



Australian Government

Australian Law Reform Commission

ALRC

2010–11

DISCOVERY

Classification

REPORT 116

ANNUAL REPORT



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ALRC

2010–11

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Australian Government
Australian Law Reform Commission

Professor Rosalind Croucher
President

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

28 September 2011

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 2010 to 30 June 2011.

This report has been prepared in accordance with the *Commonwealth Authorities and Companies Act 1997* (Cth), the *Commonwealth Authorities and Companies (Report of Operations) Orders 2005* and the *Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2010)*.

Yours sincerely

A handwritten signature in black ink, reading '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.

‘(the ALRC’s) ... highly regarded reports and recommendations have made a large contribution to the law reform landscape to Australia. The Department notes that the Attorney-General, the Hon Robert McClelland MP, has stated the Government’s strong support for the Commission’s work and its history of demonstrating insight, providing expert analysis and having a practical grasp of law reform.’

Submission by the Attorney-General’s Department to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

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President's Overview



ALRC President, Professor Rosalind Croucher

President's Overview

In presenting the 2010–11 Annual Report, I am extremely proud of the work that the ALRC has continued to deliver during a time of significant organisational change. Over the past twelve months, the ALRC has produced six consultation papers and two final reports and has worked on four inquiries, delivering, in anyone's terms, a significant body of work to inform the government's decision making and law reform agenda.

This is the last Annual Report delivered by the ALRC as a Commonwealth Authorities and Companies (CAC) body. As of 1 July 2011, the ALRC became a statutory agency under the *Financial Management and Accountability Act 1997*, and an employer subject to the *Public Service Act 1996*. This means a whole new governance regime for the ALRC and, although I do not expect the nature of our work to be affected, these new arrangements will have an impact on our administrative and reporting systems. Preparing for this move, particularly to the Public Service, has been a particular focus of our corporate staff for the past months and our seamless transition is a credit to their thoroughness and professionalism.

In November 2010, we launched the Final Report in the Family Violence Inquiry, *Family Violence: A National Legal Response* (ALRC Report 114) which was a joint inquiry with the NSW Law Reform Commission. It was an honour to have the Attorney-General, the Hon Robert McClelland MP, launch the report at the ALRC with the then NSW Attorney General, the Hon John Hatzistergos. The Report—presented in two volumes with a Summary Report—was the result of a year-long inquiry during which the ALRC conducted 236 consultations nationally and received 240 submissions from a wide range of people and agencies. For this Report, the ALRC considered at least 26 different legal regimes across the federal/state divide with the aim of improving the safety of victims of family violence. Many individuals from across the country shared their personal stories with us and, in doing so, helped us to grasp the very difficult, frustrating and often dangerous situations faced by people who are trying to deal with family violence as they navigate through the legal system. We also heard from judges, magistrates, lawyers, women's legal services, police, rape crisis centre workers, men's groups, Indigenous and immigrant communities, child protection workers, and others. We are extremely grateful to everyone who contributed to this Inquiry. The thoroughness of the Report, and its 187 recommendations for reform, is a testament to this community contribution. I also want to extend my thanks to Victorian Magistrate, Anne Goldsbrough, who was appointed a part-time Commissioner for the Family Violence Inquiry. Anne's expertise in the area of family violence was invaluable throughout the Inquiry.

The Discovery Inquiry's Final Report, *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115), was completed at the end of March 2011 and tabled in Parliament on 25 May 2011. Advocating a facilitative approach that emphasises the role of the judiciary in robust case management, particularly in large and complex cases, is the key focus of the reforms suggested in the Report, which includes 27 recommendations for improving the practical operation and effectiveness of the process of discovery. The underlying premise for this Inquiry was that the costs of discovery—which can be very high—may inhibit access to justice and result in an undue public cost. The ALRC heard that, in many cases, there are literally hundreds of thousands of documents stored electronically that may be called on during a discovery process and the cost of providing access to all these documents can be extremely high. The challenge for the ALRC was to recognise the important role that discovery can play in facilitating the resolution of disputes, while reviewing its operation in the context of the reality of modern information management in a digital age—the problem of simply ‘too much information’.

The Report makes recommendations about, among other things, the production and inspection of documents prior to discovery; when parties should file discovery plans; best-practice guidelines on the formation and content of discovery plans; judicial and practitioner training; the role of registrars and referees; costs orders; pre-trial oral examinations; and data collection.

We were fortunate to have had two eminent part-time Commissioners appointed to this Inquiry, Justice Bruce Lander and Justice Arthur Emmett, both of the Federal Court. I want to record my sincere thanks to both for their guidance and contribution to this Inquiry. The ALRC is extremely grateful for the pro-bono contribution made by its part-time Commissioners—and to the Federal Court for facilitating their involvement.

I also wanted to acknowledge and thank the members of our Advisory Committee for the Discovery Inquiry, all of whom gave freely of their time, expertise and knowledge to the ALRC during the Inquiry. The value of this voluntary contribution to the ALRC's processes cannot be underestimated and is a key factor in ensuring the quality, transparency and robustness of our processes and our final recommendations. In particular, I want to take this opportunity to acknowledge the contribution of our two standing part-time Commissioners, Justice Susan Kenny and Justice Berna Collier, for their participation in the Discovery Inquiry and their oversight of the ALRC's work in general.

At the end of April, just after Easter, we moved into our new home on level 40 of the MLC Centre in Martin Place. We are sub-leasing office space from the Australian Government Solicitor (AGS), which has itself contracted in recent years freeing up some fully fitted-out office space. This move presented a great opportunity for the ALRC, as we were not only able to halve our floor space, and therefore the cost of

our rent, but we were also able to take advantage of a fully fitted-out office—and most importantly in the era of sharing services across government, to share a number of resources with the AGS, including reception and meeting rooms as well as their comprehensive hard copy library. In terms of the ALRC's *Michael Kirby Library* collection, we have been able to keep the essential core of it intact and to move it into the office with us. However, having access to the AGS library means that we won't have the ongoing costs of upkeep and having to find ever more shelf space for hard copy books and reports. Accessing online resources, in preference to hard copy ones, also makes much sense in terms of the fluid nature of the ALRC's work, where we may be delving deep into family violence laws one year, and then classification and media laws the next, but only needing access to these resources during the particular inquiries. What we will do is continue to expand our online resources with increased online subscriptions and fully searchable tools. In this way, the ALRC's *Michael Kirby Library* will continue to build and expand in a way appropriate to our needs and resources.

When the announcement of the Review of Censorship and Classification Laws was made in March, I was delighted that the Attorney-General also announced the appointment of Professor Terry Flew as Commissioner to lead this Inquiry. Terry is from the Media and Communication in the Creative Industries Faculty at Queensland University of Technology and joined us on 2 May—in our new home. I am also doubly pleased to say that the Attorney-General's Department provided the funds to support his appointment for the duration of the Inquiry!

The Classification Inquiry is now in full swing with an Issues Paper released in May and more than 2,400 submissions received, setting a record for submissions to the ALRC for any inquiry. The ALRC is also working on the Commonwealth Laws and Family Violence Inquiry, which I am heading up, and we have been hard at it—producing four Issues Papers in March on the subjects of Immigration Law, Employment and Superannuation, Child Support and Family Assistance and Social Security Law. This was a follow-up inquiry to the Family Violence Inquiry in 2010 and has allowed the ALRC to continue its ground-breaking work in the area of family violence and to contribute to the Government's substantial law reform agenda in this area following the 2009 Report of the National Council to Reduce Violence against Women and their Children, *Time for Action*.

In the last year there has also been an Inquiry into the ALRC, conducted by the Senate Legal and Constitutional Affairs References Committee. Chaired by then Opposition Senator, the Hon Guy Barnett, the Committee reported on 8 April and the Government responded on 8 July. It was very heartening to see throughout the Inquiry—in the evidence given and in both the report and the response—strong support for the quality of, and respect for, the ALRC's work. After a rather unsettling period, this was very reassuring indeed. While there was disagreement in the Committee about the ALRC's funding issues, which had been a key focus

of the Senate's Inquiry, the majority Senate report recommended a restoration of the ALRC's budget cuts 'as a matter of urgency'. The minority Senate report by Government Senators considered that the ALRC was 'adequately resourced' and did not accept the recommendation to restore our funding to pre-2009 levels.

Putting that aside, the affirmation of the importance of the ALRC's work and the respect for the ALRC from government, from our stakeholders and the community, was welcomed and timely. A fuller summary of the Senate Committee's Inquiry into the ALRC is included in the Special Features section of this Annual Report.

Once again, the ALRC has been honoured in the Institute of Public Administration Australia (IPAA) Annual Report awards, winning another Bronze Award in the online category for a CAC agency for the second year in a row. I have received many compliments on our web 'team'—which is, in fact, only one person! I am also delighted to report that the ALRC's Executive Assistant and Project Coordinator, Tina O'Brien, was nominated and was one of four nominees shortlisted for the Expand, Executive Assistant of the Year Award for 2011. Tina does an amazing job here supporting myself, our Commissioners and our inquiry teams, and this recognition is truly deserved. I also wanted to record the sincere thanks and appreciation to two long serving staff who departed the ALRC this year. Senior Legal Officer, Carolyn Adams, left the ALRC after 8 years and Senior Legal Officer, Isabella Cosenza, left after 9 years. Their contribution to the work of the ALRC was of a very high standard and their commitment and professionalism exemplary.


One of the important messages that the ALRC communicated through the Senate Inquiry into the ALRC was the enduring nature of law reform and the fact that law reform does not happen overnight, but can often take months and even years for recommendations to be implemented. The very high level of implementation of the ALRC's reports is evidence of the relevancy of the ALRC's recommendations, the effectiveness of the processes that inform them and the development and nurturing of the intellectual capital in law reform over time within this organisation. The value of the ALRC's research was noted in several submissions to the Senate's Inquiry into the ALRC, from both academics and from the judiciary, in particular the Federal Court, speaking of the high value provided by the evidence base of the ALRC's research and the enduring nature of the law reform reports that we produce.

In this context, it has been extremely pleasing to note the implementation of a number of key recommendations in the past months of the ALRC's ground-breaking report into Privacy laws, *For Your Information: Australian Privacy Law and Practice*, (ALRC Report 108, 2008), including those concerning the Australian Privacy Principles and others looking at issues of the media and privacy. Minister for Home Affairs and Justice, the Hon Brendan O'Connor MP, announced the release of an Issues Paper that will canvass the prospect of introducing a statutory cause of action for serious invasions of privacy—one of the ALRC's key recommendations. I take this

opportunity to acknowledge the work of past Commissioner in charge of the Privacy Inquiry, Professor Les McCrimmon, who welcomed the Government's announcement from his new home in Darwin, where he is now Acting Pro Vice-Chancellor in the Faculty of Law, Education, Business and Arts at Charles Darwin University. When the Report was released, it was always the Government's intention to look at implementation of our recommendations in two distinct tranches over a number of years, and it is very pleasing to see this commitment being realised. Many of the other recommendations of the Report have been considered already, and we look forward to following the developments in this area over the coming months.

Another example of recent implementation is Schedule 1 of the *National Security Legislation Amendment Act 2010* that implements a number of recommendations in the ALRC's report on Sedition, *Fighting Words: A Review of Sedition Laws in Australia* (ALRC Report 104, 2006). Further examples of implementation are listed in the appendices of this Report and provide testament that independent advice from the ALRC remains critical in helping the government achieve its reform objectives.

I have now overseen, as Commissioner in charge, seven inquiries during the past four years: Client Legal Privilege; FOI (until it was withdrawn); Secrecy; FOI (Private) (that was proposed but never eventuated); Family Violence; Commonwealth laws and family violence; and Discovery. Despite the ALRC's recent reduction in resources and the challenges that we face, I remain committed to ensuring that the ALRC's tried and tested research methods, underpinning the quality of our work, are not compromised and that the ALRC continues to deliver extraordinary value to this and future federal governments.



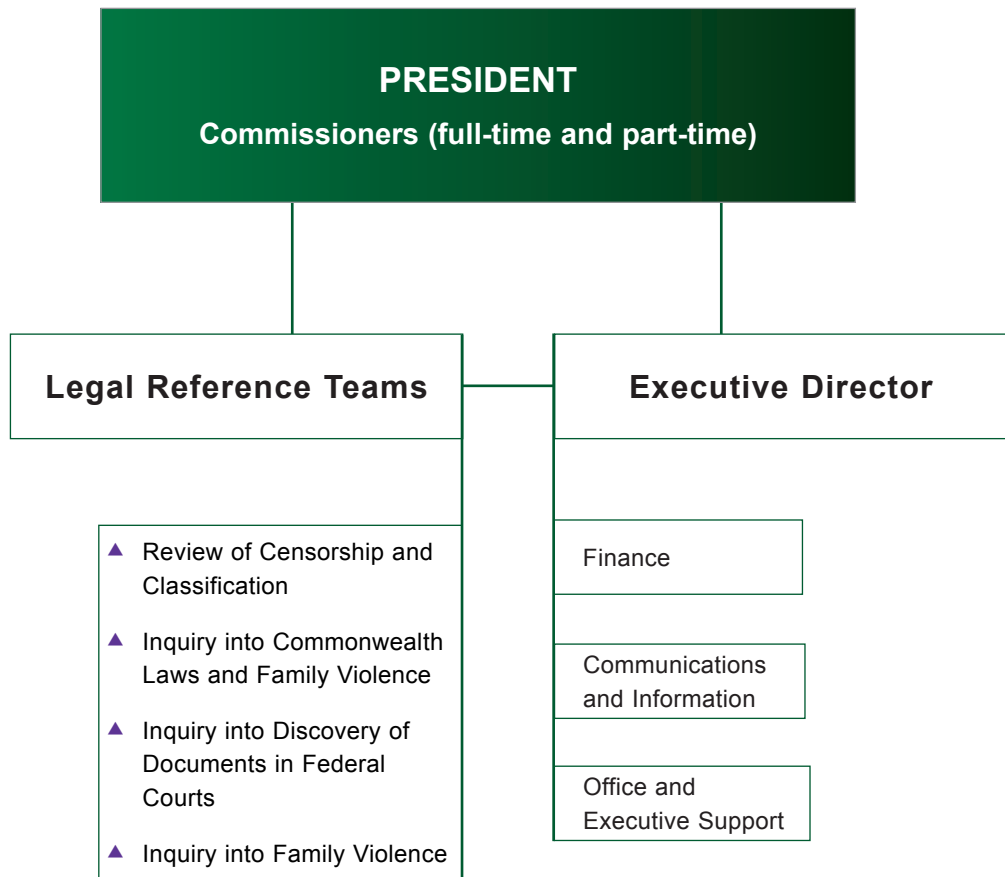
Professor Rosalind Croucher
President

'The ALRC is certainly the senior law reform agency in Australia. The work it has produced is of admirable quality. It is routinely looked to by this Commission when it is considering its projects.'

Submission by the New Zealand Law Commission to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Corporate Overview

ALRC Organisational Structure



Role and Functions of the ALRC

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

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

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

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

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

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

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

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

Snapshot of 2010–11

Membership

- ▲ Professor Terry Flew was appointed as a full-time Commissioner for the Review into Censorship and Classification Laws for one year until 29 February 2012.
- ▲ Justice Bruce Lander and Justice Arthur Emmett were appointed as part-time Commissioners for the Discovery of Documents in the Federal Courts Inquiry for a six-month period to 30 April 2011.
- ▲ Justice Berna Collier was reappointed as a part-time Commissioner for three years to 26 October 2013.

Significant Events

- ▲ On 9 July 2010, the Attorney-General signed Terms of Reference for a review of the impact of Commonwealth laws on those experiencing family violence with a reporting date of 30 November 2011.
- ▲ On 11 November 2010, the Attorney-General launched the Final Report, *Family Violence: A National Legal Response* (ALRC Report 114).
- ▲ On 23 November 2010, the Senate referred an Inquiry into the Australian Law Reform Commission to the Legal and Constitutional Affairs References Committee. The Committee's Final Report was released on 8 April 2011.
- ▲ On 17 March 2011, the ALRC launched the first of its quarterly e-newsletters, *ALRC Brief*.
- ▲ On 24 March 2011, the Attorney-General signed Terms of Reference for a review into Censorship and Classification Laws with a reporting date of 30 January 2012.
- ▲ On 2 May 2011, the ALRC moved to new premises at Level 40, MLC Centre, 19 Martin Place, Sydney.
- ▲ On 25 May 2011, the Final Report, *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115) was tabled in Parliament.
- ▲ On 2 June 2011, the ALRC won a Bronze Award for its CAC online annual report at the Institute of Public Administration Australia (IPAA) Annual Report Awards.

Anticipated Developments in 2011–12

- ▲ From 1 July the ALRC will become a prescribed agency under the *Financial Management and Accountability Act* (FMA Act), a statutory agency under the *Public Service Act 1999*.
- ▲ A new Enterprise Agreement will be negotiated that takes into account the requirements of the *Fair Work Act* and recognises the move to the Public Service.

Publications

Table 1: ALRC Publications 2010-11

<i>Area</i>	<i>Publication title</i>	<i>Date of release</i>
Corporate	<i>Annual Report 2009–10</i> (ALRC 113)	15 October 2010
Family Violence Inquiry	<i>Family Violence: A National Legal Response</i> (ALRC Report 114)	14 November 2010
	<i>Family Violence: A National Legal Response</i> (ALRC Report 114 Summary)	14 November 2010
Discovery of Documents in Federal Courts Inquiry	<i>Discovery in Federal Courts</i> (CP 2)	15 November 2010
Commonwealth Laws and Family Violence Inquiry	<i>Employment and Superannuation Law</i> (IP 36)	22 February 2011
	<i>Immigration Law</i> (IP 37)	1 March 2011
	<i>Child Support and Family Assistance</i> (IP 38)	10 March 2011
	<i>Social Security Law</i> (IP 39)	14 March 2011
Censorship and Classification Inquiry	<i>National Classification Scheme Review</i> (IP 40)	20 May 2011
Discovery of Documents in Federal Courts Inquiry	<i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115)	24 May 2011
	<i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115 Summary)	24 May 2011

Report on Performance

Outcome and Program Structure

OUTCOME

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

Program 1

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

Deliverables

- ▲ Inquiries
- ▲ Final Reports
- ▲ Consultation Meetings
- ▲ Consultation Papers

Key Performance Indicators

- ▲ Implementation of reports
- ▲ Citations and mentions
- ▲ Final reports distributed in hard copy
- ▲ Final reports accessed online
- ▲ Consultation papers distributed in hard copy
- ▲ Consultation papers accessed online
- ▲ Submissions received
- ▲ Presentations and speaking engagements
- ▲ Media reportage and articles

Outcome Report

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

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

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

The ALRC has one program through which it delivers its outcome.

