholders and the quality and timeliness of their contributions.

## Our Key Performance Indicators (KPIs)

### Program 1—Conducting inquiries

The ALRC will measure the success of Program 1 in delivering its objective through the following key performance indicators:

- ▲ the level of implementation of ALRC reports by government and other bodies, either 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;
- ▲ the number of submissions received for each inquiry;
- ▲ the number of visitors to the ALRC website;
- ▲ the number of presentations and speaking engagements; and
- ▲ the number of media mentions.

The logic behind using implementation rates as an indicator of the effectiveness of the ALRC in achieving its objective is that the rate of implementation of ALRC recommendations provides some evidence of the ALRC's relative success in facilitating informed decision-making by government that leads to development, reform and harmonisation of Australian laws and related processes.

Using the number of citations of ALRC reports provides an indication of the success of the ALRC's strategies in achieving legal and academic expert engagement.

Using the number of submissions received is one indicator of the breadth of the evidence base that underpins ALRC's recommendations.

The number of media mentions provides an indicator of community engagement and contributes to the community's knowledge about the government's law reform agenda.

The number of visitors to the ALRC's website is an indicator of the community's engagement with the work (past and present) of the ALRC. This engagement underpins informed government decision-making.

Presenting at public conferences, seminars and parliamentary inquiries ensures that the work of the ALRC is publicly debated and discussed.

It should be noted that these indicators are also affected, from year to year, by the subject matter of a particular inquiry, the prescribed timeframe and the resources available to the ALRC.

July 2011

## 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

- ▲ Chief Executive Instructions
- ▲ Corporate Plan 2011–2013\*
- ▲ Environmental Management Policy\*
- ▲ Fraud Control Plan 2012–2014 & Fraud Policy Statement
- ▲ Consultative Committee Charter
- ▲ Reconciliation Action Plan\*
- ▲ Business Continuity Plan
- ▲ Conflict of Interest Policy

### Finance

- ▲ Audit Committee Charter
- ▲ Cabcharge E-Ticket and Charge Card Policy
- ▲ Personal Use of Office Telephone Policy
- ▲ Procurement and Purchasing Policy
- ▲ Travel Policy
- ▲ Credit Card Policy

### Human resources

- ▲ ALRC Enterprise Agreement 2011–14
- ▲ Code of Conduct
- ▲ Equal Employment Opportunity (EEO) Policy
- ▲ Leave Application Policy
- ▲ Performance Appraisal System Policy and Guidelines
- ▲ Reasonable Adjustment Guidelines

- ▲ Health and Wellbeing Allowance Policy
- ▲ Managing Suspected Breach of the APS Code of Conduct Policy

### Information management

- ▲ Information Classification Policy
- ▲ Submissions and Inquiry Material Policy\*
- ▲ Internet & Email Policy
- ▲ Library Collection Policy
- ▲ Records Management Policy
- ▲ Privacy Policy\*
- ▲ Disclaimer Policy\*

### Communications & publications

- ▲ Communicating With People With Disability Policy\*
- ▲ Facebook Policy\*
- ▲ Twitter Policy\*
- ▲ Moderation of Public Forums, Blogs and Website Policy\*

### OH&S

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

### Interns

- ▲ Intern Selection Policy\*
- ▲ School Students and Legal Practice Work Experience Policy\*

\*Available on the ALRC website.

## Appendix C: Terms of Reference 2011–12

### Impact of Commonwealth Laws on Those Experiencing Family Violence

The 2010 inquiry into family violence by the Australian Law Reform Commission and New South Wales Law Reform Commission (the Commissions) has identified issues beyond its scope relating to the impact of Commonwealth laws (other than the *Family Law Act 1975*) on those experiencing family/domestic violence. In addition, the 2009 report of the National Council to Reduce Violence against Women and their Children, *Time for Action*, acknowledges the importance of examining Commonwealth laws that have an impact upon the safety of women and children.

#### Reference

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* (Cth), the issue of the treatment of family/domestic violence in Commonwealth laws, including child support and family assistance law, immigration law, employment law, social security law and superannuation law and privacy provisions in relation to those experiencing family/domestic violence.

I request that the Commission consider what, if any, improvements could be made to relevant legal frameworks to protect the safety of those experiencing family/domestic violence.

#### Scope of the reference

In undertaking this reference, the ALRC should consider legislative arrangements across the Commonwealth that impact on those experiencing family/domestic violence and sexual assault and whether those arrangements impose barriers to effectively supporting those adversely affected by these types of violence. The ALRC should also consider whether the extent of sharing of information across the Commonwealth and with State and Territory agencies is appropriate to protect the safety of those experiencing family/domestic violence.

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

- a. the work undertaken in the Commissions' 2010 family violence inquiry;
- b. the other actions being progressed as part of the National Plan to Reduce Violence against Women and their Children Immediate Government Actions announced by the former Prime Minister on receiving the National Council's report in April 2009; and
- c. the work being undertaken through SCAG on the harmonisation of uniform evidence laws, in particular the development of vulnerable witness protections and recently endorsed principles for the protection of communications between victims of sexual assault and their counsellors.

### **Collaboration and consultation**

In undertaking this reference, the ALRC should:

- a. have regard to the Commissions' 2010 family violence inquiry, the National Council's report and any supporting material in relation to family violence and sexual assault laws;
- b. work closely with the relevant Australian Government departments 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.

### **Timeframe for reporting**

The Commission will report no later than 30 November 2011.

Dated: 9 July 2010  
Robert McClelland  
Attorney-General



## Review of Censorship and Classification

Having regard to:

- ▲ it being twenty years since the Australian Law Reform Commission (ALRC) was last given a reference relating to Censorship and Classification
- ▲ the rapid pace of technological change in media available to, and consumed by, the Australian community
- ▲ the needs of the community in this evolving technological environment
- ▲ the need to improve classification information available to the community and enhance public understanding of the content that is regulated
- ▲ the desirability of a strong content and distribution industry in Australia, and minimising the regulatory burden
- ▲ the impact of media on children and the increased exposure of children to a wider variety of media including television, music and advertising as well as films and computer games
- ▲ the size of the industries that generate potentially classifiable content and potential for growth
- ▲ a communications convergence review, and
- ▲ a statutory review of Schedule 7 of the *Broadcasting Services Act 1992* and other sections relevant to the classification of content

I refer to the ALRC for inquiry and report pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, matters relating to the extent to which the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), State and Territory Enforcement legislation, Schedules 5 and 7 of the *Broadcasting Services Act 1992*, and the Intergovernmental Agreement on Censorship and related laws continue to provide an effective framework for the classification of media content in Australia.

Given the likelihood of concurrent Commonwealth reviews covering related matters as outlined above, the Commission will refer relevant issues to those reviews where it would be appropriate to do so. It will likewise accept referral from other reviews that fall within these terms of reference. Such referrals will be agreed between the relevant reviewers.

1. In performing its functions in relation to this reference, the Commission will consider:
  1. relevant existing Commonwealth, State and Territory laws and practices
  2. classification schemes in other jurisdictions
  3. the classification categories contained in the Classification Act, National Classification Code and Classification Guidelines
  4. any relevant constitutional issues, and
  5. any other related matter.
2. The Commission will identify and consult with relevant stakeholders, including the community and industry, through widespread public consultation. Other stakeholders include the Commonwealth Attorney-General's Department, the Department of Broadband, Communications and the Digital Economy, the Australian Communications and Media Authority, the Classification Board and Classification Review Board as well as the States and Territories.
3. The Commission is to report by 30 January 2012.

Robert McClelland  
Attorney-General

## Review into Commonwealth legal barriers to older persons participating in the workforce or other productive work

Having regard to:

- ▲ obstacles faced by older persons in actively participating in the workforce
- ▲ the desirability of reviewing Commonwealth laws to remove limitations on, or disincentives to, participation in the workforce by older persons, and
- ▲ the definition of 'older persons' as anyone over the age of 45 years, consistent with the definition of 'mature age worker' used by the Australian Bureau of Statistics.

I refer to the Australian Law Reform Commission (ALRC) for inquiry and report, pursuant to s 20(1) of the *Australian Law Reform Commission Act 1996* (Cth):

- ▲ the identification of Commonwealth legislation and legal frameworks that contain or create barriers to older persons participating, or continuing to actively participate, in the workforce or in other productive work (paid or unpaid), and
- ▲ the question of what, if any, changes could be made to relevant Commonwealth legislation and legal frameworks to remove such barriers.

### Scope of the reference

In undertaking this reference, the ALRC should consider all relevant Commonwealth legislation and related legal frameworks that either directly, or indirectly, impose limitations or barriers that could discourage older persons from participating, or continuing to participate, in the workforce or other productive work, including:

- a. superannuation law
- b. family assistance, child support, social security law and relevant government programs
- c. employment law
- d. insurance law
- e. compensation laws, and
- f. any other relevant Commonwealth legislation exempt under the Age Discrimination Act 2004.

In conducting this inquiry, the ALRC should also have regard to:

- ▲ the work undertaken by the Advisory Panel on the Economic Potential of Senior Australians including its initial, second and final reports
- ▲ the work being undertaken by the Consultative Forum on Mature Age Participation and any recommendations made in the Forum's interim report and final reports
- ▲ the work to be undertaken during 2012 by Safe Work Australia to investigate options to address age discrimination in workers' compensation legislation, and
- ▲ the work being undertaken by the Attorney-General's Department to consolidate Commonwealth anti-discrimination laws into a single Act.

## **Consultation**

In undertaking this reference, the ALRC should identify and consult with relevant stakeholders including relevant Government departments and agencies, the Australian Human Rights Commission, the Consultative Forum on Mature Age Participation, and key non-government stakeholders and peak employer and employee bodies.

## **Timeframe for reporting**

The ALRC will commence this reference no later than 31 March 2012, and will report no later than 31 March 2013.

Nicola Roxon  
Attorney-General

## Copyright and the Digital Economy

Having regard to:

- ▲ the objective of copyright law in providing an incentive to create and disseminate original copyright materials;
- ▲ the general interest of Australians to access, use and interact with content in the advancement of education, research and culture;
- ▲ the importance of the digital economy and the opportunities for innovation leading to national economic and cultural development created by the emergence of new digital technologies; and
- ▲ Australia's international obligations, international developments and previous copyright reviews.

I refer to the ALRC for inquiry and report pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* the matter of whether the exceptions and statutory licences in the *Copyright Act 1968*, are adequate and appropriate in the digital environment.

Amongst other things, the ALRC is to consider whether existing exceptions are appropriate and whether further exceptions should:

- ▲ recognise fair use of copyright material;
- ▲ allow transformative, innovative and collaborative use of copyright materials to create and deliver new products and services of public benefit; and
- ▲ allow appropriate access, use, interaction and production of copyright material online for social, private or domestic purposes.

### Scope of reference

In undertaking this reference, the Commission should:

- ▲ take into account the impact of any proposed legislative solutions on other areas of law and their consistency with Australia's international obligations;
- ▲ take into account recommendations from related reviews, in particular the Government's Convergence Review; and

- ▲ not duplicate work being undertaken on: unauthorised distribution of copyright materials using peer to peer networks; the scope of the safe harbour scheme for ISPs; a review of exceptions in relation to technological protection measures; and increased access to copyright works for persons with a print disability.

### **Timeframe**

The Commission is to report no later than 30 November 2013.

