



Australian Government

Australian Law Reform Commission

ALRC

2014–15

REPORT 128

ANNUAL REPORT

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Australian Government
Australian Law Reform Commission

Professor Rosalind Croucher AM
President

Senator the Hon George Brandis QC
Attorney-General
Parliament House
Canberra ACT 2600

16 September 2015

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 2014 to 30 June 2015.

This report has been prepared in accordance with Division 6, s 46 of the *Public Governance, Performance and Accountability Act 2013* (Cth) and s 70(1) of the *Public Service Act 1999* (Cth).

Yours sincerely

A handwritten signature in black ink that reads "Rosalind Croucher".

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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.

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President's overview



ALRC President, Professor Rosalind Croucher AM

It is an enormous privilege to present the ALRC's Annual Report in this very significant year—2015 marks 40 years since the ALRC was established on 1 January 1975 under the chairmanship of the Hon Justice Michael Kirby AC CMG. In these four decades, the ALRC has produced 86 final reports covering areas of law as diverse as privacy, native title, insolvency, evidence, gene patenting, sedition, royal commissions, child welfare, marine insurance, copyright, disability, secrecy and age discrimination, to name just a few of the many areas that have been the subject of our inquiries. When the ALRC was established, Michael Kirby wrote in the foreword of the ALRC's first Annual Report, of the necessity for an organisation to be able to achieve “the systematic and consistent reform of the ‘seamless web’ of the law”, stating that the ALRC's task is “the review, simplification and modernisation of those laws of this country which are within the competence of the Australian Parliament”. This task is still as relevant and necessary today as it remains crucial that federal laws are updated to reflect changes in Australian society and in community expectations—ensuring our laws are able to respond to current challenges and are flexible enough to cope with the future. Laws do change gradually through case law, but often the community demands that the law moves more quickly, and more assuredly.

A dedicated independent expert agency, such as the ALRC, that assists the Government to keep the laws relevant, accessible and fair, is needed now as much as it was 40 years ago.

A reflection on the role and importance of the ALRC has been included in the Special Features section of this Annual Report. Later in the year, the ALRC will mark this anniversary with the launch of an online interactive timeline that illustrates our history and showcases the eminent, talented and committed individuals who have contributed to the ALRC's work over this time. It is indeed a formidable group. They reinforce, time and again, the importance of an independent law reform agency that can investigate an area of law free from political expectation or the values of particular interests, that is able to start a process with questions and not answers, and that draws on the wealth and diversity of experience and knowledge in the community to help inform the reform process. While law reform happens in many government departments, in other agencies and in the courts themselves, it is in the specialist law reform expertise of the ALRC—our intellectual capital in best practice law reform—that our value to the Government's law reform agenda truly lies.

In reflecting on the work undertaken in this last year, I am again struck by the relevance and currency of the work that we do. At a time when the country is instituting one of the biggest reform agendas in recent times—the National Disability Insurance Scheme—the Report for the Disability Inquiry put forward a new paradigm for decision-making that provides a best practice model that acknowledges the will and preferences of people with disability as the foundation for making their own decisions. The recommendations in this Report provide the Commonwealth with a leadership role in re-framing supported decision-making and places Australia at the forefront of disability reform internationally.

The ALRC is uniquely experienced to undertake highly complex and contested reviews involving legal issues where there is a need to be—and to be seen to be—completely independent from government, industry and special interests. These reviews involve a need to consult widely with diverse and often opposing stakeholders, and to consider their opinions and interests carefully, so that the Government is provided with independent and frank advice. Through its widespread and thorough consultation strategies, the ALRC is able to build consensus and understanding of its proposals within the community and this assists the Government, in turn, to implement various recommendations, even in a context where

change may be challenging. Our Native Title Inquiry is one such review and involved widespread community engagement with over 160 face-to-face consultations around the country, and 72 submissions received. Across the Inquiry, the ALRC had to consider reforms which would effectively recognise and protect native title rights and interests in accordance with the beneficial purposes of the *Native Title Act*, while having regard to the wide range of other interests in the native title system and the interaction of the Act with many other statutory frameworks. The ALRC's consultation process was greatly strengthened by the willingness of Indigenous leaders, traditional owners and Indigenous organisations to offer insights into the native title claims process, informed by their experience in representing Aboriginal and Torres Strait Islander communities across Australia, and I want to formally thank the Indigenous community for their frank engagement with us. The ALRC also recognises the profound contribution made by judges of the High Court and Federal Court to the development of native title jurisprudence over the 20 years since the *Native Title Act* was enacted. I gratefully acknowledge the insights that were offered into the native title claims process by many current and former members of the Federal Court who generously gave of their time and expertise to the Inquiry. The ALRC also spoke with state and territory governments in great detail and met with representatives from industry, including the mining and minerals, fishing, farming, and pastoral industries and we greatly appreciate their substantial engagement in our processes. I also want to take this opportunity to thank Professor Lee Godden, Commissioner in charge of the Inquiry, for her dedication to this task, and for her thoughtful consideration of the many interests involved in the native title area and the important recommendations that were settled on. The Inquiry marks the first major review of the law governing 'connection' in native title claims since the introduction of the *Native Title Act* 20 years ago, and I was delighted that the Attorney-General chose to table our Native Title Report in Reconciliation Week, on 4 June 2015, the day following Mabo Day.

The ALRC has also been undertaking a wide ranging inquiry to identify Commonwealth laws that encroach upon traditional rights, freedoms and privileges and to determine whether any encroachment is appropriately justified. The Terms of Reference for this Inquiry ask us to consider at least 19 such rights, freedoms and privileges with specific attention to the areas of commercial and corporate regulation; environmental regulation; and workplace relations. Developing an appropriate methodology for approaching such a broad inquiry has been challenging, however the ALRC has risen to this task and following the release of an Issues Paper in December 2014, will release an Interim Report in July with a Final Report due at the end of 2015.

Many thanks must go to the members of our Advisory Committees whose generous contribution, provides quality assurance and guidance as we grapple with the issues in each inquiry.

I would also like to take this opportunity formally to acknowledge and thank the many people from the legal profession, academia, industry, the non-government sector, government departments and agencies and from the community—our stakeholders—for their contribution to our inquiries, through consultations 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 and achievable, and that they strike the right balance between competing interests and perspectives to deliver realisable reform to the Australian community.

During this past year there has been further important implementation of our proposed reforms from several recent inquiries, including recommendations from our two Family Violence Inquiries, our Classification Inquiry and our Age Barriers Inquiry. A full report on implementation can be found at Appendix F.

During the year there were close to 80 mentions of ALRC reports in the judgments of federal, state and territory courts. Citations illustrate how, as well as assisting in the interpretation of legislative provisions that have resulted from ALRC reports, our reports are regularly used as authority for basic legal and policy propositions—that is, they provide judges with an invaluable starting point, which they recognise as having a respectable evidence base. I call this the ripple effect of our work. And it's not just a ripple, as our reports have a longevity of life and impact. I had occasion at the launch of the Native Title Report, at the end of June, to note that ALRC Report 31, *The Recognition of Aboriginal Customary Laws* which was published in 1986 after an almost nine year inquiry, is still the second most widely visited of our reports, after the 2008 Privacy Report, and has been visited by 85,831 unique users 194,804 times since our new website was launched in July 2010. Indeed, since then, the most visited single chapter of any publication on our website is from that Report—Chapter Three, 'Aboriginal Societies: The Experience of Contact'. It's been visited by 206,654 unique visitors 396,176 times. And in terms of people actually downloading the entire report as a PDF, *The Recognition of Aboriginal Customary Laws* is the 4th most downloaded—5,526 times. These figures only represent people who have visited or downloaded the report via the ALRC website—it does not include access via other websites such as AustLII. And similar results are achieved for many of our older reports including, the benchmark 2008 *Privacy* Report and the ground-breaking 2004 *Genes and Gene Patenting* Report. These reports, and the careful analysis and thinking that inform them, provide a valuable resource for many years.

I would finally like to thank the staff of the ALRC, a highly productive and hardworking team, who have continued to work tirelessly to meet our strict deadlines while maintaining the high quality analysis and argument that is a hallmark of ALRC consultation papers and reports. I especially wanted to acknowledge the Native Title legal team for the thoughtful and incisive work they produced during that Inquiry, and our part-time Commissioners, the Hon Justice Nye Perram and the Hon Justice John Middleton for their continuing contributions to the ALRC.

In the year ahead, the ALRC will provide the Final Report for the Freedoms Inquiry. As the ALRC is only able to work on such inquiries as are referred to us by the Attorney-General and the timeframe to complete its reports is stipulated in the Terms of Reference, what the next year holds for the ALRC is therefore in the hands of the Government. Whatever that work may be, the ALRC will continue to deliver high quality best practice law reform that results in realistic and achievable recommendations to the Parliament of Australia.



Professor Rosalind Croucher AM

Corporate overview

ALRC organisational structure

(as at 30 June 2015)



Role and functions of the ALRC

The ALRC is an independent statutory authority that operates under the *Australian Law Reform Commission Act 1996* (Cth) (ALRC Act), the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA Act) and the *Public Service Act 1999* (Cth).

It is responsible to Parliament through the Attorney-General, the Minister responsible for the ALRC.

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

In performing its functions the ALRC is required, by s 24 of the ALRC Act, to ensure that the laws, proposals and recommendations it reviews, considers or makes:

- ▲ do not trespass unduly on personal rights and liberties or make the rights and liberties of citizens unduly dependent on administrative, rather than judicial, decisions; and
- ▲ are, as far as practicable, consistent with Australia's international obligations that are relevant to the matter.

The Commission, when formulating recommendations, must have regard to the effect that the recommendations may have on:

- ▲ the costs of getting access to, and dispensing, justice; and
- ▲ persons and businesses who would be affected by the recommendations (including the economic effect, for example).

Snapshot of 2014–15

Appointments and cessations

- ▲ Professor Rosalind Croucher AM was re-appointed as President of the ALRC on 11 December 2014, for a period of 12 months, commencing on 14 December 2014.
- ▲ On 30 August 2014, following the completion of the Equality, Capacity and Disability in Commonwealth Laws Inquiry, the part-time commission of Graeme Innes AM ceased.
- ▲ Professor Lee Godden’s commission ceased on 30 March 2015.

Significant events

- ▲ On Thursday 11 December 2014, the ALRC launched *Equality, Capacity and Disability in Commonwealth Laws* (ALRC Report 124).
- ▲ On 26 January 2015, ALRC President, Professor Rosalind Croucher was conferred the award of Member of the Order of Australia for significant service to the law as an academic, to legal reform and education, to professional development, and to the arts.
- ▲ On 29 June 2015, the ALRC launched *Connection to Country: Review of the Native Title Act 1993 (Cth)* (ALRC Report 126).

Publications

Table 1: ALRC publications completed 2014–15

Area	Publication title	Date of completion
Disability	<i>Equality, Capacity and Disability in Commonwealth Laws</i> (ALRC Report 124)	22 September 2014
Corporate	<i>Annual Report 2013–14</i> (ALRC Report 125)	30 September 2014

Table 1: ALRC publications completed 2014–15 (continued)

Area	Publication title	Date of completion
Native Title	<i>Review of the Native Title Act 1993</i> (DP 82)	23 October 2014
Freedoms	<i>Traditional Rights and Freedoms—Encroachments by Commonwealth Laws</i> (IP 46)	10 December 2014
Native Title	<i>Connection to Country: Review of the Native Title Act 1993 (Cth)</i> (ALRC Report 126)	30 April 2015

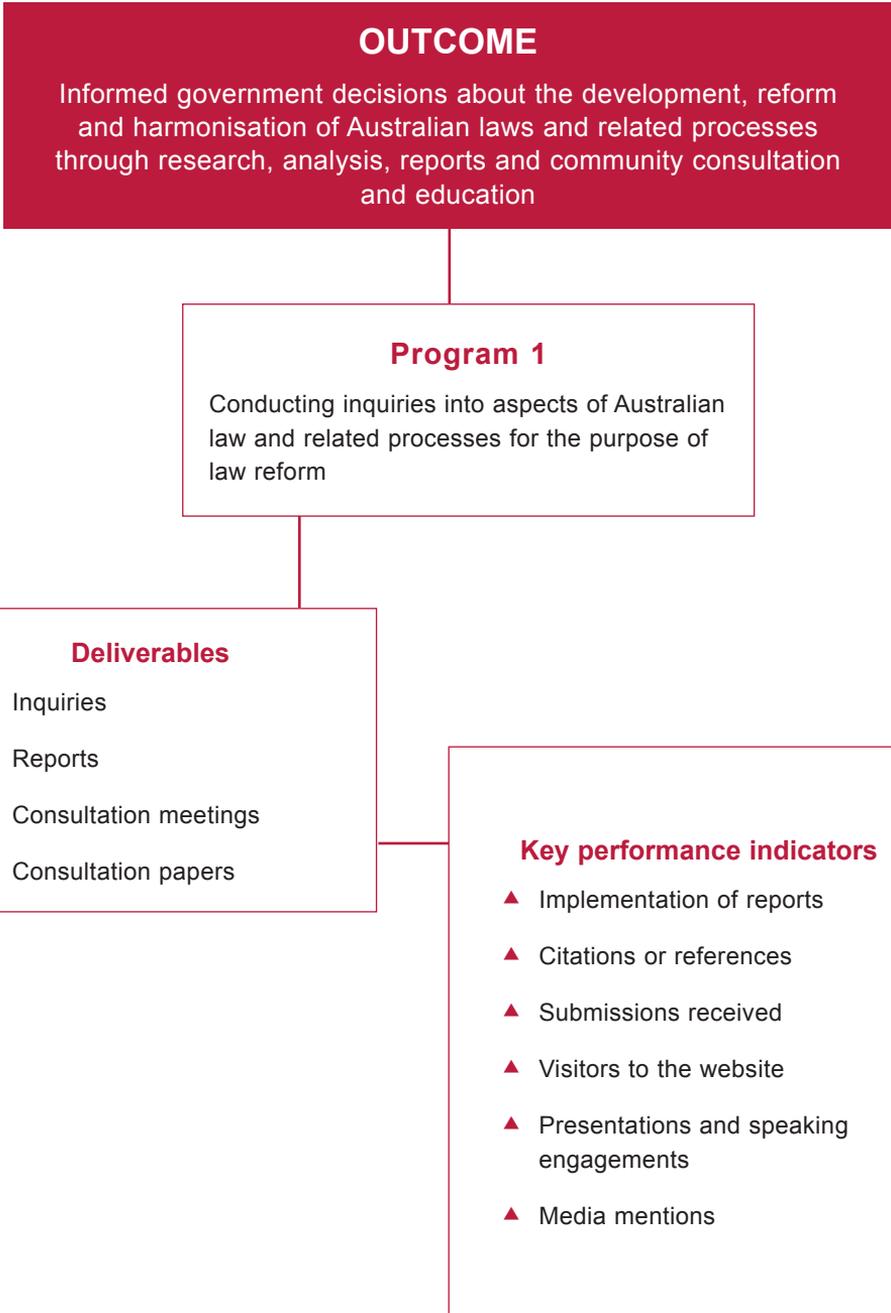
Performance

The ALRC is not responsible for defining its work program, nor for the timing of its inquiries, but is reliant on the law reform objectives of the Government, and the referrals made to it by the Commonwealth Attorney-General. During 2014–15, the ALRC finished its Disability and Native Title Inquiries, and began work on the Freedoms Inquiry. In 2014–15 the ALRC met most of its performance targets. Whilst we have reported fewer numbers for consultations and submissions received than expected in this period, this is due to timing issues on our current inquiries.

In financial terms, the ALRC ends the financial year operating within its current appropriation and achieving all objectives in its corporate plan.

Report on performance

Outcome and program structure



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 evidence-based reports that outline recommendations for law reform to contribute to 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—achieving 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 timelines that reflect available resources, completes at least one inquiry each year.

As required by the ALRC Act, the ALRC has regard to relevant international obligations; the potential impact of its recommendations on the costs of accessing 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. ALRC submissions to external inquiries are published on the ALRC website.

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, for each inquiry a report, that contains the evidence base—including in-depth research and analysis of relevant laws, legal frameworks and processes, and 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 2014–15, the ALRC has:

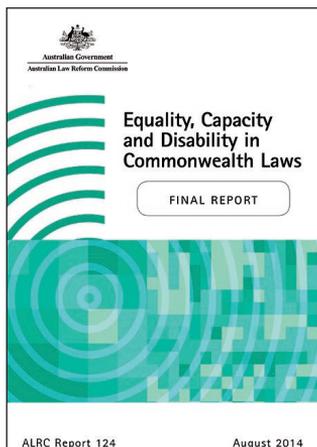
- ▲ worked on three inquiries—the review of equal recognition before the law and legal capacity for people with disability, the review of the *Native Title Act 1993* (Cth) and the review of Commonwealth laws for consistency with traditional rights, freedoms and privileges;
- ▲ produced final reports for the Disability and the Native Title Inquiries;
- ▲ conducted consultations with relevant stakeholders and experts interested in each area of law under review and reported on the consultation process;
- ▲ produced consultation papers for each inquiry;
- ▲ called for submissions in response to consultation papers, seeking information and responses to the questions and proposals, to inform final recommendations;
- ▲ provided online consultation and communication strategies to increase public awareness and engagement in 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

<i>Deliverables</i>	<i>2014–15 budget</i>	<i>2014–15 actual</i>
Inquiries	2	3
Reports	2	2
Consultation meetings	100	88
Consultation papers	3	2

Inquiries

Inquiry into equal recognition before the law and legal capacity for people with disability



On 23 July 2013, the then Attorney-General, Mark Dreyfus QC MP, referred to the ALRC an inquiry into equal recognition before the law and legal capacity for people with disability. The ALRC was asked to review Commonwealth laws and legal frameworks that may deny or diminish the equal recognition of people with disability as persons before the law, including how these laws affect their ability to exercise legal capacity, and what, if any, changes could be made to address this inequality. The purpose of this Inquiry was to ensure that Australian laws and legal frameworks are responsive to the needs of people with disability and advance, promote and respect their rights. The Terms of Reference for this Inquiry are at Appendix C.

Disability Discrimination Commissioner, Graeme Innes AM, was appointed as a part-time Commissioner to the ALRC to support the Inquiry which was led by ALRC President, Professor Rosalind Croucher AM. An Advisory Committee was established and met twice during the Inquiry to provide guidance and valuable feedback to the ALRC on its recommendations for reform.

The ALRC released an Issues Paper on 15 November 2013 and a Discussion Paper on 22 May 2014. Over the course of the Inquiry, the ALRC conducted 86 consultations and received 156 submissions. In order to better consult with people with disability, the ALRC produced both its consultation papers in an Easy English version. Website statistics show that there have been 243 downloads of the Easy English Issues Paper, 266 downloads of the Easy English Discussion Paper and 241 downloads of the Easy English Summary of the Final Report over the course of this Inquiry. The ALRC produced seven e-newsletters for the Inquiry and produced two podcasts summarising the key concepts in the Issues Paper and Discussion Paper. A final podcast outlining the key concepts and recommendations in the Final Report was also produced by Professor Rosalind Croucher and Graeme Innes so as to provide easier access to the Report's final recommendations.

The Final Report *Equality, Capacity and Disability in Commonwealth Laws* (ALRC Report 124) was tabled in Parliament on 24 November 2014 by the Attorney-General, Senator the Hon George Brandis QC. The Report makes 55 recommendations for reform that if implemented, will better provide people with disability equal recognition before the law—in particular, in relation to the right to make decisions that affect their lives and to have those decisions respected.

Central to these reforms are the ALRC's recommended National Decision-Making Principles, developed by the ALRC to guide reform at a national level. The Principles reflect the paradigm shift signalled in the United Nations Convention on the Rights of People with Disabilities (UNCRPD) away from 'best interests' decision-making to a focus on 'will,

preferences and rights'. The National Decision-Making Principles should inform all areas of the law where people with disability are required to make decisions. The ALRC has also recommended a new Commonwealth decision-making model that will encourage the adoption of supported decision-making at a national level. The new model introduces mechanisms for the appointment of 'supporters' for adults who may require decision-making support, and provisions relating to 'representatives' to address circumstances in which a person may desire, or require, someone else to make decisions for them. The new Commonwealth decision-making model recognises the ability of people with disability to make decisions for themselves and places the emphasis upon support. It is a model based on principles of dignity, equality, autonomy, inclusion and participation—and accountability.

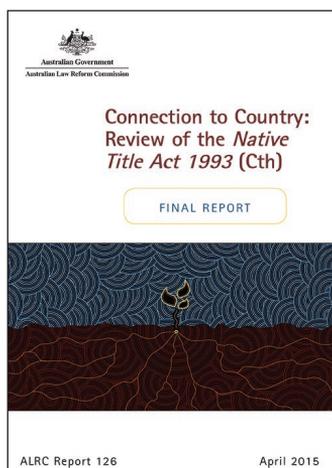
The Report was launched in Sydney on 11 December 2014. Part-time Commissioner for the Inquiry, Graeme Innes AM said, "This Inquiry was an internationally groundbreaking examination of the implications of the UNCRPD for laws and legal frameworks that might disempower people with disability. In adopting the model recommended in the Report and leading its implementation federally, the Australian Government can maintain its leadership in championing and implementing reforms for persons with disability. The ALRC also recommends that this Commonwealth model guide a review of state and territory laws affecting people with disability. In this way the ALRC Report can provide a catalyst towards further initiatives at the state and territory level."

The Report is under consideration by the Government.



Part-time Commissioner, Graeme Innes AM; ALRC President, Professor Rosalind Croucher AM; Rosemary Kayess; NSW Public Guardian, Graeme Smith; and Emeritus Professor Terry Carney at the launch of *Equality, Capacity and Disability in Commonwealth Laws* (ALRC Report 124)

Inquiry into the Native Title Act 1993 (Cth)



On 3 August 2013, the then Attorney-General, Mark Dreyfus QC MP, and the then Minister for Families, Community Services and Indigenous Affairs, Jenny Macklin MP, announced Terms of Reference for an inquiry into specific areas of native title law, following the release in June of draft Terms of Reference for public consultation. The ALRC was asked to review the connection requirements relating to the recognition and scope of native title rights and interests and any barriers to access to justice for claimants, potential claimants and respondents imposed by the *Native Title Act's* authorisation and joinder provisions. The final Terms of Reference directed the ALRC to consider the *Native Title Act* including how laws and legal frameworks operate in practice; any relevant case law; relevant reports, reviews and inquiries regarding the native title system and the

practical implementation of recommendations and findings; the interests of key stakeholders; and any other relevant matter concerning the operation of the native title system. The Terms of Reference for this Inquiry are at Appendix C.

Professor Lee Godden was appointed as the Commissioner to lead this Inquiry. An Advisory Committee was established and met twice during the reporting period. In undertaking this Inquiry, the ALRC sought evidence as to whether the current native title system is meeting its objectives, whether specified options for reform would improve the operation of the system, and whether alternative reform options should be implemented. In particular, the ALRC sought evidence as to whether the reforms recommended in this Report would: advance the recognition and protection of native title; acknowledge the range of interests in the native title system; encourage timely and just resolution of claims; be consistent with international law; and support sustainable futures.

An Issues Paper was released on 20 March 2014 and a Discussion Paper was released on 23 October 2014. Two national rounds of consultation meetings were conducted following the release of each of the two consultation documents. This Inquiry has analysed evidence gleaned from 162 consultations, including consultations with Commonwealth, state, territory and local governments, departments and agencies; with judges and registrars from the Federal Court of Australia; with Indigenous leaders and traditional owners; with Indigenous groups including Native Title Representative Bodies, Native Title Service Providers, Prescribed Bodies Corporate and Land Councils; with industry including peak bodies representing the agriculture, pastoral, fisheries, and minerals and energy resources industries; with the National Native Title Tribunal; and with a number of anthropologists and academics. Consultations were held around the country including in Perth, Broome, Darwin, Cairns, Brisbane, Coffs Harbour, Canberra, Adelaide, Melbourne and Sydney.

The ALRC received 72 submissions throughout the Inquiry. The ALRC acknowledges the profound contribution made by judges of the High Court and Federal Court to the development of native title jurisprudence over the 20 years since the *Native Title Act* was

enacted. The ALRC appreciates the insights that were offered into the native title claims process by many current and former members of the Federal Court who generously gave of their time and expertise to the Inquiry.

The *Native Title Act* is far-reaching and complex legislation which affects many people. The Act is Commonwealth legislation, but the extent to which native title is recognised, and may be recognised, varies across Australia due to historical factors. Parties in the native title system have ordered their practices and interactions with other parties and with native title institutions as the law has evolved over a 20 year period since the introduction of the *Native Title Act*. Stability and certainty are important matters. The *Native Title Act* is invested with many aspirations for the future of Australia's Indigenous peoples. It has brought opportunities and challenges for the wider Australian society.

The recommendations made in the Report are intended to:

- ▲ address the complexities of proving native title and the amplified requirements for connection, relating to the definition in s 223 of the *Native Title Act*;
- ▲ acknowledge that, while retention of a focus on traditional laws and customs is important, the law should be flexibly applied to allow evolution, adaptation and development of those laws and customs and succession to native title rights and interests;
- ▲ expedite the claims process by removing 'substantially uninterrupted continuity' and the 'normative society' requirements as a strict necessity and refocusing on the core elements of the definition of native title;
- ▲ facilitate the drawing of inferences of fact in defined circumstances, while recognising that the extent of evidence required to establish native title is in tension with the object of the Act to recognise and protect native title;
- ▲ provide statutory reflection of the principles developed by the High Court that recognised that a native title right may be exercised for any purpose—commercial or non-commercial and to include a native title right to trade in a non-exhaustive list of native title rights and interests;
- ▲ strengthen the internal governance of the claim group by clarifying the functions, powers and duties of the applicant;
- ▲ streamline the process of removing a member of an applicant who is unable or unwilling to act;
- ▲ ensure access to justice for parties whose interests may be affected by a native title determination, while recognising the need for efficient and fair administration of justice; and
- ▲ ensure that native title claims are resolved in a fair and efficient manner.

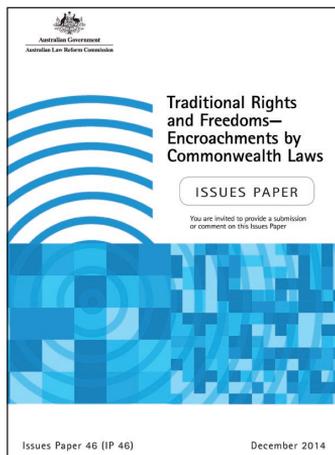
Native title has the capacity to contribute to the improvement of the circumstances of Aboriginal and Torres Strait Islander peoples. If native title is to provide an effective platform for future development, then a prerequisite is ensuring an equitable process within the law governing connection requirements—the subject of this Inquiry.

The Report was provided to the Attorney-General at the end of April, and was tabled in Parliament on 4 June 2015. It was launched in Sydney on 29 June 2015 by ALRC President, Professor Rosalind Croucher AM, with speakers Dr Valerie Cooms, Professor Lee Godden and Senator the Hon Arthur Sinodinos AO, on behalf of the Attorney-General, Senator the Hon George Brandis QC.



Professor Lee Godden, speaking at the launch of *Connection to Country: Review of the Native Title Act 1993 (Cth)* (ALRC Report 126)

Inquiry into Commonwealth laws for consistency with traditional rights, freedoms and privileges



On 9 May 2014, the Attorney-General, Senator the Hon George Brandis QC, provided final Terms of Reference to the ALRC for a review of Commonwealth laws for consistency with traditional rights, freedoms and privileges (the Freedoms Inquiry). The ALRC was asked to identify any Commonwealth laws that encroach upon traditional rights, freedoms and privileges and to consider how laws are drafted, implemented and operate in practice; and any safeguards provided in the laws, such as rights of review or other scrutiny mechanisms. The Terms of Reference for this Inquiry are at Appendix C.

This Inquiry is being lead by ALRC President, Professor Rosalind Croucher AM. An Advisory

Committee has been formed and has met once during the reporting period, on 7 May 2015. An Issues Paper was released on 10 December 2014. During this reporting period the ALRC has received 82 submissions and has undertaken 28 consultations. The ALRC anticipates releasing an Interim Report in July 2015 and is due to report to the Attorney-General in December 2015.

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 to identify key issues, shape research questions, and contribute to the ALRC’s policy analysis and considerations in formulating proposals and recommendations for reform.

During 2014–15, the ALRC conducted a total of 88 consultations around the country, with respect to the following inquiries:

- ▲ Equality, Capacity and Disability in Commonwealth Laws—8
- ▲ Native Title—52
- ▲ Freedoms Inquiry—28

National distribution of consultation meetings 2014–15



Diversity consultation strategy

The ALRC has a formal consultation strategy 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 strategies act as a guide for the ALRC’s legal teams at the beginning of each new inquiry to ensure that these groups within the community are identified for consultation, when relevant, and that our methods of consultation are appropriate. The ALRC reviews these strategies annually as part of its Agency Multicultural Plan. The ALRC’s Multicultural Plan is on the ALRC website and a performance report against this Plan is at Appendix K. A report against our Reconciliation Action Plan (RAP) is at Appendix L.

To enhance its consultation with people from diverse communities, the ALRC has produced two key documents, the Law Reform Process and Making a Submission, in 21 community languages including Auslan. These documents have also been produced in Easy English, for people with low English literacy skills. During the reporting period, there were 506 downloads of the Easy English version of Making a Submission, and 490 downloads of the Law Reform Process.

Consultation papers and reports

Consultation papers 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 Final Report.

All ALRC consultation papers and reports are published on the ALRC website in HTML, PDF and Epub versions. Final Reports are also produced in hard copy for tabling purposes and for sale.

Table 3: Distribution of ALRC publications 2014–15

Publication	Online access (page views)	EPUB	PDF
<i>Serious Invasions of Privacy in the Digital Era</i> (ALRC Report 123)	10,330	279	4,143
<i>Serious Invasions of Privacy in the Digital Era</i> (ALRC Report 123 Summary)	5,092	N/A	2,453
<i>Review of the Native Title Act 1993</i> (DP 82)	2,454	51	1,266

Table 3: Distribution of ALRC publications 2014–15 (continued)

Publication	Online access (page views)	EPUB	PDF
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (ALRC Report 124)	4,117	53	1,616
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (ALRC Report 124 Summary)	1,772	N/A	937
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (ALRC Report 124 Easy English summary)	N/A	N/A	332
<i>Traditional Rights and Freedoms— Encroachments by Commonwealth Laws</i> (IP 46)	4,006	74	1,697
<i>Connection to Country: Review of the Native Title Act 1993 (Cth)</i> (ALRC Report 126)	1,347	26	621
<i>Connection to Country: Review of the Native Title Act 1993 (Cth)</i> (ALRC Report 126 Summary)	471	N/A	358

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 court or tribunal decisions that cite ALRC reports;
- ▲ 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 2014–15

Program 1	Target	Actual
Implementation of reports—substantially or partially implemented	85%	86%
Citations in courts or tribunal decisions	50	77
Submissions received	250	150
Visitors to website	>250,000	950,406
Presentations and speaking engagements	25	11
Media mentions	250	286

Implementation of reports

The ALRC has no direct role in implementing its recommendations. There is no statutory requirement for the Australian Government to respond formally to ALRC reports. However, 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.