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 Reports for each inquiry referred to the ALRC by the Attorney-General, that contain the research, analysis and recommendations to assist the government to make informed decisions about the development, reform and harmonisation of Australian laws and related processes.

In undertaking this program the ALRC will:

- ▲ conduct inquiries, as referred by the government;
- ▲ undertake community consultation with relevant stakeholders and experts interested in each area of law under review and report on the consultation process;
- ▲ produce consultation documents, as appropriate, to each inquiry;
- ▲ call for submissions at each consultation phase and seek information and responses to the questions and proposals presented that will be considered by the ALRC in formulating its final recommendations;

- ▲ provide web-based consultation and communication strategies to effectively and efficiently broaden access by the community to the ALRC's activities;
- ▲ 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.

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

As part of the inquiry process, the ALRC produces a number of consultation papers that present issues and raise proposals for reform. It calls on the community to respond to these issues and proposals through both formal submissions as well as through more informal feedback mechanisms, such as online discussion forums, phone-ins, focus groups, and seminars and roundtables, where appropriate. These external contributions, and the ALRC's own research, inform the preparation of a Final Report with recommendations for the Government's consideration. These Final Reports assist the Government to make informed decisions about reforming the law and related processes.

<i>Table 2: Program Deliverables</i>		
	<i>2010–11 Budget</i>	<i>2010–11 Achieved</i>
Inquiries	2	4
Final reports	2	2
Consultation meetings	100	101
Consultation papers	3	6

'From its inception until now the ALRC has produced first-class reports that set out the current law on the topic under consideration reliably and in detail. 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... It is only because the scholarship embodied in the ALRC's reports has been first class that they have been of assistance to the judiciary.'

Submission by the Federal Court of Australia to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Inquiries

It is usual for the ALRC to work on two inquiries at the one time. In 2010–11, the ALRC worked on four inquiries as referred to it by the Attorney-General:

- ▲ the Inquiry into Family Violence Laws;
- ▲ the Inquiry into Discovery of Documents in Federal Courts;
- ▲ the Inquiry into Commonwealth Laws and Family Violence; and
- ▲ the Review of Censorship and Classification.

Inquiry into Family Violence Laws

During this reporting period, the ALRC worked for three months to September 2010 on producing the Final Report for the Family Violence Inquiry—a joint inquiry with the NSW Law Reform Commission (NSWLRC). *Family Violence: A National Legal Response* (ALRC Report 114, 2010) was launched on 11 November by the Attorney-General, the Hon Robert McClelland and NSW Attorney General John Hatzistergos with ALRC President, Professor Rosalind Croucher, NSWLRC Chairman, the Hon James Wood and NSWLRC Commissioner, Emeritus Professor Hilary Astor.



Family Violence Final Report Launch

ALRC part-time Commissioner, Magistrate Anne Goldsbrough; Attorney-General, the Hon Robert McClelland; ALRC President, Professor Rosalind Croucher; NSWLRC Commissioner, Professor Hilary Astor; NSW Attorney General, John Hatzistergos; NSWLRC Chairman, the Hon James Wood.

The Terms of Reference had directed the ALRC and the NSWLRC (the Commissions) to consider: the interaction in practice of state and territory family and domestic violence and child protection laws with the *Family Law Act 1975* (Cth) and relevant Commonwealth, state and territory criminal laws; and the impact of inconsistent interpretation or application of laws in cases of sexual assault occurring in a family/ domestic violence context, including rules of evidence, on victims of such violence. In relation to both issues, the Commissions were to consider what, if any, improvements could be made to relevant legal frameworks to protect the safety of women and their children. The Terms of Reference in full are at Appendix C.

The protection of women and children has predominantly been dealt with under state and territory family and domestic violence laws and child protection laws. These laws have varied across the jurisdictions, with the possible result of women and children being subject to different levels of protection depending upon where they lived. The Commissions explored whether the complexity of Australia's federal system causes problems, such as inconsistent or incompatible protective orders; any duplication of effort by federal, state and territory courts; or any gaps or inadequacies in the cooperation between those courts and state and territory agencies. Also in consideration was how these laws interact with Commonwealth laws touching on family violence, such as the Family Law Act. The Commissions also considered how the law should enable women and children to report family and domestic violence, participate in legal processes, and access appropriate remedies; as well as facilitate the rehabilitation of perpetrators and the prevention of family violence in the first place.

On 14 December 2009, the Attorney-General appointed Victorian Magistrate Anne Goldsbrough to the ALRC as a part-time Commissioner for the Family Violence Inquiry. Magistrate Goldsbrough's term ended on 31 August 2010. The ALRC invited George Zdenkowski, former ALRC Commissioner, academic and magistrate to assist the Inquiry team as a special adviser. The ALRC also called on the expertise of other key stakeholders including Dr Jane Wangmann and Dr Annie Cossins in the areas of sexual assault and child sexual assault; Stephen Odgers SC, in relation to sexual assault evidence issues; and Professor Patrick Parkinson, in relation to Family Law Act intersections with child protection and family violence.

The Commissions conducted an intensive round of consultations and presentations for this Inquiry, undertaking 110 consultations including in Perth, Mackay, Darwin, Alice Springs, Hobart, Melbourne, Sydney and regional New South Wales.

The Final Report was presented in two volumes with an additional Summary Report. Key recommendations focused on improving safety through:

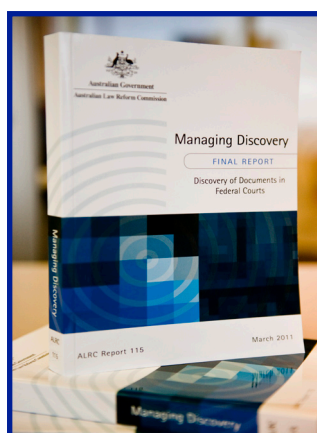
- ▲ A common interpretative framework—establishing a shared understanding of what constitutes family violence across relevant legislative schemes.
- ▲ Corresponding jurisdictions—expanding the jurisdiction of courts dealing with family violence to maximise the chance that families will be able to get all the legal protections they need from any court they approach.
- ▲ Specialist family violence practice—fostering expertise within magistrates courts with staff who understand the dynamics of family violence and the complex array of legislation that applies.
- ▲ Improving police and prosecutorial practice—to produce safe, fair and just outcomes for victims.
- ▲ Integrated responses—ensuring that the many services needed by those who suffer family violence work together, building a better and shared understanding of violence and a national system of registration of family violence orders.
- ▲ Alternative dispute resolution—developing ADR responses, but with careful and appropriate protections for those who are the victims of violence.
- ▲ Training and information—underpinning legal changes by better understandings of family violence across the whole system, including a national family violence bench book and a national register of relevant orders.

In relation to the recommendations made in *Family Violence: A National Legal Response* generally, the Attorney-General has stated that the Government is currently considering the report.

Inquiry into Discovery Laws

On 11 May 2010, the ALRC received Terms of Reference for an Inquiry to explore options to improve the practical operation and effectiveness of discovery of documents in litigation before federal courts. The Commission was requested to consider how law reform in this area could improve the ability of parties to identify the real issues in dispute and ensure the costs of resolution are proportionate to the issues involved. Terms of Reference in full are at Appendix C.

Two part-time Commissioners were appointed to the Inquiry on 27 October 2010, the Hon Justice Bruce Lander and the Hon Justice Arthur Emmett. Justice Emmett's and Justice Lander's terms ended on 30 April 2011.



The ALRC convened an Advisory Committee to contribute to the development of the approach and recommendations. The Advisory Committee met twice during the course of the Inquiry, on 19 August 2010 and on 17 February 2011. A full list of Advisory Committee members is included at Appendix D.

A Consultation Paper, *Discovery in Federal Courts* (CP 2), was released on 15 November 2010. The Consultation Paper was launched in Melbourne on 17 November 2010, with a public seminar co-hosted by the Civil Justice Research Group, University of Melbourne, focusing on legal ethical issues in the discovery process. The discussion was moderated by Professor Camille Cameron and Associate Professor Christine Parker (Melbourne Law School). A panel of experts discussed the ethics issues canvassed in the Consultation Paper. The panel included:

- ▲ Professor Rosalind Croucher (ALRC President)
- ▲ The Hon Justice Ray Finkelstein (Federal Court of Australia)
- ▲ Georgina Hayden (ASIC)
- ▲ Sue Laver (Telstra)
- ▲ Bernard Murphy (Maurice Blackburn Pty Limited)
- ▲ Stuart Clark (Clayton Utz)
- ▲ Michael D. Wyles SC

The Consultation Paper was also launched in Sydney on 18 November 2010, at the Federal Court, with a round-table discussion moderated by ALRC President, Professor Rosalind Croucher and introduced by Chief Justice Patrick Keane of the Federal Court of Australia. Participants at the table included:

- ▲ The Hon Justice Peter Jacobson, Federal Court of Australia
- ▲ Rebecca Gilsenan, Principal, Maurice Blackburn Lawyers
- ▲ Stuart Clark, Partner, Clayton Utz

Over the course of the Inquiry, the ALRC conducted 47 consultations and received 30 submissions. The ALRC consulted with a number of judges, academics, government agencies, members of the legal profession, litigation funders, community legal centres and public interest advocates. Submissions were received from the Family Court of Australia, Australian Government agencies, various legal professional bodies, law firms, academics, community legal centres, public interest organisations, firms specialising in document management, as well as individuals.

The Final Report, *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115), was tabled on 25 May 2011 and contains 27 recommendations to improve the practical operation and effectiveness of the discovery process. It was accompanied by a separate, short Summary Report which provides an accessible overview of the policy framework and recommendations.

The Report's recommendations are underpinned by eight policy principles, including those comprising the Government's *Strategic Framework for Access to Justice in the Federal Civil Justice System*. The focus of the recommendations is principally on the Federal Court. The Report makes recommendations about, among other things, the production and inspection of documents prior to discovery; when parties should file discovery plans; best-practice guidelines on the formation and content of discovery plans; judicial and practitioner training; the role of registrars and referees; costs orders; pre-trial oral examinations; and data collection.

The ALRC considers that the most effective way to facilitate the resolution of disputes in the Federal Court is through robust case management. Such a 'facilitative' model preserves the discretion of the judge while also introducing greater clarity of expectations in relation to discovery. A number of the recommendations are to reform the *Federal Court of Australia Act 1976* (Cth) and the *Federal Court Rules* (Cth), and to ensure that these provisions are supported by a suite of practice notes clarifying what the Federal Court expects of practitioners. These recommendations are complemented by recommendations for judicial education and training to reinforce judicial understanding of powers and to encourage their more consistent application.

Inquiry into Commonwealth Laws and Family Violence

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

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

ALRC President, Professor Rosalind Croucher leads this Inquiry. No part-time Commissioner was appointed for this Inquiry. An Advisory Roundtable was held on 9 December 2010 to assist the ALRC to formulate the initial issues to be canvassed. Members of the Advisory Roundtable are at Appendix D.

In February and March 2011, the ALRC released a series of Issues Papers on its website:

- ▲ *Family Violence—Employment and Superannuation Law* (IP 36) on 23 February 2011;
- ▲ *Family Violence—Immigration Law* (IP 37) on 1 March 2011;
- ▲ *Family Violence—Child Support and Family Assistance* (IP 38) on 10 March 2011; and
- ▲ *Family Violence—Social Security Law* (IP 39) on 14 March 2011.

These Issues Papers posed a number of questions for stakeholders to respond to. Eighty-one submissions were received in response to these Issues Papers from community legal centres, legal aid commissions, employer groups, unions, men's and women's groups, academics and tribunals.

Several Expert Panels, based on the legal areas within the reference were formed for this Inquiry and met during May to contribute to the development of a Discussion Paper. Members of the Expert Panels are at Appendix D.

To date 45 consultations have been conducted in the process of this Inquiry. A Discussion Paper will be released in August 2011 with a Final Report at 30 January 2012.



Commonwealth Laws and Family Violence team

Intern, Kate Nielson; Project Assistant, Tina O'Brien; Legal Officer, Sara Peel; Senior Legal Officer, Justine Clarke; Senior Legal Officer, Bruce Alston; President, Professor Rosalind Croucher; Senior Legal Officer, Virginia Marshall; Legal Officer, Khanh Hoang; Legal Officer, Amanda Alford; Legal Officer, Krista Lee-Jones.

Review of Censorship and Classification Laws

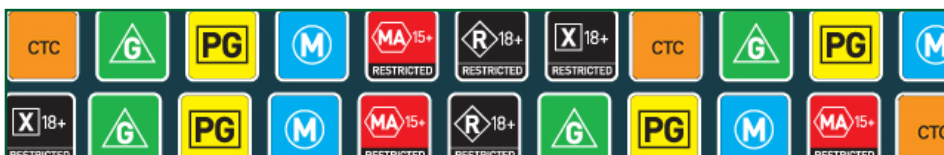
On 21 December 2010, the Attorney-General, the Hon Robert McClelland MP, issued a joint press release with the Minister for Justice; Minister for Home Affairs; Minister for Privacy and Freedom of Information, the Hon Brendan O'Connor MP, stating that the ALRC will conduct a review of classification laws in Australia in light of changes in technology, media convergence and the global availability of media content. The ALRC previously conducted an inquiry into laws relating to classification and censorship in 1991. The National Classification Scheme is a cooperative scheme between the Commonwealth and the States and Territories. The Attorney-General's Department sought public comment on the proposed terms of reference for the review, prior to formalising them for the ALRC's inquiry.

On 24 March 2011, the Attorney-General provided the ALRC with Terms of Reference that asked the ALRC to inquire and report on the framework for the classification of media content in Australia, based on the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) and *Broadcasting Services Act 1992* (Cth). Having regard, among other things, to:

- ▲ existing Commonwealth, State and Territory classification laws;
- ▲ the current classification categories contained in the Classification Act, National Classification Code and Guidelines;
- ▲ the rapid pace of technological change;
- ▲ the need to improve classification information available to the community;
- ▲ the effect of media on children; and
- ▲ the desirability of a strong content and distribution industry in Australia.

The ALRC has been asked to conduct widespread public consultation across the community and industry and to provide its Final Report by 30 January 2012. Terms of Reference in full are at Appendix C.

On 21 April 2011, the Attorney-General announced the appointment of Professor Terry Flew as a full-time Commissioner for the Classification Inquiry from 2 May 2011 until 29 February 2012. Financial assistance to support this appointment was provided to the ALRC by the Attorney-General's Department.



The ALRC's Inquiry is occurring alongside other public consultations and reviews covering matters related to the National Classification Scheme, including the Department of Broadband, Communications and the Digital Economy (DBCDE) review of measures to increase accountability and transparency for Refused Classification material and its Convergence Review, examining Australia's communications and media legislation.

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

In releasing the Issues Paper, the ALRC sought wide community input into reform of the classification system, with the aim of advising on a regulatory framework that:

- ▲ is consistent across media industries, platforms, and devices
- ▲ meets community expectations and is readily understood by the public
- ▲ enables Australians to have ready access to a diverse range of forms of information and entertainment content across media platforms
- ▲ ensures that appropriate safeguards exist to restrict the availability of inappropriate content, particularly for children
- ▲ minimises the costs and regulatory burdens of compliance, and promotes competition and innovation
- ▲ is enforceable and promotes public trust in the regulatory system.

To date, the ALRC has received a record number of submissions to this Inquiry, receiving more than 2,400 submissions. Twenty-four face to face consultations have also been held in Sydney, Canberra, Brisbane and Melbourne. A Discussion Paper will be released in September 2011.

Attendance at and submissions made by the ALRC to other inquiries

The ALRC's inquiry work will sometimes mean that it has conducted valuable research into areas of law or legal process that are either also under review by other agencies or parliamentary committees, or where the ALRC's research touches on the area under review in some way. In such instances, where appropriate and relevant, the ALRC will provide briefings or written submissions to parliamentary committees, ministers, government departments, and other bodies. In this way the ALRC can also ensure that the experience and knowledge developed 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 and issues covered in current reference work or past reference work of the ALRC;
- ▲ the consonance of issues raised in the review or inquiry being undertaken by the body and the expertise and knowledge of current Commissioners and staff members; and
- ▲ the availability of, and impact upon, ALRC resources.

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

During the reporting period, the ALRC made eight written submissions drawing on past inquiries. A full list of submissions is provided in Appendix E.

On 25 November 2010, the President, Professor Rosalind Croucher and Senior Legal Officer, Bruce Alston were called to give evidence to the Senate Finance and Public Administration Legislation Committee with reference to the Australian privacy amendment legislation.

On 11 February 2011, the President, Professor Rosalind Croucher gave evidence to the public hearing of the Senate Legal and Constitutional Affairs References Committee concerning the Inquiry into the ALRC. Executive Director, Sabina Wynn and Senior Legal Officer, Bruce Alston attended the hearing with the President.

'... the ALRC provides an outstanding contribution to Federal law reform in Australia. The ALRC consistently conducts comprehensive inquiries and produces informative, well researched and well written reports.'

Submission by the Law Council of Australia to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Performance Report

Program 1: Key Performance Indicators

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

- ▲ the level of implementation that ALRC reports achieve by Government and other bodies, substantially or partially, over time;
- ▲ the number of citations or references to ALRC reports and recommendations in parliamentary debates, in court citations and decisions, and in academic publications and other publications;
- ▲ readership of the ALRC's reports and consultation papers (distributed and accessed via the ALRC and the ALRC's website);
- ▲ the number of submissions to each inquiry;
- ▲ the number of presentations and speaking engagements about the ALRC's inquiries; and
- ▲ the number of media mentions of ALRC reports and recommendations.