Nicola Roxon  
Attorney-General

## Appendix D: Advisory committee members and consultants

### Commonwealth Laws and Family Violence

#### Advisory roundtable

- ▲ Justine Susan Kenny, Federal Court of Australia, Melbourne
- ▲ Justice Berna Collier, Federal Court of Australia, Brisbane
- ▲ Justice Nahum Mushin, Family Court of Australia, Melbourne
- ▲ Professor Terry Carney, Institute of Criminology, University of Sydney
- ▲ Toni Brown, Director, Parent Support Services, Child Support Program, Department of Human Services
- ▲ Ludo McFerran, Project Officer, Australian Domestic and Family Violence Clearinghouse

#### Expert panel members

##### *Child support*

- ▲ Prem Aleema, Director, Child Support Team, Office of the Commonwealth Ombudsman
- ▲ Cameron Brown, Director, Cross Payment Management, Income Support Programs Branch, Department of Education, Employment and Workplace Relations
- ▲ Sally Cole, Solicitor, Legal Aid NSW
- ▲ Jennifer Cooke, First Assistant Secretary, Program Management, Child Support Agency
- ▲ Lee Hansen, Principal Solicitor, Welfare Rights Centre
- ▲ Professor Patrick Parkinson, Sydney Law School, University of Sydney
- ▲ Professor Bruce Smyth, Australian National University

## ***Employment***

- ▲ Catherine Davis, Women's Committee, Australian Council of Trade Unions and Women's Officer, Australian Education Union
- ▲ David Gregory, Director Workplace Policy, Australian Chamber of Commerce and Industry
- ▲ Therese MacDermott, Senior Lecturer, Macquarie Law School
- ▲ Ludo McFerran, Project Officer, Australian Domestic and Family Violence Clearinghouse
- ▲ Sarah McKinnon, Principal Government Lawyer, Bargaining and Coverage Branch, Workplace Relations Legal Group, Department of Education, Employment and Workplace Relations
- ▲ Belinda Tkalcovic, Industrial Officer, Australian Council of Trade Unions

## ***Migration***

- ▲ Professor Mary Crock, Sydney Law School, University of Sydney
- ▲ Robert Day, Director, Family Section, Family and Health Policy Branch, Department of Immigration and Citizenship
- ▲ Chris Yuen, then Principal Solicitor, Immigration Advice and Rights Centre Inc

## ***Social security***

- ▲ Cameron Brown, Director, Cross Payment Management, Income Support Programs Branch, Department of Education, Employment and Workplace Relations
- ▲ Professor Terry Carney, Sydney Law School, University of Sydney
- ▲ Jennifer Cooke, First Assistant Secretary, Program Management, Child Support Agency
- ▲ Paul Cramer, Section Manager, Communities NSW/ACT, Department of Families, Housing, Community Services and Indigenous Affairs
- ▲ Alison Frame, First Assistant Secretary, Social Policy Delivery and Planning, Department of Human Services
- ▲ Lee Hansen, Principal Solicitor, Welfare Rights Centre
- ▲ Justine Jones, Director, Social Support Team, Office of the Commonwealth Ombudsman



## ***Superannuation***

- ▲ Tom Garcia, Policy and Regulatory Manager, Australian Institute of Superannuation Trustees
- ▲ David Graus, General Manager Policy and Industry Practice, Association of Superannuation Funds of Australia
- ▲ Tony Keir, Senior Policy Adviser, Association of Superannuation Funds of Australia
- ▲ Michelle Levy, Law Council of Australia Superannuation Committee (Legal Practice Section) and Partner, Mallesons Stephen Jaques

## **Expert reader**

### ***Income management***

- ▲ Emily Webster, Welfare Rights Lawyer, Central Australian Aboriginal Legal Aid Service

## **Censorship and Classification**

### **Advisory committee members**

- ▲ Dr Jeffrey Brand, Associate Dean and Head of School of Communication and Media, Faculty of Humanities and Social Sciences, Bond University
- ▲ Associate Professor Jane Burns, Chief Executive Officer, Young and Well Co-operative Research Centre
- ▲ Simon Bush, Chief Executive Officer, Australian Home Entertainment Distributors Association
- ▲ Simon Cordina, Assistant Secretary, Cyber-Safety and Trade, Department of Broadband, Communications and the Digital Economy
- ▲ David Court, Head of the Centre for Screen Business, Australian Film, Television and Radio School
- ▲ Ron Curry, Chief Executive Officer, Interactive Games & Entertainment Association
- ▲ Jane Fitzgerald, Assistant Secretary, Classification Branch, Attorney-General's Department
- ▲ Iarla Flynn, Head of Public Policy and Government Affairs, Google Australia and New Zealand

- ▲ Fiona Jolly, Chief Executive Officer, Advertising Standards Bureau
- ▲ Tom Kennedy, Executive Director, Group Digital Services, Omnilab Media
- ▲ Bryce Menzies, Marshall + Dent Lawyers
- ▲ Donald McDonald AC, Director, Classification Board
- ▲ Louise McElvogue, Convergence Review Committee
- ▲ Jonquil Ritter, Executive Director, Citizen and Community Branch, Australian Communications and Media Authority
- ▲ Tim Watts, Regulatory Manager, Regulatory Affairs, Strategy and Corporate Services, Telstra

### Expert readers

- ▲ Peter Coroneos, Consultant, former Chief Executive of Internet Industry Association
- ▲ Nick Gouliaditis, Senior Lawyer, Australian Government Solicitor

## Age Barriers to Work

### Advisory committee members

- ▲ Emeritus Professor Terry Carney, Faculty of Law, University of Sydney
- ▲ The Hon Justice Berna Collier, Federal Court of Australia, Brisbane
- ▲ Anne de Salis, Director ME, Sydney
- ▲ Anne Lampe, Freelance Journalist, Sydney
- ▲ Emeritus Professor Ron McCallum AO, UN Committee on the Rights of Persons with Disabilities, University of Sydney, Sydney
- ▲ Therese MacDermott, Senior Lecturer, Macquarie University, Sydney
- ▲ Michael O'Neill, Chief Executive, National Seniors Australia, Brisbane
- ▲ Professor John Piggott, ARC Centre of Excellence in Population Ageing Research, Sydney
- ▲ The Hon Susan Ryan AO, Age Discrimination Commissioner, Sydney
- ▲ Professor Philip Taylor, Director, Research and Graduate Studies, Monash University, Victoria

## Copyright and the Digital Economy

### Advisory committee members

- ▲ Charles Alexander, Partner, Minter Ellison, Sydney
- ▲ Professor Kathy Bowrey, Faculty of Law, University of New South Wales, Sydney
- ▲ Professor Tom Cochrane, QUT Chair, Australian Libraries Copyright Committee, Brisbane
- ▲ Teresa Corbin, CEO, ACANN (Consumer Group)
- ▲ Carolyn Dalton, Executive Director, Policy Australia, Sydney
- ▲ Henry Ergas, Consultant, Syd-Canberra
- ▲ Patrick Fair, Baker & McKenzie and Deputy Chairman, Internet Industry Association, Sydney
- ▲ Professor Brian Fitzgerald, Executive Dean of Law, Australian Catholic University, Melbourne
- ▲ Mia Garlick, Communications & Policy for Facebook, Sydney
- ▲ Dr Nicholas Gruen, Chief Executive Officer, Lateral Economics, Melbourne
- ▲ Michael Hall, Barrister, Sydney
- ▲ Terrie Janke, Terri Janke and Company, Sydney
- ▲ The Hon Justice Susan Kenny, Federal Court of Australia, Melbourne
- ▲ Dr The Hon Kevin Lindgren QC, Sydney
- ▲ Associate Professor David Lindsay, Monash University, Melbourne
- ▲ Caroline Lovell, NBN Co, Sydney
- ▲ Professor Martin Nakata, Director, Nura Gili, Sydney
- ▲ Matthew Minogue, First Assistant Secretary, Civil Law Division, Attorney-General's Department, Canberra
- ▲ Emeritus Professor Dennis Pearce AO, HWL Ebsworth Lawyers Special Counsel, Canberra
- ▲ Fiona Phillips, Executive Director, Australian Copyright Council, Sydney

- ▲ Professor Sam Ricketson, University of Melbourne, Melbourne
- ▲ Ishtar Vij, Public Policy and Government Affairs, Google Australia and New Zealand, Sydney
- ▲ Associate Professor Kimberlee Weatherall, Sydney Law School, University of NSW, Sydney
- ▲ The Hon Justice David Yates, Federal Court of Australia, Sydney

## Appendix E: Agency resource statement and resources for outcomes

### 1. Agency Resource Statement 2011–12

	Actual available appropriation for 2011–12 \$'000	Payments made 2011–12 \$'000	Balance Remaining 2011–12
	(a)	(b)	(a) – (b)
<b>Ordinary Annual Services<sup>1</sup></b>			
Departmental appropriation <sup>2</sup>	2,997	2,959	
<b>Total</b>	<b>2,997</b>	<b>2,959</b>	38
<b>Administered expenses</b>			
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.			
<b>Total</b>	<b>2,997</b>	<b>2,959</b>	
<b>Total ordinary annual services</b> <b>A</b>	<b>2,997</b>	<b>2,959</b>	

1. Appropriation Bill (No.1) 2011–12 and Appropriation Bill (No.3).

2. Includes an amount of \$0.0070m in 2011–12 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

## 2. Resources for Outcomes

Expenses and Resources for Outcome 1			
<b>Outcome 1:</b>	Budget*	Actual	Variation
Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.	Expenses		
	2011–12 \$'000	2011–12 \$'000	2011–12 \$'000
	(a)	(b)	(a) – (b)
<b>Program 1.1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform.</b>			
Departmental expenses			
Departmental Appropriation <sup>1</sup>	2,955	2,951	(4)
<b>Total for Program 1.1</b>	<b>2,955</b>	<b>2,951</b>	<b>(4)</b>
<b>Outcome 1 Totals by appropriation type</b>			
Departmental expenses			
Departmental (Appropriation Bill No. 1)	2,927	2,927	
Revenue from independent sources	28	24	
<b>Total expenses for Outcome 1</b>	<b>2,955</b>	<b>2,951</b>	<b>(4)</b>
	2011–12	2011–12	
<b>Average Staffing Level (number)</b>	16	16	(0)

\* Full year budget, including any subsequent adjustment made to the 2011–12 Budget.

1. Departmental Appropriation combines “Ordinary annual services (appropriation Bill No 1)” and “Revenue from independent sources (s31)”.

## Appendix F: Implementation activity 2011–12

The following provides an overview of activity in relation to the implementation of ALRC reports during 2011–12.

### ***Family Violence and Commonwealth Laws—Improving Legal Frameworks (ALRC Report 117, 2012)***

On 17 June 2012, the Minister for Immigration and Citizenship Chris Bowen MP and the Minister for the Status of Women, Julie Collins MP, announced changes to Australia's migration laws to help those experiencing family violence on provisional partner visas. The changes will widen the types of acceptable evidence that can be provided in support of a family violence claim. This will amount to partial implementation of the ALRC's recommendations that:

- ▲ the *Migration Regulations 1994* be amended to provide that a person can submit any kind of evidence to support a non-judicially determined claim of family violence; and
- ▲ DIAC's policy be updated to recognise that evidence other than from 'competent persons' should be given appropriate weight as is appropriate in the circumstances of the individual.

Implementation is scheduled for 24 November 2012 and, in the interim, the Department of Immigration and Citizenship will update policy guidelines to confirm that any evidence provided by applicants in addition to the required statutory declarations should be considered.

### ***Managing Discovery: Discovery of Documents in Federal Courts (ALRC Report 115, 2011)***

In July 2011, the Federal Court of Australia made new Rules of the Court. The new Rules, particularly Rule 20.15, are consistent with ALRC recommendations concerning the making of discovery plans.

Federal Court practice note CM 6 was released in August 2011 and applies to any proceeding in which the Court has ordered that discovery of documents be given in an electronic format or in accordance with a discovery plan. The practice note CM 6 states that it is to be applied 'in a manner that best promotes the overarching purpose of the civil practice and procedure provisions of the Court which are to

facilitate the just resolution of disputes according to law as quickly, inexpensively and efficiently as possible' and that the parties and their lawyers 'must conduct the proceeding in a way consistent with the overarching purpose, in particular, by identifying documents relevant to the dispute as early as possible and dealing with those documents in the most efficient way practicable'—consistent with ALRC recommendations.

Two other recommendations in *Managing Discovery* are in the process of being implemented. The Explanatory Memoranda for the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 states that the Bill implements ALRC recommendations for amendments to the *Federal Court of Australia Act 1976* to clarify or extend the Court's power to make costs orders in relation to discovery, and to provide expressly that the Court or a judge may order pre-trial oral examination about discovery.

### **Family Violence: A National Legal Response (ALRC Report 114, 2010)**

On 24 November 2011, the *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* was enacted. The Explanatory Memorandum states that the Act aims to improve protections for children and families at risk of family violence and abuse. The Act introduced a range of amendments to the *Family Law Act 1975*.