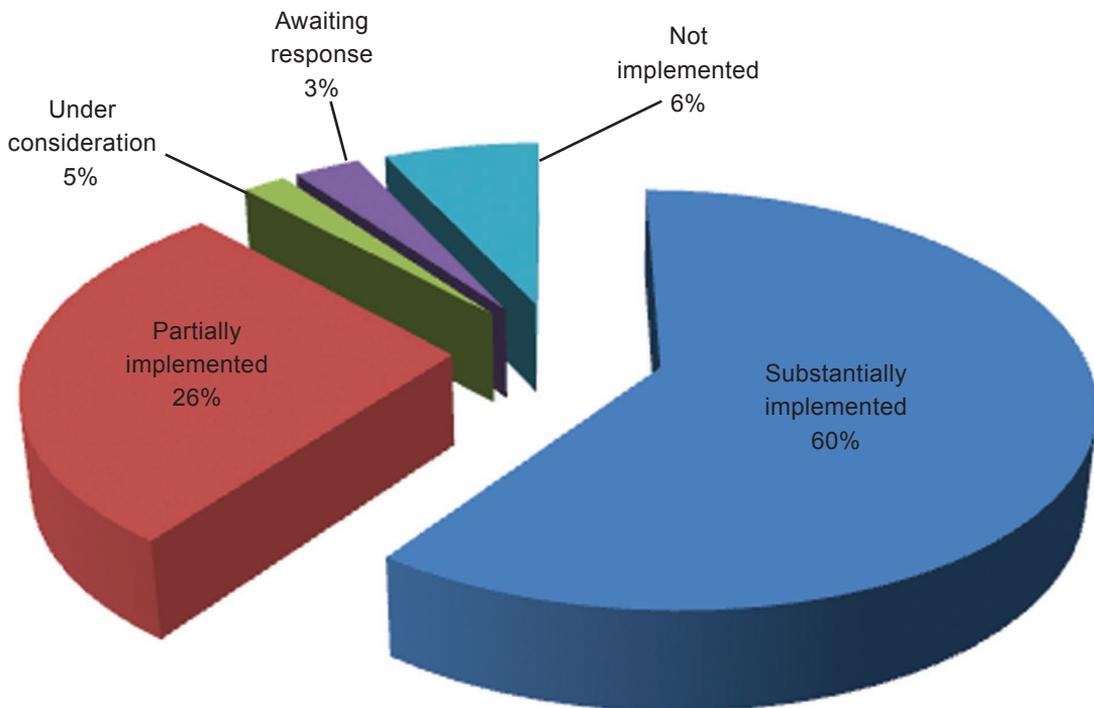
The term 'under consideration' applies to reports that are under active consideration by the Australian Government. 'Awaiting response' refers to reports that have been completed within the past ten years, in relation to which the ALRC is yet to receive a formal response from the Government.

The levels of implementation of all ALRC reports are as follows:

- ▲ 60% are substantially implemented;
- ▲ 26% are partially implemented;
- ▲ 5% are under consideration;
- ▲ 3% are awaiting response; and
- ▲ 6% have not been implemented.

These figures represent an overall implementation rate for ALRC reports of 86%, as compared to 88% reported in 2013–14. 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); *Copyright and the Digital Economy* (ALRC Report 122, 2014); *Serious Invasions of Privacy in the Digital Era* (ALRC Report 123, 2014); *Equality, Capacity and Disability in Commonwealth Laws* (ALRC Report 124, 2014); and *Connection to Country: Review of the Native Title Act 1993 (Cth)* (ALRC Report 126, 2015).

Implementation status of ALRC reports as at 30 June 2015



Appendix F provides a detailed update on action in relation to ALRC reports during 2014–15.

Appendix G provides a brief overview of the implementation status of all 86 reference-related ALRC reports.

Court citations

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

During 2014–15, there were at least 77 mentions of ALRC reports in the judgments of federal, state and territory courts. These included citation in three cases in the High Court of Australia, 17 in the Federal Court of Australia and other federal courts, 55 in state and territory Supreme Courts or Courts of Appeal and cases in the Land Court of Queensland and Administrative Appeals Tribunal.

The total number of citations is similar to the number of judgments from Australian courts and tribunals referring to ALRC reports in 2013–14. Historically, the ALRC report most often cited in Australian courts has been *Evidence (Interim)* (ALRC Report 26, 1985). More recently, *Uniform Evidence Law* (ALRC Report 102, 2006) has also attracted many citations. These reports are frequently cited because their text is an important secondary source assisting the judiciary in interpreting provisions of the *Evidence Act 1995* (Cth) and state and territory uniform Evidence Acts.

Other reports of enduring interest to litigants and courts are *Insurance Contracts* (ALRC Report 20, 1982); *General Insolvency Inquiry* (ALRC Report 45, 1988); and *Collective Investments: Other People's Money* (ALRC Report 65, 1992).

The report *Genes and Ingenuity: Gene Patenting and Human Health* (ALRC Report 99, 2004) was significant to the conclusions of the Full Court of the Federal Court in *D'Arcy v Myriad Genetics Inc* [2014] FCAFC 115, considering the patentability of isolated nucleic acid sequences, that is, nucleic acid (DNA or RNA). At the end of the reporting period, judgment in an appeal from this decision by the High Court was pending.

In the reporting period, a number of more recent reports were also cited in courts, including *Serious Invasions of Privacy in the Digital Era* (ALRC Report 123, 2014); *Classification—Content Regulation and Convergent Media* (ALRC Report 118, 2012); and *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115, 2011).

A list of these court and tribunal 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 2014–15

<i>Consultation paper</i>	<i>Submissions closing date</i>	<i>Submissions received during reporting period</i>
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (DP 81)	30 June 2014	27
<i>Review of the Native Title Act 1993</i> (DP 82)	18 December 2014	41
<i>Traditional Rights and Freedoms—Encroachments by Commonwealth Laws</i> (IP 46)	27 February 2015	82
Total submissions received		150

ALRC website

The ALRC website is a pivotal communication tool for the ALRC and a law reform resource for the wider public. The ALRC strives to continually 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 website metrics for 2014–15:

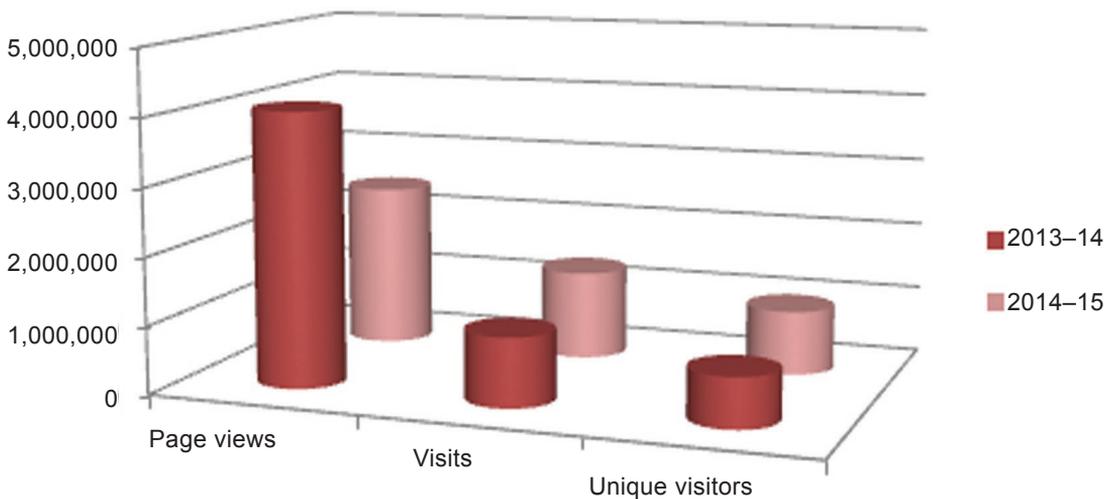
- ▲ visits = 1,311,041
- ▲ page views = 2,431,057
- ▲ unique visitors = 950,406

These metrics represent, compared to the 2013–14 reporting period:

- ▲ 28% increase in visits
- ▲ 39% decrease in page views*
- ▲ 30% increase in unique visitors

* In July 2014 the ALRC upgraded its CMS, which altered the way in which page views are counted. This means figures for this year do not reflect a true comparison, but moving forward will reflect the real value.

Comparison of website traffic: August–June in 2013–14 and 2014–15



ALRC website statistics provide evidence that it is not just in implementation that the ALRC makes a significant contribution to legal frameworks in Australia.

In 2014–15, the top five reports accessed by PDF downloads were:

1. *Serious Invasions of Privacy in the Digital Era* (ALRC Report 123)
2. *Recognition of Aboriginal Customary Laws* (ALRC Report 31)
3. *Family Violence—A National Legal Response* (ALRC Report 114)
4. *Uniform Evidence Law* (ALRC Report 102)
5. *Copyright and the Digital Economy* (ALRC Report 122)

The inclusion in this list of the Uniform Evidence Report from 2006 and the Aboriginal Customary Laws Report from 1986 illustrates the enduring value of the ideas, discussion and research contained in these landmark reports.

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 2014–15, ALRC Commissioners and staff made 11 presentations at a range of events around the country. They also contributed five articles to a range of journals and publications. A full list of presentations and articles is at Appendix I.

Media mentions

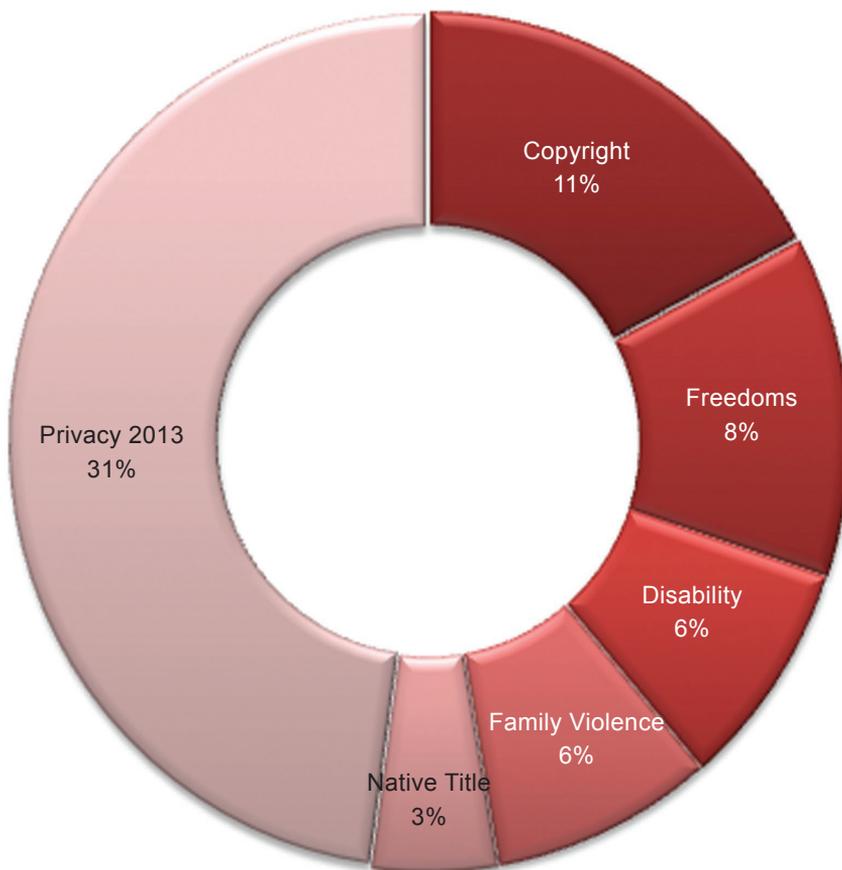
The ALRC actively promotes public debate on issues raised by its current and past inquiries, and on law reform generally.

During 2014–15, the ALRC identified 286 mentions of its work across a range of media. This represents a decrease of 32% from the previous reporting period. This decrease is probably best explained by the fact that in the previous reporting period the ALRC worked on five inquiries, and in the current reporting period the ALRC only worked on three inquiries.

In 2014–15 privacy law reform continues to rate highly in the public interest, with the recent Inquiry into Serious Invasions of Privacy in the Digital Era attracting 31%, and the ALRC's 2008 Privacy Inquiry an additional 5% of media attention. The ALRC's Copyright Inquiry also had strong interest.

The ALRC conducts its own media monitoring. 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.

Media mentions per inquiry 2014–15



Additional performance indicators

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

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

During the reporting period, the ALRC made one written submission to the Disability Reform Council regarding their consultation paper for a National Disability Insurance Scheme Quality and Safeguarding Framework.

Mentions in Parliament

During 2014–15, Parliamentary Hansard records that ALRC reports and recommendations were referred to in second reading speeches and other Parliamentary proceedings on the following Commonwealth bills:

- ▲ Copyright Amendment (Online Infringement) Bill 2015;
- ▲ Freedom of Information Amendment (Requests and Reasons) Bill 2015;
- ▲ Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Bill 2014;
- ▲ Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014.

In addition, ALRC reports and recommendations were referred to in Parliamentary Committee proceedings in relation to family violence in Australia, a review of the *Telecommunications (Interception and Access) Act 1979* (Cth), and the Korea-Australia Free Trade Agreement.

Online communications

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 2014–15

<i>Inquiry</i>	<i>Subscribers</i>	<i>Issues</i>
Serious Invasions of Privacy	1,099	1
Equality, Capacity and Disability in Commonwealth Laws	940	1
Review of <i>Native Title Act 1993</i>	790	4
Freedoms Inquiry	463	3
ALRC Brief	981	2

Freedoms Wiki

In September 2014, the ALRC set up a public wiki for its Freedoms Inquiry to conduct a survey of Commonwealth laws that encroach on traditional rights, freedoms and privileges. The Wiki consisted of a set of collaborative online documents that external participants could contribute to.

This innovative approach to working collaboratively with stakeholders saw the ALRC nominated, and shortlisted as a finalist, for the 2015 Australian Government ICT Awards in the Excellence in e-Government category.

Twitter



The ALRC's following on Twitter has grown in the reporting period from 7,990 to 9,590 followers.

The ALRC Twitter handle is @AusLawReform.

International outreach

On 13 August 2014, the ALRC welcomed Dr Dae-Ho Hyeon, and two of his colleagues, from the Korean Legislation Research Institute, a government-funded research institute under the Korean Prime Minister's Office, to discuss areas of reform of the Australian legislative and judicial systems in general, as well as other subjects of mutual interest.

On 1 December 2014, the ALRC met with three Government officials from the Ministry of Government Legislation, Republic of Korea, to discuss ALRC research processes and procedures and specifically the effect of ALRC recommendations and the acceptance rate for ALRC recommendations.

In February 2015, the ALRC hosted Jessica Uguccioni, a Legal Officer from the Law Commission for England and Wales, who joined us for two months on secondment.

On 6 March 2015, the ALRC welcomed a delegation from Beijing Zhicheng Law Firm to discuss the law reform process.

On 19 March 2015, the ALRC met with Judges of the China Supreme People's Court. This study visit is part of the Australian–China Human Rights Technical Cooperation Program (HRTC).

On 30 June 2015 the ALRC met with three directors from the Anti-Corruption and Civil Rights Commission (ACRC) in the Republic of Korea to discuss human rights protections and the law reform process.

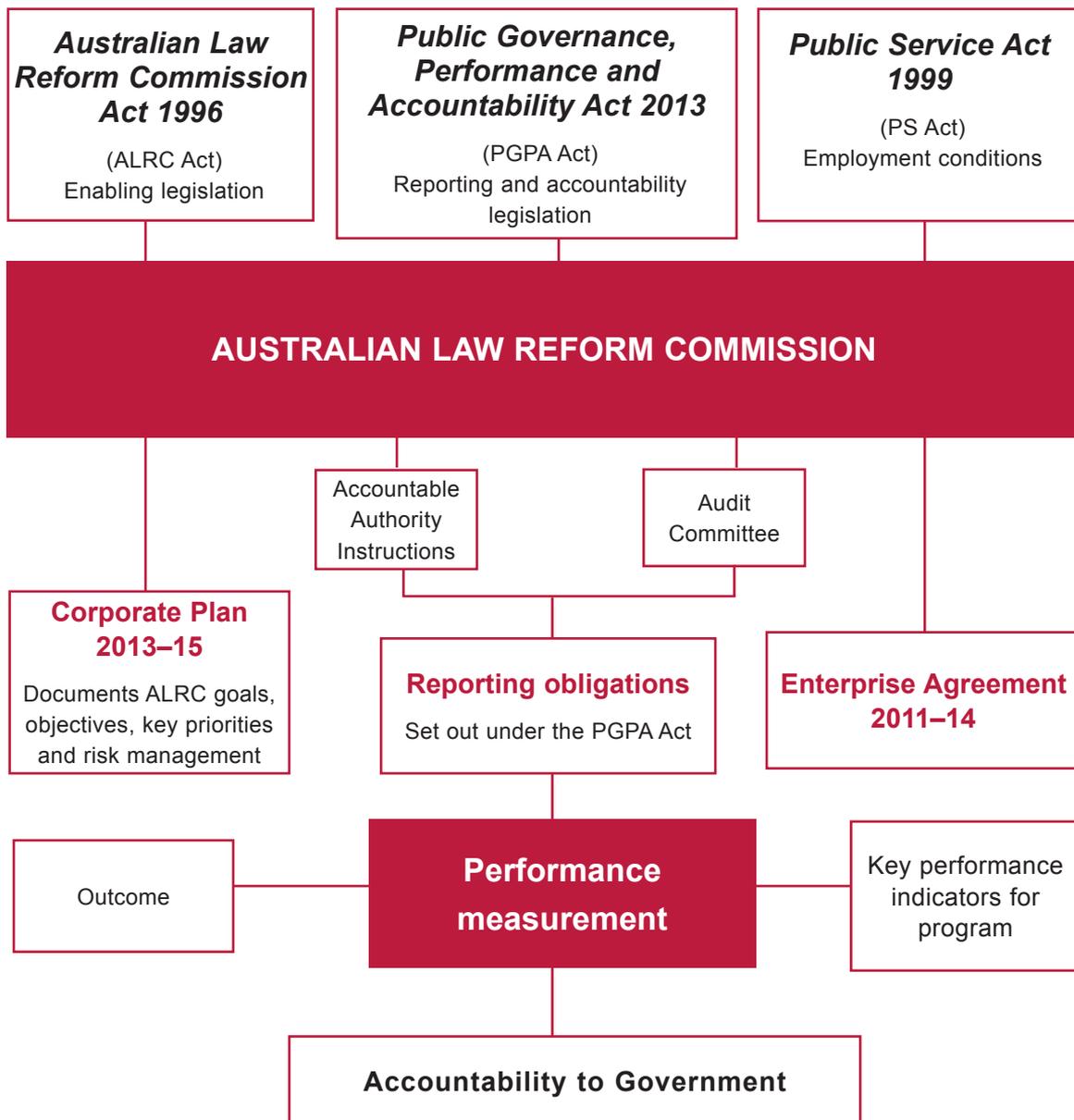
Challenges for 2015–16

The Government's reform agenda and timelines are crucial to the ALRC meeting its performance expectations as this both determines the number and scope of inquiries that are referred to the ALRC. The ALRC would normally work on two inquiries at any one time. In 2014–15, the ALRC worked on three inquiries, but as at June 2015, the ALRC is working on only one inquiry. These external factors impact the ALRC's ability to achieve its outcome and to meet its performance targets. In addition, the Government's own program and priorities determine when and how it considers completed ALRC inquiries and both the timing for and the rate at which ALRC recommendations are implemented.

The ALRC must negotiate a new Enterprise Agreement and find further productivity savings as part of this process—a challenge in a small single-outcome focused agency.

Management and accountability

Corporate governance framework



1975-2015 40 years of law reform

Corporate governance

ALRC accountability and governance requirements are met through its Accountable Authority Instructions. These provide the framework to ensure that the ALRC meets its obligations and responsibilities with regard to governance, reporting and accountability of Commonwealth entities and for their use and management of public resources, in line with the requirements of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Ministerial powers

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

The ALRC is a statutory agency under the PGPA Act and an employer subject to the *Public Services 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.

Members of the Commission

The President is the CEO of the ALRC. During 2014–15 there were four part-time Commissioners. Table 7 lists members of the ALRC during 2014–15 and their terms of appointment. On 30 June 2015, there were three members of the ALRC—one full-time member and two part-time members.

Table 7: Members 2014–15

<i>Commissioner</i>	<i>Term of Appointment</i>
<i>Full-time Commissioners</i>	
Professor Rosalind Croucher AM BA (Hons), LLB (Syd), PhD (UNSW), AMusA (AMEB), FRSA, FACLM (Hon), FAAL, TEP	5 February 2007–4 February 2010 as Commissioner 14 December 2009–13 December 2014 as President. Reappointed as President from 14 December 2014 to 13 December 2015
<i>Part-time Commissioners</i>	
Professor Lee Godden BA (Hons) (Melb), BLegs (Macq), MA (Melb), PhD (Griff)	27 October 2013–30 March 2015 (Professor Godden was initially employed as a consultant by the ALRC from 16 July 2013 to 26 October 2013)
The Hon Justice Nye Perram BA, LLB (Hons) (Syd), BCL (Dist) (Oxon)	28 November 2012–27 November 2015

Table 7: Members 2014–15 (continued)

Commissioner	Term of Appointment
<i>Part-time Commissioners (continued)</i>	
The Hon Justice John Middleton LLB (Hons) (Melb), BCL (Oxon)	28 November 2012–27 November 2015
Graeme Innes AM LLB (Syd), FAICD	16 July 2013–30 August 2014

Professor Rosalind Croucher AM, 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.

On 26 January 2015, Professor Croucher was conferred the award of Member of the Order of Australia for “significant service to the law as an academic, to legal reform and education, to professional development, and to the arts”.

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

Professor Lee Godden, Part-time Commissioner



Professor Godden joined the ALRC from the Melbourne Law School, where she was Director of the Centre for Resources, Energy and Environmental Law.

She has a distinguished University teaching and research career spanning more than twenty years. She completed her doctoral thesis on the intersections between property law, native title and environmental law, before moving to the Melbourne Law School in 2002.

In 2007–08 she was Director of the Office for Environmental Programs, University of Melbourne. She is a member of the Academic Advisory Group, Section on Energy, Environment, Resources and Infrastructure Law, International Bar Association. She is admitted to practice as an Australian Legal Practitioner in Victoria.

Professor Godden's many publications include: *Comparative Perspectives on Communal Lands and Individual Ownership*, 2010 (with M. Tehan); *Environmental Law: Scientific, Policy and Regulatory Dimensions*, 2010 (with J Peel); and *Property and the Law in Energy and Natural Resources*, 2010 (with A. McHarg, B. Barton and A. Bradbrook).

The Hon Justice Nye Perram, Part-time Commissioner

Justice Nye Perram was appointed a part-time Commissioner of the ALRC for a term of three years on 28 November 2012. He graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws and from the University of Oxford with a Bachelor of Civil Law.

Justice Perram practised as a barrister in New South Wales from 1993 and was appointed senior counsel in 2006. At the time of his appointment he was a member of the Law and Justice Foundation and the New South Wales Bar Council.

Justice Perram has specialised in constitutional law, administrative law, commercial law and equity. In 2005, he was a Director of the Public Interest Law Clearing House, an independent, not-for-profit legal referral service. He is currently Deputy President of the Copyright Tribunal.



The Hon Justice John Middleton, Part-time Commissioner



Justice Middleton was appointed a part-time Commissioner of the ALRC for a term of three years on 28 November 2012. He was appointed to the Federal Court of Australia effective from 31 July 2006, appointed a Deputy President of the Australian Competition Tribunal effective from 16 February 2009 and appointed a presidential member of the Administrative Appeals Tribunal effective from 24 November 2010.

Justice Middleton graduated from the University of Melbourne as Bachelor of Laws (First Class Honors) and from the University of Oxford as Bachelor of Civil Law (First Class Honors). He was the Winter Williams Scholar (University of Oxford (1976)). He was admitted to practise as a barrister and solicitor of the Supreme Court of Victoria in 1976. After serving as Associate to Sir Ninian Stephen, then Justice of the High Court of Australia, he was called to the Bar in 1979 where he practised predominantly in constitutional and administrative law, resources law and commercial law.

Justice Middleton was appointed one of Her Majesty's Counsel for the State of Victoria in 1991 and subsequently became Chairman of the Victorian Bar Council. He was awarded the Centenary Medal in 2003 for services, as a former Chairman of the Bar Council, to the community and to education.

Graeme Innes AM, Part-time Commissioner

Graeme Innes was Australia's Disability Discrimination Commissioner from December 2005 to July 2014. During that time he also served as Australia's Human Rights Commissioner for three and a half years and as Race Discrimination Commissioner for two years. Graeme is a Lawyer, Mediator and Company Director. As a Commissioner with the Australian Human Rights Commission, Graeme has led or contributed to the success of a number of initiatives including the Same Sex: Same Entitlements Inquiry, which resulted in removal of discrimination across federal law, and the drafting of the United Nations Convention on the Rights of Persons with Disabilities, and its ratification by Australia. Graeme was also crucial to the development of the National Disability Strategy and the Disability (Access to Premises—Buildings) Standards 2010, as well as the establishment of Livable Housing Australia.



Graeme has been a Member of the NSW Administrative Decisions Tribunal; the NSW Consumer, Trader and Tenancy Tribunal; and the Social Security Appeals Tribunal. Graeme was Chair of the Disability Advisory Council of Australia, and the first Chair of Australia's national blindness agency, Vision Australia.

In 1995 Graeme was made a Member of the Order of Australia (AM).

Remuneration

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

Policies

The Accountable Authority 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 or updated during 2014–15 include:

- ▲ Audit Committee Charter
- ▲ Financial Delegations
- ▲ Financial Procedures
- ▲ Enterprise Risk Management Framework
- ▲ Corporate Plan 2015–19
- ▲ Official Hospitality Policy
- ▲ Personal Use of Office Telephone Policy
- ▲ Custody and Use of ALRC Property
- ▲ Procurement and Purchasing Policy
- ▲ Work Health and Safety Policy
- ▲ ALRC Travel Policy
- ▲ Receiving Gifts and Benefits Policy
- ▲ Legal Services Directions Compliance 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 ALRC policies via the intranet.

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

Corporate planning

The ALRC Corporate Plan 2013–15 is reproduced in Appendix A. The Corporate Plan was updated in June 2015 to reflect the requirements for accountability and reporting in the PGPA Act. The ALRC Corporate Plan 2015–19 is available on the ALRC website.

Financial management and audit

The audit of the 2013–14 financial statements was performed by the Australian National Audit Office (ANAO). The Auditor's opinion was that the financial statements of the ALRC were prepared in accordance with all relevant legislation and Finance Minister's Orders and give a true and fair view of the ALRC's financial position and performance. The ANAO conducted an interim audit of the ALRC 2014–15 financial accounts and provided an interim report to the Audit Committee on 11 June 2015. No material issues were identified at this time.

The ALRC Audit Committee is established in compliance with section 45 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and section 17 of the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule). The objective of the Audit Committee is to provide independent assurance and assistance to the President on the ALRC's risk, control and compliance framework, and its financial and performance reporting responsibilities.

The President authorises the Audit Committee, within its responsibilities, to:

- ▲ obtain any information it requires from any employee or external party (subject to any legal obligation to protect information);
- ▲ discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- ▲ request the attendance of any employee, including the President, at Audit Committee meetings; and
- ▲ obtain legal or other professional advice, as considered necessary to meet its responsibilities, with the prior approval of the President.

Section 17 of the PGPA Rule provides that the Audit Committee must consist of at least three persons who have appropriate qualifications, knowledge, skills or experience to assist the committee to perform its functions. The members of the ALRC Audit Committee, taken collectively, have a broad range of skills and experience relevant to the operations of the ALRC. This section also requires that the majority of the members of the Audit Committee of a non-corporate Commonwealth entity must be persons who are not officials of the entity.

The ALRC Audit Committee comprises three members, appointed by the President, as follows:

- ▲ Part-time Commissioner: Justice Nye Perram (Chair)
- ▲ External Member: Peter Bowen, Chief Financial Officer, Federal Court
- ▲ External Member: David Richards, Chief Financial Officer, Australian Human Rights Commission

A representative of the ANAO is also invited to attend meetings of the Audit Committee.

The ALRC's Audit Forward Plan sets a meeting schedule and outlines the activities of the Audit Committee over the next financial year. The Audit Committee met on 2 September 2014, 23 March 2015 and 11 June 2015.

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 Fraud Control Plan (FCP) 2014–16 was updated in May 2014 and reviewed in May 2015. The FCP is a strategic document drawing together all fraud prevention, detection, minimisation and reporting initiatives adopted by the ALRC to control fraud. It was developed from a risk assessment and is an integral part of the ALRC Assurance and Governance Framework. The ALRC also has a Fraud Policy Statement that sits alongside the FCP.

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 FCP. 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.

During 2014–15, 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.

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 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 2014–15.

Enterprise risk management

Enterprise risk management is a vital component of public sector management and is consistent with the obligations under the PGPA Act. The ALRC Enterprise Risk Management Plan (ERMP) 2014–16 was updated in June 2014 and reviewed by an independent consultant, Oakton Consultancy, in May 2015. As a result the ERMP was again revised and updated. The objective of the ERMP 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; and
- ▲ updated administrative policies aimed at preventing fraud and managing risk, through 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 Values and APS Code of Conduct, 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 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 2014–15, there were no suspected or actual breaches of the APS Code of Conduct.

The ALRC has developed a Public Interest Disclosure Policy in accordance with the *Public Interest Disclosure Act 2013*. This Policy is available on the ALRC website and intranet.

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 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 29 of the *Public Governance, Performance and Accountability Act 2013* (PGPA 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 a 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 2014–15 there were no conflict of interest disclosures.

Full-time Commissioners (members) of the ALRC and the Executive Director make annual declarations of private interests, which are provided to the Attorney-General in August of each year.

Indemnity

The ALRC carries directors' liability insurance for all Commissioners of the ALRC and members of Advisory Committees.

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 2015–16

The ALRC will complete its Inquiry into Commonwealth laws for consistency with traditional rights, freedoms and privileges (the Freedoms Inquiry).

The ALRC will work on any further inquiry referred to it by the Commonwealth Attorney-General.

The ALRC will negotiate a new Enterprise Agreement.

External scrutiny and controls

Parliamentary scrutiny

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

ALRC Executive Director, Sabina Wynn attended Senate Estimate Hearings on 24 November 2014 (Professor Croucher was absent due to illness). The ALRC was not called to Estimates Hearings in February or May.

Court and tribunal decisions

There were no judicial decisions or decisions of administrative tribunals during 2014–15 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 2015, the ALRC's full-time equivalent staffing level was 11.1 FTE. This figure does not include Commissioners (1 FTE).

Table 8: Staffing profile as at 30 June 2015

ALRC Classification	Men	Women	Full-time	Part-time	Total
Executive Director (SES-equivalent)		1	1		1
EL2/PLO (\$124,789–\$132,389)	2		1	1	2
EL1/SLO (\$92,854–\$121,155)		3	3		3
APS 5–6/LO (\$69,810–\$88,432)		4	3	1	4
APS 3–4 (\$55,108–\$67,777)		2	1	1	2
APS 1–2 (\$38,652–\$53,502)					
Total	2	10	9	3	12

Indigenous employment

As of 30 June 2015, for the current and preceding year, there were no employees who identified as Indigenous.

Staff retention and turnover

During 2014–15 one ongoing employee resigned from the ALRC.