Table 3: Key Achievements 2010–11

	<i>Target</i>	<i>Actual</i>
Implementation of reports	80%	90%
Citations and mentions	40	73
Final Reports by hard copy/CDROM	1,000	1,261 hardcopy 731 CDs
Final Reports accessed online	1,800	6,375 unique views
Consultation papers hard copy/ CDROM	1,000	Nil*
Consultation papers accessed online	3,000	13,260 unique views
Submissions received	100	196

Table 3: Key Achievements 2010–11		
	Target	Actual
Presentations and speaking engagements	20	19
Media reportage	250	327

* A decision to produce Consultation Papers only online was made as a productivity saving.

Percentage of reports implemented by those to whom recommendations are targeted

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

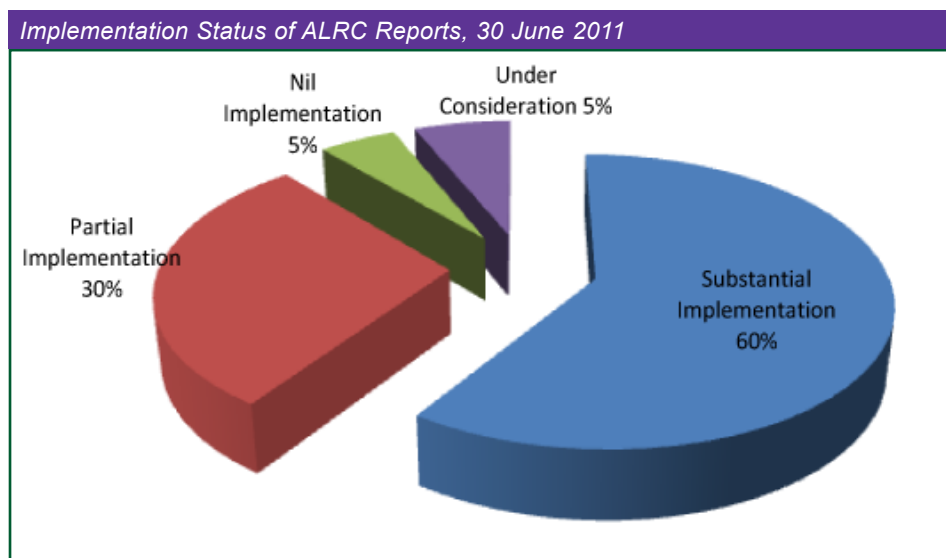
The ALRC considers that a report is substantially implemented when the majority of the report's recommendations, including key recommendations, have been implemented by those to whom the recommendations are directed. Partial implementation refers to implementation of at least some recommendations of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

Legislative and other implementation activity in the 2010–11 year, as described in Appendix G, has altered the levels of status of implementation of all ALRC reports with the following results:

- ▲ 60% of reports had been substantially implemented;
- ▲ 30% of reports had been partially implemented;
- ▲ 5% of reports without any implementation to date were currently under consideration; and
- ▲ 5% of reports had not been implemented.

Graph 1 indicates the implementation status of ALRC reports as at 30 June 2011, and Appendix G provides a detailed update on action in relation to ALRC reports during 2010–11.

Appendix H provides a brief overview of the implementation status of all 79 inquiry-related ALRC reports.



Substantial implementation

As at 30 June 2011, the ALRC had completed 79 inquiry-related reports. Forty-seven of those reports (60%) have been substantially implemented.

During 2010–11, there were no further ALRC Reports substantially implemented. Thus, with two new final reports produced in that year, the percentage of all reports that can be categorised as substantially implemented dropped by one percent, from 61%.

See Appendix G for further details.

Partial implementation

Twenty-four reports (30% of all ALRC inquiry-related reports) have been partially implemented. This represents two more reports in the category of partial implementation than at 30 June 2010.

For example, the Family Law Legislation Amendment (Family Violence and Other Measures) Bill, which was introduced in Parliament on 24 March 2011, when enacted, will implement Recommendation 6–4 of the ALRC's report *Family Violence: A National Legal Response* (ALRC Report 114, 2010). The recommendation provided for a revised and broader definition of 'family violence' in the *Family Law Act 1975* (Cth).

'The recommendations in this report are helping to shape the Government's response to this complex issue, including by influencing the landmark Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 that is currently before this Parliament.'

Government response to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

The other report that was partially implemented was *Fighting Words: A Review of Sedition Laws in Australia* (ALRC Report 104, 2006). Schedule 1 of the *National Security Legislation Amendment Act 2010*, which commenced on 24 November 2010, implements a number of recommendations in *Fighting Words*, including the removal of the term 'sedition' from federal criminal law and replacing it with references to 'urging violence offences'. See Appendix G for further details.

Under consideration

In 2010–11, there remain four ALRC reports that are under consideration by Government: *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115, 2011), *Making Inquiries: A New Statutory Framework* (ALRC Report 111, 2010), *Secrecy Laws and Open Government in Australia* (ALRC Report 112, 2010) and *Privilege in Perspective: Client Legal Privilege in Federal Investigations* (ALRC Report 107, 2008). These represent 5% of all ALRC reports. See Appendix G for further details.

Nil implementation

Four of the 79 inquiry-related reports completed by the ALRC (5%) have not been implemented at all, and do not appear to be under consideration. Two of these reports cover the same topic, that of public interest standing: *Standing in Public Interest Litigation* (ALRC Report 27, 1985) and *Beyond the Door-Keeper: Standing to Sue for Public Remedies* (ALRC Report 78, 1996). The other two reports are *Product Liability* (ALRC Report 51, 1989) and *Administrative Penalties in Customs and Excise* (ALRC Report 61, 1992).

'From this (implementation rate) it is clear that the ALRC's process of developing recommendations for reform is leading to reports that are effective, relevant and practicable in our changing economic, social, and cultural world. While reports of this calibre are clearly critical to providing sound advice to the Australian Government, the authoritative and comprehensive analysis contained in the reports is also relied upon in academic and judicial environments.'

Submission by Macquarie University Law School to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Court citations

Past ALRC reports are cited by Australian courts and tribunals as well as in numerous academic articles and other publications. During 2010–2011, there were more than 73 references to ALRC reports in decisions of major Australian courts and tribunals. These included three from the High Court of Australia, 17 from the Federal Court of Australia, and 45 from state and territory Supreme Courts or Courts of Appeal, as well as decisions of other major courts and tribunals.

This number represents an increase of 14% in the number of judgments from major Australian courts referring to ALRC reports when compared with the 2009–10 year.

It is interesting to note the range of reports that have been cited this year, from *Alcohol, Drugs and Driving* (ALRC Report 4, 1976) up to the most recent, *Managing Discovery: Discovery of Documents in Federal Courts* (ALRC Report 115, 2011).

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

Public debate

The ALRC actively promotes public debate on issues raised by its current and past inquiries, and on law reform generally. The ALRC monitors public discourse by keeping a register of media reports, journal articles, conference papers and parliamentary debates. This media log is provided at Appendix K.

Media interest

During 2010–2011, the ALRC identified 327 mentions of its work, both past and present, by the media.

The ALRC's Privacy Report, *For Your Information: Australian Privacy Law and Practice*, attracted the lion's share (31%) of media attention during the reporting period, as it has done each year since its tabling in August 2008. This attention is partly due to the referral in late June 2010 of an exposure draft of new Australian Privacy Principles to the Senate Finance and Public Administration Legislation Committee for inquiry and report, followed by an Exposure Draft for credit reporting provisions in January 2011. There were also several high-profile stories involving privacy invasion reported in the media throughout the year, which prompted new calls for privacy law reform.

The high level of general public interest in the Review of the National Classification Scheme is evident from the relatively high level of attention it also received in the media during the reporting period (26%), despite the fact that the Review was only announced in December 2010, and only officially commenced in May 2011.

The two Inquiries completed during the reporting period, Family Violence (report tabled 11 November 2010) and Discovery of Documents in Federal Courts (report tabled May 2011) each received 10% of the media mentions.

There were also 22 (7%) articles in the media relating to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC (see Special Features section).

Media releases

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

In 2010–11, the ALRC distributed nine media releases. A full list of media releases is provided at Appendix K.

Consultations and consultation documents



Consultation lies at the heart of the ALRC’s inquiry process. During an inquiry, the ALRC holds meetings with relevant stakeholders, both individuals and organisations, nationally, to assist the ALRC to identify the key issues involved, to shape the research questions and to contribute to the ALRC’s policy analysis and consideration. During 2010–11, the ALRC conducted a total number of 101 consultations around the country—Discovery Inquiry (36), Commonwealth Laws and Family Violence Inquiry (45), National Classification Review (20).

The number of consultation papers released in the course of an inquiry is dependent on both the nature of that inquiry and the inquiry timeframe that is set by the Attorney-General. In the past, ALRC inquiries have usually followed a two-stage consultation process that included production and distribution of an Issues Paper, followed by a call for submissions, release of a Discussion Paper followed by a further call for submissions, and then release of a Final Report.

All ALRC consultation documents are provided at no charge through the ALRC's website in both HTML and PDF versions. The ALRC usually prints a number of hard copy documents and distributes them to key stakeholders for each inquiry, including those who have made a formal submission to the ALRC on the Inquiry. The number of consultation papers printed and distributed in hard copy is dependent on a number of factors including: the nature of each inquiry; the interest and engagement of stakeholders; and the ALRC's financial situation. Therefore the number of documents printed and distributed each year will vary and is difficult to predict, prior to knowing the nature of upcoming inquiries.

The target for the hard copy distribution of Final Reports for 2010–11 was 1,000 hard copies distributed. This figure was based on two inquiries and producing two Final Reports. The ALRC distributed 1,261 hard copy Final Reports in this reporting period.

The target for the hard copy distribution of Consultation Papers for 2010–11 was 1,000 hard copies distributed. The ALRC distributed no hard copy Consultation Papers in this reporting period because the ALRC has moved to producing its consultation papers online, rather than in hard copy, as a budget measure, and to achieve productivity savings.

'A particularly important part of the ALRC research methodology is consultation with targeted stakeholders and the community. Consultation processes, such as those conducted at the ALRC, are important for a number of reasons including: ensuring the independence and transparency of the law reform process; increasing community understanding and engagement; and achieving better informed outcomes.

One of the great benefits of the ALRC's methods of operation over many years has been its ability to go well beyond 'the usual suspects' and to engage the wider community, including disadvantaged, marginalised and other segments of the community that rarely have a voice in public policymaking.'

Submission by Macquarie University Law School to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Table 4: Distribution Figures for Reports and Consultation Documents			
<i>Consultation Paper and Final Reports</i>	<i>Date released</i>	<i>Hard copy access</i>	<i>Online access</i>
Consultation Paper <i>Discovery in Federal Courts</i> (CP 2)	November 2010	N/A	5,699 page views 2,036 unique views
Final Report <i>Family Violence: A National Legal Response</i> (ALRC Report 114)	November 2010	848	15,555 page views 5,185 unique views
Final Report <i>Family Violence: A National Legal Response</i> (ALRC Report 114 Summary)	November 2010	439	5,994 page views 2,051 unique views
Issues Papers <i>Commonwealth Family Violence—</i>	March 2011		
<i>Employment and Superannuation Law</i> (IP 36)		N/A	2,554 page views 848 unique views
<i>Immigration Law</i> (IP 37)		N/A	2,337 page views 805 unique views
<i>Child Support & Family Assistance</i> (IP 38)		N/A	2,181 page views 766 unique views
<i>Social Security</i> (IP 39)		N/A	2,011 page views 721 unique views
Final Report <i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115)	May 2011	413	3,963 page views 1,190 unique views
Final Report <i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115 Summary)	May 2011	411	1,722 page views 486 unique views
Issues Paper <i>National Classification Scheme Review</i> (IP 40)	May 2011	N/A	13,648 page views 6,033 unique views

Submissions

The number of submissions received by the ALRC is also a measure of the public's engagement with its work and the extent to which the consultation papers have stimulated debate and discussion. However, the number of submissions received for any inquiry is also a function of the subject matter of the inquiry. Some inquiries are of great interest and relevance to many diverse stakeholders and community groups, for example, the National Classification Scheme Review. Other inquiries are of more specific interest to a specialist group of stakeholders and elicit a smaller number of submissions, for example, the Discovery of Documents in Federal Courts.

<i>Table 5: Number of Submissions Received 2010–11</i>		
<i>Consultation Paper</i>	<i>Submissions due by</i>	<i>Submissions received</i>
Consultation Paper <i>Family Violence: Improving Legal Frameworks</i> (CP 1)	June 2010	20*
Consultation Paper <i>Discovery in Federal Courts</i> (CP 2)	January 2011	30
Issues Papers <i>Commonwealth Family Violence</i> (IP 36-39)	April 2011	82
Issues Paper <i>National Classification Scheme Review</i> (IP 40)	July 2011	64**
Total submissions received		196

* These submissions were received after the due date for submissions had passed but were still considered for the Final Report. The total number of submissions received over the course of the Family Violence Inquiry was 240 submissions.

** The total number of submissions received in response to the Issues Paper for the Classification Inquiry was 2,450 submissions.

Presentations and speaking engagements

The ALRC Commissioners and Senior Staff speak at conferences, seminars and other functions about the work of the ALRC. This encourages community education, and engagement with, the work of the ALRC and the process of law reform more generally. A full list of presentations is at Appendix J.

'The ADFVC was named as one of the consulting bodies in the terms of reference for the ALRC inquiry into specified family violence laws and legal frameworks to improve the safety of women and children. This was an inquiry into a complex and highly contested area of the law. The ADFVC was impressed by the capacity of the ALRC to consolidate and process the range of issues raised by the inquiry in the short time frame allocated.

During the inquiry the ALRC demonstrated an excellent capacity to involve and represent the positions of a wide range of stakeholders through respectful consultation.'

Submission by the Australian Domestic and Family Violence Clearinghouse to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

'Australians are free to make submissions and know that their views will be heard and will be considered impartially. The continued existence of the strong ALRC is imperative to a fair and decent society in Australia.'

Submission by the Rule of Law Institute of Australia to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

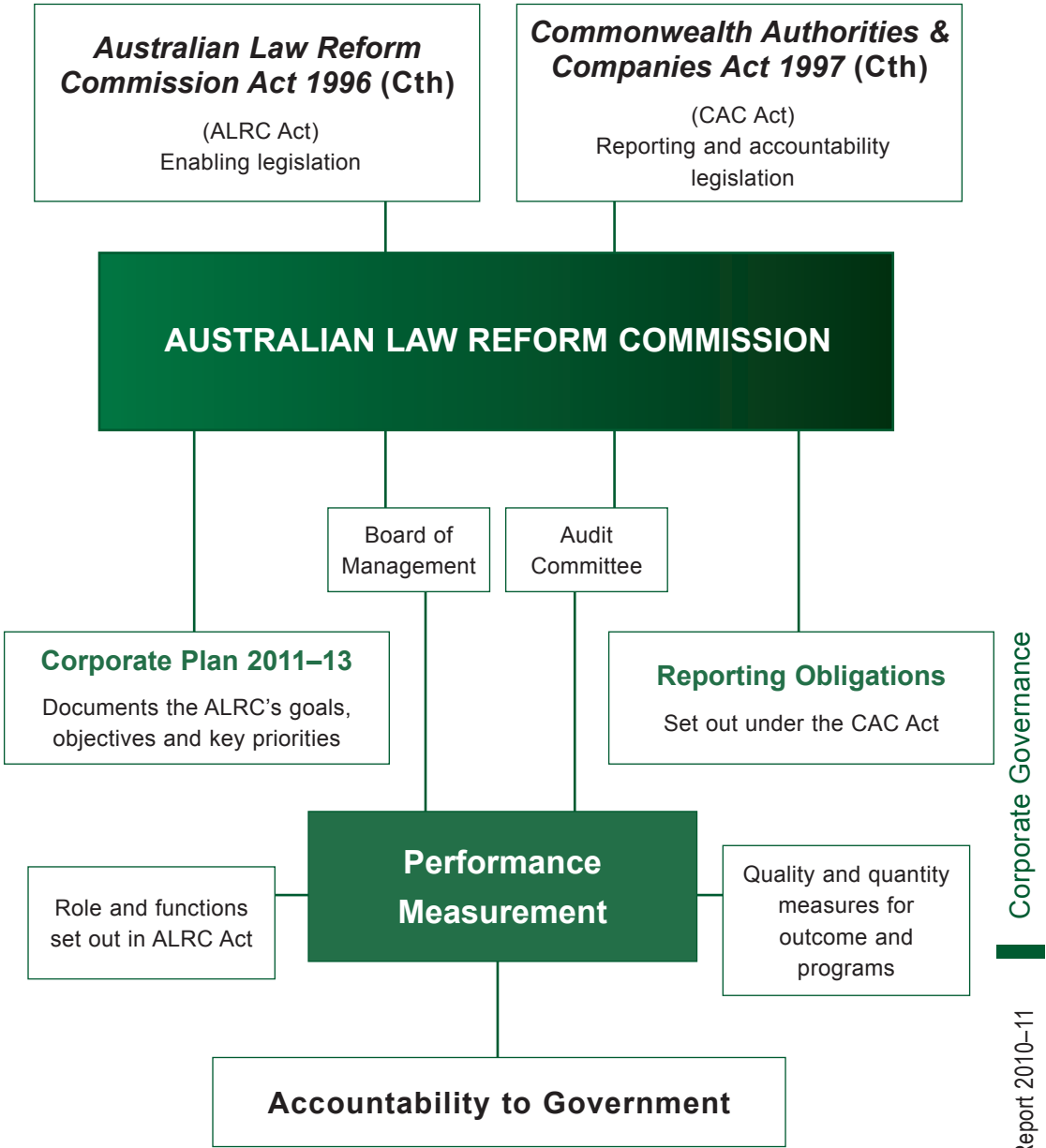
'The independence of the ALRC distinguishes it from other sources of law reform advice and analysis, such as Government departments, industry bodies and not-for-profit organisations. In our experience, the ALRC's independence allows it to provide impartial and robust law reform recommendations to the Australian Parliament.'

Submission by the Federation of Community Legal Centres (Vic) to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Corporate Governance



Corporate Governance Framework



Statement of Governance

Ministerial Powers

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

Under s 20 of the *Australian Law Reform Commission Act 1996* (the ALRC Act), the Attorney-General may refer matters to the ALRC for review. In 2010–11, two new matters were referred to the ALRC—the Commonwealth Laws and Family Violence Inquiry in August 2010 and a Review into Censorship and Classification in March 2011.