Two amendments respond to recommendations made by the ALRC and the NSW Law Reform Commission in their joint report. In particular, the Act introduced a new and broader definition of 'family violence' substantially consistent with the definition recommended by the Commissions. The Act partially implemented a further recommendation in amending s 60CC(3)(k) so that courts must, when determining parenting matters, consider 'relevant inferences that may be drawn' from family violence orders—not limited to final or contested orders. Previously, this section provided that courts must consider relevant final or contested family violence orders.

These amendments to the *Family Law Act* came into effect on 7 June 2012.

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

On 23 May 2012, the Attorney-General introduced the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 into Parliament. The Bill would amend the *Privacy Act 1988* to implement the Government's first stage response to the report *For Your Information*.



Given the large number of recommendations, the Government announced that it would respond to the ALRC report in two stages. The Government's first stage response addressed 197 of the ALRC's 295 recommendations. The Bill would implement the major legislative elements of the Government's first stage response.

The Explanatory Memorandum confirms that the Bill would amend the *Privacy Act* to:

- ▲ create the Australian Privacy Principles (APPs), a single set of privacy principles applying to both Commonwealth agencies and private sector organisations (referred to as APP entities), which replace the Information Privacy Principles (IPPs) for the public sector and the National Privacy Principles (NPPs) for the private sector;
- ▲ introduce more comprehensive credit reporting with improved privacy protections, at the same time rewriting the credit reporting provisions to achieve greater logical consistency, simplicity and clarity and updating the provisions to more effectively address the significant developments in the operation of the credit reporting system since the provisions were first enacted in 1990;
- ▲ introduce new provisions on privacy codes and the credit reporting code, including powers for the Commissioner to develop and register codes in the public interest that are binding on specified agencies and organisations; and
- ▲ clarify the functions and powers of the Commissioner and improve the Commissioner's ability to resolve complaints, recognise and encourage the use of external dispute resolution services, conduct investigations and promote compliance with privacy obligations.

The Bill introduces modifications to the Act as recommended by the ALRC. The APPs set out standards, rights and obligations in relation to the handling and maintenance of personal information by APP entities, including dealing with privacy policies and the collection, storage, use, disclosure, quality and security of personal information, and access and correction rights of individuals in relation to their personal information.

As recommended by the ALRC, the APPs and credit reporting provisions are structured to more accurately reflect the 'life cycle' of personal information. The Bill introduces a number of additional safeguards for the protection of privacy, including enhanced notification, quality, correction, and dispute resolution mechanisms for individuals.

The ALRC understands that the remaining parts of the Government's first stage response (relating mainly to health services and research provisions) and the ALRC recommendations that it is yet to respond to will be considered in due course after the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 has been progressed.

## **Uniform Evidence Law (ALRC Report 102, 2006)**

In August 2011, the Northern Territory became the most recent Australian jurisdiction to adopt the Uniform Evidence Act. When the *Evidence (National Uniform Legislation) Act 2011* (NT) comes into force, the evidence law of the Northern Territory will substantially mirror the evidence law which applies in the federal courts, and the state and territory courts of the Australian Capital Territory, New South Wales, Victoria, Tasmania and Norfolk Island.

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

On 23 November 2011, the Australian Government tabled its response to *Genes and Ingenuity*. As well as addressing recommendations in the ALRC report, the Government also responded to the recommendations of the 2010 Senate Community Affairs Committee's report on Gene Patents and the 2011 Advisory Council on Intellectual Property's report on Patentable Subject Matter. The response accepted the majority of the recommendations in all three reports, including the ALRC recommendation to introduce a statutory research exemption into the *Patents Act 1990*.

The *Intellectual Property Laws Amendment (Raising the Bar) Act 2012* passed into law on 15 April 2012. The Act implements key recommendations of *Genes and Ingenuity* by amending the *Patents Act*:

- ▲ to change the definition of 'useful' so as to require that a patent specification discloses a 'specific, substantial and credible' use for the claimed invention;
- ▲ to introduce a statutory exemption from patent infringement for research and experimental activities; and
- ▲ to require that the balance of probabilities standard apply to all statutory requirements for patentability that are relevant at the stage of examination.

Generally, the Act addresses concerns that the thresholds set for the grant of patents in Australia—including gene patents—were too low, suppressed competition and discouraged follow-on innovation, and particular concerns that patents are granted for inventions that are not sufficiently inventive.

## Appendix G: Implementation status of ALRC reports

**Table 12: 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 118	<i>Classification—Content Regulation and Convergent Media</i>	1 Mar 2012		UNDER CONSIDERATION
ALRC 117	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i>	7 Feb 2012		UNDER CONSIDERATION
ALRC 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i>	25 May 2011	<i>Federal Court Rules 2011 (Cth); Federal Court Practice Notes CM 5 and 6</i>	PARTIAL
ALRC 114	<i>Family Violence: A National Legal Response</i>	11 Nov 2010	<i>Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth)</i>	PARTIAL
ALRC 112	<i>Secrecy Laws and Open Government in Australia</i>	11 Mar 2010		UNDER CONSIDERATION

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i>	10 Feb 2010		UNDER CONSIDERATION
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 Aug 2008	<i>Healthcare Identifiers Act 2010 (Cth); Combating the Financing of People Smuggling and Other Measures Act 2011 (Cth); Privacy Amendment (Enhancing Privacy Protection) Bill 2012 (Cth)</i>	PARTIAL
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>	24 Nov 2010	<i>National Security Legislation Amendment Act 2010 (Cth)</i>	PARTIAL
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); federal sentencing database</i>	PARTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 102	<i>Uniform Evidence Law</i>	8 Feb 2006	<i>Evidence Amendment Act 2008 (Cth); Evidence Amendment Act 2007 (NSW); Evidence Act 2008 (Vic); Statutes Amendment (Evidence and Procedure) Act 2008 (SA); Evidence Amendment (Journalists' Privilege) Act 2007 (Cth); Evidence Act 2011 (ACT); Evidence (National Uniform Legislation) Act 2011 (NT)</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); <i>Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (Cth)</i>	SUBSTANTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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);</i>	SUBSTANTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 96 (continued)	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i>	29 May 2003	<i>Privacy Legislation Amendment Act 2006</i> (Cth); Human Genetics Advisory Committee established (2006); IFSA Standards <i>Genetic Information and Family Medical History</i> (2005); <i>Family Law Regulations 2004</i> (Cth) [parentage testing forms]; <i>Crimes Legislation Enhancement Act 2003</i> (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)	SUBSTANTIAL
ALRC 95	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i>	19 Mar 2003	<i>A Guide To Framing Commonwealth Offences, Civil Penalties And Enforcement Powers</i> (2004)	PARTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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</i> (Cth) [appeals from Family Court]; <i>High Court Rules 2004</i> [special leave applications]; <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth) [appellate jurisdiction of Federal Court]; <i>Supreme Court Amendment Act 2001</i> (ACT) [ACT Court of Appeal]	PARTIAL
ALRC 91	<i>Review of the Marine Insurance Act 1909</i>	22 May 2001	<i>Financial Services Reform (Consequential Provisions) Act 2001</i> (Cth) [Repeal s 59, 60 of MIA Act]	PARTIAL
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];	SUBSTANTIAL



**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 89 (continued)	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 Feb 2000	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
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 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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
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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 80	<i>Legal Risk in International Transactions</i>	8 Oct 1996	<i>Cross Border Insolvency Act 2008 (Cth); Electronic Transactions Act 2000 (Cth)—complementary legislation in all states and territories</i>	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 (Cth)</i>	PARTIAL
ALRC 78	<i>Beyond the Door Keeper: Standing to Sue for Public Remedies</i>	30 May 1996		NIL
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
ALRC 75	<i>Costs Shifting—Who Pays for Litigation</i>	25 Oct 1995	<i>Migration Litigation Reform Act 2005 (Cth)</i>	PARTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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)</i> [confidentiality]; <i>Child Care Legislation Amendment Act 1998 (Cth)</i> [sanctions for breach]	PARTIAL
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)</i> ; <i>Family Law Reform Act 1995 (Cth)</i> ; <i>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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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
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
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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 51	<i>Product Liability</i>	15 Aug 1989	Alternative option implemented by <i>Trade Practices Amendment Act 1992</i> (Cth)	NIL
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</i> (Cth); <i>Crimes (Ships and Platforms) Act 1992</i> (Cth); <i>Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999</i> (Cth)	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</i> (ACT); <i>Property Law Amendment Act 1990</i> (Qld)	SUBSTANTIAL
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	13 Dec 1988	<i>Federal Court (Amendment) Act 1991</i> (Cth) [did not adopt costs recommendations]	SUBSTANTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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
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 Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC 39	<i>Matrimonial Property</i>	16 Sep 1987	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL



**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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)</i>	SUBSTANTIAL
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 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i>	12 Jun 1986	<i>Crimes and Other Legislation Amendment Act 1994</i> (Cth) [Investigation Procedures]; <i>Evidence Act 1995</i> (Cth) [Interpreters and interrogation]; <i>Safety and Rehabilitation and Compensation Act 1988</i> (Cth) s 4 [Customary marriage recognition]; Adoption legislation in NSW, NT, SA, Vic; <i>De Facto Relationships Act 1984</i> (NSW); <i>Administration and Probate Act 1979</i> (NT); <i>Family Provision Act 1970</i> (NT); Child Placement Principle—see child welfare laws in each state and territory; <i>Native Title Act 1993</i> (Cth) [fishing, hunting, and gathering rights]	PARTIAL
ALRC 30	<i>Domestic Violence</i>	20 Mar 1986	<i>Domestic Violence Amendment Act 1991</i> (ACT); <i>Domestic Violence Act 1986</i> (ACT)	SUBSTANTIAL

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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); 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
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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
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
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

**Table 12: Implementation status of ALRC reports (continued)**

<b>Report</b>	<b>Title</b>	<b>Tabling date</b>	<b>Implementation brief</b>	<b>Degree of implementation</b>
ALRC 6	<i>Insolvency: The Regular Payment of Debts</i>	4 Nov 1977	<i>Bankruptcy Amendment Act 1996 (Cth); 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); Crimes (Investigation of Commonwealth Offences) Act 1991 (Cth); 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); Police Administration Act 1979 (NT)</i>	SUBSTANTIAL

## Appendix H: Citations of ALRC reports in major court decisions

**Table 13: Citations of ALRC reports in major court decisions**

<i>ALRC report</i>	<i>Cases</i>
<i>Unfair Publication: Defamation and Privacy</i> (ALRC Report 11, 1979)	▲ <i>Mizikovsky v Queensland Television Ltd (No 3)</i> [2011] 375 (Supreme Court Of Queensland)
<i>Lands Acquisition and Compensation</i> (ALRC Report 14, 1980)	▲ <i>Broadcast Australia Pty Ltd v Kim Noonan</i> [2011] 1524 (Supreme Court of New South Wales) ▲ <i>Dillon v Gosford City Council</i> [2011] NSWCA 328 (Supreme Court of New South Wales—Court of Appeal) ▲ <i>Bligh v Minister Administering Environmental Planning and Assessment Act</i> [2011] NSWLEC 220 (Land and Environment Court of New South Wales) ▲ <i>Candibon Pty Ltd v Minister for Planning</i> [2011] VSC 415 (Supreme Court of Victoria)
<i>Sentencing of Federal Offenders</i> (ALRC Report 15, 1980)	▲ <i>R v Koloamatangi</i> [2011] 288 (Supreme Court Of New South Wales—Court Of Criminal Appeal)
<i>Insurance Contracts</i> (ALRC Report 20, 1982)	▲ <i>Anthony Hitchens v Zurich Australia</i> [2011] NSWSC 1198 (Supreme Court of New South Wales) ▲ <i>Highway Hauliers Pty Ltd v Matthew Maxwell</i> [2012] WASC 53 (Supreme Court of Western Australia)
<i>Privacy</i> (ALRC Report 22, 1983)	▲ <i>The State of Western Australia v Burke</i> [2011] WASCA 190 (Supreme Court of Western Australia—Court of Appeal)