Table 9: ALRC staff 2014–15

<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
Marie-Claire Muir	Communications Manager	Full-time
Tina O'Brien	Executive Assistant/Project Coordinator	Full-time
Trisha Manning	Office Services Coordinator	Full-time
Dimitra Zinonos	Finance Assistant	Part-time
<i>Legal Team</i>		
Bruce Alston	Principal Legal Officer	Part-time
Jared Boorer	Principal Legal Officer (Acting)	Full-time
Justine Clarke	Senior Legal Officer	Full-time
Robyn Gilbert	Legal Officer	Part-time
Khanh Hoang (resigned 23 July 2014)	Legal Officer	Full-time
Julie MacKenzie	Legal Officer	Full-time
Shreeya Smith	Legal Officer	Full-time

Employment conditions

All employees are covered by the ALRC Enterprise Agreement 2011–14. The current ALRC Enterprise Agreement is due to be re-negotiated during 2015–16.

Performance rewards and bonuses

The ALRC Enterprise Agreement 2011–14 makes provision for performance appraisal and allows 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 expectations	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 performance expectations, the bonus will be 2%. If rated as meeting most, or not meeting performance expectations, there will be no bonus awarded.

During 2014–15, seven employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$12,018.35.

- ▲ EL1: 2 employees—\$3,326.22
- ▲ EL2: 2 employees—\$3,429.65
- ▲ APS 5–6: 2 employees—\$4,597.62
- ▲ APS 4: 1 employee—\$664.86

Further details of total remuneration expenditure in 2014–15 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. In addition, the ALRC considers attendance at relevant conferences and professional seminars to contribute to the professional development of staff.

The following professional development opportunities were taken up by staff during 2014–15:

- ▲ Finance Manager attended training on Advanced Excel, GST, FBT and TRIM.
- ▲ Finance Assistant attended EOFY Meridian and TRIM training.

- ▲ Executive Assistant/Project Coordinator attended First Aid and TRIM training.
- ▲ Office Services Coordinator attended workshops on Digital Records Keeping, ISO16175 and Checkup Digital and also attended TRIM training,
- ▲ Communications Manager attended FutureGov Summit.
- ▲ Legal Officers attended supervision training.
- ▲ Legal Officers attended the Native Title Conference.
- ▲ Legal Officers attended Constitutional Law Conference.

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 applied for study leave during 2014–15.

Work health and safety

The ALRC is committed to providing and maintaining the highest degree of work health and safety for all employees and other persons who engage with the ALRC's work 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 Work Health and Safety Policy (WH&S Policy) provide the framework for ensuring the health, safety and welfare of all its employees. 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. 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. WH&S policies are accessible to employees on the ALRC file server and new employees are provided with information on work health and safety as part of the induction process.

The ALRC has a Work Health and Safety Committee (WHASC) that meets at least once per year, or as needed. The WHASC met on 12 May 2015. ALRC employees have a responsibility to report to the WHASC any situation that could constitute a hazard to the health, safety or welfare of any ALRC employee. 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 WHASC.

There were no accidents or any dangerous occurrences during 2014–15 that required giving of notice under the WH&S Act.

Workstation assessments were carried out in June 2015 for all staff to identify any specific needs in terms of office equipment.

All employees undertake emergency procedures training at least once per year. Fire Warden training is also undertaken on a regular basis as part of tenancy requirements.

The ALRC conducts an annual health and safety audit and this was completed in May 2014. During 2014–15, there were no WH&S issues reported.

As a workplace health initiative under its Enterprise Agreement, the ALRC provides free and voluntary influenza vaccinations to staff each year. In 2014–15, eight employees took advantage of a free vaccination.

The ALRC also offers a reimbursement of up to \$150 per annum for activities that contribute to employees' health and well-being. In addition, all employees have access to a free and confidential counselling service that provides up to three free sessions of counselling per year.

ALRC internship program

The ALRC offers internships to students in their penultimate or final year of an undergraduate or graduate law degree, from any university including overseas institutions. An internship at the ALRC provides a skills development opportunity for students to increase their awareness of law reform processes and improve their research and writing skills. Interns join a team for a current ALRC inquiry and are supervised by the Commissioner in charge and/or Legal Officers.

Internships with the ALRC are highly sought after and there is a competitive selection process that includes a formal application and interview. The number of interns accepted at any one time depends on the current work program of the Commission. In 2014–15, 16 internships were offered to local students and the ALRC was pleased to include students of an exceptionally high standard from around Australia. In January 2015, the ALRC also welcomed Harvard Law School student, Kali Schellenberg, for a three-week internship.

All our interns were involved in a range of ALRC activities, including attending consultation meetings with inquiry stakeholders, Advisory Committee meetings and inquiry team meetings.

The ALRC captures the intern experience through interviews with students at the completion of their internship. They discuss the work they have been undertaking and describe the experience of interning at the ALRC. These podcasts are available on the ALRC website.

Policies in relation to the student internship program are available on the ALRC website.

Interns July 2014 to June 2015

Table 11: Interns 2014–15

Name	Institution	Inquiry	Start Date	Finish Date
Alison Whittaker	University of Technology, Sydney	Native Title	6 August 2014	14 October 2014
Amila Perera	University of NSW	Native Title	6 August 2014	29 October 2014
Annette Haddad	University of NSW	Freedoms	7 August 2014	29 October 2014
Neha Kasbekar	Sydney University	Freedoms	7 August 2014	14 October 2014
Kali Schellenberg	Harvard University	Freedoms	5 January 2015	23 January 2015
Ellie Greenwood	Australian National University	Native Title	12 January 2015	30 January 2015
Jordan Tutton	Flinders University	Freedoms	12 January 2015	30 January 2015
Martyn Gray	Monash University	Native Title	12 January 2015	30 January 2015
Sarah Sacher	Monash University	Freedoms	12 January 2015	30 January 2015
Anna Holmes	University of WA	Native Title	2 February 2015	20 February 2015
Sally Embelton	University of Queensland	Freedoms	2 February 2015	20 February 2015
Tali Rechtman	Monash University	Native Title	2 February 2015	20 February 2015
William Isdale	University of Queensland	Freedoms	2 February 2015	20 February 2015
Rosetta Lee	Australian National University	Freedoms	16 March 2015	5 June 2015
Tristan Orgill	Australian National University	Freedoms	16 March 2015	5 June 2015
Claudia Crause	University of NSW	Freedoms	16 March 2015	5 June 2015
Robert Size	University of Technology, Sydney	Freedoms	16 March 2015	5 June 2015

Summary of financial performance

Financial outcomes

Operating outcome

The 2014–15 financial statements show an operating surplus of \$0.113m.

Operating revenue

The ALRC's operating revenue of \$2.849m comprised revenue from government of \$2.817m, revenue from sale of goods (publications) of \$0.005m and other revenue of \$0.027m.

Operating expenses

Total operating expenses of \$2.736m were \$0.137m less than in 2013–14.

The ALRC's depreciation and amortisation expense increased by \$0.009m.

Equity

The ALRC's total equity increased by \$0.169m. This includes contributed equity of \$0.056m.

Total assets

The ALRC's total assets decreased by \$0.182m.

Total liabilities

The ALRC's total liabilities decreased by \$0.352m.

Other reporting requirements

Procurement and purchasing

Purchasing within the ALRC is guided by its Procurement and Purchasing Policy, which is consistent with the Commonwealth Procurement Rules (CPRs) and the PGPA Act. 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 rules 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 sets 'value for money' as the core principle in procurement decisions and also ensures that the ALRC's procurement encourages competition and ensures the proper use of resources, accountability and transparency. 'Value for money' in a procurement process requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle (whole-of-life costing) and

making decisions in an accountable and transparent manner. ‘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 has established a coordinated whole-of-government 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, purchasing major office machines, desktop computers, Microsoft software and office supplies.

The ALRC publishes an Annual Procurement Plan on the AusTender website. During 2014–15, the ALRC reported Contract Notices for:

- ▲ Secure Internet Gateway—CN 3096982
- ▲ Subscriptions to online legal services—CN 3084922
- ▲ ICT Support—CN 3081972
- ▲ Rent—CN 3081902
- ▲ Office Supplies and Stationary—CN 1014931 and CN 1014921
- ▲ Photocopiers—CN 824411

Procurement initiatives to support small business

The ALRC supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website at www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts/.

Due to the nature of the operations of the ALRC and its small size, much of the ALRC’s procurement is small in scale and under the \$200,000 threshold. Much of the ALRC’s procurement is either through whole-of-government panels or from SMEs. The ALRC’s procurement policy facilitates the involvement of SMEs in procurement by:

- ▲ adopting a risk assessment framework for procurement that is commensurate with the scale and scope of the procurement;
- ▲ communicating in clear simple language and presenting information in an accessible format; and
- ▲ utilising electronic systems to facilitate on-time payments where possible.

Indigenous procurement

During 2014–15, the ALRC contracted with four Indigenous SMEs to provide services as follows:

- ▲ Gilimbaa—art work for the Native Title Final Report.
- ▲ 33 Creative—video production for the launch of the Native Title Final Report.
- ▲ Kallico Catering—for the Native Title Final Report launch.
- ▲ Muru Group—for recycled office paper and notebook supplies.

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 Information Publication Plan (IPP) is updated annually and contains details about the information held within the ALRC, and how it handles this information. It is published on the ALRC website at www.alrc.gov.au/ips-agency-plan.

During 2014–15, the ALRC received no FOI requests.

Legal services expenditure

As per 11.1(ba) and (da) of the *Legal Services Directions 2005*, the ALRC reports that during 2014–15 the ALRC was compliant with these Directions. The ALRC's legal expenditure for 2014–15 was \$1,660.70.

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 ALRC employed two consultancies during 2014–15. Oakton Consultants undertook a review of the ALRC's Enterprise Risk Management Framework, Operational Risk Management Plan and Fraud Control policies at the request of the ALRC Audit Committee (\$9,900). Sentio Consulting was engaged to design and implement a digital records procedure for the ALRC's financial and human resources areas (\$5,000).

Advertising and market research

As required under s 311A of the *Commonwealth Electoral Act 1918*, the ALRC reports that during 2014–15 it did not undertake any advertising campaigns or conduct any market research with advertising agencies, market research organisations, polling organisations, direct mail organisations, or media advertising organisations.

Environmental performance

The ALRC maintains efficient and effective environmental office practices that comply with relevant government policy and environmental legislation. The ALRC's Environment Management Policy is available on the ALRC website and, in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), it commits the ALRC to minimise the ecological footprint of its activities by:

- ▲ incorporating environmental management considerations into core business and management practices including the organisation of the ALRC's core program—conducting inquiries;
- ▲ considering environmental impacts of all purchases made and ensuring that, wherever possible, options chosen include recyclable products, minimum packaging and minimum toxic chemicals;
- ▲ creating a culture where sustainable environmental management is considered an integral element of all ALRC activities and providing information to staff as to the recycling system and to maximising energy efficiency;
- ▲ setting measurable environmental targets as part of a continual improvement process;
- ▲ regularly monitoring environmental performance and providing reports to Government, as required; and
- ▲ reviewing this Policy at least every two years to ensure it is relevant and delivering desired outcomes.

In line with the principals of ecologically sustainable development, and in line with s 516A of the EPBC Act, the ALRC makes the following report for 2014–15:

Energy efficiency

The ALRC is located in the MLC Centre at Level 40, 19 Martin Place, Sydney. The MLC building has achieved five stars under the NABERS Energy rating system which was current until March 2015. NABERS (the National Australian Built Environment Rating System) is a performance-based rating system which measures the overall environmental performance of a building during its hours of operation.

Automated lighting controls are used in the ALRC office that switch off office lighting when people are out of the office, and non-essential lighting outside of work hours. Employees must turn off computers, printers and photocopiers over weekends to minimise the ALRC's energy use.

Waste and recycling

The ALRC supports recycling programs including for paper, co-mingled material and electronic equipment as part of our office tenancy. ALRC employees are encouraged to sort waste appropriately in order to maximise recycling and minimise the ALRC's disposal of waste to landfill.

Water

The ALRC office is located at the MLC Centre and it is not possible to rate the ALRC's water usage separately. NABERS Water measures the water consumption of an office building on a scale of one to five stars, reflecting the performance of the building relative to the market, from least efficient (one star) to best practice (five stars). Two and a half stars is the current market average. The MLC building received a rating of 4 stars under the NABERS Water rating system.

Air travel

ALRC employees are encouraged to undertake air travel only where there is a demonstrated business need and other communication methods, such as teleconferencing, are not available or not appropriate in the circumstance. The ALRC's air travel is most commonly to undertake consultations for inquiry purposes and to ensure that people from around Australia are able to meet with the ALRC about the areas of law that are under review.

Vehicles

The ALRC does not have a vehicle fleet. When ALRC Executives are provided with vehicles as part of their remuneration package they must conform to the ALRC Executive Vehicle Policy in which they are asked to treat fuel efficiency and carbon emissions as significant factors when choosing a vehicle. ALRC employees use public transport and share vehicles as far as possible.

Printing

The ALRC has committed to reducing the amount of print copies of documents produced. Consultation papers are now only published online, unless there are special circumstances that require a hard copy to be produced.

All employees are encouraged to consider ways to minimise printing and encouraged to print double-sided for documents that are for internal purposes. The general-use office copy paper is 100% recycled, carbon neutral and FSC rated.

As part of the Government's digital transition policy, the ALRC has moved significantly away from the creation and storage of paper records and this in turn has reduced both our usage of paper and the amount of printing done by the organisation.

Disability strategy

The ALRC is committed to the inclusion of and participation by people with disability in its inquiry work. The ALRC encourages consultation with people with disability by presenting our publications in a range of different formats and, at the end of our inquiries, providing community information sheets that outline the key recommendations made in its reports that may impact on people with disability, where relevant.

The ALRC can report that there have been the following Easy English PDF downloads during the reporting period:

- ▲ *Equality, Capacity and Disability in Commonwealth Laws* Issues Paper—243
- ▲ *Equality, Capacity and Disability in Commonwealth Laws* Discussion Paper—266
- ▲ *Equality, Capacity and Disability in Commonwealth Laws* Final Report Summary—241
- ▲ Making a Submission—506
- ▲ Law Reform Process—490

Diversity

The ALRC is committed to ensuring that all Australians are able to contribute to shaping the laws that affect them, and have the opportunity to participate in the law reform process. The ALRC recognises the diversity of the Australian community and has developed an Agency Multicultural Plan (AMP) that provides strategies for ensuring that ALRC processes are accessible and responsive to the diverse needs of this community. In working towards meaningful and ongoing dialogue with people from diverse backgrounds, the ALRC commits to:

- ▲ engage and consult with diverse groups, individuals and organisations;
- ▲ promote diverse representation in the ALRC workforce and internship program;
- ▲ promote understanding of issues relevant to diverse peoples amongst ALRC staff; and
- ▲ consider the impact on diverse peoples in developing recommendations for reform.

The ALRC's workplace diversity statement commits the ALRC to foster a diverse workforce and to ensure that its recruitment processes are fair and accessible, including a commitment to attract and recruit people from diverse backgrounds and, wherever possible, to participate in whole-of-APS recruitment. A breakdown of staff by gender and classification is provided in Table 8.

Agency Multicultural Plan (AMP)

The ALRC's Multicultural Plan commits the ALRC to multicultural access, equity and social inclusion. As a law reform body, the ALRC has the opportunity to contribute to social justice, equity and inclusion in Australia through reform of laws appropriate to the diversity of the

Australian community. The ALRC has committed to engaging and consulting with culturally and linguistically diverse (CALD) organisations and communities and to consider the impact on CALD communities when formulating recommendations for law reform.

The ALRC's AMP is available on the ALRC website. A report against the ALRC AMP for 2014–15 is at Appendix K.

Reconciliation Action Plan

The ALRC sees reconciliation between Indigenous and non-Indigenous Australians as comprising both processes and outcomes—requiring meaningful and ongoing dialogue between Indigenous peoples and the ALRC. Respect for Indigenous peoples, participation of Indigenous peoples in ALRC inquiries, and consideration and understanding of issues that are important to Indigenous peoples, are considered essential features of the ALRC's commitment to reconciliation.

The ALRC recognises that historically the Australian legal system has failed to deliver equitable social and economic outcomes for Indigenous peoples. As a law reform body, the ALRC has the opportunity to contribute to social justice, equity and inclusion in Australia.

The ALRC has a Reconciliation Action Plan (RAP) that was developed in 2009 and is reported on and updated biennially. Our reports are published on the ALRC website.

The ALRC recognises that its RAP needs to achieve practical outcomes. Therefore, the ALRC commits 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.

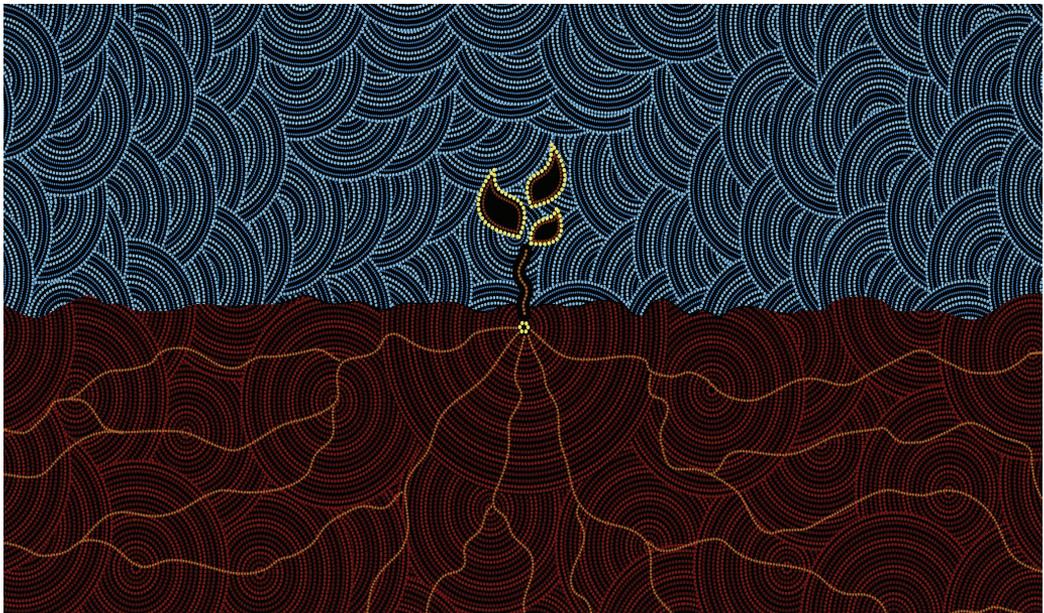
The ALRC has developed consultation strategies that assist in identifying Indigenous stakeholders for particular inquiries. The ALRC is committed to ensuring that our consultation strategies reflect the diversity of circumstances of Indigenous communities and, where possible, the ALRC will take special measures to ensure that our processes are accessible and open, including using interpreters or Indigenous consultants, taking oral submissions and adopting other flexible consultation methods.

The ALRC consults with Aboriginal and Torres Strait Islander communities, organisations and individuals on its inquiries to ensure that Indigenous perspectives and experience are considered when formulating proposals for law reform. During 2014–15, the ALRC consulted with 22 Indigenous organisations with regards to the Inquiry into the *Native Title Act 1993*.

The ALRC provides feedback to Indigenous communities about the results of consultations and/or inquiries in a number of ways including by using the ALRC website, through fact sheets, articles in publications and through conferences and seminars. The Native Title legal team attended the National Native Title Conference in June 2015 and presented a paper on the recommendations in the Native Title Inquiry Final Report. Commissioner for the Native Title Inquiry, Professor Lee Godden, was interviewed on NITV and ALRC President, Professor Rosalind Croucher AM, was interviewed by the Central Australian Aboriginal Media Association (CAAMA) and the National Indigenous Radio Service (NIRS). An article was published in the Koori Mail and information sheets about the Final Report were sent to each of the Native Title Representative Bodies (NTRB).

The ALRC celebrated National Reconciliation Week by attending an event at the Australian Government Solicitors Office.

A report against the ALRC RAP for 2014–15 is at Appendix L.



'Only Through Truth Can We Grow', Gilimbaa, 2008
(artwork provided for the Native Title Inquiry)

'This artwork is a representation of the past, present and future for Indigenous and all Australians.

The murky brown and charcoal root system represents the past—40,000 years of rich, complex and at times dark history. Above this is a seed, which represents the apology to the Stolen Generation and acknowledgement of the current poor conditions many Indigenous communities currently face.

The clear yellow depicts the significance of 2008 in moving forward: a fragile seed of hope, truth and integrity that has been planted and has great potential. This seed not only represents the nation's journey, but the path for individuals who can now move forward.

The new shoot represents the path towards better understanding and growth. The overall theme of the painting is that only through acknowledging the past, we are able to grow with integrity as individuals and as a nation to Advance Australia Fair.

As Kev Carmody would say, from little things, big things grow.'

www.gilimbaa.com.au

Financial statements



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

I have audited the accompanying annual financial statements of the Australian Law Reform Commission for the year ended 30 June 2015, which comprise:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Schedule of Commitments; and
- Notes to and Forming Part of the Financial Statements including a summary of Significant Accounting Policies and other explanatory information.

Accountable Authority's Responsibility for the Financial Statements

The Accountable Authority of the Australian Law Reform Commission is responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards and the rules made under that Act. The Accountable Authority is also responsible for such internal control as is necessary to enable the preparation and fair presentation of financial statements that 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 entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the

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Phone (02) 6203 7300 Fax (02) 6203 7777

Accountable Authority of the entity, 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) comply with Australian Accounting Standards and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Australian Law Reform Commission as at 30 June 2015 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Serena Buchanan
Executive Director

Delegate of the Auditor-General

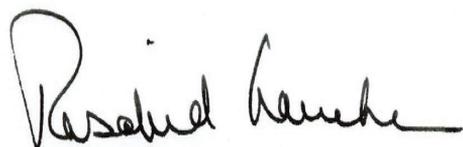
Canberra
14 September 2015

AUSTRALIAN LAW REFORM COMMISSION

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2015 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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



Professor Rosalind Croucher

Sabina Wynn

Accountable Authority

Chief Financial Officer

14 September 2015

14 September 2015

AUSTRALIAN LAW REFORM COMMISSION

Statement of Comprehensive Income

For the period ended 30 June 2015

	Notes	2015 \$	2014 \$
NET COST OF SERVICES EXPENSES			
Employee benefits	<u>4A</u>	2,074,985	2,176,887
Suppliers	<u>4B</u>	611,661	656,373
Depreciation	<u>4C</u>	48,876	39,571
Total expenses		<u>2,735,522</u>	<u>2,872,831</u>
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	<u>5A</u>	4,712	13,662
Other revenue	<u>5B</u>	27,000	26,500
Total own-source revenue		<u>31,712</u>	<u>40,162</u>
Net cost of services		<u>2,703,810</u>	<u>2,832,669</u>
Revenue from Government	<u>5C</u>	2,817,000	2,837,000
Surplus on continuing operations		<u>113,190</u>	<u>4,331</u>
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus		-	-
Total other comprehensive income		<u>-</u>	<u>-</u>
Total comprehensive income		<u>113,190</u>	<u>4,331</u>

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

AUSTRALIAN LAW REFORM COMMISSION

Statement of Financial Position

as at 30 June 2015

	Notes	2015 \$	2014 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	7A	1,187,697	1,325,087
Trade and other receivables	7B	9,993	11,002
Total financial assets		<u>1,197,690</u>	<u>1,336,089</u>
Non-Financial Assets			
Plant & equipment	8A, 8B	102,015	140,818
Other non-financial assets	8C	51,270	56,433
Total non-financial assets		<u>153,285</u>	<u>197,251</u>
Total assets		<u><u>1,350,975</u></u>	<u><u>1,533,340</u></u>
LIABILITIES			
Payables			
Suppliers	9A	39,718	100,471
Other payables	9B	244,753	535,876
Total payables		<u>284,471</u>	<u>636,347</u>
Provisions			
Employee provisions	10A	452,994	452,673
Total provisions		<u>452,994</u>	<u>452,673</u>
Total liabilities		<u>737,465</u>	<u>1,089,020</u>
Net Assets		<u><u>613,510</u></u>	<u><u>444,320</u></u>
EQUITY			
Contributed equity		239,000	183,000
Reserves		126,998	126,998
Retained surplus		247,512	134,322
Total equity		<u><u>613,510</u></u>	<u><u>444,320</u></u>

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 2015

	Retained Earnings		Asset Revaluation Surplus		Contributed Equity/ Capital		Total Equity	
	2015	2014	2015	2014	2015	2014	2015	2014
	\$	\$	\$	\$	\$	\$	\$	\$
Opening balance								
Balance carried forward from previous period	134,322	129,991	126,998	126,998	183,000	126,000	444,320	382,989
Adjusted opening balance	134,322	129,991	126,998	126,998	183,000	126,000	444,320	382,989
Comprehensive income								
Surplus for the period	113,190	4,331	-	-	-	-	113,190	4,331
Total comprehensive income	113,190	4,331	-	-	-	-	113,190	4,331
Transactions with owners								
Contributions by owners								
Departmental capital budget	-	-	-	-	56,000	57,000	56,000	57,000
Total transactions with owners	-	-	-	-	56,000	57,000	56,000	57,000
Closing balance as at 30 June	247,512	134,322	126,998	126,998	239,000	183,000	613,510	444,320

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 2015

	Notes	2015 \$	2014 \$
OPERATING ACTIVITIES			
Cash received			
Appropriations		2,817,000	2,940,223
Sale of goods and rendering of services		5,097	2,464
Net GST received		68,677	71,633
Total cash received		2,890,774	3,014,320
Cash used			
Employees		2,094,037	2,102,027
Suppliers		980,054	364,667
Total cash used		3,074,091	2,466,694
Net cash from / (used by) operating activities	11	(183,317)	547,626
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment		10,073	52,004
Total cash used		10,073	52,004
Net cash used by investing activities		(10,073)	(52,004)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		56,000	57,000
Total cash received		56,000	57,000
Net cash from financing activities		56,000	57,000
Net increase / (decrease) in cash held		(137,390)	552,622
Cash and cash equivalents at the beginning of the reporting period		1,325,087	772,465
Cash and cash equivalents at the end of the reporting period	7A	1,187,697	1,325,087

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS

as at 30 June 2015

	2015	2014
	\$	\$
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	<u>(124,858)</u>	<u>(159,391)</u>
Total commitments receivable	<u><u>(124,858)</u></u>	<u><u>(159,391)</u></u>
Commitments payable		
Other commitments		
Operating leases ²	<u>1,373,439</u>	<u>1,753,297</u>
Total other commitments	<u><u>1,373,439</u></u>	<u><u>1,753,297</u></u>
Net commitments by type	<u><u>1,248,581</u></u>	<u><u>1,593,906</u></u>
BY MATURITY		
Commitments Receivable		
Operating lease income		
Within 1 year	<u>(36,777)</u>	<u>(35,179)</u>
Between 1 to 5 years	<u>(88,081)</u>	<u>(124,212)</u>
Total operating lease income	<u><u>(124,858)</u></u>	<u><u>(159,391)</u></u>
Commitments Payable		
Operating lease commitments		
Within 1 year	<u>404,545</u>	<u>386,971</u>
Between 1 to 5 years	<u>968,894</u>	<u>1,366,326</u>
Total operating lease commitments	<u><u>1,373,439</u></u>	<u><u>1,753,297</u></u>
Total commitments payable	<u><u>1,373,439</u></u>	<u><u>1,753,297</u></u>
Net commitments by maturity	<u><u>1,248,581</u></u>	<u><u>1,593,906</u></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 are GST inclusive where relevant.
2. Operating lease included is effectively non-cancellable and comprises:

Lease for office accommodation

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%.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

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AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

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 which is to inform 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.

Section 45 of the *Australian Law Reform Commission Act 1996* (the Act), requires that money appropriated by the Parliament be transferred to the Law Reform Special Account (refer to notes 7A and 16).

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) Financial Reporting Rules (FRR) for reporting periods ending on or after 1 July 2014; 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.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

Unless an alternative treatment is specifically required by an accounting standard or the FRR, assets and liabilities are recognised in the statement of financial position 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.

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* [2014] 288 HCA 23, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

1.3 Significant Accounting Judgements and Estimates

The Commission has not been required to apply significant judgement or estimates when applying the accounting standards.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standards Requirements

The Commission has elected to early adopt AASB 2015-17 *Amendments to Australian Accounting Standards - Fair Value Disclosures for Not-for-Profit Sector Entities*. This amendment provides relief from certain fair value disclosures required by AASB 13 Fair Value Measurement and applies to annual reporting periods beginning on or after 1 July 2016.

The following new, revised, amending standards and or interpretations were issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period and had a material effect on the Commission's financial statements:

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

Standard / Interpretation	Nature of change in accounting policy and adjustment to financial statements
AASB 7	Financial instruments: Disclosures—December 2013 (Compilation)
AASB 116	Property, Plant and Equipment—June 2014 (Compilation)
AASB 119	Employee Benefits 2014 (Compilation)
AASB 13	Fair Value Measurement 2014 (Compilation)
AASB 1055	Budgetary Reporting—December 2013 (Compilation)

All other new, revised, amending standards and or interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have a financial impact, and are not expected to have a future financial impact on the Commission's financial statements.

Future Australian Accounting Standards Requirements

The following new standards will have a disclosure impact only in future reporting periods:

Standard / Interpretation	Application date for the Commission ¹	Nature of impending change/s in accounting policy and likely impact on initial application
AASB 2014-4	1 Jan 2016	Amendments to Australian Accounting Standards—Clarification of Acceptable Methods of Depreciation and Amortisation (AASB 116 & AASB 138)
AASB 2014-7	1 Jan 2018	Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)

1. The Commission's expected initial application date is when the accounting standard becomes operative at the beginning of the Commission's reporting period.

All other new, revised, amending standards and or interpretations that were issued prior to the sign-off date and are applicable to future reporting periods are not expected to have a future material impact on the Commission's financial statements.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

1.5 Revenue

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.

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. In 2014–15 by agreement with the Department of Finance, the Commission received \$56,000 as a Departmental Capital Budget (DCB).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

1.8 Employee Benefits

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

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

Other long-term employee 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 leave is non-vesting and the average sick leave taken in future years by employees of the Commission is estimated to be less than the annual entitlement for sick leave.

The 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 liability takes into account attrition rates and pay increases through promotion and inflation.

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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

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. This liability is reported in the Department of Finance's administered schedules and notes.

The Commission makes employer contributions to the employees' superannuation scheme at rates 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 represents outstanding contributions for the final fortnight of the year.

1.9 Leases

The Commission only has operating leases where 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;
- c) cash in special accounts.

1.11 Financial Assets

The Commission only has financial assets that are loan receivables.

Loans and Receivables

Trade receivables are assets that have a fixed or determinable payment that are not quoted in an active market. 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 2015

Note 1: Summary of Significant Accounting Policies (cont.)

Impairment of Financial Assets—Loans and Receivables

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

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

The Commission has financial liabilities that are represented by supplier and other payables which are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been involved).

1.13 Plant and Equipment

Asset Recognition Threshold

Purchases of plant and equipment are recognised initially at cost in the statement of financial position, 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).

Revaluations

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

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it 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 are recognised directly in

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

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 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 at present are 3–10 years.

Impairment

All assets were assessed for impairment at 30 June 2015. 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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 1: Summary of Significant Accounting Policies (cont.)