Under s 28 of the *Commonwealth Authorities and Companies Act 1997* (Cth) (the CAC Act), the Attorney-General may advise the ALRC of a requirement to comply with a general policy of the Australian Government. During 2010–11, the ALRC was not required to comply with any additional Australian Government policies.

Members of the Commission

Table 6 lists members of the ALRC during 2010–11 and their term of appointment. On 30 June 2011, there were four members of the ALRC—two full-time members and two part-time members.

Table 6: Members 2010–11

<i>Commissioner</i>	<i>Term of appointment</i>
<i>Full-time Commissioners</i>	
Professor Rosalind Croucher BA (Hons), LLB (Syd), PhD (UNSW), AMusA (AMEB), FRSA, FACLM (Hon), FAAL, TEP	5 February 2007 to 4 February 2010 as Commissioner 14 December 2009 to 13 December 2014 as President
Professor Terry Flew MEc (Syd), PhD (Griffith), GradCertEd (QUT), MBA (QUT)	21 April 2011 to 28 February 2012
<i>Part-time Commissioners</i>	
Justice Berna Collier BA, LLB (Qld), LLM (Melb)	2 October 2007 to 1 October 2010, and reappointed 28 October 2010 to 26 October 2013

Table 6: Members 2010–11

<i>Commissioner</i>	<i>Term of appointment</i>
Justice Susan Kenny BA (Hons), LLB (Hons) (Melb), DPhil (Oxon)	14 May 2003 to 13 May 2009, and reappointed from 9 July 2009 to 8 July 2012
Justice Arthur Emmett BA, LLM (Hons), LLD (honoris causa) (Syd)	28 October 2010 to 30 April 2011
Justice Bruce Lander LLB (Adel)	28 October 2010 to 30 April 2011



Professor
Rosalind Croucher,
President

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

Professor Croucher has lectured and published extensively, principally in the fields of equity, trusts, property, inheritance and legal history. She is an Honorary Fellow of the Australian College of Legal Medicine and a Foundation Fellow of the Australian Academy of Law.

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



Professor Terry Flew,
Commissioner

Professor Flew is Professor of Media and Communications at the Queensland University of Technology (QUT). Prior to being appointed as a Commissioner to the ALRC to lead the Classification Review, he was Portfolio Director in the Creative Industries Faculty responsible for Fashion, Journalism, and Media & Communication.

Professor Flew has a wide range of research interests, and is the author of *New Media: An Introduction* (Oxford)—Australia's leading new media textbook, *Understanding Global Media* (Palgrave, 2007) and *The Creative Industries, Culture and Policy* (Sage) to be published in November 2011.

Professor Flew is a Chief Investigator with the Australian Research Council Centre of Excellence for Creative Industries and Innovation, and a Work Program leader in New Media Services for the Smart Services Co-operative Research Centre. He was President of the Australian and New Zealand Communication Association from 2009–2010, and is active in the International Communications Association. Professor Flew is on leave from the Queensland University of Technology for the duration of his appointment to the ALRC.

'The Court benefits from the work of the Commission on several levels. The Court benefits greatly from the ALRC's reports, research and analysis of complex areas of law within federal jurisdiction. The Court is also greatly enriched by the experience of its judges who have acted as part-time Commissioners.'

Submission by the Federal Court of Australia to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.



The Hon Justice
Susan Kenny,
Part-time Commissioner

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

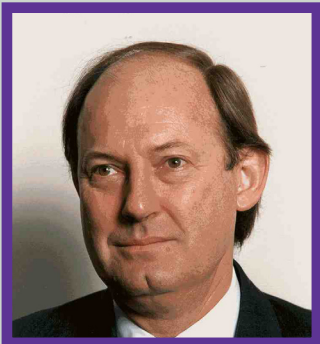
During 2010–11, Justice Kenny served on the Divisions dealing with the Family Violence and Commonwealth Law Inquiry, and the Inquiries into Discovery and Classification.



The Hon Justice
Berna Collier,
Part-time Commissioner

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

During 2010–11, Justice Collier served on the Divisions dealing with the Family Violence and Commonwealth Law Inquiry, and the Inquiries into Discovery and Classification.



The Hon Justice
Arthur Emmett,
Part-time Commissioner

Justice Emmett has been a judge of the Federal Court of Australia since February 1997, and is a member of the corporations, patent, admiralty and taxation panels of the Federal Court's New South Wales registry.

Justice Emmett has been the President of the Copyright Tribunal since October 2007, after having served as the Deputy President from April 2001.

Justice Emmett was appointed Queen's Counsel in New South Wales in 1985 and in May 2009 the University of Sydney conferred on him the degree of Doctor of Laws (Honoris Causa).

During 2010–11, Justice Emmett served on the Division dealing with the Inquiry into Discovery.



The Hon Justice
Bruce Lander,
Part-time Commissioner

Justice Lander was appointed to the Federal Court of Australia in July 2003, after serving as a judge of the Supreme Court of South Australia from 1994–2003, and is the Convenor of the Rules Committee and the Rules Revision Committee of the Federal Court.

He is a Judge of the Supreme Court of Norfolk Island, and an Additional Judge on the Supreme Court of the Australian Capital Territory.

Justice Lander is also a Presidential Member of the Administrative Appeals Tribunal. In 1986 Justice Lander was appointed Queen's Counsel.

During 2010–11, Justice Lander served on the Division dealing with the Inquiry into Discovery.

Remuneration

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

Divisions

Section 40 of the ALRC Act states that the President may constitute Divisions of the ALRC, which identify the members of the ALRC who are formally responsible for each inquiry. A Division was constituted in this reporting period for the Commonwealth Laws and Family Violence Inquiry and the National Classification Review.

Board of Management

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

Table 7 shows the attendance of Commissioners at Board of Management meetings in 2010–11.

Table 7: Commissioner Attendance at Board of Management Meetings 2010–11			
	23 September 2010	17 February 2011	5 May 2011
Professor Croucher	✓	✓	✓
Professor Flew (not appointed at the time)			✓
Justice Collier	✓	✓	✓
Justice Kenny	✓	✓	✓
Justice Lander			✓
Justice Emmett			

The Executive Director attends all Board of Management meetings. The Audit Committee is the only sub-committee of the Board of Management.

Audit Committee

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

The role of the Audit Committee is directed towards:

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

During 2010–11, the members of the Audit Committee were:

Commissioner:	Professor Rosalind Croucher
Commissioner:	Justice Berna Collier
Executive Director:	Sabina Wynn
Finance Manager:	Maria Zacharia

A representative of the Australian National Audit Office (ANAO) is invited to attend meetings of the Audit Committee. The Audit Committee met once in the reporting period, on 31 August 2010. At this meeting the ALRC approved the new Fraud Plan and agreed to review and develop the ALRC's risk management strategy as part of the development of the updated Fraud Control Plan. The Audit Committee approved the ALRC's financial statements for 2009–10 and the ALRC's 2010–11 Budget, taking into account the reduction in the ALRC's appropriation going forward.

Audit

Under s 8 of the CAC Act, the Auditor-General inspects and audits the accounts and records of the ALRC's financial transactions and assets. The audit of the 2010–11 financial statements was performed by the ANAO.

Internal ALRC Policies

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

No new policies were developed during 2010–11.

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

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

Ethics

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

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

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

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

- ▲ not make improper use of:
 - a) inside information; or
 - b) the employee's duties, status, power or authority,
 in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person;
- ▲ at all times behave in a way that upholds the integrity and good reputation of the ALRC; and
- ▲ while on duty overseas, at all times behave in a way that upholds the good reputation of Australia.

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

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

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

It is an exception to this requirement where:

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

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

Fraud Control

The ALRC has a commitment to fraud control and for promoting efficient, effective and ethical use of Commonwealth resources. The ALRC reviewed and updated its Fraud Plan in August 2010 and is satisfied that the ALRC's *Fraud Control Plan 2010–2012* complies with the *Commonwealth Fraud Control Guidelines*, and ensures that appropriate fraud prevention, detection, investigation and reporting procedures and processes are in place.

In accordance with s 8.14 of the *Commonwealth Fraud Control Guidelines*, the ALRC collects any information relating to fraudulent matters and reports it to the Attorney-General's Department. No fraudulent activity was detected in 2010–11. The ALRC's *Fraud Control Plan* is reviewed annually by the ALRC's Audit Committee.

Risk Management

The ALRC's risk management plan was reviewed in August 2010 as part of the Fraud Control review. There were no new risks identified. The Audit Committee agreed that the ALRC had adequate controls in place, with all relevant risks being classified as 'low' or 'negligible'.

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

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

Independent Professional Advice

Board of Management members have the right, with the agreement of the President, to obtain at the ALRC's expense, independent professional advice relevant to the discharge of their responsibilities. No such advice was sought by individual members of the Board of Management during 2010–11.

Conflict of Interest

Section 39 of the ALRC Act requires members to disclose any material personal interest in a matter under consideration by the Commission. There were no such disclosures in 2010–11.

Full-time members of the ALRC and the Executive Director make annual declarations of private interests, which are provided to the Attorney-General. Updated declarations of interest have been provided to the Attorney-General for 2010–11.

Director Indemnity

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

Directors insured

- ▲ Professor Rosalind Croucher—President
- ▲ Professor Terry Flew—Commissioner

Nature of liability

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

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

Corporate Planning

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

Significant Developments 2011–12

From 1 July 2011, the ALRC will become a prescribed agency under the *Financial Management and Accountability Act 1997* (Cth) (FMA Act) and a statutory agency under the *Public Service Act 1999* (Cth). This transition was effected on 17 December 2010 with the enactment of the *Financial Framework Legislation Amendment Act 2010* (Cth). In early 2010, the Attorney-General advised that, following an assessment against the recommendations of the Review of the Corporate Governance of Statutory Authorities and Officeholders (Uhrig Review) and the Government's policy on governance arrangements for agencies, the ALRC should operate under an executive management model, subject to amendment of the

Australian Law Reform Commission Act 1996 (Cth). Formerly the ALRC's governance framework was subject to the *Commonwealth Authorities & Companies Act 1997* (Cth) (CAC Act).

Under the FMA Act, the ALRC's governance will change and it will not retain its body corporate status. Instead of having its own Board of Management, currently consisting of the full-time and part-time members of the ALRC, the Attorney-General may appoint a Management Advisory Committee to oversee the ALRC.

A new Enterprise Agreement is currently being negotiated and will provide new employment arrangements for ALRC staff during 2011–14 that reflect both the requirements of the *Fair Work Act 2009* (Cth) and associated transitional legislation, as well as the ALRC's move to the Public Service.

The ALRC will complete two Inquiries, Commonwealth Laws & Family Violence and Censorship & Classification. A new Inquiry into Copyright Laws has been flagged for 2012 by the Attorney-General but no Terms of Reference have been received as of August 2011. The ALRC would expect referral of two new inquiries for 2012.

With the move to new premises and additional productivity savings, the ALRC will have aligned its operations with its reduced appropriation and is not expecting any operating loss for the year.

External Scrutiny and Controls

Parliamentary scrutiny

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

Executive Director, Sabina Wynn attended the Senate Supplementary Budget Estimates Hearing on October 18, 2010 as the President, Professor Rosalind Croucher was on annual leave.

President, Professor Rosalind Croucher and Executive Director, Sabina Wynn attended Additional Estimates Hearings on 22 February 2011.

President, Professor Rosalind Croucher and Executive Director, Sabina Wynn attended Budget Estimates on 25 May 2011.

The ALRC received and responded to 11 Questions on Notice (QON) during 2010–11 including:

- ▲ QON 83 on Consultancy Services and Contracts
- ▲ QON 84 on Austender Reporting
- ▲ QON 86 on a number of specific Consultancy firms and whether the agency has used any of their services
- ▲ QON 89 on Commissioned Reports
- ▲ QON 95 on Current Reviews
- ▲ QON 96 on Payments of Accounts
- ▲ QON 102 on Whole-of-Government Coordinated Procurement for travel and related services
- ▲ QON 103 on the Commonwealth Property Management Framework.
- ▲ QON 104 from Senator Barnett regarding the 2009–10 Mid Year Economic and Fiscal Outlook detailing whole-of-government departmental efficiencies.
- ▲ QON 31 regarding rent costs for the ALRC as a result of moving office
- ▲ QON re the Australian Privacy Amendment Legislation from the Senate Finance and Public Administration Committee.

Court and tribunal decisions

There were no judicial decisions or decisions of administrative tribunals during 2010–11 that involved the ALRC or had a significant impact on the operations of the ALRC.

Commonwealth Ombudsman

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

Human Resource Management

Staffing

Employees of the ALRC are appointed under s 43 of the ALRC Act. At the close of the reporting period, on 30 June 2011, the ALRC's full-time equivalent staffing level was 14.44 FTE. This figure does not include Commissioners.

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

Table 8: Staffing Profile, as at 30 June 2011

<i>ALRC classification</i>	<i>Men</i>	<i>Women</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Total</i>
Executive Director (SES-equivalent)		1	1		1
ALRC 6 (\$90,150–114,200)	2	2	3	1	4
ALRC 5 (\$86,517–97,376)		3	2	1	3
ALRC 4 (\$50,431–83,356)	1	3	4		4
ALRC 3 (\$65,803–83,356)		1	1		1
ALRC 2 (\$50,431–63,886)	1	2	1	2	3
ALRC 1 (\$36,433–51,945)					
Total	4	12	12	4	16



ALRC Staff Members

Left to right: Kate Nielson (Intern), Tina O'Brien, Maria Zacharia, Jared Boorer, Sara Peel, Sabina Wynn, Khanh Hoang, Justine Clarke, Professor Rosalind Croucher, Virginia Marshall, Amanda Alford, Marie-Claire Muir, Bruce Alston, Professor Terry Flew, Carolyn Kearney, Trisha Manning, Krista Lee-Jones, Michele Reddy (on secondment from AGD), Greg Diggs (absent), Dimitra Zinonos (absent)

Table 9: ALRC Staff 2010–11

Inquiry support

Sabina Wynn	Executive Director	Full-time
Maria Zacharia	Finance Manager	Full-time
Dimitra Zinonos	Finance Assistant	Part-time
Greg Diggs	Payroll Officer	Part-time
Tina O'Brien	Executive Assistant/Project Coordinator	Full-time
Trisha Manning	Office Services Coordinator	Full-time
Esther Naulumatua (finished March 2011)	Administrative Assistant	Part-time
Marie-Claire Muir	Website Manager	Full-time
Becky Bowyer (resigned September 2010)	Communications Officer	Part-time
Carolyn Kearney	Information Manager	Part-time

Legal team

Carolyn Adams (resigned November 2010)	Senior Legal Officer	Full-time
Bruce Alston	Senior Legal Officer	Part-time
Isabella Cosenza (resigned March 2011)	Senior Legal Officer	Full-time
Maha Melhem (resigned November 2010)	Senior Legal Officer	Part-time
Justine Clarke	Senior Legal Officer	Full-time
Virginia Marshall	Senior Legal Officer	Full-time
Jared Boorer	Senior Legal Officer (from April 2011) Legal Officer	Full-time

Table 9: ALRC Staff 2010–11

Anna Dziedzic (resigned August 2010)	Legal Officer	Full-time
Katherine McGree (resigned July 2010)	Legal Officer	Full-time
Sara Peel	Legal Officer	Full-time
Krista Lee Jones	Legal Officer	Full-time
Khanh Hoang	Legal Officer	Full-time
Amanda Alford	Legal Officer	Full-time
Christina Raymond (resigned January 2011)	Legal Officer	Full-time

Employment conditions

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

- ▲ an extension of paid maternity leave from 12 to 14 weeks;
- ▲ an extension of paid parental leave from one to two weeks;
- ▲ eligibility for parental leave in relation to long-term foster care placements;
- ▲ introduction of paid adoption leave;
- ▲ provision for older workers to sacrifice up to 100% of salary into superannuation; and
- ▲ a Work From Home Policy to assist staff to balance work and personal responsibilities.

A new Enterprise Agreement is currently being negotiated which takes into account the ALRC's move into the Australian Public Service framework and the requirements of the *Fair Work Act 2009* (Cth).

Performance rewards and bonuses

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

<i>Table 10: Performance Rewards and Bonuses</i>	
<i>Performance rating</i>	<i>Outcome</i>
Exceptional performance	2 pay point increase
Performance between strong and exceptional	1 pay point increase plus bonus of up to 2% of salary
Strong performance	1 pay point increase
Performance between adequate and strong	Bonus of up to 2% of salary
Adequate performance	No salary advancement

When an employee reaches the maximum pay point for his or her position, the President has the discretion of granting a bonus of up to 3% of annual salary based on a performance appraisal. During 2010–11, 6 employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$21,878.

Details of total remuneration expenditure in 2010–11 are provided in the financial statements.

Staff development

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

During 2010 all ALRC staff attended fraud training, OH&S training and cross cultural communication training.

The following staff received professional development opportunities:

- ▲ Information Manager, Carolyn Kearney, attended the Australian Law Librarians' Association (ALLA) and the New Zealand Law Librarians' Association (NZLLA) joint conference at the Melbourne Law School, University of Melbourne on 29 September–1 October 2010.
- ▲ Legal Officer, Sara Peel, represents the ALRC as an observer at the Family Law Council and has attended meetings on 11–12 October 2010 and 24–25 February 2011.
- ▲ Legal Officer, Amanda Alford, was a speaker at the Kingsford Legal Centre Diverse Legal Careers Forum, on 20 October 2010, and presented at the 7th Annual Indigenous Family Violence Prevention Legal Forum in Mackay on 30–31 May 2011. As the ALRC CPSU delegate, Ms Alford also attended CPSU Bargaining Representative Training in March 2011.
- ▲ Finance Manager, Maria Zacharia, attended the Attorney-General's Portfolio Agencies Conference on 22 October 2010, Fringe Benefits Tax training on 22 February 2011, Financial Statements seminar on 28 March 2011 and CBMS Training on 1 June 2011.
- ▲ Website Manager, Marie-Claire Muir, attended the Web Industry Professionals Association (WIPA) seminar, ARIA & HTML5, on 25 October 2010 and presented papers at three conferences: ALRAC, Brisbane, September 2010; Cebit Australia Gov 2, November 2010; and at the Law and Justice Foundation training day (NSW Legal Aid), Sydney, December 2010.
- ▲ Senior Legal Officers, Bruce Alston and Isabella Cosenza, participated in the Family Court of Australia, Family Law Forum (by telephone) on 19 November 2010.
- ▲ Legal Officer, Sara Peel, attended the Child Support National Stakeholders Engagement Group with President, Professor Rosalind Croucher, on 9 February 2011, the Child Support Stakeholders Engagement Group with Legal Officer, Khanh Hoang, on 3 May 2011, and the Chief Justice's Family Law Forum with President, Professor Rosalind Croucher, on 9 May 2011.
- ▲ Senior Legal Officer, Justine Clarke, attended the Blue Sky: Future Directions in Copyright Law conference on 25 February 2011 with President, Professor Rosalind Croucher.
- ▲ Website Manager, Marie-Claire Muir, and Officer Services Coordinator, Trisha Manning, attended the PDF Accessibility Education Session for the Australian Government, 2 March 2011.