**Table 13: Citations of ALRC reports in major court decisions (continued)**

ALRC report	Cases
<i>Foreign State Immunity</i> (ALRC Report 24, 1984)	<ul style="list-style-type: none"> <li>▲ <i>Walker v Government of the Republic of Vanuatu</i> [2011] FCAFC 138 (Federal Court of Australia—Full Court)</li> <li>▲ <i>PT Garuda Indonesia Ltd v Australian Competition and Consumer Commission</i> [2011] FCAFC 52 (Federal Court of Australia—Full Court)</li> </ul>
<i>Evidence</i> (Interim) (ALRC Report 26, 1985)	<ul style="list-style-type: none"> <li>▲ <i>Aytugrul v The Queen</i> [2012] HCA 15 (High Court of Australia)</li> <li>▲ <i>McIllroy v McIllroy</i> [2011] FamCA 506 (Family Court of Australia)</li> <li>▲ <i>Byrd &amp; Byrd (Expert's Report Inadmissible No 2)</i> [2011] FamCA 804 (Family Court of Australia)</li> <li>▲ <i>Byrd &amp; Byrd (Conditional Admission Of Expert's Evidence)</i> [2011] FamCA 810 (Family Court of Australia)</li> <li>▲ <i>McGregor &amp; McGregor</i> [2012] FamCAFC 69 (Family Court of Australia—Full Court)</li> <li>▲ <i>La Trobe Capital &amp; Mortgage Corporation v Hay Property Consultants</i> [2011] FCAFC 4 (Federal Court of Australia—Full Court)</li> <li>▲ <i>Barber v Commonwealth of Australia</i> [2011] FWA 4092 (Fair Work Australia)</li> <li>▲ <i>R v SH, MV and KC</i> [2011] ACTSC 198 (Supreme Court of the ACT)</li> <li>▲ <i>Samaan bht Samaan v Kentucky Fried Chicken</i> [2012] NSWSC 38 (Supreme Court of New South Wales)</li> <li>▲ <i>Barescape Pty Ltd &amp; Anor v Bacchus Holdings (No 5)</i> [2011] NSWSC 1307 (Supreme Court of New South Wales)</li> <li>▲ <i>Director of Public Prosecutions (NSW) v Walford</i> [2011] NSWSC 759 (Supreme Court of New South Wales)</li> </ul>

**Table 13: Citations of ALRC reports in major court decisions (continued)**

<b>ALRC report</b>	<b>Cases</b>
<i>Evidence</i> (Interim) (ALRC Report 26, 1985) (continued)	<ul style="list-style-type: none"> <li>▲ <i>Middendorp v The Queen</i> [2012] VSCA 47 (Supreme Court of Victoria—Court of Appeal)</li> <li>▲ <i>P R W v The Queen</i> [2011] VSCA 381 (Supreme Court of Victoria—Court of Appeal)</li> <li>▲ <i>Tsang v DPP (Cth)</i> [2011] VSCA 336 (Supreme Court of Victoria—Court of Appeal)</li> <li>▲ <i>Singh v The Queen</i> [2011] VSCA 263 (Supreme Court of Victoria—Court of Appeal)</li> <li>▲ <i>Holihan v Amcor Limited</i> [2011] VSCA 225 (Supreme Court of Victoria—Court of Appeal)</li> <li>▲ <i>Dura (Australia) Constructions Pty Ltd v Hue Boutique Living</i> [2012] VSC 99 (Supreme Court of Victoria)</li> <li>▲ <i>R v Borg (Ruling No 1)</i> [2012] VSC 26 (Supreme Court of Victoria)</li> <li>▲ <i>R v McNiven</i> [2011] VSC 397 (Supreme Court of Victoria)</li> </ul>
<i>Civil Admiralty Jurisdiction</i> (ALRC Report 33, 1986)	<ul style="list-style-type: none"> <li>▲ <i>Transfield ER Futures Limited v The Ship Giovanna Iuliano</i> [2012] FCA 548 (Federal Court of Australia)</li> <li>▲ <i>Geraldton Port Authority v The Ship Kim Heng 1888 (No 2)</i> [2012] FCA 353 (Federal Court of Australia)</li> <li>▲ <i>Navios International Inc v The Ship Huang Shan Hai</i> [2011] FCA 895 (Federal Court of Australia)</li> <li>▲ <i>Walker v Government of the Republic of Vanuatu</i> [2011] FCAFC 138 (Federal Court of Australia—Full Court)</li> </ul>
<i>Evidence</i> (ALRC Report 38, 1987)	<ul style="list-style-type: none"> <li>▲ <i>Aytugrul v The Queen</i> [2012] HCA 15 (High Court of Australia)</li> <li>▲ <i>Kirby v Centro Properties Limited (No 3)</i> [2012] FCA 221 (Federal Court of Australia)</li> </ul>



**Table 13: Citations of ALRC reports in major court decisions (continued)**

ALRC report	Cases
<i>Evidence</i> (ALRC Report 38, 1987) ( <i>continued</i> )	<ul style="list-style-type: none"> <li>▲ <i>Lithgow City Council v Jackson</i> [2011] HCA 36 (High Court of Australia)</li> <li>▲ <i>Australian Securities and Investments Commission v Australian Lending Centre (No 2)</i> [2011] FCA 1057 (Federal Court of Australia)</li> <li>▲ <i>Re Le Meilleur v Jin Heung Mutual Savings Bank</i> [2011] NSWSC 1115 (Supreme Court of New South Wales)</li> <li>▲ <i>JB v Regina</i> [2012] NSWCCA 12 (Supreme Court of New South Wales—Court of Criminal Appeal)</li> <li>▲ <i>Bare v Small &amp; Ors</i> [2011] VSC 639 (Supreme Court of Victoria)</li> </ul>
<i>Grouped Proceedings in the Federal Court</i> (ALRC Report 46, 1988)	<ul style="list-style-type: none"> <li>▲ <i>Oasis Fund Management Limited and Royal Bank of Scotland</i> [2012] NSWSC 532 (Supreme Court of New South Wales)</li> </ul>
<i>General Insolvency Inquiry</i> (ALRC Report 45, 1988)	<ul style="list-style-type: none"> <li>▲ <i>Re Kay Investment Holdings v North East Developments</i> [2011] NSWSC 1121 (Supreme Court of New South Wales)</li> <li>▲ <i>BE Australia WD Pty Ltd (subject to a Deed of Company Arrangement) v Sutton</i> [2011] NSWCA 414 (Supreme Court of New South Wales—Court of Appeal)</li> <li>▲ <i>McGrath v Sturesteps; Sturesteps v HIH Overseas Holdings</i> [2011] NSWCA 315 (Supreme Court of New South Wales—Court of Appeal)</li> <li>▲ <i>Re Bluechip Development Corporation (Cairns)</i> [2011] QSC 368 (Supreme Court Of Queensland)</li> <li>▲ <i>Saraceni v Jones</i> [2012] WASCA 59 (Supreme Court of Western Australia—Court of Appeal)</li> </ul>
<i>Multiculturalism and the Law</i> (ALRC Report 57, 1992)	<ul style="list-style-type: none"> <li>▲ <i>DZACO v Minister for Immigration</i> [2012] FMCA 199 (Federal Magistrates Court of Australia)</li> <li>▲ <i>DZACM v Minister for Immigration</i> [2012] FMCA 198 (Federal Magistrates Court of Australia)</li> </ul>

**Table 13: Citations of ALRC reports in major court decisions (continued)**

<b>ALRC report</b>	<b>Cases</b>
<i>Collective Investments: Superannuation</i> (ALRC Report 59, 1992)	<ul style="list-style-type: none"> <li>▲ <i>Manglicmot v Commonwealth Bank Officers Superannuation Corporation</i> [2011] NSWCA 204 (Supreme Court of New South Wales—Court of Appeal)</li> <li>▲ <i>Woodcroft-Brown v Timbercorp Securities Limited</i> [2011] VSC 427 (Supreme Court of Victoria)</li> </ul>
<i>Collective Investments: Other People's Money</i> (ALRC Report 65, 1993)	<ul style="list-style-type: none"> <li>▲ <i>Owen v Madden (No 3)</i> [2012] FCA 313 (Federal Court of Australia)</li> </ul>
<i>Managing Justice: A Review of the Federal Civil Justice System</i> (ALRC Report 89, 2000)	<ul style="list-style-type: none"> <li>▲ <i>Brown v Health Services Union</i> [2012] FCA 644 (Federal Court of Australia)</li> <li>▲ <i>Power Infrastructure v Downer EDI Engineering Power (No. 4)</i> [2012] FCA 143 (Federal Court of Australia)</li> <li>▲ <i>Tamawood Limited v Habitare Developments</i> [2011] FCA 1078 (Federal Court of Australia)</li> <li>▲ <i>Amberg v Amberg</i> [2012] FamCAFC 19 (Family Court of Australia— Full Court)</li> <li>▲ <i>City of Sydney v Streetscape Projects</i> [2011] NSWSC 831 (Supreme Court of New South Wales)</li> <li>▲ <i>Croft v Evertop Investments Pty Ltd (No 2)</i> [2011] FCA 749 (Federal Court of Australia)</li> <li>▲ <i>Zoltaszek v Downer EDI Engineering</i> [2011] FCA 744 (Federal Court of Australia)</li> <li>▲ <i>Woolley v Vok</i> [2012] FMCA 228 (Federal Magistrates Court of Australia)</li> <li>▲ <i>Matthews v SPI Electricity; SPI Electricity v Utility Services Corporation (No 3)</i> [2011] VSC 399 (Supreme Court of Victoria)</li> </ul>

**Table 13: Citations of ALRC reports in major court decisions (continued)**

ALRC report	Cases
<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (ALRC Report 96, 2003)	▲ <i>Eatock v Bolt</i> [2011] FCA 1103 (Federal Court of Australia)
<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i> (ALRC Report 95, 2002)	▲ <i>Australian Securities and Investments Commission v Healey (No 2)</i> [2011] FCA 1003 (Federal Court of Australia)
<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i> (ALRC Report 98, 2004)	▲ <i>SZQLT v Minister for Immigration</i> [2012] FMCA 554 (Federal Magistrates Court of Australia)
<i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006)	▲ <i>R v Cave</i> [2012] SASCFC 42 (Supreme Court of South Australia—Full Court)
<i>Uniform Evidence Law</i> (ALRC Report 102, 2006)	▲ <i>Gondarra v Minister for Families, Housing, Community Services and Indigenous Affairs</i> [2012] FCA 185 (Federal Court of Australia) ▲ <i>Australian Securities and Investments Commission v Australian Lending Centre Pty Ltd (No 2)</i> [2011] FCA 1057 (Federal Court of Australia) ▲ <i>Allam v Aristocrat Technologies Australia Pty Ltd (No 2)</i> [2012] FCAFC 75 (Federal Court of Australia—Full Court) ▲ <i>R v AB</i> [2011] ACTSC 204 (Supreme Court of the ACT)

**Table 13: Citations of ALRC reports in major court decisions (continued)**

<b>ALRC report</b>	<b>Cases</b>
<i>Uniform Evidence Law</i> (ALRC Report 102, 2006) (continued)	<ul style="list-style-type: none"> <li>▲ <i>Warragamba Winery Pty Ltd v State of NSW</i> [2011] NSWSC 1492 (Supreme Court of New South Wales)</li> <li>▲ <i>R v Hawi (No 16)</i> [2011] NSWSC 1662 (Supreme Court of New South Wales)</li> <li>▲ <i>SH v Regina</i> [2012] NSWCCA 79 (Supreme Court Of New South Wales—Court Of Criminal Appeal)</li> <li>▲ <i>Environment Protection Authority v Queanbeyan City Council (No 2)</i> [2011] NSWLEC 159 (Land and Environment Court of New South Wales)</li> </ul>
<i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115, 2011)	<ul style="list-style-type: none"> <li>▲ <i>Power Infrastructure Pty Limited v Downer EDI Engineering Power (No. 4)</i> [2012] FCA 143 (Federal Court of Australia)</li> <li>▲ <i>Woodcroft-Brown v Timbercorp Securities Limited</i> [2011] VSC 427 (Supreme Court of Victoria)</li> </ul>
<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117, 2011)	<ul style="list-style-type: none"> <li>▲ <i>Al-Momani v Minister for Immigration</i> [2011] FMCA 453 (Federal Magistrates Court of Australia)</li> <li>▲ <i>Fina v Minister for Immigration and Citizenship</i> [2011] AATA 946 (Administrative Appeals Tribunal of Australia)</li> </ul>