1.14 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 2015

Note 2: Events after the Reporting Period

Departmental

There was no subsequent event that had the potential to significantly affect the ongoing structure and financial activities of the Commission.

Note 3: Net Cash Appropriation Arrangements

	2015	2014
	\$	\$
Total comprehensive income less depreciation expenses previously funded through revenue appropriations¹	162,066	43,902
Plus: depreciation expenses previously funded through revenue appropriation	(48,876)	(39,571)
Total comprehensive income—as per the Statement of Comprehensive Income	113,190	4,331

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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 4: Expenses

	2015	2014
	\$	\$
Note 4A. Employee Benefits		
Wages and salaries	1,622,213	1,676,233
Superannuation:		
Defined contribution plans	121,211	137,381
Defined benefit plans	152,966	141,588
Leave and other entitlements	178,595	221,685
Total employee benefits	2,074,985	2,176,887

Note 4B. Suppliers

Goods and Services supplied or rendered

Committees	22,285	15,309
Library	31,454	34,162
Professional services	73,251	114,785
Printing and office requisites	18,474	17,259
Freight and removals	1,747	1,971
Telephone and postage	24,828	26,508
Incidentals	10,417	15,127
Minor assets	10,090	7,246
Staff training	9,632	4,873
Maintenance	7,125	13,326
Promotional activities	9,942	2,047
Advertising	–	382
Travel	29,110	44,370
IT services	25,987	26,805
Other	200	–
Total goods and services supplied or rendered	274,542	324,170

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015**

Note 4: Expenses (cont.)

	2015	2014
	\$	\$
<u>Note 4B. Suppliers (cont.)</u>		
Goods supplied in connection with		
Related Parties	-	-
External parties	<u>247,542</u>	<u>297,670</u>
Total goods supplied	<u>247,542</u>	<u>297,670</u>
 Services rendered in connection with		
Related Parties	27,000	26,500
External parties	-	-
Total services rendered	<u>27,000</u>	<u>26,500</u>
Total goods and services supplied or rendered	<u>274,542</u>	<u>324,170</u>
 Other suppliers		
Operating lease rentals in connection with		
Related parties		
Minimum lease payments	322,520	321,037
Workers compensation expenses	<u>14,599</u>	<u>11,166</u>
Total other suppliers	<u>337,119</u>	<u>332,203</u>
Total suppliers	<u>611,661</u>	<u>656,373</u>
 <u>Note 4C. Depreciation</u>		
Depreciation		
Plant and equipment	<u>48,876</u>	<u>39,571</u>
Total depreciation	<u>48,876</u>	<u>39,571</u>

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 5: Own-Source Income

	2015	2014
	\$	\$
OWN-SOURCE REVENUE		
<u>Note 5A. Sale of Goods and Rendering of Services</u>		
Sale of goods in connection with		
Related parties	-	-
External parties	4,712	2,464
Total sale of goods	<u>4,712</u>	<u>2,464</u>
Rendering of services in connection with		
Related parties	-	11,198
External parties	-	-
Total rendering of services	<u>-</u>	<u>11,198</u>
Total sales of goods and rendering of services	<u>4,712</u>	<u>13,662</u>
<u>Note 5B. Other Revenue</u>		
Resources received free of charge		
Remuneration of auditors	27,000	26,500
Total other revenue	<u>27,000</u>	<u>26,500</u>
OTHER REVENUE		
<u>Note 5C. Revenue from Government</u>		
Appropriations		
Departmental appropriations	2,817,000	2,837,000
Total revenue from Government	<u>2,817,000</u>	<u>2,837,000</u>

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 6: Fair Value Measurements

The following tables provide an analysis of assets and liabilities that are measured at fair value. The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the Commission can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

Note 6A. Fair Value Measurements, Valuation Techniques and Inputs Used

	Fair value measurements at the end of the reporting period		For Levels 2 and 3 fair value measurements	Inputs used
	2015	2014		
	\$	\$	Valuation Technique(s) ¹	
			Category (Level 1, 2 or 3) ²	
Non-financial assets:				
Plant and equipment	73,145	140,818	Level 2	Market Approach Adjusted market transactions
Plant and equipment	28,870	–	Level 3	Market Approach Adjusted market transaction
Total non-financial assets	102,015	140,818		
Total fair value measurements of assets in the statement of financial position	102,015	140,818		

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 6: Fair Value Measurements (cont.)

Note 6A. Fair Value Measurements, Valuation Techniques and Inputs Used (cont.)

1. There was no change in valuation technique from the previous reporting period.
2. The future economic benefits of ALRC's plant and equipment assets are not primarily dependant on their ability to generate cash flows. The Commission has not disclosed quantitative information about the significant unobservable inputs for the Level 3 measurements in these classes.

3. Fair Value Measurement—Highest & Best Use differs from current use for non-financial assets (NFAs)

The Commission's assets are held for operational purposes and not held for the purposes of deriving a profit. The current use of all NFAs is considered their highest and best use.

4. Recurring and non-recurring Level 3 fair value measurements—valuation processes

The Commission procured the services of the Australian Valuation Office (AVO) to undertake a comprehensive valuation of all non-financial assets at 30 June 2013. The Commission tests the procedures of the valuation model as an internal management review at least once every 12 months (with a formal revaluation undertaken once every three years). If a particular asset class experiences significant and volatile changes in fair value (i.e. where indicators suggest that the value of the class has changed materially since the previous reporting period), that class is subject to specific valuation in the reporting period, where practicable, regardless of the timing of the last specific valuation. The Commission has engaged Australian Valuation Solutions (AVS) to provide written assurance that the models developed comply with AASB 13.

Significant Level 3 inputs utilised by the Commission are derived and evaluated as follows:

Plant and Equipment—Adjusted Market Transactions

The significant unobservable inputs used in the fair value measurement of PPE assets relates to the market demand and valuer's judgement to determine the fair value measurement of these assets. A significant increase (decrease) in the transaction price would result in a significantly higher (lower) fair value measurement.

Plant and Equipment—Consumed economic benefit / Obsolescence of asset

Assets that do not transact with enough frequency or transparency to develop objective opinions of value from observable market evidence have been measured utilising the cost (Depreciated Replacement Cost or DRC) approach. Under the DRC approach the estimated cost to replace the asset is calculated and then adjusted to take into account its consumed economic benefit / asset obsolescence (accumulated depreciation). Consumed economic benefit / asset obsolescence has been determined based on professional judgement

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 6: Fair Value Measurements (cont.)

Note 6A. Fair Value Measurements, Valuation Techniques and Inputs Used (cont.)

regarding physical, economic and external obsolescence factors relevant to the asset under consideration.

The weighted average is determined by assessing the fair value measurement as a proportion of the total fair value for the class against the total useful life of each asset.

Note 6B. Level 1 and Level 2 Transfers for Recurring Fair Value Measurements

Recurring fair value measurements transferred between Level 1 and Level 2 for assets and liabilities

There have been no transfers of NFAs between Level 1 and Level 2 fair value measurements during 2014–15 (nil 2013–14).

The Commission's policy for determining when transfers between levels are deemed to have occurred can be found in Note 1.

Note 6C. Reconciliation for Recurring Level 3 Fair Value Measurements

Recurring Level 3 fair value measurements—reconciliation for assets

	Non-Financial assets		
	Plant and equipment		Total
	2015	2014	2015
	\$	\$	\$
As at 1 July			
Transfers into Level 3 ¹	28,870	–	28,870
Total as at 30 June	28,870	–	28,870

1. There have been transfers of plant and equipment assets fair value measurements into Level 3 during the year due to the market valuation technique requiring the use of significant professional judgement classified as unobservable inputs.

The Commission's policy for determining when transfers between levels are deemed to have occurred can be found in Note 1.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 7: Financial Assets

	2015	2014
	\$	\$
<u>Note 7A. Cash and Cash Equivalents</u>		
Cash on hand or on deposit	9,917	20,321
Cash in special accounts	<u>1,177,780</u>	<u>1,304,766</u>
Total cash and cash equivalents	<u>1,187,697</u>	<u>1,325,087</u>
<u>Note 7B. Trade and Other Receivables</u>		
Good and Services receivables in connection with		
Related parties	-	-
External parties	<u>727</u>	<u>330</u>
Total goods and services receivables	<u>727</u>	<u>330</u>
Other receivables:		
Statutory receivables	<u>9,266</u>	<u>10,672</u>
Total other receivables	<u>9,266</u>	<u>10,672</u>
Total trade and other receivables (gross)	<u>9,993</u>	<u>11,002</u>
Trade and other receivables (net) expected to be recovered		
No more than 12 months	9,993	11,002
More than 12 months	-	-
Total trade and other receivables (net)	<u>9,993</u>	<u>11,002</u>
Trade and other receivables (gross) aged as follows		
Not overdue	<u>9,993</u>	<u>11,002</u>
Total trade and other receivables (gross)	<u>9,993</u>	<u>11,002</u>

Goods and services receivable were with entities external to the Australian Government.
Credit terms are net 30 days (2014: 30 days).

No trade and other receivables were impaired.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 8: Non-Financial Assets

	2015	2014
	\$	\$

Note 8A. Plant and Equipment

Plant and equipment

Fair value	207,701	197,628
Accumulated depreciation	(105,686)	(56,810)
Total plant and equipment	102,015	140,818

Plant and equipment were subject to revaluation.

No indicators of impairment were found for plant and equipment.

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

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 1.

On 30 June 2013, an independent valuer—Australian Valuation Office—conducted the revaluation.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015

Note 8: Non-Financial Assets (cont.)

Note 8B. Reconciliation of the Opening and Closing Balances of Plant and Equipment

Reconciliation of the Opening and Closing Balances of Plant and Equipment for 2015

	Plant & Equipment \$	Total \$
As at 1 July 2014		
Gross book value	197,728	197,728
Accumulated depreciation and impairment	(56,910)	(56,910)
Total as at 1 July 2014	140,818	140,818
Additions		
Purchase	10,073	10,073
Depreciation	(48,876)	(48,876)
Total as at 30 June 2015	102,015	102,015
Total as at 30 June 2015 represented by:		
Gross book value	207,801	207,801
Accumulated depreciation and impairment	(105,786)	(105,786)
Total as at 30 June 2015	102,015	102,015

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015**

Note 8: Non-Financial Assets (cont.)

Note 8B. Reconciliation of the Opening and Closing Balances of Plant and Equipment (cont.)

Reconciliation of the Opening and Closing Balances of Plant and Equipment for 2014

	Plant & Equipment \$	Total \$
As at 1 July 2013		
Gross book value	145,724	145,724
Accumulated depreciation	(17,339)	(17,339)
Total as at 1 July 2013	128,385	128,385
Additions		
Purchase	52,004	52,004
Depreciation	(39,571)	(39,571)
Total as at 30 June 2014	140,818	140,818
Total as at 30 June 2014 represented by:		
Gross book value	197,728	197,728
Accumulated depreciation and impairment	(56,910)	(56,910)
Total as at 30 June 2014	140,818	140,818

	2015	2014
	\$	\$

Note 8C. Other Non-Financial Assets

Prepayments—no more than 12 months	51,270	56,433
Total other non-financial assets	51,270	56,433

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 9: Payables

	2015	2014
	\$	\$

Note 9A. Suppliers

Trade creditors and accruals—external parties,
not more than 12 months

	39,718	100,471
Total suppliers	39,718	100,471

Settlement was usually made within 30 days.

Note 9B. Other Payables

Lease incentive	135,886	151,228
Wages and salaries	108,867	128,240
Unearned income	—	256,408
Total other payables	244,753	535,876

Other payables expected to be settled

No more than 12 months	112,537	399,991
More than 12 months	132,216	135,885
Total other payables	244,753	535,876

Note 10: Provisions

	2015	2014
	\$	\$

Employee Provisions

Leave	452,994	452,673
Total employee provisions	452,994	452,673

Employee provisions expected to be settled

No more than 12 months	331,545	346,325
More than 12 months	121,449	106,348
Total employee provisions	452,994	452,673

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 11: Cash Flow Reconciliation

	2015	2014
	\$	\$
Reconciliation of net cost of services to net cash from / (used by) operating activities		
Net cost of services	(2,703,810)	(2,832,669)
Revenue from Government	2,817,000	2,837,000
Adjustments for non-cash items		
Depreciation / amortisation	48,876	39,571
Movements in assets and liabilities		
Assets		
(Increase) / decrease in net receivables	1,009	89,907
(Increase) / decrease in prepayments and other non-financial assets	5,161	25,098
Liabilities		
(Increase) / decrease in suppliers & other payables	(351,876)	348,193
(Increase) / decrease in employee provisions	323	40,525
Net cash from / (used by) operating activities	(183,317)	547,625

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 12: Senior Management Personnel Remuneration

	2015	2014
	\$	\$
Short-term employee benefits:		
Salary	624,719	607,700
Motor vehicle and other allowances	51,958	63,147
Total short-term employee benefits	676,677	670,847
Post-employment benefits:		
Superannuation	109,309	103,913
Total post-employment benefits	109,309	103,913
Other long-term employee benefits:		
Annual leave	51,444	46,128
Long service leave	16,719	14,991
Total other long-term employee benefits	68,163	61,119
Total senior executive remuneration expenses	854,149	835,879

The total number of senior management personnel that are included in the above table are 4 individuals (2014: 4 individuals).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 13: Financial Instruments

	2015	2014
	\$	\$
Note 13A. Categories of Financial Instruments		
Financial Assets		
Loans and receivables		
Cash and cash equivalents	1,187,697	1,325,087
Trade and other receivables	727	330
Total loans and receivables	1,188,424	1,325,417
Total financial assets	1,188,424	1,325,417
Financial Liabilities		
Financial liabilities measured at amortised cost		
Trade creditors	39,718	100,471
Other payables	244,753	535,876
Total financial liabilities measured at amortised cost	284,471	636,347
Total financial liabilities	284,471	636,347

Note 13B. Credit Risk

The Commission's maximum exposures to credit risk are cash and trade receivables. The maximum exposure to credit risk was the risk that arises from potential default of a debtor.

Note 13C. Liquidity Risk

The Commission's financial liabilities were payables and other liabilities. 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.

This was highly unlikely as the Commission is appropriated funding from the Australian Government and the Commission manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the Commission has policies in place to ensure timely payments are made when due and has no past experience of default.

The Commission has no derivative financial liabilities in 2015 or 2014.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 14: Financial Assets Reconciliation

	Notes	2015 \$	2014 \$
Total financial assets as per statement of financial position		1,197,690	1,336,089
Less: non-financial instrument components			
Other receivables	7B	<u>9,266</u>	<u>10,672</u>
Total non-financial instrument components		<u>9,266</u>	<u>10,672</u>
Total financial assets as per financial instruments note		<u>1,188,424</u>	<u>1,325,417</u>

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 15: Appropriations

Note 15A. Annual Appropriations ('Recoverable GST exclusive')

Annual Appropriations for 2015

	Appropriation Act				PGPA Act		Appropriation applied in 2015 (current and prior years)	Variance ³	Section 51 determinations
	Annual Appropriation ¹		AFM ²		Section 74	Section 75			
	\$	\$	\$	\$	\$	\$			
DEPARTMENTAL									
Ordinary annual services	2,873,000	-	-	4,712	-	2,877,712	-	-	
Total Departmental	2,873,000	-	-	4,712	-	2,877,712	-	-	

Notes:

1. In 2014–15, there were no appropriations that have been quarantined.
2. In 2014–15, there was no adjustment that met the recognition criteria of a formal addition or reduction in revenue (in accordance with FRR Part 6 Div 3) but at law the appropriations had not been amended before the end of the reporting period.
3. In 2014–15, there was no variance.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 15: Appropriations (cont.)**Note 15A. Annual Appropriations ('Recoverable GST exclusive') (cont.)**

Annual Appropriations for 2014

	Appropriation Act			FIMA Act		Total appropriation	Appropriation applied in 2014 (current and prior years)	Variance ³
	Annual Appropriation ¹	AFM ²	Section 31	Section 32	\$			
DEPARTMENTAL								
Ordinary annual services	2,894,000	–	2,464	–	–	2,896,464	2,989,301	92,837
Total Departmental	2,894,000	–	2,464	–	–	2,896,464	2,989,301	92,837

Notes:

1. In 2013–14, there were no appropriations that have been quarantined.
2. In 2013–14, there was no adjustment that met the recognition criteria of a formal addition or reduction in revenue (in accordance with FRR Part 6 Div 3) but at law the appropriations had not been amended before the end of the reporting period.
3. In 2013–14, the variance amount contributes to amounts paid to the Official Public Account on 30 June 2014. The amounts consist of revenue received from sale of publications. Also an amount has been paid for long service leave.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 15: Appropriations (cont.)

Note 15B. Departmental and Capital Budgets ('Recoverable GST exclusive')

	2015 Capital Budget Appropriations			Capital Budget Appropriations applied in 2015 (current and prior years)			Variance ³
	Appropriation Act		Total Capital Budget Appropriations	Payments for non-financial assets ²	Payments for other purposes ³	Total payments	
	Annual Capital Budget	PGPA Act Section 75					
DEPARTMENTAL Ordinary annual services—							
Departmental Capital Budget ¹	\$ 56,000	\$ —	\$ 56,000	\$ 10,073	\$ 45,927	\$ 10,073	\$ —

Notes:

1. Departmental and Capital Budgets are appropriated through Appropriation Acts (Nos. 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 Note 15A. Annual Appropriations.
2. Payments made on non-financial assets include purchases of assets and expenditure on assets which has been capitalised.
3. In 2014–15, the balance was transferred to the special account.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 15: Appropriations (cont.)**Note 15B. Departmental and Capital Budgets ('Recoverable GST exclusive') (cont.)**

	2014 Capital Budget Appropriations			Capital Budget Appropriations applied in 2014 (current and prior years)		
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total Capital Budget Appropriations	Payments for non-financial assets ²	Payments for other purposes	Total payments
	Annual Capital Budget	Section 32				
DEPARTMENTAL Ordinary annual services— Departmental Capital Budget ¹	\$ 57,000	\$ —	\$ 57,000	\$ 52,004	\$ —	\$ 52,004
						\$ 4,996

Notes:

1. Departmental and Capital Budgets are appropriated through Appropriation Acts (Nos. 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 Note 15A. Annual Appropriations.
2. Payments made on non-financial assets include purchases of assets and expenditure on assets which has been capitalised.
3. In 2013–14, there was no material variances.

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015**

Note 15: Appropriations (cont.)

Note 15C. Unspent Annual Appropriations ('Recoverable GST exclusive')

	2015	2014
Australian Law Reform Commission	\$	\$
DEPARTMENTAL		
Appropriation Act (No 1)	-	-
Total	-	-

Note 15D. Disclosure by Agent in Relation to Annual and Special Appropriations ('Recoverable GST exclusive')

	Attorney-General's Department ¹	
	2015	
	\$	
Total receipts	-	
Total payments²	196,588	

1. Additional inquiries undertaken on behalf of Attorney-General's Department.
2. The unearned income balance has been expensed.

	Attorney-General's Department ¹	
	2014	
	\$	
Total receipts	875,758	
Total payments ²	679,170	

1. Additional inquiries undertaken on behalf of Attorney-General's Department.
2. The balance is recognised in unearned income.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 16: Special Accounts

Law Reform Special Account (Departmental)	2015 \$	2014 \$
Appropriation: <i>Public Governance, Performance and Accountability Act 2013</i> , section 80. Enabling Instrument: <i>Australian Law Reform Commission Act 1996</i> , section 45. Purpose: The purpose of the Special Account is:		
(a) to pay the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Commission's functions;		
(b) to pay any remuneration and allowances payable to a person under this Act;		
(c) to pay the expenses of administering the Account;		
(d) to pay any amount that is required or permitted to be repaid; and		
(e) to reduce the balance of the Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.		
Balance brought forward from previous period	1,325,087	865,303
Increases:		
Appropriation credited to special account	2,873,000	2,904,385
Other receipts	5,097	2,464
Total increases	2,878,097	2,906,849
Available for payments	4,203,184	3,772,152
Decreases:		
Departmental		
Payments made to suppliers	921,450	345,038
Payments made to employees	2,094,037	2,102,027
Total departmental	3,015,487	2,447,065
Total balance carried to the next period	1,187,697	1,325,087

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 17: Reporting of Outcomes

The Australian Law Reform Commission has only one outcome being “Informed government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education”.

Major classes of revenue and expenses are shown in the Statement of Comprehensive Income and Assets and Liabilities in the Statement of Financial Position.

Note 18: Budgetary Reports and Explanations of Major Variances

The following tables provide a comparison of the 2014–15 Portfolio Budget Statements (PBS) budget and the final financial outcome in the 2014–15 financial statements. The Budget is not audited.

Variances are considered to be ‘major’ based on the following criteria:

- the variance between budget and actual is greater than 10%; and
- the variance between budget and actual is greater than 1% of the relevant category (Income, Expenses and Equity totals); or
- an item below this threshold but is considered important for the reader’s understanding or is relevant to an assessment of the discharge of accountability and to an analysis of performance of the Commission.

1. The Commission’s original budgeted financial statements that were first presented to Parliament in respect of the reporting period.

2. Between the actual and original budgeted amounts for 2015. Explanations of major variances are provided further below.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18A. Departmental Budgetary Reports

Statement of Comprehensive Income

For the period ended 30 June 2015

	Actual	Budget estimate	
		Original ¹	Variance ²
	2015	2015	2015
	\$	\$	\$
NET COST OF SERVICES			
EXPENSES			
Employee benefits	2,074,985	2,127,000	(52,015)
Suppliers	611,661	718,000	(106,339)
Depreciation	48,876	20,000	28,876
Total expenses	2,735,522	2,865,000	(129,478)
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4,712	5,000	(288)
Other revenue	27,000	23,000	4,000
Total own-source revenue	31,712	28,000	3,712
Net cost of services	2,703,810	2,837,000	(133,190)
Revenue from Government	2,817,000	2,817,000	–
Surplus/(Deficit) on continuing operations	113,190	(20,000)	133,190
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus	–	–	–
Total other comprehensive income	–	–	–
Total comprehensive income	113,190	(20,000)	133,190

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015**

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18 A. Departmental Budgetary Reports (cont.)

Statement of Financial Position

as at 30 June 2015

	Actual	Budget estimate	
		Original ¹	Variance ²
	2015	2015	2015
	\$	\$	\$
ASSETS			
Financial Assets			
Cash and cash equivalents	1,187,697	905,000	282,697
Trade and other receivables	9,993	8,000	1,993
Total financial assets	1,197,690	913,000	284,690
Non-Financial Assets			
Plant & equipment	102,015	199,000	(96,985)
Other non-financial assets	51,270	82,000	(30,730)
Total non-financial assets	153,285	281,000	(127,715)
Total assets	1,350,975	1,194,000	156,975
LIABILITIES			
Payables			
Suppliers	39,718	40,000	(282)
Other payables	244,753	242,000	2,753
Total payables	284,471	282,000	2,471
Provisions			
Employee provisions	452,994	432,000	20,994
Total provisions	452,994	432,000	20,994
Total liabilities	737,465	714,000	23,465
Net Assets	613,510	480,000	133,510

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18 A. Departmental Budgetary Reports (cont.)

Statement of Financial Position (cont.)

	Actual	Budget estimate	
		Original ¹	Variance ²
	2015	2015	2015
	\$	\$	\$
EQUITY			
Contributed equity	239,000	239,000	–
Reserves	126,998	127,000	(2)
Retained surplus	247,512	114,000	133,512
Total equity	613,510	480,000	133,510

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18 A. Departmental Budgetary Reports (cont.)

**Statement of Changes in Equity
for the period ended 30 June 2015**

	Retained Earnings		Asset Revaluation Surplus		Contributed Equity/Capital		Total Equity	
	Actual	Budget estimate	Actual	Budget estimate	Actual	Budget estimate	Actual	Budget estimate
	Original ¹	Variance ²	Original ¹	Variance ²	Original ¹	Variance ²	Original ¹	Variance ²
2015	2015	2015	2015	2015	2015	2015	2015	2015
Opening balance	\$	\$	\$	\$	\$	\$	\$	\$
Balance carried forward from previous period	134,322	134,000	126,998	127,000	183,000	(2)	444,320	444,000
Adjusted opening balance	134,322	134,000	126,998	127,000	183,000	(2)	444,320	444,000
Comprehensive income								
Surplus for the period	113,190	(20,000)	-	-	-	-	113,190	(20,000)
Total comprehensive income	113,190	(20,000)	-	-	-	-	113,190	(20,000)

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)**Note 18 A. Departmental Budgetary Reports (cont.)****Statement of Changes in Equity (cont.)**

	Retained Earnings		Asset Revaluation Surplus		Contributed Equity/Capital		Total Equity	
	Actual	Budget estimate	Actual	Budget estimate	Actual	Budget estimate	Actual	Budget estimate
	Original ¹	Variance ²	Original ¹	Variance ²	Original ¹	Variance ²	Original ¹	Variance ²
2015	2015	2015	2015	2015	2015	2015	2015	2015
Transactions with owners	\$	\$	\$	\$	\$	\$	\$	\$
Contributions by owners	–	–	–	–	56,000	–	56,000	–
Departmental capital budget	–	–	–	–	–	–	56,000	–
Total transactions with owners	–	–	–	–	56,000	–	56,000	–
Closing balance as at 30 June	247,512	114,000	126,998	127,000	239,000	(2)	613,510	133,510
		133,512			239,000		480,000	133,510

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2015**

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18 A. Departmental Budgetary Reports (cont.)

Cash Flow Statement

for the period ended 30 June 2015

	Actual	Budget estimate	
		Original ¹	Variance ²
	2015	2015	2015
	\$	\$	\$
OPERATING ACTIVITIES			
Cash received			
Appropriations	2,817,000	2,817,000	–
Sale of goods and rendering of services	5,097	5,000	97
Net GST received	68,677	–	68,677
Total cash received	2,890,774	2,822,000	68,774
Cash used			
Employees	2,094,037	2,104,000	(9,963)
Suppliers	980,054	718,000	262,054
Total cash used	3,074,091	2,822,000	252,091
Net cash from / (used by) operating activities	(183,317)	–	(183,317)
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment	10,073	56,000	(45,927)
Total cash used	10,073	56,000	(45,927)
Net cash used by investing activities	(10,073)	(56,000)	45,927
FINANCING ACTIVITIES			
Cash received			
Contributed equity	56,000	56,000	–
Total cash received	56,000	56,000	–
Net cash from financing activities	56,000	56,000	–
Net increase / (decrease) in cash held	(137,390)	–	(137,390)
Cash and cash equivalents at the beginning of the reporting period	1,325,087	905,000	420,087
Cash and cash equivalents at the end of the reporting period	1,187,697	905,000	282,697

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

Note 18: Budgetary Reports and Explanations of Major Variances (cont.)

Note 18 B. Departmental Major Budget Variances for 2015

<u>Explanations of major variances</u>	<u>Affected line items (and statement)</u>
<u>Employee Benefits/Suppliers</u>	
The variance is the result of the library subscriptions being cancelled and reduced expenses as a new Commissioner was not appointed.	<i>Employee Benefits/Suppliers (Statement of Comprehensive Income), Cash (Statement of Financial Position).</i>
The variance is the result of a timing difference due to expenditure on AGD enquiries, where the funding was received in the prior year.	<i>Suppliers (Cash Flow Statement).</i>
<u>Depreciation, Plant & Equipment, Purchases of Plant & Equipment</u>	
The variance in depreciation and amortisation, plant and equipment and purchases of plant and equipment, was a timing issues and that the budgeted amount had not been updated to take into consideration the Commission's plant & equipment.	<i>Depreciation (Statement of Comprehensive Income), Plant & equipment (Statement of Financial Position), Purchase Plant & Equipment (Cash Flow Statement).</i>
<u>Other Non-Financial Assets</u>	
The variance is the result of the Commission not renewing subscriptions which would have resulted in prepayments recorded.	<i>Other Non-Financial Assets (Statements of Financial Position).</i>
<u>Net GST received</u>	
Net outcome from the recovery of GST on Supplier payments and GST collected on invoices raised.	<i>Net GST received (Cash Flow Statement), Cash (Statement of Financial Position).</i>

Special features

40 years of law reform—is the flame still burning?*

* This article draws from earlier articles that appeared in the ALRC's Annual Reports of 1975, 1999–2000 and 2004–05 and the 2015 Michael Kirby lecture by Professor Rosalind Croucher AM.

Institutional anniversaries, particularly those where significant longevity is involved, provide a time to reflect on the legacy of an organisation and to interrogate its ongoing role and significance and its ability to meet future challenges. Is the objective for which it was created still relevant or have time and circumstances changed, bringing into question whether it is still fit for purpose? Over the past 40 years, the Australian Law Reform Commission (ALRC) has been the subject of a number of reviews that have tested its role. All these reviews have reinforced the importance of the ALRC and the need for it to continue in its present independent form. At the conclusion of the most recent of these inquiries by the Senate Standing Committee on Legal and Constitutional Affairs References Committee in 2011, the Committee concluded that the original purpose of the ALRC is still relevant and important today and that there was strong support for an independent and well resourced law reform commission in Australia. At the same time, the Government of the day stated:

Since its establishment in 1973, the ALRC has concluded more than 100 inquiries and has made a substantial contribution to the public debate on issues as diverse as privacy, personal insolvency, the use of genetic information, admiralty law and the operation of the federal justice system. As it approaches forty years at the forefront of law reform in this country, the Government believes the ALRC is well equipped to respond to new challenges and opportunities.

(Government Response to the Senate Standing Committee on Legal and Constitutional Affairs References Committee Inquiry into the Australian Law Reform Commission, 2011, p.5)

Law reform agencies such as the ALRC are not the only bodies responsible for developing and advising governments on policy. For example government departments, parliamentary committees, joint ministerial councils, other statutory agencies, private consultants, academics and others all make vital contributions. However, a number of features of the ALRC distinguish it from other agencies and demonstrate why it is a crucial contributor to the health and growth of Australian law. These features answer the question, after 40 years, why are law reform commissions still needed—they include the ALRC's:

- ▲ independence (from Government, party politics, academic interests, special interest groups and other stakeholders);
- ▲ broad generalist legal expertise;
- ▲ authority and capacity to leverage relationships with key stakeholders;
- ▲ distinguished consultative and research strategies;
- ▲ dedicated experience in best practice law reform processes;
- ▲ engagement with the international legal community;

- ▲ contribution to regional developments in law reform;
- ▲ role in educating and engaging the Australian community in law reform; and
- ▲ contribution to other government inquiries and reports.

The ALRC was effectively established on 1 January 1975 by an act of Parliament, the *Australian Law Reform Commission Act 1975* (Cth). This Act had been two years in the making, with Senator Lionel Murphy, then federal Attorney-General, introducing into Parliament the Law Reform Commission Bill on 23 October 1973. The purpose of the Bill was, he said:

... to establish a Law Reform Commission, to enable the task of law reform in Australia to be tackled on a national scale. The Government is concerned to see that the system of law under which people live is responsive to the social needs of our time. The rules which govern the relationship of persons with each other and with the Government should reflect current values and philosophies. This concern is reflected in the importance the Government attaches to law reform.

(Senator Murphy, Parliamentary Debates, Senate Hansard, 23 October 1973, 1345, 1346.)