- ▲ Senor Legal Officers, Bruce Alston and Justine Clarke, attended the AGD's Classification Enforcement Contacts Forum 2011 on 7 June 2011 with Commissioner, Professor Terry Flew.

Study assistance in the form of discretionary leave or reduction of work hours is available to staff undertaking tertiary studies at undergraduate and postgraduate levels. One employee sought approval for study leave in 2010–11.

Equal employment opportunity (EEO)

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

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

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

The ALRC invites all new staff to participate in a voluntary EEO survey that allows the organisation to track the number of staff who are from groups or communities that are specifically identified in the EEO Policy. All information collected through the survey is treated as confidential and is used only for reporting in a de-identified manner.

As at 30 June 2011, 12 of the ALRC's 16 staff were female. There were 6 new appointments made during 2010–11 and 5 of these new appointments fell within categories recognised in the EEO policy (Aboriginal and Torres Strait Islander people, people with a disability, people from a non-English speaking background, and women). A breakdown of staff by gender and classification is provided in Table 8.

Work/life balance

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

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

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

In 2010–11, three members of staff were permitted to work from home or part-time in order to meet family or personal commitments.

Occupational health & safety (OH&S)

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

The ALRC’s *Health and Safety Management Arrangements* (HSMAs) establish the framework for ensuring the health, safety and welfare of all employees of the ALRC and establish the mechanisms for ongoing and effective cooperation between the Commission and its employees with regards to developing, monitoring and evaluating the ALRC’s OH&S arrangements.

The ALRC has a commitment to consult with staff on OH&S issues and to work together to ensure a safe work environment. The ALRC shares relevant information about occupational health, safety and welfare with employees and ensures that employees are given the opportunity to express their views and to contribute in a timely fashion to the resolution of occupational health, safety and welfare issues.

Occupational health and safety is overseen by the OH&S Consultative Committee (OH&SCC), comprised of the Executive Director, Sabina Wynn; Legal Officer, Amanda Alford (staff union representative from Dec 2010); Office Services Coordinator, Trisha Manning (safety officer); Payroll Officer, Greg Diggs; and Executive Assistant/Project Coordinator, Tina O’Brien. ALRC staff and management have a responsibility to report to the OH&SCC any situation that could constitute a hazard to the health, safety or welfare of any ALRC employee. Any accident or injury that occurs while a staff member is undertaking ALRC work—either at the ALRC’s offices, at a home based office, or while on external consultations—must be reported immediately to the OH&SCC.

The *Occupational Health and Safety Act 1991* (Cth), requires employers to do everything that is reasonably practicable to protect the health and safety of their employees at work. The ALRC supports the use of a risk management approach to occupational 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 to the health and safety of employees. The ALRC's risk management strategy forms part of the ALRC's HSMAs.

OH&S policies are accessible to staff on the ALRC's file server and new staff are provided with information on occupational health and safety as part of the induction process.

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

- ▲ the ALRC's OH&S Policy will be included in the induction of all new staff to the ALRC;
- ▲ the ALRC will ensure that all staff have OH&S training and workstation assessments at least every two years;
- ▲ the ALRC will ensure that all managers are aware of their responsibilities under the Act through regular updates and annual refresher OH&S training; and
- ▲ each Commission and/or Board of Management meeting will include an item 'Occupational Health & Safety' and the OH&SCC and/or individuals will be encouraged to raise and discuss any issues of concern at that time.

During 2010–11 there were no OH&S issues reported, and no accidents nor any dangerous occurrences during the year that required the giving of notice under section 68 of the *Occupational Health and Safety Act 1991*.

OH&S training was delivered in November 2010 for all staff and included safe workstation ergonomic training and stress management in times of workplace change.

The ALRC makes every effort to ensure that staff have the equipment that they require to fulfil the requirements of their work without risk to their health. With the move to new office premises in May 2011, a professional work station assessment was conducted in the new offices and specialist equipment was provided including footrests, document holders and monitor rises on an assessment of need.

As a workplace health initiative under the Certified Agreement, the ALRC provides free and voluntary influenza vaccinations to staff in autumn each year. In 2010–11, 10 members of staff took advantage of a free vaccination. All staff have access to a confidential counseling service that provides up to three free sessions per year.

Purchasing

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

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

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

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

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

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

The ALRC publishes an Annual Procurement Plan on the Austender website. During 2010–11, the ALRC had no planned purchases.

Consultancies

The ALRC did not employ any consultants during 2010–11. Information about consultancies will be made available on the AusTender website when required.

Advertising and market research

As required under Section 311A of the *Commonwealth Electoral Act 1918*, the ALRC reports that, during 2010–11, it did not undertake any advertising or market research with advertising agencies, market research organisations, polling organisations, direct mail organisations, or media advertising organisations.

Summary of Financial Performance

Financial outcomes

Operating outcome

The 2010–11 financial statements show an operating deficit of \$1.043m. The deficit is due to the following factors:

In 2010–11, the ALRC's budget was reduced by \$0.242m with further reductions of \$0.495m foreshadowed in forward years. In order to move to a position where the ALRC's expenditure would align with its reduced appropriation, the ALRC took advantage of an opportunity to move its premises to a fully fitted-out office, sub-leasing from the Australian Government Solicitor (AGS). With a six-month lease incentive (until August 2011) and no fit-out or make-good obligations, this move also provided the opportunity for the ALRC to halve its rent going forward and to share a number of services with AGS. However, the ALRC would still have to carry the lease of its former premises until September 2012. The ALRC had hoped to sub-lease its former premises to reduce this onerous contract. However, as of June 2011, this has not eventuated. It is a requirement of the Australian Accounting Standards Board (AASB1044) to account for the total value of any onerous contract in the financial year in which it has occurred and this has contributed \$786,386 (rent) and \$109,842 (make-good) to this year's operating deficit. Actual payment of this liability will be made over the next two years to September 2012.

The ALRC has also reduced its staffing levels from 19 FTE in 2010 to 15 FTE in 2011 and has made productivity savings—for example, by producing its consultation documents online as opposed to in hard copy and by sharing library resources with AGS. These savings will allow the ALRC to operate within its reduced appropriation for 2011–12.

Operating revenue

The ALRC's operating revenue of \$3.285m is comprised of revenue from government of \$3.152m, revenue from the sale of goods (publications) of \$0.008m, interest of \$0.066m, other revenue of \$0.049m from AGD for Commissioner Flew and revenue of \$0.010m from the sale of assets.

Operating expenses

Total operating expenses of \$4.328m were \$0.747m greater than in 2009–10.

The ALRC's depreciation and amortisation expense increased by \$0.092m.

Equity

The ALRC's total equity decreased by \$1.293m due to the operating deficit.

Total assets

The ALRC's total assets decreased by \$0.376m. This was due to the ALRC disposing of its hard copy library.

Total liabilities

The ALRC's total liabilities increased by \$0.917m.

Productivity savings

The ALRC has made significant productivity savings to assist it to align its expenditure to its reduced appropriation, including, only publishing its consultation documents online, instead of printing them in hard copy. In addition, the ALRC has reduced its administrative staffing complement and redefined the duties of certain corporate staff to realise productivity gains in this area of operations.

Other Reporting Requirements

Ecologically sustainable development (ESD)

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

The ALRC has considered whether any of its activities have significant ESD implications in accordance with the ESD Reporting Guidelines (June 2003) and has determined that in 2010–11, none of the ALRC's activities or appropriations were relevant to ESD.

Environmental management system (EMS)

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

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

- ▲ incorporating environmental management considerations into the ALRC's core business and management practices;
- ▲ considering environmental impacts of all purchases made and ensuring that, wherever possible, options chosen include recyclable products, minimum packaging and minimum toxic chemicals;
- ▲ creating a culture where sustainable environmental management is considered an integral element of all ALRC activities and providing information to staff as to the recycling system and to maximising energy efficiency;
- ▲ regularly monitoring environmental performance and providing reports to the ALRC Board of Management and to Government, as required; and
- ▲ reviewing this Policy to ensure it remains relevant and delivers desired outcomes.

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

- ▲ options for travel during the consultation process, using telephone conferencing when appropriate instead of air travel, using public transport when appropriate, and sharing vehicles as far as possible;
- ▲ encouraging filing electronically, rather than in hard copy, to reduce the amount of paper used;
- ▲ printing double-sided copies for internal documents, whenever possible;
- ▲ using paper that is recycled and/or has an environmental sustainability rating;
- ▲ encouraging the use of e-payments;
- ▲ encouraging online submitting to ALRC inquiries to reduce paper usage and photocopying;
- ▲ purchasing 'fair trade' consumables, if available;
- ▲ ensuring all office lights are switched off overnight;

- ▲ ensuring printers, fax machines and computers are turned off on weekends and holidays;
- ▲ encouraging all staff to use the building recycling system for waste and mixed recyclables;
- ▲ asking ALRC Commissioners and staff, who are eligible for a vehicle as part of their remuneration, to treat fuel efficiency and carbon emissions as significant factors when choosing a vehicle;
- ▲ ensuring that the air conditioning is only on during business hours; and
- ▲ encouraging staff to use window blinds to regulate the temperature of their offices to reduce the use of the air conditioning system, particularly during summer months.

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

The ALRC monitors energy use and takes steps to reduce consumption where possible. In 2010–11 electricity consumption decreased by 14.07%.

Freedom of information statement

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

In 2010–11, the ALRC received no applications for information under the *Freedom of Information Act 1982* (Cth) (FOI Act).

From 1 May 2011 agencies subject to the *Freedom of Information Act 1982* (Cth) (FOI Act) are required to publish an Information Publication Plan 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 statement in an annual report. The ALRC's Information Publication Plan is published on the ALRC website. The other information required by the FOI Act is set out below.

Section 8 of the FOI Act requires the ALRC to publish certain information in its Annual Report. Information about the ALRC's organisation, functions, decision-making processes and about public participation in the work of the ALRC is contained

in this Annual Report.

The ALRC holds the following categories of documents:

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

The following categories of documents are available from the ALRC website.

- ▲ ALRC Reports, including Final Reports and Annual Reports;
- ▲ Issues Papers, Discussion Papers and Summary Papers relating to past inquiries; and
- ▲ past issues of *Reform*, the ALRC's law reform journal (no longer in publication).

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

- ▲ consultation documents relating to current references, including, Issues Papers, Discussion Papers, Summary Documents and Final Reports; and
- ▲ submissions to ALRC inquiries that have not been marked confidential by the submitter.

Disability strategy

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

Reasonable adjustment aims to remove physical and organisational barriers which prevent the employment, limit the performance or curtail advancement of people with

a disability. Reasonable adjustments might include one or more of the following:

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

The ALRC also encourages online engagement with people with disabilities. The new website, launched in August 2010, was designed to comply with *Web Content Accessibility Guidelines (WCAG) 2.0*.



Audit Committee

Executive Director, Sabina Wynn; Finance Manager, Maria Zacharia; President, Professor Rosalind Croucher (by telephone Justice Berna Collier)

Financial Statements



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

I have audited the accompanying financial statements of the Australian Law Reform Commission for the year ended 30 June 2011, which comprise: a Statement by the President and Chief Financial Officer; the Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; and Notes to and Forming Part of the Financial Statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

The Members' Responsibility for the Financial Statements

The members of the Australian Law Reform Commission are responsible for the preparation of the financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, including the Australian Accounting Standards, and for such internal control as the directors determine is necessary to enable the preparation of the 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 Australian Law Reform Commission's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Australian Law Reform Commission's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the members, as well as evaluating the overall presentation of the financial statements.

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT 2600
Phone (02) 6203 7300 Fax (02) 6203 7777

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

Independence

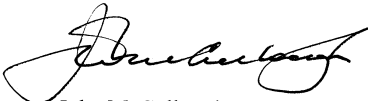
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

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

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders, including the Australian Law Reform Commission's financial position as at 30 June 2011 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



John McCullough
Executive Director
Delegate of the Auditor-General

Canberra
7 September 2011

Statement by the President and Chief Financial Officer

In our opinion, the attached financial statements for the year ended 30 June 2011 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, as amended.

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

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



Professor Rosalind Croucher
President
7 September 2011



Sabina Wynn
Chief Financial Officer
7 September 2011

AUSTRALIAN LAW REFORM COMMISSION

STATEMENT OF COMPREHENSIVE INCOME

For the period ended 30 June 2011

	Notes	2011 \$	2010 \$
EXPENSES			
Employee benefits	3A	2,095,719	2,374,022
Suppliers	3B	1,983,411	1,129,322
Depreciation and amortisation	3C	164,625	72,896
Finance costs	3D	4,842	4,842
Write-down and impairment of assets	3E	79,096	-
Total expenses		4,327,693	3,581,082
LESS			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	8,011	4,616
Interest	4B	66,331	58,229
Other revenue	4C	48,473	285
Total own-source revenue		122,815	63,130
GAINS			
Sale of assets	4D	10,000	-
Total gains		10,000	-
Total own-source income		132,815	63,130
Net cost of services		4,194,878	3,517,952
Revenue from Government	4E	3,152,000	3,387,000
Deficit on continuing operations		(1,042,878)	(130,952)
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation reserves		(250,333)	324,295
Total other comprehensive (deficit)/income		(250,333)	324,295
Total comprehensive (deficit)/income		(1,293,211)	193,343

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

AUSTRALIAN LAW REFORM COMMISSION

BALANCE SHEET

as at 30 June 2011

	Notes	2011 \$	2010 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	1,317,656	1,271,808
Trade and other receivables	5B	21,214	23,340
Total financial assets		1,338,870	1,295,148
Non-Financial Assets			
Buildings	6A	-	202,183
Property, plant & equipment	6B,6C	58,152	319,380
Other	6D	143,679	100,107
Total non-financial assets		201,831	621,670
TOTAL ASSETS		1,540,701	1,916,818
LIABILITIES			
Payables			
Suppliers	7A	46,199	41,547
Other	7B	-	105
Lease incentive	7B	142,323	-
Total payables		188,522	41,652
Provisions			
Employee provisions	8A	390,331	411,336
Other	8B	109,842	105,000
Lease Provision	8C	786,386	-
Total provisions		1,286,559	516,336
TOTAL LIABILITIES		1,475,081	557,988
NET ASSETS		65,620	1,358,830
EQUITY			
Parent Entity Interest			
Reserves		135,427	385,759
Retained surplus (accumulated deficit)		(69,807)	973,071
Total parent entity interest		65,620	1,358,830
TOTAL EQUITY		65,620	1,358,830

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 2011

	Retained Earnings		Asset Revaluation Reserve		Total Equity	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$
Opening balance						
Balance carried forward from previous period	973,071	1,104,023	385,759	61,464	1,358,830	1,165,487
Adjusted opening balance	973,071	1,104,023	385,759	61,464	1,358,830	1,165,487
Comprehensive income						
Other comprehensive income/(deficit)	-	-	(250,333)	324,295	(250,333)	324,295
Deficit for the period	(1,042,878)	(130,952)	-	-	(1,042,878)	(130,952)
Total comprehensive income	(1,042,878)	(130,952)	(250,333)	324,295	(1,293,211)	193,343
of which:						
Attributable to the Australian Government	(1,042,878)	(130,952)	(250,333)	324,295	(1,293,211)	193,343
Closing balance as at 30 June	(69,807)	973,071	135,427	385,759	65,620	1,358,830
Closing balance attributable to the Australian Government	(69,807)	973,071	135,427	385,759	65,620	1,358,830

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 2011

	Notes	2011 \$	2010 \$
OPERATING ACTIVITIES			
Cash received			
Receipts from Government		3,152,000	3,387,000
Sale of goods and rendering of services		9,002	4,616
Interest		66,194	58,229
Other		48,473	31,467
Net GST received		118,288	18,161
Total cash received		3,393,957	3,499,473
Cash Used			
Employees		(2,116,724)	(2,665,133)
Suppliers		(1,210,743)	(1,161,601)
Total cash used		(3,327,467)	(3,826,734)
Net cash from (used by) operating activities	9	66,490	(327,261)
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		10,000	-
Total cash received		10,000	-
Cash used			
Purchase of property, plant and equipment		(30,642)	(39,874)
Total cash used		(30,642)	(39,874)
Net cash used by investing activities		(20,642)	(39,874)
Net increase in cash held		45,848	(367,135)
Cash and cash equivalents at the beginning of the reporting period		1,271,808	1,638,943
Cash and cash equivalents at the end of the reporting period	5A	1,317,656	1,271,808

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS

as at 30 June 2011

	2011	2010
	\$	\$
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	348,851	147,225
Total commitments receivable	348,851	147,225
Commitments payable		
Other commitments		
Operating leases ²	3,698,314	1,619,471
Total other commitments	3,698,314	1,619,471
Net commitments by type	3,349,463	1,472,246

By MATURITY

Commitments Receivable		
One year or less	93,973	63,693
From one to five years	161,054	83,532
Over five years	93,824	-
Total commitments receivable	348,851	147,225
Operating lease commitments		
One year or less	1,020,204	700,626
From one to five years	1,706,729	918,845
Over five years	971,381	-
Total operating lease commitments	3,698,314	1,619,471
Net Commitments by maturity	3,349,463	1,472,246

Nature of lease/general description of leasing arrangement

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

Leases for office accommodation.