# Appendix I: Presentations and articles written for external publications

**Table 14: Presentations 2011–12**

<i>Name</i>	<i>Name of event</i>	<i>Title of presentation</i>	<i>Date</i>	<i>Location</i>
Terry Flew	Communication on the Edge: Shifting Boundaries and Identities—Australian and New Zealand Communication Association annual conference	Australian National Classification Scheme Review	7 July 2011	Hamilton, New Zealand
Terry Flew and Rosalind Croucher	Standing Committee of Attorneys-General	Australian National Classification Scheme Review	22 July 2011	Adelaide
Terry Flew	The Big Picture: Socio-Cultural Research and Australia's Policy Challenges—ARC Centre of Excellence for Creative Industries and Innovation (CCI) Symposium	Australia's National Classification Scheme: Principles for Reform	28 July 2011	Brisbane
Rosalind Croucher	7th Annual Public Sector In-House Counsel Conference 2011	Secrecy Laws and Open Government Report—An Update	29 July 2011	Canberra

**Table 14: Presentations 2011–12 (continued)**

<b>Name</b>	<b>Name of event</b>	<b>Title of presentation</b>	<b>Date</b>	<b>Location</b>
Rosalind Croucher and Sara Peel	Child Support National Stakeholders Engagement Group	Australian Law Reform Commission study	15 August 2011	Canberra
Justine Clarke and Jared Boorer	Solving Problems that Keep Litigators Awake at Night—Legalwise seminar	Managing Discovery: Discovery of Documents in Federal Courts	18 August 2011	Sydney
Rosalind Croucher	Managing Patient Confidentiality & Information Governance Forum	Australian Privacy Law & Practice—Key Recommendations for Health Information Privacy Reform	22 August 2011	Melbourne
Rosalind Croucher	Succession Law Conference, Blue Mountains Annual Law Conference	Succession Law Reform in NSW—2011 update	17 September 2011	Katoomba
Terry Flew	Presentation to Law Council of Australia, Media and Communications Division	Australian Law Reform Commission Discussion Paper on National Classification Scheme	5 October 2011	Sydney
Rosalind Croucher	Academic Awards Ceremony, College of Law	Occasional Address	11 October 2011	Sydney

**Table 14: Presentations 2011–12 (continued)**

<i>Name</i>	<i>Name of event</i>	<i>Title of presentation</i>	<i>Date</i>	<i>Location</i>
Terry Flew	Network Insight	Australian Law Reform Commission Discussion Paper on National Classification Scheme	12 October 2011	Sydney
Terry Flew	Macquarie University Interactive Media Institute public forum	The Policy Game: Reviewing the Australian National Classification Scheme	27 October 2011	Sydney
Terry Flew	Knowledge/Culture/Social Change Conference, Centre for Cultural Research, University of Western Sydney	Rethinking Regulatory Design: the Australian National Classification Scheme Review	7 November 2011	Sydney
Sara Peel	National Child Protection Alliance	Family Law Q and A	8 November 2011	Sydney
Terry Flew	Reforming the Australian Media Classification Scheme	Communications Policy and Research Forum	9 November 2011	Sydney
Rosalind Croucher	Women's Family Law Support Service Evaluation—'They should have this in every court'	Launch of the Evaluation of the Women's Family Law Support Service	17 November 2011	Sydney

**Table 14: Presentations 2011–12 (continued)**

<b>Name</b>	<b>Name of event</b>	<b>Title of presentation</b>	<b>Date</b>	<b>Location</b>
Rosalind Croucher and Terry Flew	Tomorrow's Law: Disclosure of Information—Balancing Public and Private Interests	Conference of the Centre for Legal Governance, Macquarie Law School in conjunction with the Australian Academy of Law address	18 November 2011	Sydney
Terry Flew	Reforming the Australian Media Classification Scheme	Presentation to QANTM College	24 November 2011	Sydney
Amanda Alford	Safe at Home, Safe at Work Conference	Safe at Home, Safe at Work Conference Presentation	5 December 2011	Melbourne
Rosalind Croucher	30th Annual Conference of the Australian and New Zealand Law and History Society, <i>'Private Law: Public Lives'</i>	A Lament for the Lost Footnotes of Legal History, keynote address	12 December 2011	Brisbane
Rosalind Croucher	AJJA and National Judicial College of Australia, Discovery Seminar	Managing Discovery—the ALRC's Report on Discovery of Documents in Federal Courts	23 March 2012	Melbourne



**Table 14: Presentations 2011–12 (continued)**

<i>Name</i>	<i>Name of event</i>	<i>Title of presentation</i>	<i>Date</i>	<i>Location</i>
Rosalind Croucher	Consultative Forum on Mature Age Participation	Commonwealth Legal Barriers to Work	26 March 2012	Sydney
Rosalind Croucher and Terry Flew	Standing Council of Law and Justice	National Classification Scheme Report	13 April 2012	Canberra
Sara Peel	China-Australia Human Rights Technical Cooperation Program, Australian Human Rights Commission	The Definition of 'Family Violence' in Family Law	8 May 2012	Sydney
Rosalind Croucher	COTA National Policy Meeting	Grey Areas—Age Barriers to Work in Commonwealth Laws, Inquiry update	16 May 2012	Canberra
Sara Peel	WA Family Pathways Network Conference	Behind the ALRC Reports: the Family Violence Inquiries	29 May 2012	Perth
Jared Boorer and Rosalind Croucher	Inform Media Regulation Forum 2012	The Censorship and Classification Review—the need for a 21st century classification system	7 June 2012	Sydney

**Table 15: Articles written for external publications 2011–12**

<b>Name</b>	<b>Name of article</b>	<b>Name of publication</b>	<b>Date</b>
Rosalind Croucher	'Introduction: Justice Behind the Scenes'	(2011) 10(2) <i>Canberra Law Review</i> 1–7 Publication of proceedings of the 'Justice Behind the Scenes' symposium held at the University of Canberra	June 2011
Rosalind Croucher and Jared Boorer	'Reining in discovery'	(2011) 8(6) <i>Civil Procedure News</i> 66–68	July 2011
Terry Flew	'Indigenous perspective on media classification'	<i>Koori Mail</i>	July 2011
Terry Flew	'Sense and Censorability'	<i>Law Institute Journal</i>	August 2011
Khanh Hoang	'The ALRC's Inquiry into Family Violence and Commonwealth Laws'	<i>Parity</i> , Volume 24, Issue 8.	September 2011
Terry Flew	'Dealing with the classification conundrum'	<i>The Conversation</i> (online)	September 2011
Sara Peel and Rosalind Croucher	'Mind(ing) the gap—law reform recommendations responding to child protection in a federal system'	(2011) 89 <i>Family Matters</i> 21–30	

**Table 15: Articles written for external publications 2011–12 (continued)**

<b>Name</b>	<b>Name of article</b>	<b>Name of publication</b>	<b>Date</b>
Rosalind Croucher and Jared Boorer	‘Reining in discovery’	<i>Chapter III</i> , Newsletter of the Federal Litigation Section, Law Council of Australia	December 2011
Terry Flew	‘Bringing classification laws into the digital age’	<i>Law Society Journal</i> (interview with Michelle Lam)	December 2011
Krista Lee-Jones	‘Improving the law for those experiencing family violence’	<i>Tasmanian Law Letter</i>	February 2012
Rosalind Croucher and Amanda Alford	‘Responding to Family Violence—the ALRC’s contribution’	<i>Law Institute of Victoria Journal</i>	April 2012
Sabina Wynn and Amanda Alford	‘ALRC Family Violence Inquiry’	<i>Workplace Express—Online</i>	February 2012
Sabina Wynn and Amanda Alford	‘ALRC Family Violence Inquiry’	<i>Workplace Info—Online</i>	February 2012
Jared Boorer	‘ALRC’s Classification Review’	<i>Law Institute of Victoria Journal</i>	April 2012
Krista Lee-Jones	‘Grey areas: Barriers to mature age participation in the workforce and other productive work’	<i>OneCOTA</i>	April 2012

## Appendix J: ALRC newsroom 2011–12

- ▲ Australian Sex Party: Senators Support Murder Over Sex | AVN—22 June 2012
- ▲ Flexible hours call for older workers | The Age—28 June 2012
- ▲ Age discrimination is an emerging insurance issue | Insurance News—25 June 2012
- ▲ National law reform: Call for consistency | Law Institute of Victoria—19 June 2012
- ▲ R18+ laws passed | Jason Clare Blog—18 June 2012
- ▲ Flexible hours not a help for workers over 45 | The Australian—19 June 2012
- ▲ New support for family violence victims | Chris Bowen MP—30 May 2012
- ▲ Meeting the challenge of convergent media policy | The Conversation—11 June 2012
- ▲ Annual awards for Annual Reports | PSnews—8 June 2012
- ▲ Revamped Privacy Act gives the Privacy Commissioner more bite | Clayton Utz—7 June 2012
- ▲ Two cheers for privacy law reform? Let's wait and see | The Conversation—30 May 2012
- ▲ FOI transparency and accountability for parliamentary departments an "anomaly"? | Open and Shut—30 May 2012
- ▲ The Challenge of Convergent Media Policy | T Flew—29 May 2012
- ▲ Privacy law reform stage 1 in parliament's safe hands | Open and Shut—28 May 2012
- ▲ Brandis takes out his big slipper | Australian Financial Review—25 May 2012
- ▲ Sex Party—Boss Massages Prostate Problems | Both kinds of politics—25 May 2012
- ▲ Girls on film: could new regulations stop the sexualisation of children? | The Conversation—24 May 2012
- ▲ Cloud TVRs stop in wake of TV Now ruling | ZDNet Australia—24 May 2012
- ▲ Privacy Act changes finally introduced to parliament | Computerworld—May 2012

- ▲ Human Rights and The Ageing Community Challenge | Pro Bono Australia—22 May 2012
- ▲ Copyright and the Digital Economy—ALRC inquiry needs broader scope | Corrs Chambers Westgarth—17 May 2012
- ▲ Grey areas: age barriers to work in Commonwealth laws | Australian Policy Online—16 May 2012
- ▲ Keep calm and carry on | Lawyers Weekly—15 May 2012
- ▲ 600 don joggers for justice | Lawyers Weekly—15 May 2012
- ▲ Optus appeals TV Now ruling to High Court | iTnews—10 May 2012
- ▲ Uncertain future in the wake of landmark copyright cases | Maddocks—9 May 2012
- ▲ Removing the Grey Areas of Age Discrimination | SilverTemp—8 May 2012
- ▲ Removing the grey areas of age discrimination | The Drum (ABC)—7 May 2012
- ▲ Beard gone all grey? It's still your right to go to work | The Punch—3 May 2012
- ▲ New age paper for old age problem | PS News—3 May 2012
- ▲ Superannuation law may discourage older workers from staying in the workforce | TimeBase—3 May 2012
- ▲ Privacy law reform gaining momentum | Corrs Chambers Westgarth—3 May 2012
- ▲ Idiot's Guide to the Convergence Review: content competition | Crikey—3 May 2012
- ▲ Optus decision moves the goalposts in mobile media market | The Conversation—3 May 2012
- ▲ Super law a bar to mature workers | The Australian—3 May 2012
- ▲ Conroy 'comfortable' with filter recommendations | iTnews—2 May 2012
- ▲ Call for mandatory data breach notification grows | Computerworld—2 May 2012
- ▲ Convergence Review: a bet each way on user-generated content | The Conversation—2 May 2012
- ▲ Grey Areas 'Age barriers' Inquiry calls for submissions from the community | Australian Human Rights Commission—2 May 2012
- ▲ Children to be safer online with privacy reforms | Herald Sun—2 May 2012