The Law Reform Commission's statutory functions included, and still include, an obligation to consider proposals for uniformity between laws of the territories and laws of the states. Senator Murphy elaborated on this intention in his second reading speech:

The Bill is also an expression of the Government's view that except where local circumstances justify different treatment, people wherever they live in Australia, should be subject to the same law ... The Standing Committee of Attorneys-General has not been conspicuous for its success in promoting law reform on a uniform basis. While it is a very useful instrument for exchanging views between law ministers, it is clearly not equipped to deal with law reform on a comprehensive and uniform basis. This cannot be achieved unless an expert body, working full time on the task and removed from the pressures of day to day politics, is established for this purpose.

(Senator Murphy, Parliamentary Debates, Senate Hansard, 23 October 1973, 1345, 1346.)

Law reform was on the agenda of many common law countries in the 1960s. Internationally there was a global recognition of the difficulties associated with the proliferation of laws and the complex problems of adjusting the law to adapt to rapid social changes. The Law Commission of England and Wales was established in 1965 and this encouraged the establishment of law reform bodies throughout the Commonwealth, including in New South Wales (1966), Queensland (1969), the Australian Capital Territory (1971), Western Australia (1972), Victoria (1973), and Tasmania (1974).

The establishment of the ALRC had bi-partisan support at its foundation, something which is still evident today. Justice Michael Kirby was appointed as the Commission's first Chairman and his vision and approach to law reform set the ALRC's foundations and modus operandi—still as relevant today as it was then. Justice Kirby believed that all Australians should be able to participate in the law reform process. He instituted a variety of research methodologies to encourage community consultation and input into the law reform process. Broad consultation strategies are still the hallmark of the ALRC's best practice law reform.

Since that time the ALRC has had eight Chairs, now referred to as Presidents, has produced 86 law reform reports and has been the subject of five inquiries that have looked into the role and functions of an independent law reform body. Each of these inquiries has reaffirmed the value of a specialist independent law reform body

As at June 2015, 86% of recommendations had been wholly or partially implemented, an outstanding measure of the quality and relevance of the ALRC's work. However, it is not solely the implementation of many of its recommendations in which its value lies. The impact of law reform often extends further afield than the legislation it is directed at, into the legal frameworks and administrative guidelines and procedures that sit alongside and interact with the common law. As ALRC President, Professor Rosalind Croucher AM has stated:

My personal conviction, after nearly nine years at the ALRC, is that an assessment of the contribution that law reform work makes must be seen through another lens. It is like a pebble in a pond. There are ripples that run over the surface of the pond—the extending, echoing impact, long after the pebble has disappeared beneath the surface of the water. The ripples are multiple and overlapping. Here one must necessarily have a long view.

(Extract from the 2015 Michael Kirby Lecture).

The ALRC's publications—especially the Final Reports—provide a significant contribution to legal history, through the mapping of law at a particular moment in time. Each ALRC report not only examines the way law has been viewed in the past, but also maps its development and outlines what the present law is. In reviewing the myriad submissions received and consultations undertaken, ALRC reports also provide a snapshot of opinion on the issues being considered—again making an invaluable contribution to legal history, and increasingly locating legal reforms within a particular social context at a given time. For example, the ALRC's inquiry into the recognition of Aboriginal customary laws, completed in 1986—almost 30 years ago—was the ALRC's 31st report. It is the 4th most downloaded report on the ALRC's website and, since 2010 has been visited nearly 200,000 times and downloaded over 5,500 times. This ongoing interest almost 30 years after the Report was completed signifies the enduring nature of the ALRC's work and impact, even where specific recommendations may not have yet found their way into legislation.

The ALRC's ongoing impact is also evidenced by the use made of its reports by the judicial and legal profession in a myriad of judgements around the country. Michael Kirby observed in a contribution he wrote for the 30th anniversary of the ALRC:

It is beyond question that courts and academic institutions are increasingly turning to law reform reports as a significant, intensive and accurate source of legal authority, principle and policy. In this way, even if unimplemented by the Parliament, a law reform report can influence the development of the law by the courts, and also by officials and other agencies.

In support of such observations, the Federal Court wrote in its submission to the Senate Standing Committee on Legal and Constitutional Affairs References Committee's 2011 Inquiry into the ALRC:

The Court benefits greatly from the ALRC's reports, research and analysis of complex areas of law within federal jurisdiction ... More often than not, an ALRC report contains the best statement or source of the current law on a complex and contentious topic that can remain the case for decades thereafter, whether or not the ALRC's recommendations are subsequently implemented ... In this way, the ALRC's reports have assisted the Court in the tasks of ascertaining the law, interpreting statute and developing the common law.

Building relationships and engaging with the community is another way in which the work of the ALRC makes an impact beyond its legislative one. Productive and dynamic relationships with stakeholders across the spectrum of interests in any inquiry fosters an engagement with the issues raised and the recommendations generated throughout the inquiry. Discussing the policy implications of various proposals and recommendations involves stakeholders in a meaningful process of analysis and exchange that can often have reform consequences of its own beyond the legislative process.

The ALRC has historically played, and continues to play, an important educative role on the processes of law reform internationally, and in particular, within our region of South East Asia. An independent process of law reform is part of an independent justice system, which in turn contributes to the development of an open and democratic society. In its educative and support role, the ALRC carries a message of civil justice and democracy on behalf of the Australian Government, and does much to advance Australia's standing within our region and more broadly by building cooperative relationships with our legal counterparts and sharing information and experiences. Since December 2009, the ALRC has provided professional development to a number of law reform agencies throughout the region including training in Papua New Guinea and Botswana, and has hosted Legal Officers from the Samoa and Solomon Island Law Reform Commissions to undertake intensive law reform internships. In the last two years alone, the ALRC met with delegations from China, Korea, Kenya, Vietnam, Malaysia, Uganda, Indonesia, Nigeria, Malawi and Papua New Guinea to discuss various issues of law reform and the democratic process. These delegations provide a further opportunity for Australia's independent system of law to be more deeply understood by our neighbours.

One of the aspects of the ALRC that is central to its ongoing legitimacy and survival as an independent and effective law reform body is that it is a generalist body with its intellectual capital and specialisation being the process of law reform itself. This means that the ALRC is not allied, or seen to be allied, with particular views on any given subject nor with specialist interests, and helps maintain the intellectual independence that is fundamental to its process. It means that the ALRC continues to be able to undertake inquiries across the vast range of matters embraced by Commonwealth laws, and to lead projects that involve the complex federal interactions of Commonwealth and state and territory laws. The types of law reform reviews that the ALRC is uniquely experienced to undertake include those where there are complex legal issues involved and a need to be—and to be seen to be—completely independent from Government, industry and special interests. These reviews involve a need to consult widely with diverse and often opposing stakeholders, and to consider their opinions and interests carefully, so that the Government is provided with independent and frank advice. The subject matter of the ALRC's recent inquiries provides excellent examples of this. Looking at how to enhance the equality of people with disability in Commonwealth laws while the NDIS is being implemented, considering whether the promise of Native Title

has been realised 20 years after the landmark *Mabo* High Court decision, or addressing serious invasions of privacy in the age of the internet are all highly complex and challenging areas of great concern to the community that require careful and in-depth consideration. Through its widespread and thorough consultation strategies, the ALRC is able to build consensus and understanding of its proposals within the community and this assists the Government in turn to implement various recommendations, even in a context where change may be challenging.

ALRC President, Professor Rosalind Croucher AM stated in the presentation of last year's Annual Report:

The importance of an independent law reform agency that can investigate an area of law free from political expectation or the values of particular interests, that is able to start a process with questions not answers, and that draws on the wealth and diversity of experience and knowledge in the community to help inform the reform process, cannot be overestimated. While law reform happens in many government departments, in other agencies and in the courts themselves, it is in the specialist law reform expertise of the ALRC and its ability to provide high level legal policy advice at arm's length from government, that our value truly lies.

It remains as crucial in 2015 as it was in 1975 that federal laws are updated to reflect changes in Australian society and in community expectations. Many of the ALRC's inquiries are about ensuring our laws are able to both respond to current challenges and are flexible enough to cope with the future. Laws do change gradually through case law, but often the community demands that the law moves more quickly, and more assuredly, to accommodate changes in the environment, particularly in the digital era. A dedicated expert agency, such as the ALRC, that assists the Government to keep the laws relevant, accessible and fair is needed now, more than ever before. Undertaking the in-depth research and analysis, and finding possible legal solutions is the value-add that the ALRC provides to Government decision-making. In this way, the ALRC contributes to the Government's agenda for a fair and accessible system of Commonwealth law.

In a collection of essays published in 1983, Michael Kirby reflected that 'the role of the ALRC in promoting community debate and professional acceptance of the needs of reform may be a more lasting and pervasive contribution to law reform in Australia than any particular project'. And in 2008, 25 years later, he expressed this as 'the flame of ideas' kept alight by permanent law reform bodies, 'The flame of law reform affirms a central concept of the rule of law itself: legal renewal.'

In its 40th year, the ALRC has as important a role now as it had at its foundation. It has earned the respect in which it is held, both nationally and internationally. The ALRC has a high reputation to maintain and must continue to demonstrate the value that it provides to the Australian Government and community.

ALRC—40 years snapshot

To celebrate 40 years of law reform, the ALRC has produced an online interactive timeline that provides an online archive of the key milestones in the ALRC's institutional history, and gives voice to many of the esteemed individuals who have contributed to the ALRC over this time. The timeline can be viewed from the ALRC's website.

A detailed history of the ALRC was produced for the ALRC's 25th anniversary in 2000 and is available at www.austlii.edu.au/au/other/lawreform/ALRC/2000/90.html#3.

Inquiries into the ALRC

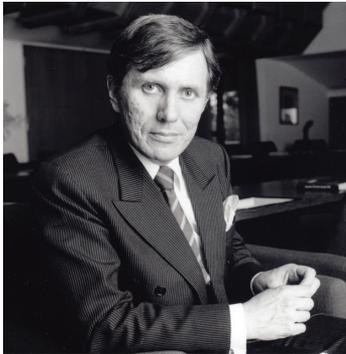
There have been a number of reviews into the ALRC that have tested its role and questioned its ongoing relevance and significance. All these reviews have reinforced the importance of the ALRC and the need for it to continue in its present independent form.

- 1979** Parliamentary inquiry by Senate Standing Committee on Legal and Constitutional Affairs on determining the most appropriate way of assessing, coordinating and implementing the recommendations of the Commission particularly and other law reform agencies in general. The Committee noted the need for law reform recommendations to take into account political and institutional factors which affect the acceptability of proposals. No action was taken on matters raised by the Inquiry.
- 1985** Departmental inquiry into the role of the ALRC and possible amalgamation with other research bodies within the Attorney-General's portfolio. This Review found this was not feasible or desirable.
- 1993–94** Parliamentary inquiry by the House of Representatives Standing Committee on Legal and Constitutional Affairs. The Committee undertook a comprehensive review of the role, functions and operations of the Commission. The report of the Committee, *Law reform—the challenge continues*, was tabled in Parliament in May 1994. The report contained 40 recommendations covering a range of issues, with all but three adopted or endorsed by the Government. Importantly, the Committee concluded that the Commission was a valuable source of law reform advice to the Government and recommended unanimously the continuance of the ALRC's high quality, well researched and well documented reports.
- 1999** Parliamentary inquiry into the functions and powers of the Commission.
- 2011** Inquiry into the role and functions of the ALRC by the Senate Standing Committee on Legal and Constitutional Affairs References Committee, with an emphasis on the appropriate level of resources for the ALRC to fulfil its functions. The Inquiry concluded with support for the ongoing role of the ALRC as an independent authority with a distinct role.

2012

The role and functions of the ALRC was also considered as part of the Department of Finance Strategic Review into Small to Medium Agencies in the Attorney-General's portfolio in 20 (the Skehill Review). This Review considered subsuming the ALRC into the Attorney-General's Department but concluded against this proposal—concluding that to do so would not improve the effectiveness or efficiency of the ALRC.

Chairs and Presidents



*The Hon Michael Kirby AC CMG
1975–1984*



*The Hon Murray Wilcox AO QC
1984–1985 (Acting)*



*The Hon Xavier Connor AO QC
1985–1988*



*The Hon Elizabeth Evatt AC
1988–1993*



Sue Tongue
1993–1994 (Acting)



Alan Rose AO
1994–1999



Emeritus Professor
David Weisbrot AM
1999–2009



Professor Rosalind Croucher AM
2009–present

List of ALRC Inquiries

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 1 & 9	<i>Complaints Against Police</i>	16 May 1975	7 August 1975 & 9 June 1978	Michael Kirby	Not listed	Kep Enderby
ALRC 2	<i>Criminal Investigation</i>	16 May 1975	8 November 1975	Michael Kirby	Not listed	Kep Enderby
ALRC 4	<i>Alcohol, Drugs and Driving</i>	22 January 1976	23 September 1976	Michael Kirby	Not listed	Robert Ellicott
ALRC 6	<i>Insolvency: the Regular Payment of Debts</i>	10 May 1976	4 November 1977	Michael Kirby	David Kelly	Robert Ellicott
ALRC 7	<i>Human Tissue Transplants</i>	15 July 1976	21 September 1977	Michael Kirby	Russell Scott	Robert Ellicott
ALRC 11	<i>Unfair Publication: Defamation and Privacy</i>	23 June 1976	7 June 1979	Michael Kirby	Murray Wilcox	Robert Ellicott
ALRC 12	<i>Privacy and the Census</i>	9 April 1976	15 November 1979	Michael Kirby	David Kelly	Robert Ellicott
ALRC 14	<i>Lands Acquisition and Compensation</i>	7 July 1977	22 April 1980	Michael Kirby	Murray Wilcox	Robert Ellicott

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 15 (Interim)	<i>Sentencing of Federal Offenders</i>	11 August 1978	21 May 1980	Michael Kirby	Duncan Chappell	Peter Durack
ALRC 16	<i>Insurance Agents and Brokers</i>	9 September 1976	11 September 1980	Michael Kirby	David Kelly	Robert Ellicott
ALRC 18	<i>Child Welfare</i>	18 February 1979	12 November 1981	Michael Kirby	J Seymour	Peter Durack
ALRC 20	<i>Insurance Contracts</i>	9 September 1976	16 December 1982	Michael Kirby	David Kelly	Robert Ellicott
ALRC 22	<i>Privacy</i>	9 April 1976	14 December 1983	Michael Kirby	Robert Hayes	Robert Ellicott
ALRC 24	<i>Foreign State Immunity</i>	11 November 1982	10 October 1984	Michael Kirby	James Crawford	Neil Brown (Minister for Communications on behalf of AG)
ALRC 26 (Interim)	<i>Evidence</i>	18 July 1979	21 August 1985	Michael Kirby (to 1984) Murray Wilcox (Acting)	Tim Smith	Peter Durack
ALRC 27	<i>Standing in Public Interest Litigation</i>	1 February 1977	29 November 1985	Michael Kirby (to 1984) Murray Wilcox (Acting)	Murray Wilcox (to 1979) Michael Chesterman	Robert Ellicott

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 28	<i>Community Law Reform for the ACT: 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</i>	21 February 1984	29 November 1985	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Nicholas Seddon	Gareth Evans
ALRC 30	<i>Domestic Violence</i>	29 May 1984	20 March 1986	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	David Hambly (to April 1985) Nicholas Seddon	Gareth Evans
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i>	9 February 1977	12 June 1986	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Michael Kirby (to 1978) Bruce DeBelle (to 1981) James Crawford	Robert Ellicott

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 32	<i>Community Law Reform for the ACT: Second Report: Loss of Consortium and Compensation for Loss of Capacity to do Housework</i>	21 February 1984	23 October 1986	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Nicholas Seddon	Gareth Evans
ALRC 33	<i>Civil Admiralty Jurisdiction</i>	23 November 1982	2 December 1986	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	James Crawford	Neil Brown (Minister for Communications on behalf of AG)
ALRC 35	<i>Contempt</i>	7 April 1983	3 June 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Michael Chesterman	Gareth Evans
ALRC 36	<i>Debt Recovery and Insolvency</i>	10 May 1976	21 October 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	David Kelly	Robert Ellicott

Report No.	Title	Reference Received	Report Tabled	Chairman/ President	Lead Commissioner	Attorney-General
ALRC 37	<i>Spent Convictions</i>	11 August 1978	3 June 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Robert Hayes	Gareth Evans
ALRC 38	<i>Evidence</i>	18 July 1979	5 June 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Tim Smith	Peter Durack
ALRC 39	<i>Matrimonial Property</i>	16 June 1983	16 September 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	David Hambly	Gareth Evans
ALRC 40	<i>Service and Execution of Process</i>	29 November 1982	9 December 1987	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Michael Pryles	Neil Brown (Minister for Communications on behalf of AG)

Report No.	Title	Reference Received	Report Tabled	Chairman/ President	Lead Commissioner	Attorney-General
ALRC 42	<i>Occupiers' Liability</i>	18 July 1984	13 April 1988	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor	Nicholas Seddon	Gareth Evans
ALRC 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	11 August 1978	24 March 1988	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	George Zdenkowski (from July 1984)	Peter Durack
ALRC 44	<i>Sentencing</i>	11 August 1978	25 August 1988	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	Duncan Chappell (to December 1979) George Zdenkowski (from July 1984)	Peter Durack

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 45	<i>General Insolvency Inquiry</i>	20 November 1983	13 December 1988	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	Ron Harmer	Gareth Evans
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	1 February 1977	13 December 1988	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	Murray Wilcox (to 1979) Bruce Debelle (to 1983) Michael Chesterman (to 1985) John Basten/Peter Cashman (joint to 1987) Elizabeth Evatt (from 1988)	Robert Ellicott

Report No.	Title	Reference Received	Report Tabled	Chairman/ President	Lead Commissioner	Attorney-General
ALRC 47	<i>Community Law Reform for the ACT: Third Report: Enduring Powers of Attorney</i>	21 February 1984	6 April 1989	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	Nicholas Seddon	Gareth Evans
ALRC 48	<i>Criminal Admiralty Jurisdiction and Prize</i>	23 November 1982	27 November 1990	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	James Crawford	Neil Brown (Minister for Communications on behalf of AG)
ALRC 50	<i>Informed Decision-making in Medical Procedures</i>	21 February 1984	21 November 1989	Michael Kirby (to 1984) Murray Wilcox (Acting to 1985) Xavier Connor Elizabeth Evatt (from 1988)	Nicholas Seddon	Gareth Evans

Report No.	Title	Reference Received	Report Tabled	Chairman/ President	Lead Commissioner	Attorney-General
ALRC 51	<i>Product Liability</i>	11 September 1987	15 August 1989	Xavier Connor Elizabeth Evatt (from 1988)	John Goldring	Lionel Bowen
ALRC 52	<i>Guardianship and Management of Property</i>	29 August 1988	20 December 1989	Elizabeth Evatt	Nicholas Seddon	Lionel Bowen
ALRC 55	<i>Censorship Procedure</i>	10 May 1990	11 September 1991	Elizabeth Evatt	Not listed	Michael Duffy
ALRC 57	<i>Multiculturalism and the Law</i>	2 August 1989	28 April 1992	Elizabeth Evatt	Not listed	Lionel Bowen
ALRC 58	<i>Choice of Law</i>	16 December 1988	28 May 1992	Elizabeth Evatt	John Goldring	Lionel Bowen
ALRC 59	<i>Collective Investments: Superannuation</i>	24 May 1991	28 April 1992	Elizabeth Evatt	Not listed	Michael Duffy
ALRC 60	<i>Customs and Excise</i>	26 November 1987	7 May 1992	Elizabeth Evatt	John Greenwell	Lionel Bowen
ALRC 61	<i>Administrative Penalties in Customs and Excise</i>	27 November 1991	9 September 1992	Elizabeth Evatt	Not listed	Michael Tate (Acting AG)
ALRC 63	<i>Children's Evidence: Closed Circuit TV</i>	24 May 1991	26 May 1993	Elizabeth Evatt	Elizabeth Evatt	Michael Duffy

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 64	<i>Personal Property Securities</i>	8 June 1990	27 May 1993	Elizabeth Evatt	John Goldring	Michael Duffy
ALRC 65	<i>Collective Investments: Other People's Money</i>	24 May 1991	30 September 1993	Elizabeth Evatt	Not listed	Michael Duffy
ALRC 67 (Interim)	<i>Equality Before the Law: Women's Access to the Legal System</i>	8 February 1993	3 March 1994	Elizabeth Evatt	Not listed	Michael Duffy
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i>	17 December 1992	29 June 1994	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy
ALRC 69 pt 1	<i>Equality Before the Law: Justice for Women</i>	8 February 1993	25 July 1994	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy
pt 2	<i>Equality Before the Law: Women's Equality</i>		21 December 1994			
ALRC 70	<i>Child Care for Kids</i>	18 August 1992	8 November 1994	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i>	18 August 1992	8 March 1995	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i>	6 September 1991	20 June 1995	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy
ALRC 74	<i>Designs</i>	18 August 1992	31 August 1995	Elizabeth Evatt (to 1993) Alan Rose	Not listed	Michael Duffy
ALRC 75	<i>Costs Shifting—Who Pays for Litigation</i>	28 June 1994	25 October 1995	Alan Rose	Not listed	Michael Lavarch
ALRC 77	<i>Open Government: A Review of the federal Freedom of Information Act 1982</i>	8 July 1994	24 January 1996	Alan Rose	Not listed	Duncan Kerr (Acting AG)
ALRC 78	<i>Beyond the door-keeper: Standing to Sue for Public Remedies</i>	17 May 1995	30 May 1996	Alan Rose	Not listed	Michael Lavarch

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 79	<i>Making Rights Count: Services for People with a Disability</i>	18 August 1995	10 October 1996	Alan Rose	Not listed	Michael Lavarch
ALRC 80	<i>Legal Risk in International Transactions</i>	19 July 1995	8 October 1996	Alan Rose	Not listed	Michael Lavarch
ALRC 82	<i>Integrity: But Not by Trust Alone—AFP & NCA Complaints and Disciplinary Systems</i>	29 March 1995	10 December 1996	Alan Rose	Not listed	Michael Lavarch
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	28 August 1995	19 November 1997	Alan Rose	Not listed	Michael Lavarch
ALRC 85	<i>Australia's Federal Record: A Review of Archives Act 1983</i>	15 August 1996	2 July 1998	Alan Rose	Not listed	Daryl Williams
ALRC 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	7 December 1997 (amended TOR received 14 April 1998)	15 June 1999	Alan Rose	Not listed	Daryl Williams

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	29 November 1995 (amended TOR received 2 September 1997)	17 February 2000	Alan Rose (to 1999) David Weisbrot	Not listed	Michael Lavarch (amendment by Daryl Williams)
ALRC 91	<i>Review of the Marine Insurance Act 1909</i>	21 January 2000	22 May 2001	David Weisbrot	Not listed	Daryl Williams
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and related legislation</i>	21 January 2000	2 October 2001	David Weisbrot	Not listed	Daryl Williams
ALRC 95	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i>	21 January 2000	19 March 2003	David Weisbrot	Not listed	Daryl Williams
ALRC 96	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i>	5 February 2001	29 May 2003	David Weisbrot	Not listed	Daryl Williams

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i>	2 April 2003	23 June 2004	David Weisbrot	Ian Davis	Daryl Williams
ALRC 99	<i>Genes and Ingenuity: Gene Patenting and Human Health</i>	17 December 2002	31 August 2004	David Weisbrot	Brian Opeskin Anne Finlay	Daryl Williams
ALRC 102	<i>Uniform Evidence Law</i>	12 July 2004	8 February 2006	David Weisbrot	Not listed	Philip Ruddock
ALRC 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders</i>	12 July 2004	22 June 2006	David Weisbrot	Brian Opeskin	Philip Ruddock
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i>	1 March 2006	13 December 2006	David Weisbrot	Not listed	Philip Ruddock
ALRC 107	<i>Privilege in Perspective: Client Legal Privilege and Federal Investigations</i>	29 November 2006	13 February 2008	David Weisbrot	Rosalind Croucher	Philip Ruddock

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	30 January 2006	11 August 2008	David Weisbrot	Les McCrimmon	Philip Ruddock
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i>	14 January 2009	10 February 2010	David Weisbrot (to 2009) Rosalind Croucher	Les McCrimmon	Robert McClelland
ALRC 112	<i>Secrecy Laws and Open Government in Australia</i>	5 August 2008	11 March 2010	David Weisbrot (to 2009) Rosalind Croucher	Rosalind Croucher	Robert McClelland
ALRC 114	<i>Family Violence: A National Legal Response</i>	17 July 2009	11 November 2010	Rosalind Croucher	Rosalind Croucher	Robert McClelland
ALRC 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i>	10 May 2010	25 May 2011	Rosalind Croucher	Rosalind Croucher	Robert McClelland
ALRC 117	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i>	9 July 2010	7 February 2012	Rosalind Croucher	Rosalind Croucher	Robert McClelland

Report No.	Title	Reference Received	Report Tabled	Chairman/President	Lead Commissioner	Attorney-General
ALRC 118	Classification— Content Regulation and Convergent Media	18 March 2011	1 March 2012	Rosalind Croucher	Terry Flew	Robert McClelland
ALRC 120	Access all Ages— Older Workers and Commonwealth Laws	12 March 2012	30 May 2013	Rosalind Croucher	Rosalind Croucher	Nicola Roxon
ALRC 122	Copyright and the Digital Economy	21 June 2012	13 February 2014	Rosalind Croucher	Jill McKeough	Nicola Roxon
ALRC 123	Serious Invasions of Privacy in the Digital Era	12 June 2013	3 September 2014	Rosalind Croucher	Barbara McDonald	Mark Dreyfus
ALRC 124	Equality, Capacity and Disability in Commonwealth Laws	23 July 2013	24 November 2014	Rosalind Croucher	Rosalind Croucher	Mark Dreyfus
ALRC 126	Connection to Country: Review of the Native Title Act 1993 (Cth)	3 August 2013	4 June 2015	Rosalind Croucher	Lee Godden	Mark Dreyfus
	Freedoms Inquiry	19 May 2014	Final Report due December 2015	Rosalind Croucher	Rosalind Croucher	George Brandis

Appendices

Appendix A: Corporate Plan 2013–15

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 including Issues Papers and Discussion Papers and will call for submissions that will, along with its own research and findings, 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 2013–2015, 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 consultation meetings and more informal feedback mechanisms, including online discussion forums, blogs, e-newsletters and focus groups, where appropriate. These external contributions and the ALRC's own research will inform the recommendations in the Final Report 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 is committed to ensuring it consults widely and will continue to develop online resources and communication strategies to maximise access, respecting the diversity of the Australian community.

As required by its Act, the ALRC also will have regard to relevant international obligations; the potential impact of its recommendations on the costs of getting access to and dispensing justice; and personal rights and liberties, ensuring that citizens are not unduly dependent on administrative rather than judicial decisions.

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 Attorney-General 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 and other publications;
- ▲ the number of submissions received for each inquiry;
- ▲ the number of visitors to the ALRC's 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 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 the 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.

June 2013

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

- ▲ Accountable Authority Instructions
- ▲ Agency Multicultural Plan*
- ▲ Business Continuity Plan
- ▲ Conflict of Interest Policy
- ▲ Consultative Committee Charter
- ▲ Corporate Plan 2013–15* (updated in June 2015 by Corporate Plan 2015–19)
- ▲ Enterprise Risk Management Plan
- ▲ Environmental Management Policy*
- ▲ Fraud Control Plan 2014–16 & Fraud Policy Statement 2014–16
- ▲ Legal Services Directions Compliance Policy
- ▲ Protective Security Policy and Safety Plan
- ▲ Reconciliation Action Plan 2012–14* (updated in June 2015 by Reconciliation Action Plan 2015–17)

Communications & publications

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

Finance

- ▲ Audit Committee Charter
- ▲ Cabcharge E-Ticket and Charge Card Policy
- ▲ Credit Card Policy
- ▲ Custody and Use of ALRC Property
- ▲ Financial Delegations
- ▲ Financial Procedures
- ▲ Official Hospitality Policy
- ▲ Personal Use of Office Telephone Policy

- ▲ Procurement and Purchasing Policy
- ▲ Receiving Gifts and Benefits Policy
- ▲ Travel Policy

Human resources

- ▲ ALRC Enterprise Agreement 2011–14
- ▲ APS Code of Conduct
- ▲ Equal Employment Opportunity (EEO) Policy
- ▲ Leave Application Policy
- ▲ Managing Suspected Breach of the APS Code of Conduct Policy
- ▲ Performance Appraisal System Policy and Guidelines
- ▲ Public Interest Disclosure Policy
- ▲ Reasonable Adjustment Guidelines

Information management

- ▲ Disclaimer Policy*
- ▲ Internet & Email Policy
- ▲ Information Classification Policy
- ▲ Physical and Electronic Records Storage Policy
- ▲ Privacy Policy*
- ▲ Records Management Policy
- ▲ Submissions and Inquiry Material Policy*

Interns

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

WH&S

- ▲ Health and Safety Management Arrangements
- ▲ Health and Wellbeing Allowance Policy
- ▲ Work From Home Policy
- ▲ Work Health & Safety Policy

* Available on the ALRC website.

Appendix C: Terms of Reference 2014–15

Review of equal recognition before the law and legal capacity for people with disability

I, Mark Dreyfus QC MP, Attorney-General of Australia, having regard to:

- ▲ the United Nations Convention on the Rights of Persons with Disabilities, to which Australia is a party and which sets out:
 - rights for people with disability to recognition before the law, to legal capacity and to access to justice on an equal basis with others, and
 - a general principle of respect for inherent dignity, individual autonomy, including freedom to make one’s own choices, and independence of persons, and
- ▲ Australian Governments’ commitment to the National Disability Strategy, which includes ‘rights protection, justice and legislation’ as a priority area for action.

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 examination of laws and legal frameworks within the Commonwealth jurisdiction that deny or diminish the equal recognition of people with disability as persons before the law and their ability to exercise legal capacity, and
- ▲ what if any changes could be made to Commonwealth laws and legal frameworks to address these matters.

For the purposes of the inquiry, equal recognition before the law and legal capacity are to be understood as they are used in the Convention on the Rights of Persons with Disabilities: including to refer to the rights of people with disability to make decisions and act on their own behalf.

Scope of the reference

In undertaking this reference, the ALRC should consider all relevant Commonwealth laws and legal frameworks that either directly, or indirectly, impact on the recognition of people with disability before the law and their exercise of legal capacity on an equal basis with others, including in the areas of:

- ▲ access to justice and legal assistance programs
- ▲ administrative law
- ▲ aged care
- ▲ anti-discrimination law
- ▲ board participation
- ▲ competition and consumer law

- ▲ contracts
- ▲ disability services and supports
- ▲ electoral matters
- ▲ employment
- ▲ federal offences
- ▲ financial services, including insurance
- ▲ giving evidence
- ▲ holding public office
- ▲ identification documents
- ▲ jury service
- ▲ marriage, partnerships, intimate relationships, parenthood and family law
- ▲ medical treatment
- ▲ privacy law
- ▲ restrictive practices
- ▲ social security
- ▲ superannuation, and
- ▲ supported and substituted decision making.

The review should also have particular regard for the ways Commonwealth laws and legal frameworks affect people with disability who are also children, women, Indigenous people, older people, people in rural, remote and regional areas, people from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex people.