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

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

SCHEDULE OF CONTINGENCIES

As at 30 June 2011

There are no known contingencies as at 30 June 2011. (2010: Nil)

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF ASSET ADDITIONS

for the period ended 30 June 2011

The following non-financial non-current assets were added in 2010-11

	Other property, plant & equipment	Total
	\$'000	\$'000
By purchase- Government funding	30,642	30,642
By purchase- donated funds	-	-
Total Additions	30,642	30,642

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

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

The above schedules 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 2011**

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 1: Summary of Significant Accounting Policies

1.1 Objective of the Australian Law Reform Commission

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

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

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

1.2 Basis of Preparation of the Financial Statements

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

The Financial Statements have been prepared in accordance with:

- a. Finance Minister's Orders (or FMO's) for reporting periods ending on or after 1 July 2010); 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 at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

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

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

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

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the Commission has made a judgement that have been the most significant impact on the amounts recorded in the financial statements:

The fair value of land and buildings has been taken from the market value of similar properties as determined by an independent valuer. No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

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

The following (new standards / revised standards / interpretations / amending standards) were issued prior to the sign-off date, were applicable to the current period and had a financial impact on the Commission:

The following new accounting standards (including reissued standards), interpretations are applicable to the 2010/11 financial year:

AASB 2009-5 Further Amendments to Australian Accounting Standards arising from Annual Improvements Project (AASB 5, AASB 8, AASB 101, AASB 107, AASB 117 AASB 118, AASB 136 & AASB 139)

AASB 2009-9 Amendments to Australian Accounting Standards - Additional Exemptions for the First-Time Adopters (AASB-1)

AASB 2009-13 Amendments to Australian Accounting Standards arising from Interpretation 19 (AASB 1)

AASB 2010-3 Amendment to Australian Accounting Standards arising from the Annual Improvements Project

Other new standards / revised standards / interpretations / amending standards that were issued prior to the sign-off date and are applicable to the current reporting did not have a financial impact, and are not expected to have a future financial impact on the Commission.

Future Australian Accounting Standard Requirements

The following (new standards / revised standards / interpretations / amending standards) were issued by the Australian Accounting Standards Board prior to the sign-off date, which are expected to have financial impact on the commission for future reporting periods:

AASB 2009-12 Amendments to Australian Accounting Standards

AASB 124 Related Party Disclosures

AASB 2010-4 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project

AASB 2010-5 Amendments to Australian Accounting Standards

AASB 2010-6 Amendments to Australian Accounting Standards-Disclosures on Transfers of Financial Assets

AASB 1054 Australian Additional Disclosures

AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project

AASB 2013 Presentation of items of Other Comprehensive Income

AASB 119 Employee Benefits

AASB 2009-11 Amendments to Australian Accounting Standards arising from AASB 9

AASB 1053 Application of Tiers of Australian Accounting Standards

AASB 9 Financial Instruments

AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB9 (December 2010)

AASB 2010-10 Further Amendments to Australian Accounting Standards-Removal of Fixed Dates for First-time Adopters

Other new standards / revised standards / interpretations / amending standards that were issued prior to the sign-off date and are applicable to the future reporting period are not expected to have a future financial impact on the Commission.

1.5 Revenue

Revenue from sale of goods is recognised when:

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

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

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

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

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

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

Revenue from Government

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

1.6 Gains

Sale of Assets

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

1.7 Transactions with Government as Owner

Equity Injections

Amounts that are designated as equity injections for a year are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

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

Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity unless it is in the nature of a dividend.

1.8 Employee Benefits

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

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of the end of 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 benefit liabilities 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 liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2011. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Superannuation

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

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

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

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

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

The liability for superannuation recognised as at 30 June 2011 represents outstanding contributions for the final fortnight of the year.

1.9 Leases

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

1.10 Cash

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

1.11 Financial Liabilities

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

Financial liabilities are recognised and derecognised upon trade date.

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

Supplier and other payables

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

1.12 Financial Assets

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

- a) loans and receivables.

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

Financial assets are recognised and derecognised upon trade date.

Loans and receivables

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

Impairment of Financial Assets

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

1.13 Acquisition of Assets

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

1.14 Property, Plant and Equipment

Asset Recognition Threshold

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

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

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

Revaluations

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

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

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

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

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

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

Depreciation

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

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

	<u>2011</u>	<u>2010</u>
Leasehold improvements	Lease term	Lease term
Plant and Equipment	3-10 years	3-10 years

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Impairment

All assets were assessed for impairment at 30 June 2011. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

1.15 Taxation

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

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

- 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 2011

Note 2: Events after the Balance Sheet Date

Effective on 1 July 2011, the ALRC became a prescribed agency under the *Financial Management and Accountability Act 1997* (Cth). This transition was effected on 17 December 2010 with the enactment of the *Financial Framework Legislation Amendment Act 2010* (Cth).

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

Note 3: Expenses	2011 \$	2010 \$
Note 3A. Employee Benefits		
Wages and salaries	1,678,665	1,891,974
Superannuation		
Defined contribution plans	103,813	99,950
Defined benefit plans	133,420	152,185
Leave and other entitlements	179,821	229,913
Total employee benefits	2,095,719	2,374,022

Note 3B. Supplier Goods and Services

Consultants Fees	97,752	31,472
Library	77,704	64,383
Professional services	58,662	157,158
Printing and office requisites	50,821	59,773
Travel and Subsistence	37,788	59,868
Freight and removals	36,445	6,369
Telephone and postage	31,030	41,890
Incidentals	19,868	25,121
Minor assets	10,386	10,632
Staff training	9,633	6,614
Maintenance	6,323	22,652
Promotional activities	3,711	15,652
Advertising	1,889	6,843
Total goods and services	442,012	508,427

Goods and services are made up of:

Provision of goods - external parties	370,285	488,246
Provision of goods - related parties	71,727	20,181
Total goods and services	442,012	508,427

Other supplier

Operating lease rentals - external parties

Minimum lease payments	1,532,433	610,860
Workers compensation premiums	8,966	10,036

Total other supplier	1,541,399	620,895
Total supplier	1,983,411	1,129,322

Note 3C. Depreciation and Amortisation

Depreciation:

Property, plant and equipment	74,767	66,593
Buildings	89,858	6,303
Total depreciation	164,625	72,896
Total depreciation and amortisation	164,625	72,896

Note 3D. Finance Costs

Unwinding of discount	4,842	4,842
Total finance costs	4,842	4,842

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

	2011 \$	2010 \$
<u>Note 3E. Write-Down and Impairment of Assets</u>		
Asset write-downs and impairments from:		
Impairment of property, plant and equipment	79,096	-
<i>Total write-down and impairment of assets</i>	79,096	-

Note 4: Income

OWN-SOURCE REVENUE

Note 4A. Sale of Goods and Rendering of Services

Provision of goods-external parties	8,011	4,616
<i>Total sales of goods and rendering of services</i>	8,011	4,616

Note 4B. Interest

Deposits	66,331	58,229
<i>Total interest</i>	66,331	58,229

Note 4C. Other Revenue

Reimbursement of Commissioner cost - Attorney-General's Department	48,473	285
<i>Total other revenue</i>	48,473	285

Gains

Note 4D. Sale of Assets

Property, plant and equipment		
Proceeds from sale	10,000	-
Carrying value of assets sold	-	-
<i>Net gain from sale of assets</i>	10,000	-

REVENUE FROM GOVERNMENT

Note 4E. Revenue from Government

Attorney-General's Department		
CAC Act body payment item	3,152,000	3,387,000
<i>Total revenue from Government</i>	3,152,000	3,387,000

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

	2011 \$	2010 \$
Note 5: Financial Assets		
<u>Note 5A. Cash and cash equivalents</u>		
Cash on hand or on deposit	1,317,656	1,271,808
<i>Total cash and cash equivalents</i>	1,317,656	1,271,808
<u>Note 5B. Trade and Other receivables</u>		
Good and Services		
Goods and services- external parties	5,817	5,074
<i>Total receivable for goods and services</i>	5,817	5,074
Other receivables:		
GST receivable from the Australian Taxation Office	15,397	18,266
Total other receivables	15,397	18,266
Total trade and other receivables (gross)	21,214	23,340
Receivables are expected to be recovered in:		
No more than 12 months	21,214	23,340
More than 12 months	-	-
<i>Total trade and other receivables (net)</i>	21,214	23,340

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

Receivables are aged as follows:

Not overdue	21,214	23,340
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Note 6: Non-Financial Assets	2011 \$	2010 \$
<u>Note 6A. Buildings</u>		
Leasehold improvements		
- Fair value	-	202,183
- Accumulated depreciation	-	-
	-	202,183
Total leasehold improvements	-	202,183
Total Buildings	-	202,183

The leasehold improvements that had formed part of our financial statements last year have been written off as per an onerous contract reporting requirement.

No indicators of impairment were found for buildings.

	2011 \$	2010 \$
<u>Note 6B. Property, Plant and Equipment</u>		
Property, plant and equipment:		
Gross carrying value (at fair value)	80,561	319,380
Accumulated depreciation	(22,409)	-
<i>Total property, plant and equipment</i>	58,152	319,380
<i>Total property, plant and equipment (non-current)</i>	58,152	319,380

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

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

The decrease in gross carrying value of the property, plant and equipment was due to a reduction of library holdings.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 6C. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2010-11)

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

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

Note 6C (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2009-10)

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

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

Note 6D. Other Non-Financial Assets

	2011 \$	2010 \$
Prepayments	118,029	100,107
Other	25,650	-
Total other non-financial assets	143,679	100,107
Total other non-financial assets- are expected to be recovered in:		
No more than 12 months	143,679	100,107
Total other non-financial assets	143,679	100,107

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 2011**

	2011	2010
	\$	\$

Note 7: Payables

Note 7A. Suppliers

Trade creditors and accruals	46,199	41,547
<i>Total supplier payables</i>	46,199	41,547

Supplier payables expected to be settled within 12 months:

External entities	46,199	41,547
Total	46,199	41,547

<i>Total supplier payables</i>	46,199	41,547
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Settlement was usually made within 30 days.

Note 7B. Other Payables

GST payable to ATO	-	105
Lease incentive	142,323	-
<i>Total other payables</i>	142,323	105

Note 8: Provisions

Note 8A. Employee Provisions

Leave	303,088	328,544
Other	87,243	82,792
<i>Total employee provisions</i>	390,331	411,336

Employee provisions are expected to be settled in:

No more than 12 months	355,120	400,967
More than 12 months	35,211	10,369
<i>Total employee provisions</i>	390,331	411,336

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2011**

	2011	2010
<u>Note 8B. Other Provisions</u>	\$	\$
Provision restoration obligations	109,842	105,000
Other provisions are expected to be settled in:		
More than 12 months	109,842	105,000
<i>Total other provisions</i>	109,842	105,000

All other provisions are non-current liabilities.

	Provision for restoration	Provision for restoration
	\$	\$
Carrying amount 1 July 2010	105,000	95,712
Revaluation	-	4,446
Unwinding of discount or change in discount rate	4,842	4,842
Closing balance 2011	109,842	105,000

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

	2011	2010
<u>Note 8C. Lease Provisions</u>	\$	\$
Provision for lease	786,386	-
	786,386	-

The Commission has a rent provision resulting from vacating its previous premises. The provision will be applied to the lease term ending 30 September 2012.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 9: Cash Flow Reconciliation

	2011	2010
	\$	\$
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Report cash and cash equivalents as per:		
Cash Flow Statement	1,317,656	1,271,808
Balance Sheet	1,317,656	1,271,808
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(4,194,878)	(3,517,952)
Add revenue from Government	3,152,000	3,387,000
Adjustments for non-cash items		
Depreciation/amortisation	164,625	72,896
Net write down of non-financial assets	79,096	-
Gain on disposal of assets	(10,000)	-
Changes in assets/ liabilities		
(Increase) / decrease in net receivables	2,126	6,526
(Increase) / decrease in prepayments and other non financial assets	(43,572)	(26,588)
Increase / (decrease) in supplier payables	146,870	(11,813)
Increase / (decrease) in other provisions	791,228	(9,288)
Increase / (decrease) in employee provisions	(21,005)	(228,042)
Net cash from (used) operating activities	66,490	(327,261)

Note 10: Members' Remuneration

	2011	2010
	\$	\$
The number of Members of the Commission included in these figures is shown below in the relevant remuneration bands.		
	<u>Number</u>	<u>Number</u>
less than \$150,000	1	1
\$ 180,000 - \$ 209,999	-	1
\$ 330,000 - \$ 359,999	-	1
\$ 420,000 - \$ 449,999	1	-
Total number of Members of the Commission	2	3
Total Remuneration received or due and receivable by the Members of the Commission.	<u>474,625</u>	<u>637,543</u>

The two Members included in this Note are the full-time Members disclosed in Note 11.

Note 11: Related Party Disclosures

Members of the Commission during the year were:

Full-time Members

Professor Rosalind Croucher (from 05/02/07)
Professor Terry Flew (from 28/04/11)

Part-time Members

Justice Berna Collier (from 27/10/10)
Magistrate Anne Goldsbrough (from 14/12/09- 31/8/10)
Justice Susan Kenny (from 14/05/09)
Justice Bruce Lander (from 27/10/10-30/4/11)
Justice Arthur Emmett (from 27/10/10-30/11/11)

The aggregate remuneration of Members is disclosed in Note 10.

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

All part-time Members hold judicial office and therefore are not remunerated.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 12: Senior Executive Remuneration

Note 12A: Senior Executive Remuneration Expense for the Reporting Period

	2011	2010
	\$	\$
Short-term employee benefits:		
Salary	130,294	126,883
Annual leave accrued	9,990	9,588
Performance bonuses	10,423	10,003
Motor vehicle and other allowances	24,493	23,313
Total short-term employee benefits	175,200	169,788
Post-employment benefits:		
Superannuation	30,474	29,498
Total post-employment benefits	30,474	29,498
 Other long-term benefits		
Long -service leave	3,247	3,116
Total other long-term benefits	3,247	3,116
 Total	208,921	202,402

Notes:

1. Note 12A was prepared on an accrual basis.
2. There were no acting arrangements or part year service where remuneration expensed for a senior executive was less than \$150,000.

Note 12B: Average Annual Remuneration packages and bonus paid for substantive Senior Executives as at the end of the Reporting Period.

As at 30 June 2011					
Fixed elements					
Fixed Elements and Bonus Paid ¹	Senior Executives No.	Salary	Allowances	Total	Bonus paid ²
Total remuneration *					
\$140,000 - \$169,999	1	130,294	16,582	146,876	10,423
Total	1	130,294	16,582	146,876	10,423

As at 30 June 2010					
Fixed elements					
Fixed Elements and Bonus Paid ¹	Senior Executives No.	Salary	Allowances	Total	Bonus paid ²
Total remuneration *					
\$140,000 - \$169,999	1	125,040	16,582	141,622	10,003
Total	1	125,040	16,582	141,622	10,003

*Excluding acting arrangements and part-year service

Notes:

1. This table reports the senior executive who was employed by the Commission at the end of the reporting period. Fixed elements were based on the employment agreement. Each row represents an average annualised figure for the individual in that remuneration package band (i.e. the 'Total' column).
2. This represents average bonus paid during the reporting period in the remuneration package band. The 'bonus paid' was excluded from the 'Total' calculation, (for the purpose of determining remuneration package bands). The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the Commission during the financial year.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2011

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 14: Financial Instruments

	2011	2010
	\$	\$
Note 14A. Categories of Financial Instruments		
Financial Assets		
Loans and receivables:		
Cash on hand or on deposit	1,317,656	1,271,808
Trade and other receivables	21,214	23,340
Total	1,338,870	1,295,148
Carrying amount of financial assets	1,338,870	1,295,148
Financial Liabilities		
At amortised cost:		
Trade creditors	46,199	41,547
Other	142,323	105
Total	188,522	41,652
Carrying amount of financial liabilities	188,522	41,652
Note 14B. Net Income and Expense from Financial Assets		
Loans and receivables		
Interest revenue (see note 4B)	66,331	58,229
Net gain loans and receivables	66,331	58,229
Net gain from financial assets	66,331	58,229

Note 14C. Net Income and Expense from Financial Liabilities

Financial liabilities

There is no income or expense from financial liabilities at amortised cost in the year ending 30 June 2011.

Note 14D. Fair Values of Financial Instruments

	2011		2010	
	Carrying amount	Fair value	Carrying amount	Fair value
	\$	\$	\$	\$
Financial Assets				
Cash at bank	1,317,656	1,317,656	1,271,808	1,271,808
Receivables for goods and services (net)	21,214	21,214	23,340	23,340
Total	1,338,870	1,338,870	1,295,148	1,295,148
Financial Liabilities				
Trade creditors	46,199	46,199	41,547	41,547
Other payables	142,323	142,323	105	105
Total	188,522	188,522	41,652	41,652

Financial Assets

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

Financial Liabilities

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

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2011**

Note 14 E. Credit Risk

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

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

Note 14 F. Liquidity Risk

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

Note 14 G. Market Risk

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

Interest Rate Risk

The Commission is not exposed to Interest Rate Risk.