- ▲ Consumers win more power over credit data | Sydney Morning Herald—1 May 2012
- ▲ Conroy Anti-Gouging, But Still Pro-Censorship | Gizmodo Australia—1 May 2012
- ▲ Conroy visits Google in data centre push | iTnews—1 May 2012
- ▲ Convergence review calls for online access overhaul | iTnews—1 May 2012
- ▲ Data-breach guide released to firms | ZDNet Australia—30 April 2012
- ▲ Copyright must address modern ways of working, learning and living | RussellYardley.com—29 April 2012
- ▲ Parliament sails above expected standards of transparency | Open & Shut—29 April 2012
- ▲ ALRC Copyright Review Draft Terms of Reference Critique | Pirate Party—26 April 2012
- ▲ Court to rule on mobile sport rights | AFR—26 April 2012
- ▲ iiNet case provokes opposing solutions | AFR—24 April 2012
- ▲ Privacy Act reforms—the implications for the digital environment | Techworld—23 April 2012
- ▲ iiNet wins High Court copyright battle | Minter Ellison—23 April 2012
- ▲ ISPs must work with content industry on copyright: Experts | Computerworld—20 April 2012
- ▲ A rare privilege | Australian Financial Review—18 April 2012
- ▲ When can we backup our DVDs? | SMH—16 April 2012
- ▲ Copyright in the digital age: Australia, ACTA and the Trans-Pacific Partnership Agreement | CIO—13 April 2012
- ▲ National Law Reform: Focus on family violence | Law Institute of Victoria—10 April 2012
- ▲ Australia to review digital sections of Copyright Act | Delimiter—5 April 2012
- ▲ Australia To Explore Adding Greater Copyright Exceptions | Techdirt—2 April 2012
- ▲ Government Tables ALRC Report Of The National Classification Scheme Review In Parliament | Conventus Law—31 March 2012
- ▲ Digital sports replay sparks copyright study | The Australian—31 March 2012
- ▲ Roxon's exceptional copyright review | AFR—30 March 2012

- ▲ Scope of Copyright Act review unveiled | Computerworld—30 March 2012
- ▲ Roxon eyes copyright for social networks | ZDNet Australia—30 March 2012
- ▲ Draft Terms of Reference for ALRC Copyright Review | Australian Copyright Council—30 March 2012
- ▲ Copyright exceptions to be reviewed | Australian Labor News—30 March 2012
- ▲ Rights holders' big win in copyright review terms | iTnews—30 March 2012
- ▲ Conroy plans filter 'surprise' announcement | ZDNet—29 March 2012
- ▲ Australia proposes new National Classification Scheme | Australian Policy Online—28 March 2012
- ▲ The Australian Public Is Largely Unoffended By RC'd Video Games | Kotaku Australia—23 March 2012
- ▲ Hunt for the politician gene leads to a dark place | National Times—22 March 2012
- ▲ Legal privilege for tax advisers long overdue: IPA | Money Management—22 March 2012
- ▲ Australia proposes new National Classification Scheme | Screen Digest—21 March 2012
- ▲ Are customers desensitised to data breaches? | CSO Online—20 March 2012
- ▲ Australian R18+ games classification to become reality | Computerworld—20 March 2012
- ▲ Australians concerned for online privacy | UQ News Online—14 March 2012
- ▲ Review Underway of Workforce Limitations on Older Australians | Pro Bono Australia—14 March 2012
- ▲ Australia deserves its internet enemy status | ZDNet—14 March 2012
- ▲ Promoting the experience and expertise of older Australians | A-G Media release—13 March 2012
- ▲ Meeting the classification challenge for 21st Century media | On Line Opinion—13 March 2012
- ▲ Classification Review: movement at the station as enquiry tabled | Screen Hub—9 March 2012
- ▲ Family violence and commonwealth laws—Indigenous peoples | Australian Policy Online—9 March 2012
- ▲ X-rated ban to end? | Star Observer—8 March 2012

- ▲ Reader Riposte: Secrecy and Fol | The Interpreter—8 March 2012
- ▲ ALRC report on Australia's National Classification Scheme | TressCox—8 March 2012
- ▲ Where the Classification Review Failed | GeordieGuy.com—8 March 2012
- ▲ Game Industry Should Self-Regulate | GamePolitics—6 March 2012
- ▲ Age discrimination: A waste of human resources | Australian Human Rights Commission—6 March 2012
- ▲ Ratings rated by law reformers | PS News—6 March 2012
- ▲ ALRC Recommends a New National Classification Scheme | National Association for the Visual Arts Ltd—5 March 2012
- ▲ National review calls for voluntary game ratings in Australia | GameSpot—5 March 2012
- ▲ Conroy's mandatory internet filter should be limited to serious crime depictions | SmartCompany—5 March 2012
- ▲ Pirate Party cautiously welcomes classification review | Delimiter—3 March 2012
- ▲ Conroy gets easy out on filter | Gen Why? blog, ZDNet Australia—2 March 2012
- ▲ Narrower definition for filtered content | ZDNet Australia—2 March 2012
- ▲ Self-regulation supported but AANA told to address codes | B&T—2 March 2012
- ▲ ALRC missed opportunity to reform classification system | Australian Christian Lobby—2 March 2012
- ▲ Call for consistency in classification of sex and violence | National Times—2 March 2012
- ▲ New classification system to streamline ratings | Computerworld—2 March 2012
- ▲ Computer games may skip censor | Sydney Morning Herald—2 March 2012
- ▲ Push for new classifications to stop online smut | Herald Sun—2 March 2012
- ▲ New system to streamline ratings | NewsNinemsn—1 March 2012
- ▲ Landmark report calls for all-media classification | National Times—1 March 2012
- ▲ Review recommends Classification overhaul | TV Tonight—1 March 2012



- ▲ Classification Review: Final Report Recommends Industry Co-Regulation And Platform Neutrality | Kotaku Australia—1 March 2012
- ▲ The ALRC's Commonwealth Laws and Family Violence Inquiry | IARC—1 March 2012
- ▲ R18+ rating for video games closer to reality | The Australian—29 February 2012
- ▲ Parliament.info filter removed | ZDNet Australia—29 February 2012
- ▲ Conroy misleads public on Internet filter | Delimiter—28 February 2012
- ▲ Australia divided over data breach laws | ZDNet Australia—22 February 2012
- ▲ Oh dear, Nicola | The Financial Review—16 February 2012
- ▲ Talking copyright v. the internet on ABC local radio | Stilgherrian—16 February 2012
- ▲ Google fights Australian calls for net regulation—Government wants TV style rules | TechEye—16 February 2012
- ▲ Family Violence: latest ALRC recommendations | Radio Atticus—16 February 2012
- ▲ Commission argues need for special laws | Canberra Times—11 February 2012
- ▲ Proposal for paid time off to deal with family violence effects | WorkplaceOHS—11 February 2012
- ▲ Family law overhaul to head off violence | PSnews—10 February 2012
- ▲ Law reform bid to protect migrant women | Sydney Morning Herald—9 February 2012
- ▲ A Delicate Issue that Requires Delicate Handling | ACCI—9 February 2012
- ▲ ALRC to review Copyright Act | Computerworld—8 February 2012
- ▲ ALRC confronts violence and discrimination | Lawyers Weekly—8 February 2012
- ▲ New censorship scheme missing that vital X factor | Ross Fitzgerald—28 January 2012
- ▲ Intern with the Australian Law Reform Commission | Survive Law—15 January 2012
- ▲ Backer of those without a voice | Sydney Morning Herald—13 January 2012
- ▲ Federal parliament and an echo from the past on transparency | Open and Shut—9 January 2012

- ▲ Tepid response to e-security review | The Australian—22 December 2011
- ▲ Convergence Review calls for new regulator | ZDNet Australia—15 December 2011
- ▲ Mind(ing) the gap: Law reform recommendations responding to child protection in a federal system | Family Matters—14 December 2011
- ▲ Domestic violence discrimination and the consolidation of Commonwealth anti-discrimination laws | Australian Human Rights Commission—14 December 2011
- ▲ Media backed on interest test | News.com.au—14 December 2011
- ▲ Back to the future for Commonwealth FOI and Privacy | Open and Shut—13 December 2011
- ▲ TV wants classification freedom as networks object to uniform approach | The Australian—21 November 2011
- ▲ Henson courts controversy in Adelaide | The World Today, ABC—18 November 2011
- ▲ Existing laws cover any loopholes: News Limited | The Australian—18 November 2011
- ▲ Would this Australian Classification System for Media Protect Your Children? | Happychild.com.au—15 November 2011
- ▲ Not much for children in classification review | SMH—11 November 2011
- ▲ Pandering to fears | SMH—8 November 2011
- ▲ Family Violence—Commonwealth Laws Discussion Paper | IARC—7 November 2011
- ▲ Proposed Aussie ratings scheme could abolish M category | Gamespot—6 November 2011
- ▲ Australian R18+ final guidelines released | Gamespot—4 November 2011
- ▲ Online, phone games don't need classifying | Computerworld—3 November 2011
- ▲ R18 games and Australia's classification revolution | TechWorld—28 October 2011
- ▲ Should The Games Industry Handle Classification? | Kotaku—28 October 2011
- ▲ Attorney General announces ALRC inquiry into copyright | Minter Ellison technology, media and IP blog—18 October 2011

- ▲ Macquarie Uni puts R18+ classification, gaming under the microscope | Techworld—18 October 2011
- ▲ Lawyers must keep open mind: Croucher | Lawyers Weekly—17 October 2011
- ▲ Breach of privacy | Alternative Law Journal—14 October 2011
- ▲ Meet The Man Who Could Revolutionise Game Classification In Australia | Kotaku—13 October 2011
- ▲ Mobile apps escape government censors | SMH—12 October 2011
- ▲ Legal clarity for online games, apps | The Australian—12 October 2011
- ▲ Data breach laws to follow privacy reforms | iT News—4 October 2011
- ▲ Going private: Government releases Invasion of Privacy Issues Paper | Addisons Focus Paper—4 October 2011
- ▲ ALRC puts view on viewing | PS News—4 October 2011
- ▲ Australian Video Game Classification System is ‘Broken’ | Games on Net—2 October 2011
- ▲ Don’t rush to judgement on Bolt case: O’Connor | Insiders ABC—2 October 2011
- ▲ Call for two new ratings for children’s content | The Age—1 October 2011
- ▲ Call to revamp classifications | TV Tonight—1 October 2011
- ▲ One rating to rule them all: call to unify restrictions on entertainment | SMH—1 October 2011
- ▲ Australian government begins the process of games reform with a Discussion Paper | Joystiq—1 October 2011
- ▲ ALRC proposes industry regulated video game classifications | Aussie-Nintendo—1 October 2011
- ▲ Bringing media classification into the digital era | The Conversation—30 September 2011
- ▲ Australian Law Reform Commission Recommends Voluntary Ratings System | GamePolitics—30 September 2011
- ▲ Call to reform media classification | Ninemsn—30 September 2011
- ▲ ALRC proposes overhauled classification framework | VG247—30 September 2011
- ▲ Aussie review calls for voluntary game ratings | GameSpot—30 September 2011

- ▲ ALRC Discussion Paper proposes fundamental reform of the classification system | Peter Black's Freedom to Differ—30 September 2011
- ▲ ALRC Proposes Big Reform of Classifications—"Current System is Broken" | AusGamers—30 September 2011
- ▲ Government Welcomes Release Of Discussion Paper On Classification Scheme | Australian Labor News—30 September 2011
- ▲ Call to reform media classification | SMH—30 September 2011
- ▲ Paper looks into privacy breaches | PS News—27 September 2011
- ▲ Private justice | The Australian—24 September 2011
- ▲ Issues paper on right to sue for invasion of privacy | Open and Shut—23 September 2011
- ▲ Digging into Australians' right to privacy | ZNet—23 September 2011
- ▲ Govt privacy paper moots legal recourse | Brisbane Times—23 September 2011
- ▲ Security Breach | CIO Magazine—22 September 2011
- ▲ Draconian criminal penalties for unauthorised disclosures of all stripes | Open & Shut—21 September 2011
- ▲ Media inquiry may end like the inquiry into inquiries | The Australian—15 September 2011
- ▲ Panel concludes we need a right to privacy, but, but and but ... | Open & Shut—13 September 2011
- ▲ Far from sinister, privacy laws might mean media does its job better | The Conversation—13 September 2011
- ▲ The laws that erode who we are | SMH—12 September 2011
- ▲ Your turn: Have your say | Brisbane Times—12 September 2011
- ▲ Artists unhappy about classification proposal | ABC The World Today—9 September 2011
- ▲ Australia rethinking a right to privacy | Middletons—9 September 2011
- ▲ Family Violence, Income Management and Commonwealth Laws | Workers Bush Telegraph—9 September 2011
- ▲ Legal leader denounces Gillard government's statutory tort | The Australian—9 September 2011
- ▲ Pilgrim on journey to protect privacy | Lawyers Weekly—7 September 2011