The purpose of this review is to ensure that Commonwealth laws and legal frameworks are responsive to the needs of people with disability and to advance, promote and respect their rights. In considering what if any changes to Commonwealth law could be made, the ALRC should consider:

- ▲ how laws and legal frameworks are implemented and operate in practice
- ▲ the language used in laws and legal frameworks
- ▲ how decision making by people with impairment that affects their decision making can be validly and effectively supported
- ▲ presumptions about a person's ability to exercise legal capacity and whether these discriminate against people with disability

- ▲ use of appropriate communication to allow people with disability to exercise legal capacity, including alternative modes, means and formats of communication such as Easy English, sign language, Braille, and augmentative communications technology
- ▲ how a person’s ability to independently make decisions is assessed, and mechanisms to review these decisions
- ▲ the role of family members and carers and paid supports such as legal or non-legal advocates in supporting people with disability to exercise legal capacity for themselves—both in relation to formal and informal decisions and how this role should be recognised by laws and legal frameworks
- ▲ safeguards—are the powers and duties of decision making supporters and substituted decision makers effective, appropriate and consistent with Australia’s international obligations
- ▲ recognition of where a person’s legal capacity and/or need for supports to exercise legal capacity is evolving or fluctuating (where a person with disability may be able to independently make decisions at some times and circumstances but not others or where their ability to make decisions may grow with time and/or support), including the evolving capacity of children with disability, and
- ▲ how maximising individual autonomy and independence could be modelled in Commonwealth laws and legal frameworks.

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

- ▲ initiatives under the National Disability Strategy, including the National Disability Insurance Scheme and other services and supports available to people with disability, and how these should/could interact with the law to increase the realisation of people with disability’s recognition before the law and legal capacity
- ▲ how Commonwealth laws and legal frameworks interact with State and Territory laws in the areas under review, contemporaneous developments and best practice examples within the States and Territories, and
- ▲ international laws and legal frameworks that aim to ensure people with disability are accorded equal recognition before the law and legal capacity on an equal basis with others, including international work to implement the Convention on the Rights of Persons with Disability.

Consultation

In undertaking this reference, the ALRC should identify and consult with relevant stakeholders, particularly people with disability and their representative, advocacy and legal organisations, including through accessible formats, but also families and carers of people with disability, relevant Government departments and agencies in the Commonwealth and States and Territories, the Australian Human Rights Commission, and other key non-government stakeholders.

Timeframe

The Commission should provide its report to the Attorney-General by August 2014.

Dated 23 July 2013

Mark Dreyfus

Attorney-General

Review of the Native Title Act 1993

I, Mark Dreyfus QC MP, Attorney-General of Australia, having regard to:

- ▲ the 20 years of operation of the *Native Title Act 1993* (the Act)
- ▲ the importance of the recognition and protection of native title to Indigenous Australians and the broader Australian community
- ▲ the importance of certainty as to the relationship between native title and other interests in land and waters
- ▲ Australia's statement of support for the United Nations Declaration on the Rights of Indigenous Peoples
- ▲ the need to ensure that the native title system delivers practical, timely and flexible outcomes for all parties, including through faster, better claims resolution
- ▲ significant and ongoing stakeholder concern about barriers to the recognition of native title
- ▲ delays to the resolution of claims caused by litigation, and
- ▲ the capacity of native title to support Indigenous economic development and generate sustainable long-term benefits for Indigenous Australians.

REFER to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, Commonwealth native title laws and legal frameworks in relation to two specific areas, as follows:

- ▲ connection requirements relating to the recognition and scope of native title rights and interests, including but not limited to whether there should be:
 - a presumption of continuity of acknowledgement and observance of traditional laws and customs and connection
 - clarification of the meaning of 'traditional' to allow for the evolution and adaptation of culture and recognition of 'native title rights and interests'
 - clarification that 'native title rights and interests' can include rights and interests of a commercial nature
 - confirmation that 'connection with the land and waters' does not require physical occupation or continued or recent use, and
 - empowerment of courts to disregard substantial interruption or change in continuity of acknowledgement and observance of traditional laws and customs where it is in the interests of justice to do so.
- ▲ any barriers imposed by the Act's authorisation and joinder provisions to claimants', potential claimants' and respondents' access to justice.

In relation to these areas and in light of the Preamble and Objects of the Act, I request that the Commission consider what, if any, changes could be made to improve the operation of Commonwealth native title laws and legal frameworks.

Scope of reference

In performing its functions in relation to this reference, the Commission should consider:

- (a) the Act and any other relevant legislation, including how laws and legal frameworks operate in practice
- (b) any relevant case law
- (c) relevant reports, reviews and inquiries regarding the native title system and the practical implementation of recommendations and findings, including the Taxation of Native Title and Traditional Owner Benefits and Governance Working Group, the Review of Native Title Organisations and the Productivity Commission inquiry into non-financial barriers to mineral and energy resource exploration
- (d) the interests of key stakeholders, and
- (e) any other relevant matter concerning the operation of the native title system.

Consultation

In undertaking this reference, the Commission should identify and consult with key stakeholders, including:

- (a) relevant Commonwealth, State, Territory and local governments, departments and agencies
- (b) the Federal Court of Australia and the National Native Title Tribunal
- (c) Indigenous groups, Native Title Representative Bodies and Native Title Service Providers, and Prescribed Bodies Corporate
- (d) industry, including the agriculture, pastoral, fisheries, and minerals and energy resources industries, and
- (e) any other relevant groups or individuals.

Timeframe for reporting

The Commission is to report by March 2015.

Dated 3 August 2013

Mark Dreyfus QC MP

Attorney-General

Review of Commonwealth laws for consistency with traditional rights, freedoms and privileges

I, Senator the Hon George Brandis QC, Attorney-General of Australia, having regard to the rights, freedoms and privileges recognised by the common law,

REFER to the Australian Law Reform Commission (ALRC) for inquiry and report pursuant to section 20(1) of the *Australian Law Reform Commission Act 1996* (Cth):

- ▲ the identification of Commonwealth laws that encroach upon traditional rights, freedoms and privileges; and
- ▲ a critical examination of those laws to determine whether the encroachment upon those traditional rights, freedoms and privileges is appropriately justified.

For the purpose of the inquiry 'laws that encroach upon traditional rights, freedoms and privileges' are to be understood as laws that:

- ▲ reverse or shift the burden of proof;
- ▲ deny procedural fairness to persons affected by the exercise of public power;
- ▲ exclude the right to claim the privilege against self-incrimination;
- ▲ abrogate client legal privilege;
- ▲ apply strict or absolute liability to all physical elements of a criminal offence;
- ▲ interfere with freedom of speech;
- ▲ interfere with freedom on religion;
- ▲ interfere with vested property rights;
- ▲ interfere with freedom of association;
- ▲ interfere with freedom of movement;
- ▲ disregard common law protection of personal reputation;
- ▲ authorise the commission of a tort;
- ▲ inappropriately delegate legislative power to the Executive;
- ▲ give executive immunities a wide application;
- ▲ retrospectively change legal rights and obligations;
- ▲ create offences with retrospective application;
- ▲ alter criminal law practices based on the principle of a fair trial;
- ▲ permit an appeal from an acquittal;

- ▲ restrict access to the courts; and
- ▲ interfere with any other similar legal right, freedom or privilege.

Scope of the reference

In undertaking this reference, the ALRC should include consideration of Commonwealth laws in the areas of, but not limited to:

- ▲ commercial and corporate regulation;
- ▲ environmental regulation; and
- ▲ workplace relations.

In considering what, if any, changes to Commonwealth law should be made, the ALRC should consider:

- ▲ how laws are drafted, implemented and operate in practice; and
- ▲ any safeguards provided in the laws, such as rights of review or other accountability mechanisms.

In conducting this inquiry, the ALRC should also have regard to other inquiries and reviews that it considers relevant.

Consultation

In undertaking this reference, the ALRC should identify and consult relevant stakeholders, including relevant Commonwealth departments and agencies, the Australian Human Rights Commission, and key non-government stakeholders.

Timeframe

The Commission is to provide its interim report by December 2014 and its final report by December 2015.

Appendix D: Advisory Committee members 2014–15

Equality, capacity and disability in Commonwealth laws

- ▲ Emeritus Professor Terry Carney, Sydney Law School, University of Sydney
- ▲ The Hon Justice Berna Collier, Federal Court of Australia
- ▲ Phillip French, Director, Australian Centre for Disability Law
- ▲ David Fintan, Corporate Counsel, Disability Care Australia
- ▲ Stephen Gianni, Acting CEO, The Australian Federation of Disability Organisations
- ▲ Damian Griffis, Executive Director, First People's Disability Network
- ▲ Graeme Innes AM, Disability Discrimination Commissioner, Australian Human Rights Commission
- ▲ Rosemary Kayess, Senior Lecturer, Australian Centre for Disability Law, University of New South Wales
- ▲ Emeritus Professor Ron McCallum AO, Sydney Law School, University of Sydney
- ▲ Christina Ryan, General Manager, Advocacy for Inclusion
- ▲ Therese Sands, Co-Chief Executive, People with Disability Australia
- ▲ Graeme Smith, Public Guardian, NSW Department of Attorney General & Justice
- ▲ Professor Cameron Stewart, Sydney Law School, University of Sydney

Review of the Native Title Act 1993

- ▲ Jason Behrendt, Legal Executive, Chalk & Fitzgerald Lawyers & Consultants
- ▲ Hans Bokelund, Chief Executive Officer, Goldfields Land and Sea Council
- ▲ Dr Valerie Cooms, Chair of the Prescribed Body Corporate, Quandamooka
- ▲ Alice Cope, Executive Manager, United Nations Global Compact Network Australia
- ▲ Professor Megan Davis, Director, Indigenous Law Centre, University of New South Wales
- ▲ Sally Davis, Senior Lawyer, Australian Government Solicitor

- ▲ Professor Mick Dodson AM, Director, National Centre for Indigenous Studies, Australian National University
- ▲ The Hon Paul Finn, former Judge, Federal Court of Australia
- ▲ Dr Jonathan Fulcher, Partner, HopgoodGanim
- ▲ Mick Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission
- ▲ Jenny Hart, Assistant Crown Solicitor, Native Title Section, Crown Solicitor's Office
- ▲ Vance Hughston SC, Windeyer Chambers
- ▲ Graeme Neate, former President, National Native Title Tribunal
- ▲ The Hon Justice Anthony North, Federal Court of Australia
- ▲ Dr David Martin, Anthropos Consulting
- ▲ The Hon Justice Nye Perram, Federal Court of Australia
- ▲ Dr Lisa Strelein, Director, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)
- ▲ Associate Professor Maureen Tehan, Associate Director, Centre for Resources, Energy and Environmental Law, University of Melbourne
- ▲ Raelene Webb QC, President, National Native Title Tribunal

Freedoms

- ▲ Professor Margaret Allars SC, Sydney Law School, University of Sydney and Wentworth Chambers
- ▲ The Hon Robert Austin, Senior Legal Consultant, Minter Ellison
- ▲ Professor Carolyn Evans, Dean, Melbourne Law School, University of Melbourne
- ▲ Associate Professor Miriam Gani, College of Law, Australian National University
- ▲ Professor the Hon William M Gummow AC, Sydney Law School, University of Sydney
- ▲ Professor Barbara McDonald, Sydney Law School, University of Sydney
- ▲ Professor Denise Meyerson, Macquarie Law School, Macquarie University
- ▲ Robert Orr PSM QC, Special Counsel, Australian Government Solicitor

- ▲ Emeritus Professor Suri Ratnapala, TC Beirne School of Law, University of Queensland
- ▲ Professor Andrew Stewart, John Bray Professor of Law, University of Adelaide
- ▲ Professor Adrienne Stone, Director, Centre for Comparative Constitutional Studies, University of Melbourne
- ▲ Bret Walker SC, St James' Hall Chambers
- ▲ Associate Professor Matthew Zagor, College of Law, Australian National University

Appendix E: Entity resource statement and resources for outcomes 2014–15

1. Entity Resource Statement 2014–15

	Actual available appropriation for 2014–15 \$'000	Payments made 2014–15 \$'000	Balance Remaining 2014–15
	(a)	(b)	(a) – (b)
Special Accounts			
Opening balance	1,325		
Appropriation receipts ¹	2,873		
Other receipts	5		
Payments made		3,015	
Total Special Account	4,203	3,015	1,188
Total net resourcing and payments for ALRC²	4,203	3,015	

1. Appropriation Act (No. 1) 2014–15, and includes an amount of \$0.56m in 2014-15 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

2. This may also include prior year departmental appropriations and section 74 Retained Revenue Receipts.

2. Resources for Outcomes

Expenses and Resources for Outcome 1

Program 1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform.	Budget	Actual Expenses	Variation
	2014–15 \$'000*	2014–15 \$'000	2014–15 \$'000
	(a)	(b)	(a) – (b)
Departmental expenses			
Departmental appropriation ¹			
Special Accounts	2,835	2,659	176
Expenses not requiring appropriation in the Budget year	43	76	(33)
Total for Programme 1	2,878	2,735	143
Outcome 1:			
Informed government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education.			
Outcome 1 Totals by appropriation type			
Departmental expenses			
Departmental Appropriation ¹			
Special Accounts	2,835	2,659	176
Expenses not requiring appropriation in the Budget year	43	76	(33)
Total expenses for Outcome 1	2,878	2,735	143
Average Staffing Level	2013-14	2014-15	
	13	12	

* Full year budget, including any subsequent adjustment made to the 2014–15 Budget.

1. Departmental Appropriation combines Ordinary annual services (Appropriation Act No. 1) and Retained Revenue Receipts under section 74 of the PGPA Act 2013.

Appendix F: Implementation activity 2014–15

The following provides an overview of activity in relation to the implementation of ALRC reports during 2014–15.

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

In April 2015, the Council of Australian Governments (COAG) agreed to finalise the model law framework for a national domestic violence order scheme by the end of 2015. The working group responsible for the scheme will report through the Law, Crime and Community Safety Council to COAG. This initiative is consistent with ALRC recommendations for a national register (Recommendation 30–18).

In May 2015, the ACT Government announced that it was beginning consultation with the community about recommendations contained in ALRC Report 114, including investigation of how police-issued family violence orders could be adopted in the ACT, and how other ALRC recommendations should be addressed.

Finally, in June 2015, the Attorney-General and the Minister Assisting the Prime Minister for Women announced that work has commenced on a National Family Violence Bench Book in response to the recommendation in ALRC Report 114 (Recommendation 31–2).

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

The ALRC recommended that the inclusion of a model family violence term should be considered in the course of the first four-yearly review of modern awards by the Fair Work Commission (Recommendation 16–7). In December 2014, the Commission held that variations to awards in relation to ‘family and domestic violence leave’ should be dealt with as common issues as part of the review.

Classification—Content Regulation and Convergent Media (ALRC Report 118, 2012)

On 11 September 2014, the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* (Cth) was enacted.

In line with ALRC recommendations, the Act amended the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) to:

- ▲ broaden the scope of existing exempt film categories and streamline exemption arrangements for festivals and cultural institutions (Recommendation 6–3);
- ▲ enable certain content to be classified using classification tools (such as online questionnaires that deliver automated decisions) (Recommendation 7–8);
- ▲ create an explicit requirement in the Act to display classification markings on all classified content (Recommendation 8–1);

- ▲ expand the exceptions to the modifications rule so that films and computer games which are subject to certain types of modifications do not require classification again (Recommendation 8–2); and
- ▲ enable the Attorney-General’s Department to notify law enforcement authorities of potential Refused Classification content without having the content classified first, to help expedite the removal of extremely offensive or illegal content from distribution (Recommendation 12–3).

Access All Ages—Older Workers and Commonwealth Laws (ALRC Report 120, 2013)

In November 2014, the Recruitment and Consulting Services Association of Australia and New Zealand announced an intention to develop an industry improvement statement aimed at countering mature age barriers to work.

This initiative responds to recommendations made in ALRC Report 120 concerning recruitment industry codes and the promotion of practice in the recruitment of mature age workers (Recommendations 4–3, 4–4).

Serious Invasions of Privacy in the Digital Era (ALRC Report 123, 2014)

In ALRC Report 123, the ALRC recommended that, if a statutory cause of action for serious invasion of privacy is not enacted, legislation should provide that, in an action for breach of confidence concerning a serious invasion of privacy by the misuse, publication or disclosure of private information, the court may award compensation for the plaintiff’s emotional distress (Recommendation 13–1).

While the ALRC recommended legislative reform, it recognised the possible trajectory of the common law in the same direction.

Subsequently, in January 2015, the Supreme Court of Western Australia, in *Wilson v Ferguson* [2015] WASC 15 (Mitchell J) found that the plaintiff in a case involving ‘revenge porn’ should be awarded equitable compensation ‘for the damage she has sustained in the form of significant embarrassment, anxiety and distress’. This case is an example of the way in which ALRC reports may influence the development of the common law.

The ALRC report was also mentioned in a recent English Court of Appeal decision in *Google v Vidal-Hall* [2015] EWCA Civ 311, where the Court discussed whether the English action for invasion of privacy should be classified as a tort. The Court concluded that misuse of private information should be recognised as a tort.

Appendix G: Implementation status of ALRC reports

Table 12: Implementation status of ALRC reports 2014–15

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 126	<i>Connection to Country: Review of the Native Title Act 1993 (Cth)</i>	4 June 2015		UNDER CONSIDERATION
ALRC 124	<i>Equality, Capacity and Disability in Commonwealth Laws</i>	24 November 2014		UNDER CONSIDERATION
ALRC 123	<i>Serious Invasions of Privacy in the Digital Era</i>	3 September 2014		UNDER CONSIDERATION
ALRC 122	<i>Copyright and the Digital Economy</i>	13 February 2014		UNDER CONSIDERATION
ALRC 120	<i>Access All Ages—Older Workers and Commonwealth Laws</i>	30 May 2013	Fair Work Commission, <i>Statement [2014] FWC 8583</i> ; <i>Fair Work Amendment Act 2013 (Cth)</i>	PARTIAL
ALRC 118	<i>Classification—Content Regulation and Convergent Media</i>	1 March 2012	<i>Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014 (Cth)</i>	SUBSTANTIAL
ALRC 117	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i>	7 February 2012	<i>Fair Work Amendment Act 2013 (Cth)</i> ; <i>Guide to Social Security Law; Migration Legislation Amendment Regulation 2012 (No. 5) (Cth)</i>	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i>	25 May 2011	<i>Access to Justice (Federal Jurisdiction) Amendment Act 2012 (Cth)</i> ; <i>Federal Court Rules 2011 (Cth)</i> ; Federal Court Practice Notes CM 5 and 6	SUBSTANTIAL
ALRC 114	<i>Family Violence: A National Legal Response</i>	11 November 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 March 2010		AWAITING RESPONSE
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i>	10 February 2010		AWAITING RESPONSE
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 August 2008	<i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i> ; <i>Combating the Financing of People Smuggling and Other Measures Act 2011 (Cth)</i> ; <i>Healthcare Identifiers Act 2010 (Cth)</i>	SUBSTANTIAL
ALRC 107	<i>Privilege in Perspective: Client Legal Privilege in Federal Investigations</i>	13 February 2008		NIL
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i>	13 December 2006	<i>National Security Legislation Amendment Act 2010 (Cth)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 103	Same Crime, Same Time: Sentencing of Federal Offenders	22 June 2006	Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Cth); federal sentencing database	PARTIAL
ALRC 102	Uniform Evidence Law	8 February 2006	Evidence Act 2011 (ACT); Evidence (National Uniform Legislation) Act 2011 (NT); Evidence Amendment Act 2008 (Cth); Evidence Act 2008 (Vic); Statutes Amendment (Evidence and Procedure) Act 2008 (SA); Evidence Amendment (Journalists' Privilege) Act 2007 (Cth); Evidence Amendment Act 2007 (NSW)	SUBSTANTIAL
ALRC 99	Genes and Ingenuity: Gene Patenting and Human Health	31 August 2004	Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (Cth); House of Representatives Standing Committee on Legal and Constitutional Affairs, Review of Technological Protection Measures Exceptions (2006)	SUBSTANTIAL
ALRC 98	Keeping Secrets: The Protection of Classified and Security Sensitive Information	23 June 2004	National Security Information Legislation Amendment Act 2005 (Cth); National Security Information (Criminal and Civil Proceedings) Act 2004 (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
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)</i> ; National Health and Medical Research Council Guidelines on the provision of genetic information to relatives (2009); <i>Section 95AA Guidelines For National Privacy Principles About Genetic Information</i> ; National Pathology Accreditation Advisory Council, <i>Classification of Human Genetic Testing 2007 Edition</i> (2007); <i>National Statement on Ethical Conduct in Human Research</i> (2007); <i>Privacy Legislation Amendment Act 2006 (Cth)</i> ; Human Genetics Advisory Committee established (2006); IFSA Standards <i>Genetic Information and Family Medical History</i> (2005); <i>Family Law Regulations 2004 (Cth)</i> ; <i>Crimes Legislation Enhancement Act 2003 (Cth)</i>	SUBSTANTIAL
ALRC 95	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i>	19 March 2003	<i>A Guide To Framing Commonwealth Offences, Civil Penalties And Enforcement Powers</i> (2004)	PARTIAL
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation</i>	2 October 2001	<i>Family Law Amendment Act 2005 (Cth)</i> ; <i>High Court Rules 2004</i> ; <i>Jurisdiction of Courts Legislation Amendment Act 2002 (Cth)</i> ; <i>Supreme Court Amendment Act 2001 (ACT)</i>	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 91	<i>Review of the Marine Insurance Act 1909</i>	22 May 2001	<i>Financial Services Reform (Consequential Provisions) Act 2001</i> (Cth)	PARTIAL
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 February 2000	<i>Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012</i> (Cth); <i>Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009</i> (Cth); <i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i> (Cth); 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); 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)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	15 June 1999	<i>Proceeds of Crime Act 2002 (Cth)</i>	SUBSTANTIAL
ALRC 85	<i>Australia's Federal Record: A Review of the Archives Act 1983</i>	2 July 1998	<i>Archives Amendment Act 2008 (Cth)</i> ; <i>Census Information Legislation Amendment Act 2000 (Cth)</i> ; E-Permanence Strategy	PARTIAL
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	19 November 1997	<i>Evidence Amendment Act 2008 (Cth)</i> ; <i>Measures to Combat Serious and Organised Crime Act 2001 (Cth)</i> ; <i>NSW Law Society, Representation Principles for Children's Lawyers (2000)</i> ; increase of age of criminal responsibility to 10— <i>Children and Young People Act 1999 (ACT)</i> ; <i>Justice Act 1997 (Tas)</i>	PARTIAL
ALRC 82	<i>Integrity: But Not by Trust Alone: AFP & NCA Complaints and Disciplinary Systems</i>	10 December 1996	<i>Law Enforcement Integrity Commissioner Act 2006 (Cth)</i> ; <i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006 (Cth)</i>	SUBSTANTIAL
ALRC 80	<i>Legal Risk in International Transactions</i>	8 October 1996	<i>Cross Border Insolvency Act 2008 (Cth)</i> ; <i>Electronic Transactions Act 2000 (Cth)</i> —complementary legislation in all states and territories.	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 79	Making Rights Count: Services for People with a Disability	10 October 1996	Disability Services Amendment (Improved Quality Assurance) Act 2002 (Cth)	PARTIAL
ALRC 78	Beyond the Door Keeper: Standing to Sue for Public Remedies	30 May 1996		NIL
ALRC 77	Open Government: A Review of the Federal Freedom of Information Act 1982	24 January 1996	Australian Information Commissioner Act 2010 (Cth); Freedom of Information Amendment (Reform) Act 2010 (Cth); Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 (Cth)	SUBSTANTIAL
ALRC 75	Costs Shifting—Who Pays for Litigation	25 October 1995	Migration Litigation Reform Act 2005 (Cth)	PARTIAL
ALRC 74	Designs	31 August 1995	Designs Act 2003 (Cth)	SUBSTANTIAL
ALRC 73	For the Sake of the Kids: Complex Contact Cases and the Family Court	20 June 1995	Family Law Reform Act 1995 (Cth)	SUBSTANTIAL
ALRC 72	The Coming of Age: New Aged Care Legislation for the Commonwealth	8 March 1995	Aged Care Act 1997 (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 70	<i>Child Care for Kids: Review of Legislation Administered by Department of Human Services and Health</i>	8 November 1994	<i>Child Care Legislation Amendment Act 1998 (Cth)</i>	PARTIAL
ALRC 69	<i>Equality Before the Law: Part I: Justice for Women Part II: Women's Equality</i>	25 July 1994 21 December 1994	<i>Sex Discrimination Amendment Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Domestic Violence Act 1995 (Norfolk Is)</i>	SUBSTANTIAL
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i>	29 June 1994	<i>Trade Practices Amendment (No 1) Act 2001 (Cth)</i>	PARTIAL
ALRC 67 (Interim)	<i>Equality Before the Law: Women's Access to the Legal System</i>	3 March 1994	see ALRC 69	SUBSTANTIAL
ALRC 65	<i>Collective Investments: Other People's Money</i>	30 September 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

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 63	Children's Evidence: Closed Circuit TV	26 May 1993	Crimes Amendment (Children's Evidence) Act 1996 (NSW); Evidence (Closed-Circuit Television) (Amendment) Act 1994 (ACT)	SUBSTANTIAL
ALRC 61	Administrative Penalties in Customs and Excise	9 September 1992		NIL
ALRC 60	Customs and Excise	7 May 1992	Customs Amendment Act (No 1) 1997 (Cth); Customs Excise and Bounty Amendment Act 1995 (Cth)	PARTIAL
ALRC 59	Collective Investments: Superannuation	28 April 1992	Superannuation Industry (Supervision) Act 1993 (Cth); Superannuation Resolution of Complaints Act 1993 (Cth)	SUBSTANTIAL
ALRC 58	Choice of Law	28 May 1992	Choice of Law (Limitation Periods) Act 1994 (WA); Choice of Law (Limitation Periods) Act 1994 (NT); Choice of Law (Limitation Periods) Act 1993 (NSW); Choice of Law (Limitation Periods) Act 1993 (Vic)	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 57	<i>Multiculturalism and the Law</i>	28 April 1992	<i>Evidence Act 1995 (Cth)</i> ; <i>Evidence Act 1995 (NSW)</i> ; <i>Racial Hatred Act 1995 (Cth)</i> ; <i>Family Law Reform Act 1995 (Cth)</i> ; <i>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 September 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 December 1989	<i>Guardianship and Management of Property Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 51	<i>Product Liability</i>	15 August 1989	Alternative option implemented by <i>Trade Practices Amendment Act 1992 (Cth)</i>	NIL
ALRC 50	<i>Informed Decisions About Medical Procedures</i>	21 November 1989	National Health and Medical Research Council Guidelines on the provision of information to patients	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 48	<i>Criminal Admiralty Jurisdiction and Prize</i>	27 November 1990	<i>Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999 (Cth)</i> ; <i>Crimes Legislation Amendment Act 1992 (Cth)</i> ; <i>Crimes (Ships and Platforms) Act 1992 (Cth)</i>	SUBSTANTIAL
ALRC 47	<i>Community Law Reform for the ACT: 3rd Report—Enduring Powers of Attorney</i>	6 April 1989	<i>Property Law Amendment Act 1990 (Qld)</i> ; <i>Powers of Attorney (Amendment) Act 1989 (ACT)</i>	SUBSTANTIAL
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	13 December 1988	<i>Federal Court (Amendment) Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC 45	<i>General Insolvency Inquiry</i>	13 December 1988	<i>Bankruptcy Legislation Amendment Act 1996 (Cth)</i> ; <i>Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth)</i> ; <i>Corporate Law Reform Act 1992 (Cth)</i>	SUBSTANTIAL
ALRC 44	<i>Sentencing</i>	25 August 1988	<i>Periodic Detention Act 1995 (ACT)</i> ; <i>Crimes Legislation Act (No 2) 1993 (ACT)</i> ; <i>Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	24 March 1988	Interim report—see ALRC 44	PARTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 42	<i>Occupiers' Liability</i>	13 April 1988	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 40	<i>Service and Execution of Process</i>	9 December 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 September 1987	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC 38	<i>Evidence</i>	5 June 1987	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW)</i>	SUBSTANTIAL
ALRC 37	<i>Spent Convictions</i>	3 June 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 October 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

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 35	Contempt	3 June 1987	Family Law Amendment Act 1989 (Cth)	PARTIAL
ALRC 33	Civil Admiralty Jurisdiction	2 December 1986	Admiralty Act 1988 (Cth)	SUBSTANTIAL
ALRC 32	Community Law Reform for the ACT: 2nd Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework	23 October 1986	Law Reform (Miscellaneous Provisions) (Amendment) Act (No 2) 1991 (ACT)	SUBSTANTIAL
ALRC 31	The Recognition of Aboriginal Customary Laws	12 June 1986	Evidence Act 1995 (Cth); Crimes and Other Legislation Amendment Act 1994 (Cth); Native Title Act 1993 (Cth); Safety and Rehabilitation and Compensation Act 1988 (Cth) s 4; Adoption legislation in NSW, NT, SA, Vic; De Facto Relationships Act 1984 (NSW); Administration and Probate Act 1979 (NT); Family Provision Act 1970 (NT); Child Placement Principle—see child welfare laws in each state and territory	PARTIAL
ALRC 30	Domestic Violence	20 March 1986	Domestic Violence Amendment Act 1991 (ACT); Domestic Violence Act 1986 (ACT)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
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 November 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 November 1985	See ALRC 78	NIL
ALRC 26 (Interim)	<i>Evidence</i>	21 August 1985	See ALRC 38	SUBSTANTIAL
ALRC 24	<i>Foreign State Immunity</i>	10 October 1984	<i>Foreign States Immunities Act 1985 (Cth)</i>	SUBSTANTIAL
ALRC 22	<i>Privacy</i>	14 December 1983	<i>Privacy Act 1988 (Cth); Telecommunications (Interception) Amendment Act 1987 (Cth)</i>	SUBSTANTIAL
ALRC 20	<i>Insurance Contracts</i>	16 December 1982	<i>Insurance Contracts Act 1984 (Cth)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 18	Child Welfare	12 November 1981	Children's Services Act 1988 (ACT)	SUBSTANTIAL
ALRC 16	Insurance Agents and Brokers	11 September 1980	Insurance (Agents and Brokers) Act 1984 (Cth)	SUBSTANTIAL
ALRC 15 (Interim)	Sentencing of Federal Offenders	21 May 1980	Criminal Injuries Compensation Act 1983 (ACT); Crimes Amendment Act 1982 (Cth); Crimes Compensation Act 1982 (NT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)	PARTIAL
ALRC 14	Lands Acquisition and Compensation	22 April 1980	Lands Acquisition Act 1989 (Cth); Lands Acquisition Act 1978 (NT)	SUBSTANTIAL
ALRC 12	Privacy and the Census	15 November 1979	Census and Statistics Amendment Act 1981 (Cth)	SUBSTANTIAL
ALRC 11	Unfair Publication: Defamation and Privacy	7 June 1979		NIL
ALRC 9	Complaints against Police (Supplementary Report)	9 June 1978	See ALRC 1	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2014–15 (continued)