Note 15: Reporting of Outcomes

Note 15A: Outcomes of the Commission

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Note 15B: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2011 \$	2010 \$	2011 \$	2010 \$
Expenses	4,327,693	3,581,082	4,327,693	3,581,082
Income from non-government sector				
Activities subject to cost recovery	-	-	-	-
Total	-	-	-	-
Other own-source income	132,815	63,130	132,815	63,130
Net cost of outcome delivery	4,194,878	3,517,952	4,194,878	3,517,952

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

	Outcome Total	
	2011 \$	2010 \$
Expenses:		
Employees	2,095,719	2,374,022
Suppliers	1,983,411	1,129,322
Depreciation and amortisation	164,625	72,896
Finance Costs	4,842	4,842
Write-down and impairment of assets	79,096	-
Total	4,327,693	3,581,082
Income		
Income from Government	3,152,000	3,387,000
Sale of goods and services	8,011	4,616
Interest	66,331	58,229
Gain from disposal of assets	10,000	-
Other	48,473	285
Total	3,284,815	3,450,130
Assets		
Cash and cash equivalents	1,317,656	1,271,808
Trade and other receivables	21,214	23,340
Buildings	-	202,183
Property, Plant and equipment	58,152	319,380
Other Non-Financial Assets	143,679	100,107
Total	1,540,701	1,916,818
Liabilities		
Suppliers	46,199	41,547
Other	-	105
Lease incentive	142,323	-
Employee Provisions	390,331	411,336
Other Provisions	109,842	105,000
Lease Provision	786,386	-
Total	1,475,081	557,988

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

Special Features

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Senate Inquiry into the Role and Functions of the ALRC

On 23 November 2010 the Senate referred an Inquiry into the Australian Law Reform Commission to the Legal and Constitutional Affairs References Committee. Senator Guy Barnett, Chair of the Senate Committee, chaired this Inquiry. At the beginning of the process he stated that 'over the last three years the ALRC's resources have been stripped disproportionately to government outlays, which is putting serious law reform at risk in this country ... It is time to again review the ALRC as Australia's premier law reform agency to ensure that it continues its vital work and maintains its reputation as a world leader.' It was also noted that the last review into the ALRC was in 1994 and it was now timely to consider the role and functions of the ALRC.

Members of the Committee were:

Senator Guy Barnett, Chair, LP, TAS
Senator Patricia Crossin, Deputy Chair, ALP, NT
Senator Mark Furner, ALP, QLD
Senator Scott Ludlam, AG, WA
Senator Stephen Parry, LP, TAS
Senator Russell Trood, LP, QLD

This Inquiry gave the Legal and Constitutional Affairs References Committee the opportunity to explore the impact of the budget cuts, and the governance and financial management changes on the ALRC. The Inquiry considered the following:

1. the ALRC's role, governance arrangements and statutory responsibilities;
2. the adequacy of ALRC staffing and resources to meet its objectives;
3. best practice examples of like organisations interstate and overseas;
4. the appropriate allocation of functions between the ALRC and other statutory agencies; and
5. other related matters.

The Committee called for submissions and also held public hearings in Canberra on 11 February and 3 March 2011, at which ALRC President, Professor Rosalind Croucher, gave evidence.

The Committee received 24 submissions from various individuals and organisations over the course of the Inquiry. The ALRC prepared a preliminary submission in December 2011 to provide summary information about the ALRC's history and resourcing. The ALRC also made available, on its website, a scanned copy of the 1994 Report. The ALRC made a final submission to the Inquiry in mid-February, taking into account other submissions and the evidence presented at face to face hearings. A Hansard transcript of the witness presentations is available through <http://www.aph.gov.au/hansard>.

On 31 March 2011, the Committee tabled an Interim Report which stated that the Committee required more time to consider the issues raised in the Inquiry, and a Final Report was tabled on 8 April 2011.

The Final Report of the Committee made the following recommendations:

▲ **Recommendation 1**

The committee recommends that the Australian Government restore the ALRC's budget cuts for the period 2010–11 to 2013–14 as a matter of urgency.

▲ **Recommendation 2**

The committee recommends that the ALRC Act be amended to provide for a minimum of two standing, fixed-term (not inquiry-specific), full-time commissioners.

▲ **Recommendation 3**

The committee recommends that an additional full-time commissioner be appointed for each additional inquiry referred to the ALRC, in circumstances where the ALRC already has two or more ongoing inquiries.

▲ **Recommendation 4**

The committee recommends that the ALRC's public information and education services program be resumed immediately.

▲ **Recommendation 5**

The committee recommends that the ALRC be provided with all necessary resources to enable it to continue to travel to undertake face to face consultations as part of its inquiry processes.

The Report also included a minority report from Government Senators. The Government Senators stated that the Australian Government strongly supported the work of the ALRC and that 'the changes to the ALRC's structure introduced

by the FFLA Act will improve the ALRC's flexibility to respond to circumstances as required, and will enhance the ALRC's ability to undertake expert analysis through access to subject-matter expert commissioners for specific inquiries'. Government Senators also believed that 'the ALRC is adequately resourced to undertake its important functions, particularly in light of the Attorney-General Department's ongoing commitment to assist the ALRC and ensure that it is adequately resourced.'

The Senate Inquiry provided an opportunity to fully review the operations and achievements of the ALRC, particularly over the past fifteen years, and it was extremely important to record the bi-partisan support for the ALRC as an independent body and the recognition of the importance of law reform to the democratic processes of an open and transparent government. Noting the success of the ALRC's prior reports in terms of their implementation, the high quality of its work and its national and international reputation for best practice law reform, there was also almost unanimous support from submitters for the ALRC to continue its role in its current form and for the ALRC to be properly resourced to do so.

The Government released its response to the Inquiry on 8 July 2011. Although the Government did not accept any of the recommendations of the Committee, it did put on record its 'strong support for the work of the Australian Law Reform Commission (ALRC)' and stated that it 'agrees with the Senate Committee's assessment that the ALRC's work is widely respected.' The Government's response concluded:

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. The Government has an ambitious law reform agenda and is confident the ALRC will make a significant contribution to that agenda.

It was very heartening to note the Government's public statements of support of the ALRC and its decision to provide transitional funding to allow for the appointment of a full-time Commissioner for the National Classification Review, plus secondment of a Senior Policy Officer from the Classification Branch, Attorney-General's Department, to be part of the Inquiry team.

'The Court recognises the considerable contribution that the ALRC has made to the betterment of the legal system in Australia, especially by its reported research and analysis ... the ALRC's published work contributes to the high quality of judicial decision making in this court. The high quality of judicial decisions benefits not only the litigants directly bound by the decisions but also the whole Australian community.'

Submission by the Federal Court of Australia to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Online Communications

The ALRC Website

The redeveloped ALRC website (www.alrc.gov.au) was launched on 28 August 2010.

Key design features include:

- ▲ A more inviting look and feel, to encourage user engagement
- ▲ A high degree of compliance with WCAG 2.0 accessibility standards
- ▲ Simplified navigation and architecture for better usability
- ▲ A more user-friendly and accessible presentation of ALRC publications

Key functional features include:

- ▲ The integration of the site with Drupal CMS, for more efficient workflow
- ▲ Integrated Web 2.0 tools (such as forums, blogs, etc)
- ▲ Integrated with social media (eg, Twitter and Facebook)
- ▲ Online submission forms

Traffic

From the launch of the new site on 28 August 2010 to 30 June 2011:

- ▲ 265,921 Visits
- ▲ 1,612,878 Page views
- ▲ 170,114 Unique visitors

With the launch of the new site the ALRC switched to a different tool for gathering website statistics. As the metrics between the old and new tools differ significantly, comparing these figures with earlier traffic figures would be misleading and make comparisons difficult.

Twitter

The ALRC Twitter feed has become an important avenue for informing the public about the ALRC's current inquiries and consultations, implementation of ALRC recommendations, the intern program, and the Commission's work generally. Not just a one-way information channel, Twitter allows the ALRC to respond to questions and even engage in conversations.

At 30 June 2011, the number of followers had increased from around 500 (in June 2010) to 1870.



E-news

During the reporting period the ALRC published an e-newsletter for each of its current inquiries. Subscription is opt-in and happens mostly via forms on the website.

Table 11: Inquiry E-news 2010-11

<i>Inquiry</i>	<i>Subscribers</i>	<i>Issues to date</i>
Discovery of Documents in Federal Courts	238	9
Commonwealth Laws and Family Violence	329	8
National Classification Scheme Review	208	6

In March 2011 the ALRC published the inaugural edition of the *ALRC Brief*. Unlike the inquiry e-newsletters, the *Brief* describes ALRC work more generally and will typically feature:

- ▲ An update on current inquiries;
- ▲ Implementation of ALRC recommendations from past reports;
- ▲ Information about the ALRC intern program; and
- ▲ Progress on RAP initiatives.



Australian Government
 Australian Law Reform Commission

ALRC Brief

March 2011

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3. [New inquiries: Classification and Copyright](#)
4. [Update on current inquiries](#)
5. [Implementation](#)
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7. [RAP moves](#)
8. [ALRC legal intern program](#)

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From the President's desk



Welcome to the inaugural edition of the *ALRC Brief*. Looking through a history of ALRC work recently, I came across the first ALRC law reform bulletin released in January 1976 and written by the Hon Justice Michael Kirby, first Chair of the ALRC. Justice Kirby described the bulletin as "an entirely informal way to inform readers of developments relevant to the reform of the law ... To escape irrelevance law reform must go out to the society it serves". Re-establishing the notion...

[READ MORE >>](#)

The Senate Committee Inquiry into the ALRC



On 11 February 2011, the Legal and Constitutional Affairs Committee held a public hearing for its inquiry into the ALRC. The Inquiry was called to look into the impact of the budget cuts to the ALRC over the last year, and whether these cuts are "putting serious law reform at risk in this country" (Senator Barnett, Chair of the Senate Committee, 23 Nov 10).

[READ MORE >>](#)

New inquiries: Classification and Copyright



The Government has made public announcements about two new inquiries intended for the ALRC. The ALRC has yet to receive final Terms of Reference for both these inquiries and until terms are received, the inquiries are only foreshadowed.

The first is a review of classification laws in Australia. Minister for Home

ALRC Blogs

During the reporting period the ALRC launched two new blogs: one for the Commonwealth Laws and Family Violence Inquiry, and another for the Inquiry into the Discovery of Documents in Federal Courts. The ALRC's inquiry-based blogs work together with the e-newsletters to encourage greater engagement with the ALRC's inquiries, to increase transparency and facilitate greater understanding of the inquiry process.

Commonwealth Laws and Family Violence blog (launched on 17 November 2010):

- ▲ 1,272 visits
- ▲ 797 unique visitors
- ▲ 10 comments

Discovery of Documents in Federal Courts blog (launched 3 August 2010):

- ▲ 2,331 visits
- ▲ 1,477 Unique Visitors
- ▲ 10 comments

The Discovery Blog was closed for commenting on 21 April 2011, following the completion of the Inquiry and tabling of the Final Report.

Podcasts

The ALRC began experimenting with podcasts, or audio recordings, as an additional means of communicating with the public. Examples include:

- ▲ Professor Rosalind Croucher interviewed by journalist Michael Pelly, discussing the Family Violence Inquiry Final Report, recorded 28 November 2010.
- ▲ Indigenous issues and consultation in the Family Violence Inquiry, recorded 17 December 2010.
- ▲ Lucinda O'Dwyer and Catherine Farrell discuss their experiences as ALRC interns, recorded 28 January 2011.

'The internship exceeded my expectations ... I was given the opportunity to conduct comprehensive legal research for various inquiries, which greatly enhanced my knowledge of a number of discrete areas of law.

Although a law degree gives students an excellent theoretical and academic foundation for their legal career, the lecture theatre can seem divorced from the practical realities of legal practice post graduation. Consequently, the most beneficial aspect of my internship was the opportunity to observe the work of Legal Officers and gain an appreciation of the quality and quantity of work expected in a professional legal organisation.'

Legal Intern, Lucinda O'Dwyer, 2011

ALRC Internship Program

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

In 2010–11 there were 16 internships offered. The ALRC was pleased to include students of an exceptionally high standard from around Australia and abroad. Australian university students came from WA, Queensland, Victoria and NSW.

Two applicants from overseas universities received placements. In September 2010 Kate Nielson joined us from Harvard University as part of the Clinical Placement



International Intern, Jennifer Ruiz (centre) with ALRC Staff Members, Carolyn Kearney and Khanh Hoang

Program and we have been extremely lucky to have Kate with us for a 12-month placement, contributing to the Family Violence Inquiry, Commonwealth Laws and Family Violence and Classification Inquiries at a very high level. The ALRC has an ongoing intern partnership with the University of Maryland and in May 2011 Jennifer Ruiz completed a five-week internship working with the National Classification Scheme Review team.

During 2010–11 the ALRC was also extremely pleased to be able to offer internships to two legal officers, Kathleen Kohata and Daniel Suluia, from the Solomon Islands Law Reform Commission who spent two weeks with us observing our law reform processes and participating in team meetings and training sessions delivered by ALRC legal and corporate staff.

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

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

Interns for 2010–11

Table 12: ALRC Interns 2010–11			
<i>Name</i>	<i>Institution</i>	<i>Inquiry</i>	<i>Duration of internship</i>
Ming Li	UNSW	Discovery	6 Aug–22 Oct 2010
Mayuri Anupindi	UTS	Discovery	6 Aug–22 Oct 2010
Kyrren Konstantinidis	Sydney University	Commonwealth Family Violence	20 Sept–30 Nov 2010
Kate Nielson	Harvard University, USA	Commonwealth Family Violence; Censorship and Classification	20 Sept 2010–15 Aug 2011
Kathleen Kohata	Solomon Islands LRC	General	22 Sept–6 Oct 2010
Daniel Suluia	Solomon Islands LRC	General	22 Sept–6 Oct 2010
Stacey McEvoy	University of Queensland	Commonwealth Family Violence	18 Oct–21 Jan 2011
Katie Batty	Murdoch University	Censorship and Classification	4 Jan–21 Jan 2011
Lucinda O'Dwyer	Monash University	Censorship and Classification	4 Jan–28 Jan 2011
Catherine Farrell	Melbourne University	Censorship and Classification	1 Feb–25 Feb 2011
Andrew Trotter	QUT	Commonwealth Family Violence	7 Feb–4 Mar 2011
Lauren Loz	UNSW	Commonwealth Family Violence; Censorship and Classification	7 Feb–4 Mar 2011
Julie McKenzie	UNSW	Commonwealth Family Violence	17 Mar–28 July 2011
David Rowe	ANU	Censorship and Classification	17 Mar–17 June 2011
Jacqueline Serkowski	UWS	Censorship and Classification	17 Mar–22 July 2011
Jennifer Ruiz	University of Maryland, USA	Censorship and Classification	9 May–5 July 2011

Kirby Cup Law Reform Competition

The Kirby Cup Law Reform Competition is a unique opportunity for Australian law students to consider the role of law reform and law reform agencies in Australia. To enter, law students must provide a written paper (between 2,000 and 4,000 words) on a topic of law reform.

The competition is open to all students currently enrolled in a tertiary law course (including law courses offered by universities and legal practitioner admission boards). Students may participate in the competition as individuals or as a team of up to four students. The ALRC publishes the winning entry on the ALRC's website. Winners also have their names engraved on the perpetual Kirby Cup, which was donated by the Hon Michael Kirby AC CMG, a former Justice of the High Court of Australia and the first Chairperson of the ALRC.



The topic for the competition in 2010 was:

The Honourable Justice Michael Kirby AC CMG a former Justice of the High Court of Australia and the first Chairperson of the ALRC has said that: 'law reform is much too important to be left to the experts'. Please discuss the importance of consultation to the law reform process, using at least one Australian Law Reform Commission inquiry as an example.

The winners of the 2010 Kirby Cup were Israel Cowen and Adam Delacorn from Monash University. Their paper, entitled *Consultation and Law Reform: A civic conversation building ownership of the law*, argued that consultation is important to the law reform process as it introduces civic conversation—a concept central to democratic processes—into law making. Through such a process, it was argued, the law can be reformed in a manner that both reflects the collective will of citizens and manifests the consent of the governed, both of which are fundamental to the maintenance of the rule of law. Further, through widespread consultation in the law reform process, not only do those affected by the law develop a sense of ownership of the law, but the resulting law reform also stands a higher chance of enactment and acceptance.

Their essay explored the importance of consultation in law making and reform, based on objectives and notions that underpin society and government. Following an analysis of the capacity of established arms of government to achieve those objectives, certain constraints were highlighted in order to further demonstrate the importance of consultation through law reform inquiries. The essay also discussed the benefits of consultation to the law reform process using examples of ALRC inquiries, including *Essentially Yours* and *Recognition of Aboriginal Customary Laws*. The essay concluded with comments on the future of consultation in law reform.

The Kirby Cup is one way that the ALRC continues to educate the community about the importance of law reform and illustrates the best practice approach to ensure that this reform is relevant and effective.

'ALRC consultation documents and, in particular, the ALRC's final reports are frequently referenced in student and academic work, as well as used as recommended course materials at this University. This is because there is great synergy between the work of law reform agencies and legal education.'

Submission by Macquarie University Law School to the Senate Legal and Constitutional Affairs References Committee Inquiry into the ALRC.

Reconciliation Action Plan Update

The ALRC's Reconciliation Action Plan (RAP) outlines the ALRC's vision for reconciliation and the strategies that the ALRC will adopt to promote reconciliation between Indigenous and non-Indigenous Australians. The ALRC believes that the laws of Australia must have proper regard to Indigenous interests, and must protect and promote Indigenous culture and improve social and economic outcomes for Indigenous people.

In November 2010 all staff attended a full day of cultural awareness training, held at Tranby Aboriginal College in Glebe facilitated by cultural appreciation trainer Lani Blanco-Francis from the Arilla Indigenous Consultants and Services group. The program involved sessions on fostering a deeper understanding of Indigenous culture, culturally appropriate consultation and community engagement.

There were opportunities to evaluate the RAP and determine what areas should be reviewed to implement workable targets. Overall the day was stimulating and provided a useful basis upon which the RAP Committee and the ALRC more broadly, can continue to develop its RAP and engage with Indigenous peoples.

One of the issues identified during the Family Violence Inquiry and highlighted during the cultural awareness training was the need to provide effective feedback to the Indigenous community. As a result, the President, Professor Rosalind Croucher, prepared a podcast on Indigenous issues and consultation in the Family Violence Inquiry. The podcast is available from the ALRC's website. In order to provide additional feedback and encourage greater participation and engagement by Indigenous people in the law reform process, Professor Croucher and Legal Officer, Amanda Alford wrote an article for publication in the Indigenous Law Bulletin '*The ALRC and Indigenous People—Continuing the Conversation*'.

In May, Senior Legal Officer, Virginia Marshall, and Legal Officer, Amanda Alford, presented at the 7th Annual Indigenous Family Violence Prevention Legal Forum, in Mackay, Queensland. This followed on from a presentation at the same conference the year before and provided an opportunity for the ALRC to provide feedback to the community on the recommendations of the Family Violence Inquiry.