- ▲ Government ignores evidence of policy failure on Aboriginal issues | The Conversation—6 September 2011
- ▲ ALRC seeks focus groups for classification scheme revision | MCV Games Industry News—6 September 2011
- ▲ Data breaches and how they should be managed | ADMA Blog—6 September 2011
- ▲ Help the ALRC review the Classification system | BigPond GameArena—6 September 2011
- ▲ Have Your Say In The Classification Review | Kotaku Australia—6 September 2011
- ▲ The touchy topic of our classification system | Canberra Times—2 September 2011
- ▲ Riding the Silk Road: the flourishing online drug market authorities are powerless to stop | SMH—30 August 2011
- ▲ Why privacy laws should not be a game of roulette | The Conversation—30 August 2011
- ▲ Law Council reiterates call for vital reform body's funding to be restored | Law Council of Australia News—26 August 2011
- ▲ Absolutely stretched: ALRC must maintain independence | The Malaysian Bar—25 August 2011
- ▲ Family Violence is a community issue | ACCI—19 August 2011
- ▲ Domestic violence laws in line for update | Canberra Times—16 August 2011
- ▲ What's a fair punishment for data breaches? | iTnews—16 August 2011
- ▲ Classification Review Will Focus on Freedom and the Future | games.on.net—15 August 2011
- ▲ ALRC publishes draft classifications reform policy guidelines | VG24/7—11 August 2011
- ▲ Mention my name and I'll sue—privacy hots up | The Age—11 August 2011
- ▲ Labor at risk of creating global centre for suing | The Australian—8 August 2011
- ▲ New Zealand privacy law review | Open & Shut—5 August 2011
- ▲ New Zealand law acknowledges privacy right in publication of private information | Open & Shut—5 August 2011
- ▲ Tort will impose runaway costs on society | The Australian—5 August 2011

- ▲ Data breaches and how they should be managed | Microsoft Australia Government Affairs Blog—4 August 2011
- ▲ Queensland Supreme Court decision a first step towards new disclosure regime | HG Alert—3 August 2011
- ▲ Hacked firms could be held responsible for privacy breaches | The Australian—3 August 2011
- ▲ The Australian on privacy—“we’ll all be rooned” | Open & Shut—2 August 2011
- ▲ The Australian on points, verging on a knockout, on this one so far | Open & Shut—2 August 2011
- ▲ Breaching confidence: do we need a privacy tort? | The Conversation—1 August 2011
- ▲ AusGamers ALRC National Classification Review Scheme Interview (Or How I Learnt to Stop Worrying and Love R18+) | AusGamers—1 August 2011
- ▲ Tort lawsuits could hit productivity | The Australian—1 August 2011
- ▲ Do not repeat the mistakes of overseas laws, warns Nick Xenophon | The Australian—1 August 2011
- ▲ Exemption delivers political riches | The Australian—30 July 2011
- ▲ Phone hacking and privacy torts | The Fortnightly Review of IP & Media Law—29 July 2011
- ▲ The truth that sets us free | SMH—29 July 2011
- ▲ Privacy tort ‘will shield rich and powerful’ | The Australian—29 July 2011
- ▲ Tort a hate-filled strike on liberal democracy | The Australian—29 July 2011
- ▲ Bankers and government main targets of public’s complaints | The Australian—29 July 2011
- ▲ Stop Misrepresenting the Privacy Right of Action | Roger Clarke’s ‘Privacy Right of Action’—28 July 2011
- ▲ Everyone deserves a right to privacy | The Drum—28 July 2011
- ▲ State uproar over Gillard plan to expose all public agencies to civil suits | The Australian—28 July 2011
- ▲ Legislate the right to privacy | The Age—27 July 2011
- ▲ Privately, this hurdle suits us | The Canberra Times—27 July 2011
- ▲ Thousands of privacy breaches going unreported | SMH—27 July 2011
- ▲ People want to retain control ‘over personal information’ | The Australian—27 July 2011

- ▲ Voices for privacy but some stick to familiar tune | Open & Shut—27 July 2011
- ▲ Xenophon acts to axe political data exemption | The Australian—27 July 2011
- ▲ Centrelink spy videos fed to media | The Australian—27 July 2011
- ▲ O'Connor to keep media privacy defence | The Australian—26 July 2011
- ▲ Lawsuits no way to defend privacy or free speech | The Australian—26 July 2011
- ▲ Fed Govt distances R18+ games from Norway violence | Computerworld—25 July 2011
- ▲ Media complaints “not driving push for reform on privacy” | The Australian—26 July 2011
- ▲ Hares running replace chickens yelling in privacy non debate | Open & Shut—25 July 2011
- ▲ Patch Monday podcast: Games, crime, porn and Facebook (laws) | Peter Black's Freedom to Differ—25 July 2011
- ▲ Media Watch, Episode 24 | ABC iview—25 July 2011
- ▲ Privacy plan the ultimate in anti-free speech, media lawyer says | The Australian—25 July 2011
- ▲ Privacy move threatens to muzzle critics | The Australian—25 July 2011
- ▲ Poll-driven knee-jerk reactions: the latest political craze | The Drum Opinion—25 July 2011
- ▲ Australia needs a new classification system: Google | Techworld—25 July 2011
- ▲ George Brandis pans Julia Gillard on privacy inquiry | The Australian—25 July 2011
- ▲ Door ajar on privacy law, says Privacy Minister Brendan O'Connor | Herald Sun—25 July 2011
- ▲ Privacy report calls for more press freedom | The Australian—25 July 2011
- ▲ Insiders | ABC TV—24 July 2011
- ▲ Chicken little on privacy | Open Forum—24 July 2011
- ▲ Kirby says both rights can co-exist | The Australian—23 July 2011
- ▲ Truth the casualty in media wars | The Australian—23 July 2011
- ▲ The case for privacy you won't read in the papers | Open & Shut—24 July 2011

- ▲ Privacy law reform in Australia gets going again! | Open Forum—23 July 2011
- ▲ A Gillard leap of logic over London hackers | The Australian Financial Review—23 July 2011
- ▲ New tort not a terrific response | The Australian—23 July 2011
- ▲ Get your own house in order on privacy, Gillard told | The Australian—23 July 2011
- ▲ Political parties violate our rights to privacy | The Australian—23 July 2011
- ▲ ‘Historic agreement’ on R18+ video games | WA Today—22 July 2011
- ▲ Today’s R18+ decision: the bad news and the good | Atomic MPC—22 July 2011
- ▲ Australian response to the News | Open & Shut—22 July 2011
- ▲ Do we need new privacy laws? Privacy Commissioner responds | ABC Radio National—22 July 2011
- ▲ Right to privacy puts eyes on infosec | CRN Australia—22 July 2011
- ▲ Public expects review of privacy laws, says Privacy Minister Brendan O’Connor | The Australian—22 July 2011
- ▲ Labor urged to comply with Privacy Act reform | The Australian—22 July 2011
- ▲ Privacy moves ‘no risk to free press’, Home Affairs Minister Brendan O’Connor says | The Australian—22 July 2011
- ▲ Watchdogs welcome Australia’s right-to-privacy move | CSO—21 July 2011
- ▲ Right to privacy media reaction on public interest | Crikey—21 July 2011
- ▲ Govt to consider statutory right to privacy | ABC—21 July 2011
- ▲ Right of Privacy | Barnold Law—21 July 2011
- ▲ Long wait but privacy cause of action gets to discussion stage | Open & Shut—21 July 2011
- ▲ Government calls for reforms to privacy laws | The Spy Report—21 July 2011
- ▲ Australia to consider right-to-privacy law | CSO—21 July 2011
- ▲ Government moves on privacy law | 774 ABC Melbourne—21 July 2011
- ▲ Canberra to move on privacy law | The Age—21 July 2011
- ▲ Govt announces privacy consultation | Lawyers Weekly—21 July 2011
- ▲ Push for tougher privacy laws | Sydney Morning Herald—21 July 2011
- ▲ Privacy in the age of no privacy | The Conversation—20 July 2011



- ▲ The Road To R18+: Classifying The Unclassifiable | Kotaku—20 July 2011
- ▲ Australian Christian Lobby Asks Ministers to Slow Down on R18+ | GamePolitics.com—19 July 2011
- ▲ R18+ classification set to be dragged out until next year | Aussie Nintendo—19 July 2011
- ▲ R18+ introduction to be postponed until ALRC report | MCV—19 July 2011
- ▲ Why no action to fix mandatory notification and penalty gaps in privacy law? | Open and Shut—18 July 2011
- ▲ NSW Attorney-General On R18+: “More work needs to be done on this issue” | Kotaku—18 July 2011
- ▲ NSW AG abstains from R18 AU before SCAG | Playstation Universe—18 July 2011
- ▲ R18+ rating faces roadblock from NSW, SA to change its classification laws | Techgeek—18 July 2011
- ▲ NSW set to derail upcoming R18+ decision | Gamespot AU—18 July 2011
- ▲ R18+ rating saga set to drag on thanks to NSW Attorney-General | Vooks—18 July 2011
- ▲ Classification system “fundamentally broken”: Pirate Party Australia | Computerworld—18 July 2011
- ▲ Labor turns media inquiry focus to privacy | The Australian—16 July 2011
- ▲ Last day to have your say in review Classification Scheme with the ALRC | Ausgamers—15 July 2011
- ▲ News of the World raises Australian questions | Open and Shut—11 July 2011
- ▲ Law Reform Commission responds to ‘disenfranchised’ gamers and internet denizens | ABC Tech and Games—8 July 2011
- ▲ Movie ratings miss their targets | The Australian—6 July 2011
- ▲ Art Classification | ABC Radio, Australia Talks—6 July 2011
- ▲ Few bother to contribute to government’s official Classification debate | ABC Tech & Games—6 July 2011
- ▲ Gough Whitlam at 95 Years | The Monthly—1 July 2011
- ▲ Collective Shout’s concerns about objectification of women taken up by Senate Committee | Collective Shout—1 July 2011
- ▲ Security breaches force lawyers to rethink cyber laws | The New Lawyer—1 July 2011

## Appendix K: Submissions made to external inquiries 2011–12

**Table 16: Submissions made to external inquiries 2011–2012**

<i>Agency conducting inquiry</i>	<i>Date of submission</i>	<i>Subject matter</i>	<i>Related ALRC report</i>
The Treasury, Tax System Division	15 July 2011	discussion paper on Privilege for Tax Advice	<i>Privilege in Perspective—Client Legal Privilege and Federal Investigations</i> (ALRC Report 107, 2007)
Senate Standing Committee on Legal and Constitutional Affairs	12 August 2011	inquiry into International Child Abduction to and from Australia	<i>Family Violence—A National Legal Response</i> (ALRC Report 114, 2010); <i>Equality before the Law: Justice for Women</i> (ALRC Report 69, 1994)
Fair Work Act Review Panel	17 February 2012	the Fair Work Act 2009 (Cth) Review	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117, 2011)
Senate Committee on Legal and Constitutional Affairs	20 February 2012	inquiry into Marriage Visa Classes	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117, 2011)
House of Representative Standing Committee on Education and Employment	28 February 2012	inquiry into the Fair Work Amendment (Better Work/Life Balance) Bill 2012	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> (ALRC Report 117, 2011)

## Appendix L: List of ALRC reports

This list does not include Annual Reports.