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

Appendix H: Citations of ALRC reports in major court decisions

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15

ALRC report	Cases
<i>Alcohol, Drugs and Driving</i> (ALRC Report 4, 1976)	<ul style="list-style-type: none"> ▲ <i>Burow v Hoyer</i> [2015] ACTSC 21 (Supreme Court of the ACT)
<i>Human Tissue Transplants</i> (ALRC Report 7, 1977)	<ul style="list-style-type: none"> ▲ <i>Roblin v The Public Trustee for the Australian Capital Territory and Labservices Pty Limited as trustee of the Labservices Unit Trust trading as The Canberra Fertility Centre</i> [2015] ACTSC 100 (Supreme Court of the ACT)
<i>Lands Acquisition and Compensation</i> (ALRC Report 14, 1980)	<ul style="list-style-type: none"> ▲ <i>Sleeman & Anor v SPI Electricity Pty Ltd</i> [2014] VSCA 243 (Supreme Court of Victoria, Court of Appeal)
<i>Insurance Contracts</i> (ALRC Report 20, 1982)	<ul style="list-style-type: none"> ▲ <i>Lambert Leasing Inc. v QBE Insurance Ltd</i> [2015] NSWSC 750 (Supreme Court of NSW) ▲ <i>Matton Developments Pty Ltd v CGU Insurance Limited (No 2)</i> [2015] QSC 72 (Supreme Court of Queensland) ▲ <i>Sienkiewicz (As Trustee for the Sienkiewicz Superannuation Fund) v Salisbury Group Pty Limited (in Liquidation) (No 2)</i> [2015] FCA 147 (Federal Court of Australia) ▲ <i>The Hancock Family Memorial Foundation Ltd v Lowe</i> [2015] WASCA 38 (Supreme Court of Western Australia) ▲ <i>Guild Insurance Ltd v Hepburn</i> [2014] NSWCA 400 (Supreme Court of NSW, Court of Appeal) ▲ <i>Maxwell v Highway Hauliers Pty Ltd</i> [2014] HCA 33 (High Court of Australia)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Foreign State Immunity</i> (ALRC Report 24, 1984)</p>	<ul style="list-style-type: none"> ▲ <i>Firebird Global Master Fund II Ltd v Republic of Nauru</i> [2014] NSWCA 360 (Supreme Court of NSW, Court of Appeal) ▲ <i>Firebird Global Master Fund II Ltd v Republic of Nauru</i> [2014] NSWSC 1358 (Supreme Court of NSW)
<p><i>Evidence (Interim)</i> (ALRC Report 26, 1985)</p>	<ul style="list-style-type: none"> ▲ <i>Crosswell v Tasmania</i> [2015] TASCCA 14 (Supreme Court of Tasmania, Court of Criminal Appeal) ▲ <i>Fletcher v The Queen</i> [2015] VSCA 146 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Tuite v The Queen</i> [2015] VSCA 148 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Keys v Salway</i> [2015] NSWSC 613 (Supreme Court of NSW) ▲ <i>Herrick v Knowles (No 2)</i> [2015] NSWSC 54 (Supreme Court of NSW) ▲ <i>Murrell v The Queen</i> [2014] VSCA 334 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Spencer v Commonwealth of Australia</i> [2014] FCA 1288 (Federal Court of Australia) ▲ <i>Harricks & Harricks</i> [2014] FCCA 2724 (Federal Circuit Court of Australia) ▲ <i>DPP (Cth) v Galloway (a pseudonym) & Ors</i> [2014] VSCA 272 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Barton v Lake Macquarie City Council</i> [2014] FCA 1103 (Federal Court of Australia) ▲ <i>The Council of the New South Wales Bar Association v Franklin</i> [2014] NSWCA 329 (Supreme Court of NSW, Court of Appeal) ▲ <i>R v Holliday</i> [2014] ACTSC 265 (Supreme Court of the ACT)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Evidence</i> (Interim) (ALRC Report 26, 1985) (continued)</p>	<ul style="list-style-type: none"> ▲ <i>Herrick v Knowles</i> [2014] NSWSC 1223 (Supreme Court of NSW) ▲ <i>Greenway v Teoh</i> [2014] ACTSC 224 (Supreme Court of the ACT) ▲ <i>Macquarie International Health Clinic Pty Ltd v Sydney Local Health District Sydney Local Health District v Macquarie Health Corporation Ltd</i> (No 5) [2014] NSWSC 1105 (Supreme Court of NSW) ▲ <i>Power v The Queen</i> [2014] VSCA 146 (Supreme Court of Victoria, Court of Appeal)
<p><i>Recognition of Aboriginal Customary Laws</i> (ALRC Report 31, 1986)</p>	<ul style="list-style-type: none"> ▲ <i>Eatts v Gundy</i> [2014] QCA 309 (Supreme Court of Queensland, Court of Appeal) ▲ <i>Talbot v Malogorski</i> [2014] NTSC 54 (Supreme Court of the Northern Territory)
<p><i>Civil Admiralty Jurisdiction</i> (ALRC Report 33, 1986)</p>	<ul style="list-style-type: none"> ▲ <i>Virtu Fast Ferries Ltd v The Ship 'Cape Leveque'</i> [2015] FCA 324 (Federal Court of Australia) ▲ <i>Samson Maritime Pty Ltd v Aucote</i> [2014] FCAFC 182 (Federal Court of Australia, Full Court) ▲ <i>Programmed Total Marine Services Pty Ltd v Ships 'Hako Endeavour', 'Hako Excel' and 'Hako Esteem'</i> [2014] FCAFC 134 (Federal Court of Australia, Full Court)
<p><i>Spent Convictions</i> (ALRC Report 37, 1987)</p>	<ul style="list-style-type: none"> ▲ <i>Kocic v Commissioner of Police NSW Police Force</i> [2014] NSWCA 368 (Supreme Court of NSW, Court of Appeal)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Evidence</i> (ALRC Report 38, 1987)</p>	<ul style="list-style-type: none"> ▲ <i>Tuite v The Queen</i> [2015] VSCA 148 (Supreme Court of Victoria, Court of Appeal) ▲ <i>DPP (Cth) v Galloway (a pseudonym) & Ors</i> [2014] VSCA 272 (Supreme Court of Victoria, Court of Appeal) ▲ <i>R v Sumpton</i> [2014] NSWSC 1432 (Supreme Court of NSW) ▲ <i>Power v The Queen</i> [2014] VSCA 146 (Supreme Court of Victoria, Court of Appeal)
<p><i>General Insolvency Inquiry</i> (ALRC Report 45, 1988)</p>	<ul style="list-style-type: none"> ▲ <i>Australian Gypsum Industries Pt Ltd v Dalesun Holdings Pty Ltd</i> [2015] WASCA 95 (Supreme Court of Western Australia, Court of Appeal) ▲ <i>Enviro Systems Renewable Resources Ltd (Receivers & Managers Appointed) v Westpac Banking Corporation</i> [2015] SASC 59 (Supreme Court of South Australia) ▲ <i>Smith v Boné, in the matter of ACN 002 864 002 Pty Ltd (in liq)</i> [2015] FCA 319 (Federal Court of Australia) ▲ <i>Grant Samuel Corporate Finance Pty Limited v Fletcher JPMorgan Chase Bank, National Association v Fletcher</i> [2015] HCA 8 (High Court of Australia) ▲ <i>Yarrowonga Earthmoving & Garden Supplies Pty Ltd v Clem Court Pty Ltd</i> [2014] VSC 439 (Supreme Court of Victoria)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Grouped Proceedings in the Federal Court</i> (ALRC Report 46, 1988)</p>	<ul style="list-style-type: none"> ▲ <i>Clarke (as trustee of the Clarke Family Trust) & Ors v Great Southern Finance Pty Ltd (Receivers and Managers Appointed) (in liquidation) & Ors</i> [2014] VSC 516 (Supreme Court of Victoria) ▲ <i>Liesfield v Ausnet Electricity Services Pty Ltd & Ors</i> (Ruling No 4) [2014] VSC 496 (Supreme Court of Victoria) ▲ <i>Cash Converters International Limited v Gray</i> [2014] FCAFC 111 (Federal Court of Australia, Full Court)
<p><i>Collective Investments: Other People's Money</i> (ALRC Report 65, 1993)</p>	<ul style="list-style-type: none"> ▲ <i>Clarke (as trustee of the Clarke Family Trust) & Ors v Great Southern Finance Pty Ltd (Receivers and Managers Appointed) (in liquidation) & Ors</i> [2014] VSC 516 (Supreme Court of Victoria) ▲ <i>Australian Securities and Investments Commission v Australian Property Custodian Holdings Limited (Receivers and Managers appointed) (in liquidation) (Controllers appointed)</i> [2014] FCA 1308 (Federal Court of Australia) ▲ <i>Wellington Capital Limited v Australian Securities and Investments Commission</i> [2014] HCA 43 (High Court of Australia)
<p><i>Costs Shifting—Who Pays for Litigation</i> (ALRC Report 75, 1995)</p>	<ul style="list-style-type: none"> ▲ <i>Hancock Coal Pty Ltd v Cassoni (No.5)</i> [2014] QLC 33 (Land Court of Queensland)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Confiscation That Counts: A Review of the Proceeds of Crime Act 1987</i> (ALRC Report 87, 1999)</p>	<ul style="list-style-type: none"> ▲ <i>Director of Public Prosecutions v Close and Close</i> [2015] ACTSC 10 (Supreme Court of the ACT) ▲ <i>R v Host</i> [2015] WASCA 23 (Supreme Court of Western Australia, Court of Appeal)
<p><i>Managing Justice: A Review of the Federal Civil Justice System</i> (ALRC Report 89, 2000)</p>	<ul style="list-style-type: none"> ▲ <i>Baghti & Banis And Ors</i> [2015] FamCA 302 (Family Court of Australia) ▲ <i>Clarke (as trustee of the Clarke Family Trust) & Ors v Great Southern Finance Pty Ltd (Receivers and Managers Appointed) (in liquidation) & Ors</i> [2014] VSC 516 (Supreme Court of Victoria) ▲ <i>Monto Coal 2 Pty Ltd & Ors v Sanrus Pty Ltd as trustee of the QC Trust & Ors</i> [2014] QCA 267 (Supreme Court of Queensland, Court of Appeal) ▲ <i>Lister & Lister</i> [2014] FamCA 606 (Family Court of Australia)
<p><i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i> (ALRC Report 95, 2003)</p>	<ul style="list-style-type: none"> ▲ <i>Fair Work Ombudsman v Cuts Only The Original Barber Pty Ltd & Ors</i> [2014] FCCA 2381 (Federal Circuit Court of Australia) ▲ <i>Construction, Forestry, Mining and Energy Union v Director of Fair Work Building Industry Inspectorate</i> [2014] FCAFC 101 (Federal Court of Australia, Full Court)
<p><i>Genes and Ingenuity: Gene Patenting and Human Health</i> (ALRC Report 99, 2004)</p>	<ul style="list-style-type: none"> ▲ <i>D'Arcy v Myriad Genetics Inc</i> [2014] FCAFC 115 (Federal Court of Australia, Full Court)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Uniform Evidence Law</i> (ALRC Report 102, 2006)</p>	<ul style="list-style-type: none"> ▲ <i>Tuite v The Queen</i> [2015] VSCA 148 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Australian Institute of Fitness Pty Limited v Australian Institute of Fitness (Vic/Tas) Pty Limited</i> [2015] NSWSC 635 (Supreme Court of NSW) ▲ <i>R v Simmons (No 7)</i> [2015] NSWSC 574 (Supreme Court of NSW) ▲ <i>Pate (a pseudonym) v The Queen</i> [2015] VSCA 110 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Verryt v Schoupp</i> [2015] NSWCA 128 (Supreme Court of NSW, Court of Appeal) ▲ <i>R v PW (No 2)</i> [2015] ACTSC 92 (Supreme Court of the ACT) ▲ <i>Sio v R</i> [2015] NSWCCA 42 (Supreme Court of NSW, Court of Criminal Appeal) ▲ <i>Audsley v The Queen</i> [2014] VSCA 321 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Oakley v Hyslop</i> [2014] ACTSC 314 (Supreme Court of the ACT) ▲ <i>JCS v Tasmania</i> [2014] TASSCA 6 (Supreme Court of Tasmania, Court of Criminal Appeal) ▲ <i>DPP (Cth) v Galloway (a pseudonym) & Ors</i> [2014] VSCA 272 (Supreme Court of Victoria, Court of Appeal) ▲ <i>DC Payments Australasia v Vic Hotel Pty Ltd and Ors</i> [2014] VSC 535 (Supreme Court of Victoria)
<p><i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006)</p>	<ul style="list-style-type: none"> ▲ <i>Atanackovic v The Queen</i> [2015] VSCA 136 (Supreme Court of Victoria, Court of Appeal)

Table 13: Citations of ALRC reports in court and tribunal decisions 2014–15 (continued)

ALRC report	Cases
<p><i>Family Violence: A National Legal Response</i> (ALRC Report 114, 2010)</p>	<ul style="list-style-type: none"> ▲ <i>O’Toole & Noakes</i> [2015] FCCA 497 (Federal Circuit Court of Australia)
<p><i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115, 2011)</p>	<ul style="list-style-type: none"> ▲ <i>Harwood v The Trustee of the Property of John Mervyn Harwood</i> [2015] FCCA 1058 (Federal Circuit Court of Australia) ▲ <i>Smythe v Burgman</i> [2015] NSWSC 150 (Supreme Court of NSW) ▲ <i>Clarke (as trustee of the Clarke Family Trust) & Ors v Great Southern Finance Pty Ltd (Receivers and Managers Appointed) (in liquidation) & Ors</i> [2014] VSC 516 (Supreme Court of Victoria)
<p><i>Classification—Content Regulation and Convergent Media</i> (ALRC Report 118, 2012)</p>	<ul style="list-style-type: none"> ▲ <i>Tennant and Australian Broadcasting Corporation</i> [2014] AATA 452 (Administrative Appeals Tribunal of Australia)
<p><i>Serious Invasions of Privacy in the Digital Era</i> (ALRC Report 123, 2014)</p>	<ul style="list-style-type: none"> ▲ <i>DPP v Kaba</i> [2014] VSC 52 (Supreme Court of Victoria)

Appendix I: Presentations and articles written for external publications

Table 14: *Presentations 2014–15*

<i>Presenter</i>	<i>Name of event</i>	<i>Title of presentation</i>	<i>Date</i>	<i>Location</i>
Justine Clarke	Supreme Court of NSW Tipstaves' and Researchers' Conference	Careers panel—discussant	1 August 2014	Sydney
Barbara McDonald	King & Wood Malleons	Private Lives, Public Spheres: Delineating Rights to Privacy in the Digital Era	20 August 2014	Sydney
Barbara McDonald	UTS Law Students Society Speaker Series	Technology and the Law: The Right to be Forgotten	21 August 2014	Sydney
Barbara McDonald	Australian Internet Governance Forum	The Emerging Tort of Privacy	27 August 2014	Melbourne
Barbara McDonald	CAMLA Privacy Law Update	Reforming Privacy Law	27 August 2014	Melbourne
Justine Clarke	Careers in the Law: Law Reform	Careers panel—discussant	27 August 2014	Sydney
Rosalind Croucher	Launch of the Disability Report	Equality, Capacity and Disability in Commonwealth Laws—launch of ALRC Report 124	11 December 2014	Sydney

Table 14: Presentations 2014–15 (continued)

Presenter	Name of event	Title of presentation	Date	Location
Rosalind Croucher	Australia India Youth Dialogue	Governance and Public Policy	28 January 2015	Sydney
Rosalind Croucher	Law Council, Business Law Section, Media and Communications Sub-Committee	The ALRC's Freedoms Inquiry	4 February 2015	Sydney
Rosalind Croucher	National Access to Justice and Pro Bono Conference	Justice and Freedom in Times of Terror—the ALRC's Freedoms Inquiry, Keynote speaker & panel discussion	19 June 2015	Sydney
Rosalind Croucher	National Access to Justice and Pro Bono Conference	Forgotten Freedoms—the ALRC's Freedoms Inquiry, panel presentation	19 June 2015	Sydney

Table 15: Articles written for external publications 2014–15

Author	Name of article	Name of publication	Date
Rosalind Croucher	'Towards a common legislative base for inquiries'	<i>Royal Commissions & Public Inquiries: Practice & Potential</i> , S Prasser and H Tracey (eds), Connor Court Publishing, 2014, 8–22	2014

Table 15: Articles written for external publications 2014–15 (continued)

Author	Name of article	Name of publication	Date
Rosalind Croucher	'Family law: challenges for responding to family violence in a federal system'	<i>Families, policy and the law: Selected essays on contemporary issues for Australia</i> , A Hayes and D Higgins (eds), Australian Institute of Family Studies, 2014, 207–214	2014
Rosalind Croucher	Review of Reforming Law Reform: <i>Perspectives from Hong Kong and Beyond</i> , M Tilbury, SNM Young and L Ng (eds), Hong Kong University Press, 2014	(2014) 44(1) <i>Hong Kong Law Journal</i> , 349–368	2014
Rosalind Croucher	'A Review Essay—Defending Independence' A review of <i>Reforming Law Reform: Perspectives from Hong Kong and Beyond</i> , M Tilbury, SNM Young and L Ng (eds), Hong Kong University Press, 2014	(2014) 34(3) <i>Legal Studies: The Journal of the Society of Legal Scholars</i> , 515–535	September 2014
Rosalind Croucher	'ALRC Inquiry into Freedoms'	<i>Free Speech 2014, Symposium papers</i> , Australian Human Rights Commission, 2014, 6–9	December 2014

Appendix J: ALRC newsroom 2014–15

The ALRC monitors the media for references to the Commission and its inquiries. This list is not comprehensive.

- ▲ Native title review finds process slow, resource intensive and inflexible | The Guardian—29 June 2015
- ▲ Supported decision making YES! But what role for substitute decision-making? | NSW CID Blog—25 June 2015
- ▲ Sex Party bid to legalise sale of X 18+ porn films in Victoria to stop sexually violent movies | Herald Sun—25 June 2015
- ▲ The Senate Has Passed The Government's Site-Blocking Bill; Here's What That Means For You | Junkee—23 June 2015
- ▲ The Pirate Bay faces block as anti-piracy bill passes | The Australian—23 June 2015
- ▲ Labor waves piracy site-blocking Bill through Australian Senate, despite concerns | ZDNet—22 June 2015
- ▲ Village Roadshow's long fury road to blocking piracy sites | ZDNet—22 June 2015
- ▲ Website blocking 'lazy and dangerous': Greens | CIO—22 June 2015
- ▲ Unelected officials are stifling our democratic freedoms | Brisbane Times—21 June 2015
- ▲ Bench Book to help judges with DV case consistency | Rockhampton Morning Bulletin—19 June 2015
- ▲ New 'Bench Book' to beat family violence | PS News—19 June 2015
- ▲ Bench Book to help judges with DV case consistency | Byron Shire News—19 June 2015
- ▲ Dallas Buyers Club wants to know torrenters' wage and download history | ZDNet—18 June 2015
- ▲ Greens call for delay of anti-piracy 'Internet filter' | Computerworld—18 June 2015
- ▲ Website blocking laws passed | CSO—17 June 2015
- ▲ Native Title review tabled in parliament | National Indigenous News Service—11 June 2015
- ▲ Africa's worst new Internet Censorship Law: Everything you don't want to know—but need to | Daily Maverick—10 June 2015
- ▲ Australian Law Reform Commission recommendations for reform of the Native Title Act | Indigenous.gov.au—9 June 2015

- ▲ National Family Violence Bench Book | A-G media release—9 June 2015
- ▲ Industry queries Australian Securities and Investments Commission plan to punish company chiefs | Herald Sun—9 June 2015
- ▲ Orphan Works and Mass Digitization: A Report of the Register of Copyrights | US Copyright Office—June 2015
- ▲ Apparent Government Response to Family Domestic Violence in 2013 | Violence Hurts—7 June 2015
- ▲ Draft online policy not plagiarised | Channel24—29 May 2015
- ▲ The right to discriminate is just a cover for prejudice | Sydney Morning Herald—25 May 2015
- ▲ Kirby awarded honorary doctorate | Lawyers Weekly—22 May 2015
- ▲ MCV Pacific Women In Games: Jane Fitzgerald, Kathryn Reidy, Michele Reddy | MCV Pacific—18 May 2015
- ▲ PS awards for ICT excellence | PS news—15 May 2015
- ▲ Federal Government reviews Integrated Public Number Database | ARN—8 May 2015
- ▲ Privacy law and young people | The Lawyer—5 May 2015
- ▲ AFP guidelines on death penalty cases too weak, legal experts warn | Sydney Morning Herald—1 May 2015
- ▲ Ed Husic: Abbott government's anti-piracy crackdown sidesteps the real issue | Sydney Morning Herald—30 April 2015
- ▲ The relevant standard of the 'Informed User' for Designs in Australia after Multisteps | Madderns—10 April 2015
- ▲ Reform or transform? NZ and Australian Customs laws change in different ways | Lexology—7 April 2015
- ▲ ASIC seeks to cut probe delays from client legal privilege | The Australian—6 April 2015
- ▲ Community action to drive family violence law reforms | Chief Minister, Treasury and Economic Development Directorate—2 April 2015
- ▲ ACT government to strengthen domestic violence laws | Canberra Times—1 April 2015
- ▲ IP in depth: patentable biotechnology—a comparative analysis of key markets | Lexology—31 March 2015
- ▲ Government remains committed to failed income management scheme | Green Left Weekly—27 March 2015

- ▲ Protecting your image online: how to stop unauthorised use and disclosure | Lexology—23 March 2015
- ▲ Australian game classification gets much-needed streamlining with international rating tool | Sydney Morning Herald—19 March 2015
- ▲ Grant Samuel & Ors v Fletcher & Ors 2015 HCA 8 | Lexology—18 March 2015
- ▲ Cancel the inquiries: we don't need more reports on domestic violence | The Conversation—12 March 2015
- ▲ Is invasion of privacy actionable? The rise of breach of confidence | Clayton Utz—11 March 2015
- ▲ Australia to Take Part in Trial of New Game Classification Tool | NZGamer.com—11 March 2015
- ▲ Australia to trial new games classification tool | Stuff.co.nz—11 March 2015
- ▲ Data retention bill 'far too intrusive', says new Press Council chair David Weisbrot | The Guardian—9 March 2015
- ▲ Number of women appointed to the bench has stalled | Australian Financial Review—6 March 2015
- ▲ Data deal—mandatory data breach notification laws introduced as trade-off for controversial metadata retention regime | Lexology—6 March 2015
- ▲ Web story: David and The Australian | Media Watch (ABC)—2 March 2015
- ▲ PJCIS pushes for mandatory data breach notification | iTnews.com.au—27 February 2015
- ▲ New Aussie Firm Life Letters Launches Carrier, PGx Testing for Consumers | GenomeWeb—25 February 2015
- ▲ New pre-conception test checks potential parents for 145 genetic disorders | Sydney Morning Herald—25 February 2015
- ▲ Australia's Proposed Copyright Alert System Allows Rightsholders to Spy on Users | Electronic Frontier Foundation—24 February 2015
- ▲ Setting the legal zeitgeist | Lawyers Weekly—19 February 2015
- ▲ No one is going to develop your career for you | Lawyers Weekly—19 February 2015
- ▲ Privacy laws can punish Facebook revenge photos | Mondaq—13 February 2015
- ▲ WA Supreme Court delivers explicit message on privacy: compensation awarded to Facebook post victim | VGSO Blog—12 February 2015
- ▲ TPP protects rights holders, not consumers, says Senator Ludlam | CNET—13 February 2015

- ▲ Outgoing Australian Press Council chair Julian Disney levels criticism at media practices in the digital age | ABC News—4 February 2015
- ▲ Simplifying native title | Law Council Australia—3 February 2015
- ▲ Australia Day medals reward PS excellence | PS News—3 February 2015
- ▲ Thornleigh professors appointed Members (AM) of the Order of Australia | Daily Telegraph—31 January 2015
- ▲ Any response to family violence must include funding legal services | The Guardian—29 January 2015
- ▲ From vinyl to digital—the second hand digital music market and implications for copyright | Lawyers Weekly—28 January 2015
- ▲ The list goes on: legal professionals honoured on Australia Day | Lawyers Weekly—28 January 2015
- ▲ Husband and wife team both garner a gong | Blue Mountains Gazette—27 January 2015
- ▲ Woman awarded \$50k after ex-boyfriend posted sexually explicit videos on Facebook | Daily Mail Online—27 January 2015
- ▲ Technology leaders recognised in Australia Day honours | iTnews.com.au—27 January 2015
- ▲ Australia Day honour for Law School professor | Macquarie University—26 January 2015
- ▲ Australia Day honours for Macquarie professors | Macquarie University Newsroom—26 January 2015
- ▲ Compensation paid after Facebook post | Australian Financial Review—26 January 2015
- ▲ Facebook sex tape case has implications for privacy law in Australia | Sydney Morning Herald—25 January 2015
- ▲ Unions urge caution on IR reform | The Australian—23 January 2015
- ▲ Unions seek shelving of workplace changes | Brisbane Times—22 January 2015
- ▲ Politicians criticise ‘secrecy-at-any-cost’ attempts to uncover journalists’ sources | 9news.com.au—22 January 2015
- ▲ Unions seek shelving of workplace changes | 9news.com.au—22 January 2015
- ▲ Journalism is not a crime. So why are reporters being referred to police? | The Guardian—22 January 2015
- ▲ Journalists reporting on asylum seekers referred to Australian police | The Guardian—22 January 2015

- ▲ ACTU calls on Eric Abetz to freeze Coalition IR agenda | The Australian—22 January 2015
- ▲ Govts urged to give intellectually disabled people more say in decision-making in 2015 | ABC News—16 January 2015
- ▲ Australian Law Reform Commission report on legal capacity, disability and equality before the law | Righting Legal Capacity—13 January 2015
- ▲ Were disability advocacy groups too successful? It may explain their funding cuts | The Guardian—9 January 2015
- ▲ Will 3D printing usher in the next wave of Internet piracy? | CIO—9 January 2015
- ▲ Interview with Michael Kirby | Commonwealth Oral History Project—8 January 2015
- ▲ The Government can revive its ‘freedom agenda’ | The Drum (ABC)—6 January 2015
- ▲ Privacy in the digital age | Law Institute of Victoria—December 2014
- ▲ 2014: An eventful year for Pirate Party Australia | Pirate Times—31 December 2014
- ▲ The sex crime we need to talk about | Elle—27 December 2014
- ▲ Privacy tort could enhance press freedom protection here, according to UK media law expert | Open and Shut—17 December 2014
- ▲ Reframing the free speech debate | Australian Human Rights Commission—17 December 2014
- ▲ RCSA publishes exposure IIS for industry feedback | The Global Recruiter Magazine—16 December 2014
- ▲ Abbott’s Pirate Bay block will prove futile | Business Spectator—15 December 2014
- ▲ Reformers to probe dodgy laws | PS News—12 December 2014
- ▲ Australians May Get Their Own SOPA | Techdirt—12 December 2014
- ▲ Coalition’s copyright ultimatum: The collateral damage of the war on online pirates | Business Spectator—11 December 2014
- ▲ Site blocking ‘unlikely to be an effective’ in piracy fight: Labor | Computerworld—11 December 2014
- ▲ Professor Rosalind Croucher reappointed President of ALRC | Attorney-General’s Department—11 December 2014
- ▲ Detaining Aboriginal youth: child protection to prison | Government News—10 December 2014
- ▲ No media experience? He’s the perfect choice | The Australian—9 December 2014

- ▲ Professor David Weisbrot appointed new chair of Australian Press Council | Daily Telegraph—9 December 2014
- ▲ When is information about a residential property “personal information”? | IP Whiteboard—8 December 2014
- ▲ Law reformer to replace Disney as Press Council chair | The Newspaper Works—8 December 2014
- ▲ Press Council looks to the law | The Australian—8 December 2014
- ▲ Australian Press Council names David Weisbrot as Disney successor | The Guardian—8 December 2014
- ▲ David Weisbrot to be next Press Council chair as two sign up | The Australian—8 December 2014
- ▲ Report: Dementia patients, disabled should make own health decisions | The Age—7 December 2014
- ▲ Law Reform Commission Reports: Recent Releases | Slaw—7 December 2014
- ▲ Canberra’s attack on basic freedoms | The Australian—5 December 2014
- ▲ Company directors lose out in attack on legal rights | The Australian—5 December 2014
- ▲ Australia’s High Court Justices Are The Most Fascinating Powerful People You’ve Never Heard Of | Junkee—5 December 2014
- ▲ Gathering Storm | The Monthly—4 December 2014
- ▲ Australian designs system under review | Freehills Patent Attorneys—JDSupra—4 December 2014
- ▲ Productivity Commission Recommends Contingency Fees and Limited Opening of Family Law to Non-Lawyers | Legal Practice Intelligence—3 December 2014
- ▲ New focus on rights in disability law | PS News—2 December 2014
- ▲ Privacy Law Update—International reform | InfoRM—2 December 2014
- ▲ Thousands of Victorians unable to vote because of ‘unsound mind’ | The Age—28 November 2014
- ▲ Superannuation And Other Barriers To Older People Working Need To Go | Bookkeeping Services in Australia—26 November 2014
- ▲ Need to ensure equal participation by people with disabilities in Australia’s democracy | Human Rights Law Centre—25 November 2014
- ▲ State Government to give all public sector workers domestic violence training | The Australian—25 November 2014

- ▲ High Court rules Wellington Capital acted beyond power: take care in drafting and interpreting fund constitutions | Hall & Wilcox Lawyers—17 November 2014
- ▲ Why Australia needs stronger protections for privacy | Titan Vine—14 November 2014
- ▲ Proposed changes to the Copyright Act to implement the Marrakesh Treaty—with a side note on the ALRC's fair use recommendation | IP Whiteboard—11 November 2014
- ▲ Forget-me-not (just forget what I've done)—the right to be forgotten | Lexology—11 November 2014
- ▲ Going public on privacy—but is anyone listening? | Insurance News—10 November 2014
- ▲ Noel Pearson's eulogy at Gough Whitlam memorial in full | news.com—5 November 2014
- ▲ Gough Whitlam's Indigenous and reforming legacy hailed at memorial | The Guardian—5 November 2014
- ▲ Responsible media use of drones should be exempted from laws: Goldberg #G20Griff | Journlaw—4 November 2014
- ▲ Domestic violence in Australia | Finance and Public Administration References Committee—4 November 2014
- ▲ Data retention: a delicate balancing act | Australian Financial Review—3 November 2014
- ▲ ALRC is Looking to Crack Down on Breaches of Privacy | Harwood Andrews—3 November 2014
- ▲ When is private also public? | Newcastle Herald—2 November 2014
- ▲ Screenrights collects \$42 million | if.com.au—31 October 2014
- ▲ Drone farm surveillance still a legal grey area | Queensland Country Life—31 October 2014
- ▲ Spurr case sparks debate over need for privacy laws | Australian Financial Review—31 October 2014
- ▲ Tell cross benchers in the Senate, give thumbs down to abolishing OAIC | Open and Shut—30 October 2014
- ▲ Leaked emails and the limits of privacy | RN Breakfast, ABC Radio National—30 October 2014
- ▲ Privacy proposal a 'long time coming' | Charles Darwin University, 2GB—30 October 2014