ALRC 1	Complaints Against Police, 1975
ALRC 2	Criminal Investigation, 1975
ALRC 4	Alcohol, Drugs and Driving, 1976
ALRC 6	Insolvency: The Regular Payment of Debts, 1977
ALRC 7	Human Tissue Transplants, 1977
ALRC 9	Complaints Against Police (Supplementary Report), 1978
ALRC 11	Unfair Publication: Defamation and Privacy, 1979
ALRC 12	Privacy and the Census, 1979
ALRC 14	Lands Acquisition and Compensation, 1980
ALRC 15	Sentencing of Federal Offenders (Interim), 1980
ALRC 16	Insurance Agents and Brokers, 1980
ALRC 18	Child Welfare, 1981
ALRC 20	Insurance Contracts, 1982
ALRC 22	Privacy, 1983
ALRC 24	Foreign State Immunity, 1984
ALRC 26	Evidence (Interim), 1985
ALRC 27	Standing in Public Interest Litigation, 1985
ALRC 28	Community Law Reform for the Australian Capital Territory: First Report: The Community Law Reform Program. Contributory Negligence in Fatal Accident Cases and Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases, 1985
ALRC 30	Domestic Violence, 1986
ALRC 31	The Recognition of Aboriginal Customary Laws, 1986
ALRC 32	Community Law Reform for the Australian Capital Territory: Second Report: Loss of Consortium and Compensation for Loss of Capacity to do Housework, 1986

ALRC 33	Civil Admiralty Jurisdiction, 1986
ALRC 35	Contempt, 1987
ALRC 36	Debt Recovery and Insolvency, 1987
ALRC 37	Spent Convictions, 1987
ALRC 38	Evidence, 1987
ALRC 39	Matrimonial Property, 1987
ALRC 40	Service and Execution of Process, 1987
ALRC 42	Occupiers' Liability, 1988
ALRC 43	The Commonwealth Prisoners Act, (Interim) 1988
ALRC 44	Sentencing, 1988
ALRC 45	General Insolvency Inquiry, 1988
ALRC 46	Grouped Proceedings in the Federal Court, 1988
ALRC 47	Community Law Reform for the Australian Capital Territory: Third Report: Enduring Powers of Attorney, 1988
ALRC 48	Criminal Admiralty Jurisdiction and Prize, 1990
ALRC 50	Informed Decisions About Medical Procedures, 1989
ALRC 51	Product Liability, 1989
ALRC 52	Guardianship and Management of Property, 1989
ALRC 55	Censorship Procedure, 1991
ALRC 57	Multiculturalism and the Law, 1992
ALRC 58	Choice of Law, 1992
ALRC 59	Collective Investments: Superannuation, 1992
ALRC 60	Customs and Excise, 1992
ALRC 61	Administrative Penalties in Customs and Excise, 1992
ALRC 63	Children's Evidence: Closed Circuit TV, 1992
ALRC 64	Personal Property Securities, 1993
ALRC 65	Collective Investments: Other People's Money, 1993
ALRC 67	Equality Before the Law: Women's Access to the Legal System, (Interim) 1994

ALRC 68	Compliance with the Trade Practices Act 1974, 1994
ALRC 69	Equality Before the Law: Justice for Women, 1994
ALRC 70	Child Care for Kids: Review of Legislation Administered By Department of Human Services and Health, (Interim) 1994
ALRC 72	The Coming of Age: New Aged Care Legislation for the Commonwealth, 1995
ALRC 73	For the Sake of the Kids: Complex Contact Cases and the Family Court, 1995
ALRC 74	Designs, 1995
ALRC 75	Costs Shifting: Who Pays for Litigation, 1995
ALRC 77	Open Government: A Review of the Federal Freedom of Information Act 1982, 1995
ALRC 78	Beyond the Door-Keeper: Standing to Sue for Public Remedies, 1996
ALRC 79	Making Rights Count: Services for People With a Disability, 1996
ALRC 80	Legal Risk in International Transactions, 1996
ALRC 82	Integrity: But Not By Trust Alone: AFP & NCA Complaints and Disciplinary Systems, 1996
ALRC 84	Seen and Heard: Priority for Children in the Legal Process, 1997
ALRC 85	Australia's Federal Record: A Review of Archives Act 1983, 1998
ALRC 87	Confiscation That Counts: A Review of the Proceeds of Crime Act 1987, 1999
ALRC 89	Managing Justice: A Review of the Federal Civil Justice System, 2000
ALRC 91	Review of the Marine Insurance Act 1909, 2001
ALRC 92	The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation, 2001
ALRC 95	Principled Regulation: Federal Civil & Administrative Penalties in Australia, 2002
ALRC 96	Essentially Yours: The Protection of Human Genetic Information in Australia, 2003
ALRC 98	Keeping Secrets: The Protection of Classified and Security Sensitive Information, 2004
ALRC 99	Genes and Ingenuity: Gene Patenting and Human Health, 2004
ALRC 102	Uniform Evidence Law, 2005

- ALRC 103    Same Crime, Same Time: Sentencing of Federal Offenders, 2006
- ALRC 104    Fighting Words: A Review of Sedition Laws in Australia, 2006
- ALRC 107    Privilege in Perspective: Client Legal Privilege in Federal Investigations, 2008
- ALRC 108    For Your Information: Australian Privacy Law and Practice, 2008
- ALRC 111    Making Inquiries: A New Statutory Framework, 2010
- ALRC 112    Secrecy Laws and Open Government in Australia, 2010
- ALRC 114    Family Violence: A National Legal Response, 2010
- ALRC 115    Managing Discovery: Discovery of Documents in Federal Courts, 2011
- ALRC 117    Family Violence and Commonwealth Laws—Improving Legal Frameworks, 2012
- ALRC 118    Classification—Content Regulation and Convergent Media, 2012

# Glossary and indexes

## Glossary

AC	Companion of the Order of Australia Award
ACT	Australian Capital Territory
ACM	Appropriation and Cash Management
AGD	Attorney-General's Department
AGS	Australian Government Solicitor
ALRAC	Australasian Law Reform Agencies Conference
ALRC	Australian Law Reform Commission
ALRC Act	Australian Law Reform Commission Act 1996 (Cth)
AIJA	Australasian Institute of Judicial Administration
ANAO	Australian National Audit Office
AO	Order of Australia Award
APPs	Australian Privacy Principles
APS	Australian Public Service
APSC	Australian Public Service Commission
CAC	Commonwealth Authorities and Companies
CAC Act	Commonwealth Authorities and Companies Act 1997 (Cth)
CBMS	Central Budgeting Management System
CEI	Chief Executive Instructions
CEO	Chief Executive Officer
CMG	Companion Order of St Michael and St George Award
CPGs	Commonwealth Procurement Guidelines
CPSU	Community & Public Sector Union
Cth	Commonwealth of Australia
DBCDE	Department of Broadband, Communications and the Digital Economy
DFAT	Department of Foreign Affairs & Trade



DIAC	Department of Immigration and Citizenship
DP	Discussion Paper
DPP	Director of Public Prosecutions
EEO	Equal Employment Opportunity
EMS	Environment Management System
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
ESD	Ecologically sustainable development
FBT	Fringe Benefits Tax
FMA Act	Financial Management and Accountability Act 1997 (Cth)
FOI	Freedom of Information
FOI Act	Freedom of Information Act 1982 (Cth)
FTE	Full-Time Equivalent
HSMA	Health and Safety Management Arrangements
HTML	HyperText Markup Language.
IP	Issues Paper
IPAA	Institute of Public Administration Australia
IPS	Information Publication Scheme
ICT	Information Communications Technology
KPI	Key Performance Indicator
LGBTIQ	Lesbian, Gay, Bi-sexual, Trans, Intersex, Queer
LO	Legal Officer
MP	Member of Parliament
NAIDOC	National Aborigines and Islanders Day Observance Committee
NLRC	Nigerian Law Reform Commission
NRL	National Rugby League
NSW	New South Wales
NSWLRC	New South Wales Law Reform Commission
NT	Northern Territory

OH&S	Occupational Health & Safety
OH&SCC	Occupational Health & Safety Consultative Committee
PDF	Portable Document Format
PLO	Principal Legal Officer
PS Act	Public Service Act 1999 (Cth)
QC	Queen's Counsel
QLD	Queensland
QON	Question on Notice
QUT	Queensland University of Technology
RAP	Reconciliation Action Plan
SA	South Australia
SC	Senior Counsel
SES	Senior Executive Service
SILRC	Solomon Islands Law Reform Commission
SLO	Senior Legal Officer
TAS	Tasmania
UK	United Kingdom
UNSW	University of New South Wales
UTS	University of Technology, Sydney
Vic	Victoria
WA	Western Australia
WAI	Web Accessibility Initiative
WCAG	Web Content Accessibility Guidelines
WIPA	Web Industry Professionals Association
WofG MOM panel	Whole of Government Major Office Machines panel

## List of requirements

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 ss 63(2) and 70(2) of the *Public Service Act 1999* (Cth).

Letter of transmittal	Mandatory	iii
Table of contents	Mandatory	1
Index	Mandatory	212
Glossary	Mandatory	204
Contact officer(s)	Mandatory	ii
Internet home page address and Internet address for report	Mandatory	ii
Review by Secretary		
Review by departmental secretary	Mandatory	3
Summary of significant issues and developments	Suggested	10
Overview of department's performance and financial results	Suggested	10–11, 61
Outlook for following year	Suggested	51
Significant issues and developments—portfolio	Portfolio departments – suggested	not applicable
Departmental Overview		
Role and functions	Mandatory	13
Organisational structure	Mandatory	12
Outcome and program structure	Mandatory	16
Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), 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 programs and contribution to outcomes	Mandatory		18
Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	Mandatory		29
Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	Mandatory	no change	
Narrative discussion and analysis of performance	Mandatory		19
Trend information	Mandatory		51
Significant changes in nature of principal functions/ services	Suggested	not applicable	
Performance of purchaser/ provider arrangements	If applicable, suggested	not applicable	
Factors, events or trends influencing departmental performance	Suggested	not applicable	
Contribution of risk management in achieving objectives	Suggested	not applicable	
Social inclusion outcomes	If applicable, mandatory	not applicable	
Performance against service charter customer service standards, complaints data, and the department's response to complaints	If applicable, mandatory	not applicable	
Discussion and analysis of the department's financial performance	Mandatory		61
Discussion of any significant changes from the prior year, from budget or anticipated to have a significant impact on future operations.	Mandatory		38
Agency resource statement and summary resource tables by outcomes	Mandatory		145

## Management and Accountability

### Corporate Governance

Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines	Mandatory	48
Statement of the main corporate governance practices in place	Mandatory	41
Names of the senior executive and their responsibilities	Suggested	41–42
Senior management committees and their roles	Suggested	47
Corporate and operational planning and associated performance reporting and review	Suggested	126
Approach adopted to identifying areas of significant financial or operational risk	Suggested	49
Policy and practices on the establishment and maintenance of appropriate ethical standards	Suggested	49
How nature and amount of remuneration for SES officers is determined	Suggested	46

### External Scrutiny

Significant developments in external scrutiny	Mandatory	51
Judicial decisions and decisions of administrative tribunals	Mandatory	52
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	Mandatory	52

### Management of Human Resources

Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	Mandatory	52
Workforce planning, staff turnover and retention	Suggested	53

	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and AWAs	Suggested	54
	Training and development undertaken and its impact	Suggested	56
	Work health and safety performance	Suggested	59
	Productivity gains	Suggested	not reported
	Statistics on staffing	Mandatory	52
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	Mandatory	54
	Performance pay	Mandatory	55
Assets Management	Assessment of effectiveness of assets management	If applicable, mandatory	not applicable
Purchasing	Assessment of purchasing against core policies and principles	Mandatory	62
Consultants	The annual report must include a summary statement detailing 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). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	Mandatory	63
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	none to report
Financial Statements	Financial Statements	Mandatory	67
Other Mandatory Information			
	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i> )	Mandatory	59
	Advertising and Market Research (s 311A of the <i>Commonwealth Electoral Act 1918</i> ) and statement on advertising campaigns	Mandatory	63
	Ecologically sustainable development and environmental performance (s 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	Mandatory	63
	Compliance with the agency's obligations under the <i>Carer Recognition Act 2010</i>	If applicable, mandatory	not applicable
	Grant programs	Mandatory	none to report
	Disability reporting—explicit and transparent reference to agency-level information available through other reporting mechanisms	Mandatory	65
	Information Publication Scheme statement	Mandatory	66
	Correction of material errors in previous annual report	If applicable, mandatory	none to report
	List of Requirements	Mandatory	207

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