- ▲ Interview with Professor McDonald | Sydney Live with Ben Fordham, 2GB—29 October 2014
- ▲ ALRC Final Report into Serious Invasions of Privacy: Filling the Great Lacunae | Timebase—29 October 2014
- ▲ Debate on Native Title | PS News—28 October 2014
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- ▲ Spurr v New Matilda: a test case for privacy | Media Watch (ABC TV)—27 October 2014
- ▲ Copyright in the Trans-Pacific Partnership echoes past mistakes | The Conversation—24 October 2014
- ▲ Barry Spurr v New Matilda: the facts, the law and the porridge | The Guardian—24 October 2014
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- ▲ A list of Whitlam’s achievements | Bendigo Advertiser—22 October 2014
- ▲ More than revenge: when intimate images are posted online | The Conversation—20 October 2014
- ▲ Australia recommended to introduce tort of invasions of privacy | The Decoder—9 October 2014
- ▲ Call for Australian inquiry into surrogacy | RTÉ News—9 October 2014
- ▲ Report into serious invasions of privacy in the digital era released | Lexology—8 October 2014
- ▲ Size matters in iron ore battle as BHP, Rio slash costs | The Australian—7 October 2014
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- ▲ Australia: an opportunity missed to enhance press freedom | Paul Wragg, InFormm’s Blog—7 October 2014
- ▲ Newsroom Staff and alumni recognised in 100 women of influence awards | Macquarie University—2 October 2014
- ▲ Australia’s 100 Women of Influence 2014 | Techly—2 October 2014

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- ▲ Balancing innovation and competition in intellectual property | TMTblog—25 September 2014
- ▲ The nasty surprises in discovery | Lawyers Weekly—25 September 2014
- ▲ ACMA finds Channel Nine Queensland breached privacy and accuracy guidelines | Peter A Clarke—25 September 2014
- ▲ What chance a 'principled framework to balance secrecy and open and accountable government'? | Open and Shut—22 September 2014
- ▲ New ALRC privacy tort and the celebrity photo hacking scandal | Mondaq—21 September 2014
- ▲ Reform panel sets up public wiki to aid inquiry | The Australian—19 September 2014
- ▲ ALRC urged to examine impact of legal aid funding cuts on disability sector | Law Council of Australia—19 September 2014
- ▲ The prospect of a tort for invasion of privacy arises again | Clayton Utz—18 September 2014
- ▲ Explainer: Can a DNA test reveal if you're an Indigenous Australian? | The Conversation—18 September 2014
- ▲ New ALRC privacy tort and the celebrity photo hacking scandal | Swaab Attorneys—17 September 2014
- ▲ Australian disability reform and political participation | Australian Review of Public Affairs—16 September 2014
- ▲ Serious Invasions of Privacy in the Digital Era: ALRC's New Report | Wrays—16 September 2014
- ▲ The dawn of the age of the drones: an Australian privacy law perspective | Australian Policy Online—15 September 2014
- ▲ ALRC Releases New Report on Serious Invasions of Privacy in the Digital Era | IPeriscope—15 September 2014
- ▲ Censorship Is Not The Answer to Online Piracy | TorrentFreak—14 September 2014
- ▲ Privacy This Week—Australia: OAIC guide endorses mandatory breach notification | Data Guidance—11 September 2014
- ▲ Privacy Breaches: What are your rights? Does the law need reform? | Startup Daily—10 September 2014

- ▲ ALRC Final Report: 'Serious Invasions of Privacy in the Digital Era' | Allens—10 September 2014
- ▲ Australian Law Reform Commission releases report on privacy | Service Delivery in Government—10 September 2014
- ▲ Privacy rights reform must prevail over naked ambition | UNSW Law—8 September 2014
- ▲ Privacy rights reform must prevail over naked ambition | Brisbane Times—7 September 2014
- ▲ Privacy rights reform must prevail over naked ambition | Sydney Morning Herald—7 September 2014
- ▲ The Australian Law Reform Commission is Calling for National UAV Standards | Weather in the City—6 September 2014
- ▲ Australian Law Reform Commission Report into Serious Invasions of Privacy | Library Boy—6 September 2014
- ▲ Increase privacy protections: law reform report | Breakfast, ABC Radio National—5 September 2014
- ▲ Law reformers want tougher privacy | PSnews—5 September 2014
- ▲ Why Australia needs stronger protections for privacy | iTnews—5 September 2014
- ▲ Aussie Agency Pushes Parliament To Enact Privacy Tort | Law360—5 September 2014
- ▲ Civil action is the big stick needed to protect our privacy | The Conversation—4 September 2014
- ▲ At least the games industry wins in Abbott's war on 'red tape' | Daily Review—4 September 2014
- ▲ Afternoons with Will Goodings | Fiveaa Adelaide—4 September 2014
- ▲ ALRC report on serious invasions of privacy in the digital era | Mallesons—4 September 2014
- ▲ It's time for privacy invasion to be a legal wrong | The Conversation—4 September 2014
- ▲ Law Reform Commission calls for national surveillance laws | ABC Rural—4 September 2014
- ▲ Barbara McDonald of the Australian Law Reform Commission and Dougal Gordon of the Australian Lot Feeders Association on a recommendation for national surveillance laws | ABC News—4 September 2014

- ▲ Roger Wilkins on privacy: former Attorney-General secretary | The Mandarin—4 September 2014
- ▲ Serious Invasions of Privacy—a new Cause of Action in Australia? | IP Whiteboard—4 September 2014
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Appendix K: ALRC Multicultural Plan report for 2014–15

1. Leadership

Minimum obligations

- 1.1 **Executive accountability**—Agency to assign a Senior Executive Officer to be responsible for implementation of Multicultural Access and Equity obligations in the agency.
- 1.2 **Agency commitment**—Agency leadership to ensure that staff understand and are committed to Multicultural Access and Equity implementation.

	<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
1.1	Executive accountability				
	The ALRC President has committed to this AMP and has appointed the Executive Director to be responsible for its implementation.	Executive Director.	Ongoing.	Executive Director has responsibility for the implementation of the ALRC's AMP.	President approves the ALRC's AMP and the Executive Director is chair of the Diversity Working Group.
1.2	Agency commitment				
	The ALRC has a Diversity Working Group with responsibility for developing, monitoring and implementing the ALRC's AMP.	Diversity Working Group (DWG).	1 May 2013 established. Bi-annual meetings, in June and February.	Diversity Working Group established and meeting bi-annually.	DWG met in August 2014 and in June 2015.

2. Engagement

Minimum obligations

2.1 Stakeholder engagement—Agency to have an engagement strategy to understand culturally and linguistically diverse communities' interaction with agency.

2.2 Language and communication—Agency to have a language and communication plan for culturally and linguistically diverse communities, including on the use of languages other than English and incorporating the use of interpreters and translators.

	<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
2.1	<p>Stakeholder engagement</p> <p>At the beginning of an inquiry, Commissioners and Legal Officers will develop a consultation strategy for CALD communities, relevant to the subject matter of that inquiry.</p> <p>As part of this consultation strategy, invite CALD community members with relevant expertise to participate in Advisory Committees and/or Expert Panels for ALRC inquiries.</p>	Commissioners and Legal Officers.	At the beginning of each inquiry.	Each inquiry has a CALD consultation strategy in place, if inquiry is relevant to CALD communities.	<p>Communicating with CALD communities was considered relevant in the Disability Inquiry. Consultation strategy was developed for this inquiry.</p> <p>The Freedoms Inquiry has also sought input from the CALD community.</p> <p>CALD community experts have been invited onto the Advisory Committees for the Disability Inquiry and the Freedoms Inquiry.</p>

	Action	Responsibility	Timeline	Target	Report
	Where case studies are used in consultation documents and final reports to reflect the experiences of stakeholders, the ALRC will include CALD-related case studies.	Legal Officers.	Throughout each inquiry.	Diverse case studies are used in consultation documents and final reports when relevant.	Case studies have been used in the Disability Inquiry and included CALD community perspectives.
2.2	Language and communication				
	Produce community fact sheets that explain the key concepts and recommendations of relevance to the CALD community, where appropriate.	Legal Officers.	At the conclusion of each inquiry.	Number of fact sheets produced and available.	Three Easy English papers have been produced. One of the Issues Paper, one of the Discussion Paper and one of the Final Report in the Disability Inquiry. The purpose was to provide access to diverse communities and to seek feedback from them about the Disability Inquiry.
	Ensure stakeholder contributions can be made in a variety of forms, including orally to increase accessibility to CALD communities.	Executive Director.	Throughout each inquiry.	A number of accessible ways for people to make submissions is made available.	The ALRC did provide a variety of ways in which CALD communities could make contributions to our inquiries and these were advertised on the ALRC website. We also produced and placed on the website information about how to make a submission and on the law reform process in 20 community languages including Auslan.

<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
<p>Ensure media releases are available to CALD community press/networks.</p> <p>Ensure media releases about consultation papers are also sent to ethnic media outlets.</p>	Executive Director.	At the publication of Final Report.	Number of media releases available to CALD community press/networks.	Media release for Disability Inquiry was sent to ethnic news outlets through AAPMedianet and to community organisations who were then able to send out through their networks.

3. Performance

Minimum obligations

- 3.1 Performance indicators and reporting**—Agency to develop a set of KPIs relating to engagement with, or outcomes of services to, culturally and linguistically diverse clients.
- 3.2 Feedback**—Agency to have arrangements to ensure affected culturally and linguistically diverse communities are able to provide feedback on agency Multicultural Access and Equity performance.

<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
<p>3.1 Performance indicators and reporting</p> <p>Biennial review of consultation strategy.</p>	Diversity Working Group.	<p>Every two years when AMP revised and updated.</p> <p>First review was in 1 July 2014, next due in July 2016.</p>	Review will be undertaken in June 2016.	New Performance Indicators in place by July 2016.

Action	Responsibility	Timeline	Target	Report
<p>Invite consultation and engagement with CALD community organisations and representatives. (Note, the ALRC does not determine the subject matter of its inquiries. Some ALRC inquiries will be of more relevance to CALD communities than others).</p>	<p>Commissioners and Legal Officers.</p>	<p>Throughout each inquiry when relevant.</p>	<p>Number of consultations held and submissions received from CALD community organisations and representatives.</p>	<p>The ALRC did not consult specifically with CALD community organisations and representatives. The ALRC received 2 submissions from CALD community organisations to the Freedoms Inquiry Issues Paper.</p>
<p>3.2 Feedback</p> <p>Review feedback mechanisms and search functions on ALRC website relevant to CALD communities.</p> <p>Provide feedback to CALD communities about the results of consultations and/or inquiries, where relevant including by using the ALRC's website, through fact sheets, articles in publications and media as well as through conferences and seminars.</p>	<p>Communications Manager, Diversity Working Group.</p> <p>Executive Director, Commissioners and Legal Officers.</p>	<p>Annually.</p> <p>At the conclusion of each inquiry, where relevant.</p>	<p>Review completed in June each year.</p> <p>Number of fact sheets, articles and conference presentations.</p>	<p>Access to our different language versions on website up to June 2015 are: Making a submission—506 visits; Law reform process—490 visits.</p> <p>It was not considered necessary to give specific feedback to CALD communities as the work of the ALRC during the reporting period was not especially relevant.</p>

4. Capability

Minimum obligations

- 4.1 **Cultural competency**—Agency to have training and development measures to equip staff with cultural competency skills.
- 4.2 **Research and data**—Agency to collect ethnicity data on the culturally and linguistically diverse groups with which the agency engages and to which it delivers services directly or indirectly.

	<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
4.1	Cultural competency Induction materials are updated with appropriate information about cultural diversity and the ALRC's AMP.	Executive Director.	By December 2013 and then annually.	Induction material is up to date.	Induction material for new employees now includes the ALRC's AMP and RAP.
	Provide two-yearly cross-cultural training to all employees.	Executive Director.	June 2014.	All employees have attended cross-cultural training.	Due to budget constraints, cross-cultural training not completed. The aim is to do so in 2015–16.
4.2	Research and data Compile a list of all CALD stakeholders engaged with in the course of inquiries.	Project Coordinator, Legal Officers.	During consultation process for each inquiry.	List compiled of all CALD stakeholders engaged with in the course of inquiries.	CALD stakeholders were included in the list of stakeholders consulted with in the Disability and Native Title Final Reports.

	Action	Responsibility	Timeline	Target	Report
	<p>In preparing consultation strategies, discussion papers, and reports, consider best practice research and data/statistical resources to better understand demographic and socio-economic characteristics of CALD communities, where relevant.</p>	<p>Legal Officers.</p>	<p>Throughout each inquiry.</p>	<p>CALD statistics and resources used to inform and/or referred to in consultation strategies and inquiry documents.</p>	<p>The ALRC does not have the resources to research the demographic and socio-economic characteristics of CALD communities and this was not considered necessary for law reform work.</p>
	<p>Update consultation strategy templates to include a reference guide to best practice research and statistical/data information on CALD communities.</p>	<p>Executive Director and Diversity Working Group.</p>	<p>At start of each inquiry.</p>	<p>Consultation strategy templates updated for each new inquiry.</p>	<p>Including best practice research and statistical/data information on CALD communities was not possible within the limited resources of the ALRC and was not considered necessary for the law reform work that the ALRC undertakes.</p>

5. Responsiveness

The ALRC will ensure its policies and practices are inclusive of CALD communities and promote diversity.

Minimum obligations

- 5.1 Standards**—Any whole-of-government standards and guidelines developed by the agency must address Multicultural Access and Equity considerations.
- 5.2 Policy, program and service delivery**—Provision to ensure that policies, programs, community interactions and service delivery (whether in-house or outsourced) are effective for culturally and linguistically diverse communities.
- 5.3 Outsourced services**—Where relevant, provision for incorporation of Multicultural Access and Equity requirements into contracts, grant agreements and related guidance material of which the agency has carriage.

	<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
5.1	Standards				
	The ALRC will adhere to all whole-of-government diversity standards and guidelines that are developed to ensure access and equity is a consideration in all the ALRC's whole-of-government services, frameworks, protocols and procurements.	Executive Director.	Ongoing.	ALRC has adhered to access and equity guidelines in all its whole-of-government services, frameworks, protocols and procurements.	Achieved.

<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
5.2	Policy, program and service delivery			
When reviewing ALRC policies ensure they use culturally appropriate language and promote diversity when relevant.	Diversity Working Group.	Ongoing.	ALRC internal policies use culturally appropriate language and promote diversity when relevant.	ALRC policies have been reviewed to ensure appropriate language used and diversity promoted.
Develop and publish an ALRC diversity commitment in line with the Australian Public Service Commissioner's Directions.	Diversity Working Group.	Ongoing.	Commitment is published on ALRC website.	Achieved.
Develop and implement CALD feedback and evaluation mechanism to collect information on how effective ALRC inquiry processes are in communicating with CALD communities.	Diversity Working Group.	December 2013.	Feedback mechanism implemented on website.	The ALRC does not capture data on CALD status of people providing feedback. No one identified as a CALD on our feedback form.
Notification of new positions and the existence of the ALRC's temporary employment register in CALD networks.	Executive Director.	Updated when new positions arise.	Increased number of applications from CALD communities to new positions and on the temporary employment register.	No new positions were advertised during the reporting period due to APSC freeze.

<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
5.3	Outsourced services			
The ALRC will incorporate Multicultural Access and Equity requirements into contracts for any outsourced services it engages.	Executive Director.	Ongoing.	Contracts for outsourced services encourage adherence by contractor to access and equity principles.	The ALRC's only outsourced supplier contract is with a commercial technology supplier and this target was not possible to negotiate with them.

6. Openness

Minimum obligations

- 6.1 **Publishing**—Agency to publish AMP on agency website and performance reports against agency KPIs for culturally and linguistically diverse clients in agency Annual Reports.
- 6.2 **Data**—Agency to make culturally and linguistically diverse data available to other agencies and the public.

<i>Action</i>	<i>Responsibility</i>	<i>Timeline</i>	<i>Target</i>	<i>Report</i>
6.1	Publishing			
The ALRC's AMP will be published on the ALRC website.	Communications Manager.	Every two years once updated.	ALRC's AMP published on the ALRC website.	Achieved.
A performance report in relation to the AMP will be included in ALRC Annual Reports.	Executive Director and Diversity Working Group.	Annually.	AMP performance report included in ALRC Annual Reports.	Achieved.

	Action	Responsibility	Timeline	Target	Report
	ALRC to report to Department of Social Services and Australian Multicultural Council against AMP.	Executive Director.	First report July 2015 and then two yearly.	Report provided to DSS and AMC against AMP.	Achieved.
	Where relevant, summary documents and/or fact sheets addressing CALD issues raised in an inquiry will be published on the ALRC website to ensure the visibility of the issues and perspectives of CALD communities.	Legal Officers.	At the conclusion of each inquiry, where relevant.	Summary documents and fact sheets produced and published.	No new fact sheets addressing CALD communities were produced during 2014–15.
6.2	Data A list of all CALD stakeholders engaged with in the course of each inquiry will be listed in the Final Report and published on the ALRC website.	Executive Director, Project Coordinator and Communications Manager.	At the conclusion of each inquiry.	CALD stakeholders are included in stakeholder lists in Final Reports and on ALRC website.	All stakeholders consulted were listed in the Disability and Native Title Final Reports.

Appendix L: ALRC Reconciliation Action Plan report 2014–15

The Australian Law Reform Commission (ALRC) acknowledges the Gadigal people of the Eora Nation who are the Traditional Custodians of the land on which the ALRC stands and we pay our respects to their elders, both past and present. The ALRC's Reconciliation Action Plan (RAP) documents the aims and strategies that the ALRC will adopt to contribute to and promote reconciliation between Indigenous and non-Indigenous Australians. The ALRC is a federal statutory authority, operating under the *Australian Law Reform Commission Act 1996* (Cth) and the *Public Governance, Performance and Accountability Act 2013* (Cth).

Summary and key learnings

The past year has been an important one for the ALRC in terms of its RAP and meeting our objectives and strategies outlined in the Plan. The ALRC was asked to undertake a *Review of the Native Title Act 1993* (Cth), the first major review of the law governing 'connection' in native title claims since the Act's inception 20 years ago. Across the Inquiry, the ALRC had to consider reforms which would effectively recognise and protect native title rights and interests in accordance with the beneficial purposes of the *Native Title Act*, while having regard to the wide range of other interests in the native title system and the interaction of the Act with many other statutory frameworks. During this Inquiry the ALRC had the privilege of undertaking 162 consultations, with Indigenous and non-Indigenous people and organisations involved in the operation of the Act, including consultations with Indigenous leaders and traditional owners; with Indigenous people and organisations, including Native Title Representative Bodies, Native Title Service Providers, Prescribed Bodies Corporate and Land Councils. This has meant the ALRC using its RAP in a very concrete way, and testing out aims and ambitions for building relationships, fostering respect and providing opportunities for Indigenous people to engage with and contribute to the ALRC's work. Our RAP provided us with guidance in these areas and this report reflects our learnings during this important Inquiry.

Relationships

Focus area: To encourage the participation of Indigenous people in the work of the ALRC, we will focus on improving engagement and consultation strategies.

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
Maintain the RAP Committee.	RAP Committee meeting twice per annum.	The RAP Committee met on 6 August 2014 and on 5 June 2015.	Due to the small size of the ALRC and the nature of our work, meeting every 6 months provides a good time-frame for meetings.
Identify opportunities for consultation with Indigenous communities and organisations on ALRC inquiries, where relevant. When a consultation has been conducted with an Indigenous organisation it will be reported to the RAP Committee.	Number of consultations with Indigenous peoples held per inquiry.	The ALRC has consulted widely with the Aboriginal community during the Review into the <i>Native Title Act</i> . During this reporting period the ALRC has consulted with 22 Indigenous organisations.	Our ability to consult with Indigenous communities and organisations is very much influenced by the nature of the inquiry work at any given time. Some inquiries are more relevant to Indigenous people than others. Therefore, this target will be influenced by the nature of our work at any given time, something that is not within our control.

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
<p>Awareness of protocols for use by ALRC legal staff in all consultations with Indigenous peoples that reflect their diversity of circumstances. This may mean using local Indigenous consultants, interpreters, taking oral submissions and other flexible consultation processes so that Indigenous perspectives and opinions are understood.</p>	<p>Checklist developed and used by Legal Officers during inquiry consultation processes. Protocols documented and used in Legal Officer inductions. Protocols considered prior to all consultations with Indigenous communities.</p>	<p>Although a protocol document has not been developed, the Native Title Inquiry team discussed consultations with Indigenous communities and how to approach these. Two people rang the ALRC and discussed matters with a Legal Officer. These were not recorded as formal submissions.</p> <p>The Native Title Inquiry team sought advice about releasing its Issues Paper in a number of Indigenous community languages, but we were advised by a number of NTRB's that this would not be necessary nor practical. There were too many languages to consider and not enough community interest to justify the expense that would be involved. Also there were not the networks in place to distribute such documents nor to gather submissions in different languages in response.</p>	<p>The ALRC did not think it necessary to produce a protocol document given the nature of the ALRC's work and that most of the consultation undertaken is through Native Title Representative groups who have advised us about relevant protocols to use during consultation. Unfortunately the ALRC is not resourced to undertake community consultation on country and consulting with communities directly.</p> <p>The ALRC needs to formalise its processes for handling and publicising oral submissions.</p>

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
<p>Provide feedback to Indigenous communities about the results of consultations and/or inquiries in a number of ways including by using the ALRC website, through fact sheets, articles in publications and through conferences and seminars.</p>	<p>Feedback is provided to Indigenous communities on the ALRC's consultations and inquiry processes and accounted for in the consultation strategy checklist and report.</p> <p>ALRC website is updated regarding any consultations with Indigenous communities and any results from inquiries.</p>	<p>The Native Title Inquiry team provided feedback on the progress of this Inquiry through the Native Title e-newsletters and on the ALRC website. A communication strategy was developed and instituted once the Final Report was tabled. This included providing articles about the recommendations in Indigenous news media (Koori Mail), in Indigenous law bulletins, and a number of television and radio interviews. A Legal Officer presented on the Final Report at the Native Title Conference in June 2015. The Final Report was launched at the ALRC with key Indigenous stakeholders invited to attend.</p>	<p>Providing feedback to the community once an inquiry is completed is an important way of both respecting the input that these communities have had to the inquiry and demonstrating how their input has been utilised, and also an important way of extending the relations that have been made during an inquiry and paying respect to those who have contributed to the consultation process during the inquiry.</p>
<p>Maintain the currency of the ALRC contact database and ensure Indigenous legal organisations, lawyers and stakeholders are included in the ALRC mailing lists and invited to ALRC functions.</p>	<p>Indigenous database.</p>	<p>Indigenous stakeholders have been added to the ALRC database and are sent information about our inquiry work that is of relevance to them.</p>	<p>It is important to have Indigenous media included in all media advices so as to raise knowledge of ALRC activities in the Indigenous community. Ensuring Indigenous people receive our newsletters and media releases is important to building connections and understanding of the work of the ALRC.</p>

Action	Target	Actual progress	Lessons learned
Invite Indigenous people to participate in Advisory Committees for ALRC inquiries.	Number of Indigenous people serving on ALRC Advisory Committees.	Consideration has been given to invite Indigenous people to sit on ALRC Advisory Committees and Expert Panels for all inquiries. Indigenous experts have served on the Advisory Committee for the Inquiry into the <i>Native Title Act</i> .	Even when there is no Advisory Committee for an inquiry, it is important to contact experts in the field to get their input and Indigenous perspective.

Respect

Focus area: Improve the cultural awareness of ALRC staff, formalise Indigenous protocols in the processes of the ALRC and where possible, promote and acknowledge Aboriginal and Torres Strait Islander artists and designers.

Action	Target	Actual progress	Lessons learned
All ALRC staff to undertake Indigenous cultural awareness training every two years.	Indigenous cultural awareness for all ALRC staff on a biennial basis.	Cross cultural awareness training was not undertaken during the reporting period. Due in 2015–16.	Resourcing cross cultural training has been an issue in a very tight budget situation where other all staff training has been required. Undertaking cross cultural training every two years will be more achievable.

Action	Target	Actual progress	Lessons learned
<p>All new staff to be provided with the ALRC RAP as part of induction materials.</p>	<p>Staff induction to include information about the ALRC RAP.</p>	<p>Recruitment has been limited with only one new staff member joining the ALRC during 2014–15. This new staff member was encouraged to join the RAP Committee and the RAP was shown to them.</p>	<p>Providing the RAP to new staff highlights to them the ALRC's commitment to reconciliation and assists them to understand our strategies and objectives in achieving greater Indigenous involvement in our work.</p>
<p>Follow the protocol for Indigenous 'Welcome to Country' and 'Acknowledgement of the traditional owners and ancestors' policy at ALRC functions and events.</p>	<p>Number of times the Welcome to Country and/or Acknowledgement is used at ALRC events and functions.</p>	<p>President and Commissioners have followed the Acknowledgement of the traditional owners and ancestors at all Advisory Committee meetings, and at conferences where they are making presentations.</p>	<p>Acknowledging Indigenous elders and traditional owners at key ALRC events reminds us all of the ongoing debt that we owe to Indigenous people for the unique contribution they have made and continue to make to Australian society.</p> <p>ALRC need to develop a policy regarding when to acknowledge Indigenous elders at other consultations. For example, do we do the acknowledgement only when there are Indigenous people present or Indigenous issues being discussed, or do we do it more broadly at every consultation.</p>
<p>Develop a calendar of Indigenous events that can be celebrated and/or acknowledged by the ALRC.</p>	<p>ALRC participates in a number of events that refer to Indigenous history and contribution to society.</p>	<p>ALRC celebrated NAIDOC week and Reconciliation Week with attendance at a number of associated events with staff from the Australian Government Solicitor.</p>	<p>Participating in key Indigenous events is an important way for ALRC staff to be reminded of our RAP and of the unique contribution of Indigenous people to Australian society.</p>

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
Maintain subscriptions to relevant Indigenous magazines, newsletters, and Indigenous law journals.	Number of current subscriptions is maintained.	ALRC currently subscribes to the Indigenous Law Journal.	Due to budget constraints the ALRC has had to cancel many of its subscriptions. However, most Indigenous media can be accessed online.
Seek opportunities to support Indigenous businesses whenever possible.	Number of Indigenous businesses utilised by the ALRC.	ALRC commissioned Indigenous company Gilimbaa to provide artwork for its Native Title Inquiry. An Indigenous catering company and an Indigenous video producer were employed for the launch of the Native Title Final Report.	The ALRC has limited need to commission outside businesses to undertake work with the ALRC. However, when we do have the opportunity, the involvement of Indigenous companies adds value to our events.

Opportunities

Focus area: As the ALRC's workforce is small and stable, the focus will be on recruitment for the ALRC internship program, and enhanced participation in consultation and advisory processes.

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
Increase the number of Indigenous applicants to ALRC positions—advertise all new jobs in Indigenous media.	Number of Indigenous advertisements for each position.	Not achieved.	Under Government employment policy positions were not open to public advertising, with recruitment limited to current APS employees through the public service gazette. Therefore we were not able to advertise new positions in Indigenous media.

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
Encourage Indigenous law students to apply to the internship program and liaise with indigenous law centres at universities.	Number of Indigenous interns.	The ALRC has hosted one Indigenous intern during 2014–15.	Because the ALRC is not in a position to offer any financial support for its interns, it is very difficult for students to commit to an internship, especially from interstate. This restricts the number of possible Indigenous interns that we could host.
Develop the Indigenous consultation section of the website.	Indigenous section of the ALRC website revised and updated.	Achieved. The website was updated with the number of consultations undertaken and with information about the Native Title Inquiry.	When there is an inquiry of real relevance to Indigenous communities, this action is easier to achieve. It can be difficult to communicate the ALRC's work to Indigenous communities unless it is directly relevant to them.

Tracking progress and reporting

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
ALRC RAP Committee to meet bi-annually to monitor the implementation of the ALRC RAP.	Progress on ALRC RAP is reported annually.	RAP Committee has met twice yearly to consider progress against RAP.	Due to reduced staffing and the nature of the ALRC's work, it is not necessary to meet more than twice per year. As the ALRC had an Indigenous specific inquiry to work on during 2014–15, the RAP was more meaningful and targets were easier to meet. The greater challenge is meeting these targets when our work program is not relevant to Indigenous communities.

<i>Action</i>	<i>Target</i>	<i>Actual progress</i>	<i>Lessons learned</i>
Report progress in Annual Report and to Reconciliation Australia.	Report included in Annual Report and sent to Reconciliation Australia.	Achieved. RAP report is included in Annual Report and letter sent to Reconciliation Australia.	
Update Reconciliation Action Plan.	RAP updated by Diversity Committee biennially.	New RAP will be uploaded on website in July 2015.	

Glossary and indexes

Glossary

AASB	Australian Accounting Standards Board
AC	Companion of the Order of Australia
ALRC	Australian Law Reform Commission
ALRC Act	Australian Law Reform Commission Act 1996 (Cth)
AM	Member of the Order of Australia
AMP	Agency Multicultural Plan
ANAO	Australian National Audit Office
AO	Officer of the Order of Australia
APS	Australian Public Service
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CMG	Companion of the Order of St Michael & St George
CMS	Content Management System
CPR	Commonwealth Procurement Rules
Cth	Commonwealth of Australia
DCB	Departmental Capital Budget
DP	Discussion Paper
DWG	Diversity Working Group
EL	Executive Level
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
EPUB	Electronic Publication. A free and open e-book standard by the International Digital Publishing Forum (IDPF)
ERMP	Enterprise Risk Management Plan
FCP	Fraud Control Plan
FOI	Freedom of Information
FOI Act	Freedom of Information Act 1982 (Cth)

FRR	Financial Reporting Rule
FSC	Forest Stewardship Council
FTE	Full-Time Equivalent
HSMA	Health and Safety Management Arrangements
HTML	HyperText Markup Language
ICT	Information & Communications Technology
IP	Issues Paper
IPP	Information Publication Plan
IPS	Information Publication Scheme
KPI	Key Performance Indicator
LO	Legal Officer
MP	Member of Parliament
N/A	Not applicable
NABERS	National Australian Built Environment Rating System
NAIDOC	National Aborigines and Islanders Day Observance Committee
NDIS	National Disability Insurance Scheme
NITV	National Indigenous Television
NTRB	Native Title Representative Bodies
PDF	Portable Document Format
PGPA Act	Public Governance, Performance and Accountability Act 2013 (Cth)
PLO	Principal Legal Officer
PS Act	Public Service Act 1999 (Cth)
QC	Queen's Counsel
RAP	Reconciliation Action Plan
SC	Senior Counsel
SES	Senior Executive Service
SLO	Senior Legal Officer
SME	Small and Medium Enterprises
TOR	Terms of Reference

UNCRPD	United Nations Convention on the Rights of People with Disabilities
WH&S	Work Health and Safety
WHASC	Work Health and Safety Committee
Wiki	A content management application, typically a web application which allows collaborative modification, extension or deletion of its content and structure. Content is created without any defined owner or leader

Compliance Index

Under ss 63(2) and 70(2) of the *Public Service Act 1999*, Annual Reports must be prepared in accordance with the guidelines approved by the Joint Committee of Public Accounts and Audit. The Requirements stipulate a core set of mandatory information which must be included in Annual Reports.

The following table shows where the information specified by the Requirements may be found in this Annual Report. Non-mandatory suggested items have been included in the table and are indicated by an asterisk (*).

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	Where outcome and programme 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	no difference
	Portfolio structure	not applicable
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	Where performance targets differ from the PBS/PAES, details of both former and new targets, and reasons for the change	no difference
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	Significant changes in nature of principal functions/services *	not applicable
	Performance of purchaser/provider arrangements *	not applicable
	Factors, events or trends influencing departmental performance *	not applicable
	Contribution of risk management in achieving objectives *	not applicable
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	Discussion of any significant changes in financial results from the prior year, from budget or anticipated to have a significant impact on future operations.	no significant changes
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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	56
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	none to report
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	Grant programmes	none to report
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