Commissioner, Professor Terry Flew published an article in the Koori Mail newspaper on the National Classification Scheme Review, entitled '*Indigenous Perspectives on Media Classification*'. The article outlined the key issues contained in the ALRC's Issues Paper and calling for submissions from Indigenous peoples and communities.

ALRC staff celebrated National Reconciliation Week this year together with staff of the Australian Government Solicitor and were privileged to hear a presentation by Susan Moylan-Coombs, Head of Commissioning & Strategy and Stakeholder Manager, National Indigenous Television. On 2 June, ALRC staff attended the NSW Art Gallery for a guided tour of *Yirbana*, the Aboriginal and Torres Strait Islander Collection. This provided an opportunity to further our understanding of Indigenous culture, heritage and history.



ALRC RAP Committee

Sabina Wynn, Krista Lee-Jones, Tina O'Brien, Virginia Marshall, Amanda Alford, Khanh Hoang, Marie-Claire Muir, Carolyn Kearney, Professor Rosalind Croucher, Sara Peel

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Appendix A: Corporate Plan 2011–2013

Our Vision

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

Outcome Statement

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

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

Our Strategies

The strategy that the ALRC will use to achieve its intended outcome is to undertake inquiries into areas of law reform referred to it by the Attorney-General. In conducting its inquiries, the ALRC will consult with relevant government, industry and community stakeholders and experts interested in the area under review and comprehensively research and analyse the legal policy issues raised during the course of this research. As part of the inquiry process, the ALRC will produce a number of consultation papers that present issues, ask questions and raise proposals for reform and will call on the community to respond through both formal submission processes and more informal mechanisms, including through online communication strategies, where appropriate. These external contributions and the ALRC's own research and analysis will inform the preparation of a Final Report with recommendations for the Government's consideration for each inquiry undertaken. The ALRC has one program to achieve its outcome.

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

In 2011–2013 the ALRC is expecting to conduct at least two inquiries at any one time. As part of the inquiry process, the ALRC will produce a number of consultation papers that present issues, ask questions and raise proposals for reform and will call on the community to respond through both formal submission processes and consultations and more informal feedback mechanisms, including online discussion forums, phone-ins and focus groups, where appropriate. These external contributions and the ALRC's own research will inform the preparation of a Final Report with

recommendations for the Government's consideration for each inquiry undertaken. The ALRC will usually constitute an expert Advisory Committee for each inquiry to assist in the analysis and formulation of key recommendations and proposals for reform.

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

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

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

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

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

Our Deliverables

Program 1—Conducting inquiries

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

- ▲ undertake community consultation nationally with stakeholders and experts relevant to each area of law under review and report on the consultation process;
- ▲ constitute an expert advisory committee for each inquiry, as required;
- ▲ produce consultation documents, as appropriate, to each inquiry;

- ▲ provide web-based consultation and communication strategies to effectively and efficiently broaden access to the ALRC's activities by the community;
- ▲ produce a final report containing recommendations for law reform for each inquiry;
- ▲ present at public conferences, seminars and parliamentary inquiries, ensuring that the work of the ALRC is publicly debated and discussed and contributes to the community's knowledge about the government's law reform agenda; and
- ▲ track and report on implementation of its recommendations.

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

Our Key Performance Indicators (KPIs)

Program 1—Conducting inquiries

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

- ▲ the level of implementation of ALRC reports by government and other bodies, either substantially or partially, over time;
- ▲ the number of citations or references to ALRC reports and recommendations in parliamentary debates, in court citations and decisions, and in academic publications and other publications;
- ▲ the number of submissions received for each inquiry;
- ▲ the number of visitors to the ALRC website;
- ▲ the number of presentations and speaking engagements; and
- ▲ the number of media mentions.

The logic behind using implementation rates as an indicator of the effectiveness of the ALRC in achieving its objective is that the rate of implementation of ALRC recommendations provides some evidence of the ALRC's relative success in facilitating informed decision making by government that leads to development, reform and harmonisation of Australian laws and related processes—notwithstanding that implementation lies with Government and not the ALRC.

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

Using the number of submissions received is one indicator of the breadth of the evidence base that underpins ALRC 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 website is an indicator of the community's engagement with the work (past and present) of the ALRC. This engagement underpins informed government decision making.

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

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

July 2011

Appendix B: Key Supporting Policies and Documents

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

Administration

- ▲ Corporate Plan 2011–2013*
- ▲ Environmental Management Policy*
- ▲ Fraud Control Plan 2010–2012 & Fraud Policy Statement
- ▲ Parliament House Security Pass Policy
- ▲ Reconciliation Action Plan*
- ▲ Welcome to Country and Acknowledgement of Country Protocols

Finance

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

Human Resources

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

Information Management

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

Communications & Publications

- ▲ Communications With People With a Disability Policy*
- ▲ Communications With People With a Disability Procedures
- ▲ Media Liaison Policy
- ▲ Twitter Policy*
- ▲ Moderation Policy for Public Forums, Blogs and Website Comments*
- ▲ Publications Distribution Policy*

OH&S

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

Interns

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

Appendix C: Terms of Reference 2010–11

Reducing Violence against Women and their Children

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

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

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

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

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

Scope of the reference

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

- a. the other actions being progressed as part of the Immediate Government Actions announced by the Prime Minister on receiving the National Council's report in April 2009;
- b. the evaluation of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* reforms being undertaken by the Australian Institute of Family Studies; and
- c. the work being undertaken through SCAG on the harmonisation of uniform evidence laws, in particular the development of model sexual assault communications immunity provisions and vulnerable witness protections.

Collaboration and consultation

In undertaking this reference, the Commission should:

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

Timeframe

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

Dated: 17 July 2009

Robert McClelland

Attorney-General

* Extended to 10 September 2010

Review of Discovery Laws to Improve Access to Justice

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

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

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

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

- ▲ alternatives to discovery;
- ▲ the role of courts in managing discovery, including the courts' case management powers and mechanisms to enable courts to better exercise those powers in the context of discovery;
- ▲ implications of the cost of discovery on the conduct of litigation, including means to limit the extent to which discovery gives rise to satellite litigation and the use of discovery for strategic purposes;
- ▲ costs issues, for example cost capping, security for discovery costs, and upfront payment; and

- ▲ the sufficiency, clarity and enforceability of obligations on practitioners and parties to identify relevant material as early as possible.

Collaboration and consultation

In undertaking this reference, the Commission should:

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

Timeframe

The Commission will report no later than 31 March 2011.

Dated 10 May 2010
Robert McClelland
Attorney-General

Impact of Commonwealth Laws on Those Experiencing Family Violence

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

Reference

I refer to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* (Cth), the issue of the treatment of family/domestic violence in Commonwealth laws, including child support and family assistance law, immigration law, employment law, social security law and superannuation law and privacy provisions in relation to those experiencing family/domestic violence.

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

Scope of the reference

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

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

- a. the work undertaken in the Commissions' 2010 family violence inquiry;
- b. the other actions being progressed as part of the National Plan to Reduce Violence against Women and their Children Immediate Government Actions announced by the former Prime Minister on receiving the National Council's report in April 2009; and

- c. the work being undertaken through SCAG on the harmonisation of uniform evidence laws, in particular the development of vulnerable witness protections and recently endorsed principles for the protection of communications between victims of sexual assault and their counsellors.

Collaboration and consultation

In undertaking this reference, the ALRC should:

- a. have regard to the Commissions' 2010 family violence inquiry, the National Council's report and any supporting material in relation to family violence and sexual assault laws;
- b. work closely with the relevant Australian Government departments to ensure the solutions identified are practically achievable and consistent with other reforms and initiatives being considered in relation to the development of a *National Plan to Reduce Violence against Women and their Children* or the National Framework for Protecting Australia's Children.

Timeframe for reporting

The Commission will report no later than 30 November 2011.

Dated: 9 July 2010
Robert McClelland
Attorney-General

Review of Censorship and Classification

Having regard to:

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

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

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

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

Appendix D: Advisory Committee Members and Consultants

Discovery of Documents in Federal Courts

Advisory committee members

- ▲ Robert Alexander, General Counsel, Australian Competition & Consumer Commission, Canberra
- ▲ Dr Peter Cashman, Director, Social Justice Program, University of Sydney, Sydney
- ▲ Stuart Clark, Chief Operating Officer, Clayton Utz, Sydney
- ▲ The Hon Justice Ray Finkelstein, Federal Court of Australia, Melbourne
- ▲ David Gaszner, Thomsons Lawyers, Adelaide
- ▲ Sue Laver, General Counsel, Telstra, Melbourne
- ▲ Catherine Leslie, Special Counsel Tax Litigation, Australian Government Solicitor, Sydney
- ▲ The Hon Kevin Lindgren QC, formerly a judge of the Federal Court of Australia
- ▲ Bernard Murphy, Maurice Blackburn, Melbourne
- ▲ Professor Les McCrimmon, School of Law and Business, Charles Darwin University, Darwin
- ▲ Professor Christine Parker, Faculty of Law, University of Melbourne, Melbourne
- ▲ Matt Minogue, A/g First Assistant Secretary, International Crime Cooperation Division, Attorney-General's Department, Canberra

Commonwealth Laws and Family Violence

Advisory roundtable

- ▲ Justice Susan Kenny, Federal Court of Australia, Melbourne
- ▲ Justice Berna Collier, Federal Court of Australia, Brisbane

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

Expert panel members

Child support

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

Employment

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

Migration

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

Social Security

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

Superannuation

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

Appendix E: Contributions to External Inquiries

Table 13: Submissions Made by the ALRC to Other Inquiries

<i>Agency conducting inquiry</i>	<i>Date of submission</i>	<i>Subject matter</i>	<i>Related ALRC reference</i>
Senate Standing Committee on Legal and Constitutional Affairs	14 July 2010	Inquiry into the past and present practices of donor conception in Australia	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (ALRC Report 96, 2003)
Senate Standing Committee on Finance and Public Administration	23 July 2010	Australian Privacy Principles	<i>For Your Information: Australian Privacy Law and Practice</i> , (ALRC Report 108, 2008)
Senate Standing Committee on Finance and Public Administration	27 October 2010	Inquiry into Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010	<i>Equality before the Law: Women's Equality</i> (ALRC Report 69 Part 2, 1994) and <i>Multiculturalism and the Law</i> (ALRC Report 57, 1992)
Senate Standing Committee on Legal and Constitutional Affairs	28 October 2010	Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 (the Bill)	<i>For Your Information: Australian Privacy Law and Practice</i> (ALRC Report 108, 2008)

Table 13: Submissions Made by the ALRC to Other Inquiries

<i>Agency conducting inquiry</i>	<i>Date of submission</i>	<i>Subject matter</i>	<i>Related ALRC reference</i>
Attorney-General's Department	23 December 2010	Exposure Draft Family Law Amendment (Family Violence) Bill 2010	<i>Family Violence: A National Legal Response</i> (ALRC Report 114, 2010)
Senate Standing Committee on Legal and Constitutional Affairs	21 February 2011	Inquiry into the Patent Amendment (Human Genes and Biological materials) Bill 2010	<i>Genes and Ingenuity: Gene Patenting and Human Health</i> (ALRC Report 99, 2004)
Senate Finance and Public Administration Legislation Committee	8 March 2011	Exposure Draft Australian Privacy Amendment Legislation, Part 2—Credit reporting (the Exposure Draft)	<i>For Your Information: Australian Privacy Law and Practice</i> , (ALRC Report 108, 2008)
Senate Standing Committee on Legal and Constitutional Affairs	28 April 2011	Inquiry into the Family Law Legislation Amendment (Family Violence and Other Measures) Bill	<i>Family Violence: A National Legal Response</i> (ALRC Report 114, 2010)

Appendix F: Agency Resource Statement and Resources for Outcomes

1. Agency Resource Statement 2010–11

	Actual cash balance carried forward and appropriation for 2010–11 \$'000	Payments made 2010–11 \$'000	Balance Remaining 2010–11
	(a)	(b)	(a) - (b)
Ordinary Annual Services			
Opening balance/reserves at bank	1,318		
Departmental appropriation ¹	3,152	4,328	
Total	4,470	4,328	142
Administered expenses			
Outcome 1: Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.			
Payments to CAC Act Bodies	3,152		
Total	3,152	4,328	
Total ordinary annual services	A 3,152	4,328	
Funds from other sources			
Interest	66		
Sale of goods and services	8		
Other	49		
Total	123		
Total net resourcing for agency	3,275	4,328	

¹ Appropriation Bill (No.1) 2010–11.

2. Resources for Outcomes

Expenses and Resources for Outcome 1

Outcome 1:	Budget*	Actual Expenses	Variation
Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.	2010–11 \$'000	2010–11 \$'000	2010–11 \$'000
	(a)	(b)	(a) – (b)

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

Departmental expenses

Ordinary annual services (Appropriation Bill No. 1)	3,152	3,152	–
Revenues from independent sources	70	123	(53)

Total for Program 1	3,222	3,275	(53)
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Outcome 1 Totals by appropriation type

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Departmental expenses

Ordinary annual services (Appropriation Bill No. 1)	3,152	3,152	
Revenue from independent sources	70	123	

Total expenses for Outcome 1	3,222	3,275	(53)
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	2010–11	2010–11	
Average Staffing Level (number)	19	15	(4)

* Full year budget, including any subsequent adjustment made to the 2010–11 Budget.

Appendix G: Implementation Activity 2010–11

The following provides an overview of activity in relation to ALRC reports during 2010–11.

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

The Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 was introduced in Parliament by the Attorney-General, the Hon Robert McClelland on 24 March 2011.

This Bill would substantially implement Recommendation 6–4 of the ALRC and NSWLRC's report *Family Violence: A National Legal Response*. The recommendation provided for a revised and broader definition of 'family violence' in the *Family Law Act 1975* (Cth).

The Senate has referred the Bill to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 August 2011. In July 2011, the ALRC gave evidence before the Committee regarding the recommended definition.

The other recommendations made in *Family Violence: A National Legal Response* remain under consideration by the Government.

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

On 24 June 2010, the Senate referred an exposure draft of new Australian Privacy Principles (APPs) to the Senate Finance and Public Administration Legislation Committee for inquiry and report. In January 2011, this was followed by exposure draft credit reporting provisions.

In June 2011, the Committee issued its report *Exposure Drafts of Australian Privacy Amendment Legislation Part 1—Australian Privacy Principles*.

These exposure drafts are the first in a series of exposure draft amendments to privacy legislation, anticipated to be referred to the Senate committee for consideration and public consultation. The legislation will then be consolidated in a revised *Privacy Act*.

Combating the Financing of People Smuggling and Other Measures Act 2011 received assent on 28 June 2011. The verification of identity measures within this Act implement Recommendation 57–4 of *For Your Information*.

The Act also amends the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* and the *Privacy Act 1988* to enable reporting entities to use credit reporting data to verify the identity of their customers. It introduces a number of privacy protections to ensure that information is used only for the purpose of verifying identity. It also establishes the offences of unauthorised access to verification information, obtaining access to verification information by false pretences and unauthorised use or disclosure of verification information.

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

Schedule 1 of the *National Security Legislation Amendment Act 2010* implements a number of recommendations in *Fighting Words*, including:

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

These sections of the Act received Assent and commenced on 24 November 2010.

Uniform Evidence Law (ALRC Report 102, 2006)

The *Evidence Act 2011* (ACT) received assent on 13 April 2011. When it commences, the ACT will have independently joined the *Uniform Evidence Act* scheme. Previously, the provisions of the Commonwealth *Evidence Act 1995* applied directly to the ACT.

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

The Senate Standing Committee on Community Affairs Report of the Inquiry into Gene Patents was presented to Government on 26 November 2010. It recommended that the government make a number of amendments to the *Patents Act 1990* in line with recommendations of ALRC Report 99. If the Government amends the Act accordingly, *Genes and Ingenuity* would be substantially implemented.

Appendix H: Implementation Status of ALRC Reports

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i>	25 May 2010		UNDER CONSIDERATION
ALRC Report 114	<i>Family Violence: A National Legal Response</i>	24 Mar 2011	Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011	PARTIAL (see Appendix G)
ALRC Report 112	<i>Secrecy Laws and Open Government in Australia</i>	11 Mar 2011		UNDER CONSIDERATION
ALRC Report 111	<i>Making Inquiries: A New Statutory Framework</i>	10 Feb 2010		UNDER CONSIDERATION
ALRC Report 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 Aug 2008	<i>Healthcare Identifiers Act 2010 (Cth)</i> ; Exposure drafts of Australian privacy amendment legislation; <i>Combating the Financing of People Smuggling and Other Measures Act 2011 (Cth)</i>	PARTIAL (see Appendix G)
ALRC Report 107	<i>Privilege in Perspective: Client Legal Privilege in Federal Investigations</i>	13 Feb 2008		UNDER CONSIDERATION
ALRC Report 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i>	13 Sep 2006	<i>National Security Legislation Amendment Act 2010 (Cth)</i>	PARTIAL (see Appendix G)

Table 14: Implementation Status of ALRC Reports				
Report	Title	Tabling date	Implementation brief	Degree of implementation
ALRC Report 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders</i>	22 Jun 2006	<i>Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Cth)</i> ; federal sentencing database	PARTIAL
ALRC Report 102	<i>Uniform Evidence Law</i>	8 Feb 2006	<i>Evidence Amendment Act 2008 (Cth)</i> ; <i>Evidence Amendment Act 2007 (NSW)</i> ; <i>Evidence Act 2008 (Vic)</i> ; <i>Statutes Amendment (Evidence and Procedure) Act 2008 (SA)</i> ; <i>Evidence Amendment (Journalists' Privilege) Act 2007 (Cth)</i> ; <i>Evidence Act 2011 (ACT)</i>	SUBSTANTIAL (see Appendix G)
ALRC Report 99	<i>Genes and Ingenuity: Gene Patenting and Human Health</i>	31 Aug 2004	House of Representatives Standing Committee on Legal and Constitutional Affairs, <i>Review of Technological Protection Measures Exceptions</i> (2006)	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION (see Appendix G)
ALRC Report 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i>	23 Jun 2004	<i>National Security Information Amendment Act 2005 (Cth)</i> ; <i>National Security Information (Criminal Procedure) Act 2004 (Cth)</i>	SUBSTANTIAL
ALRC Report 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> [amendment of definition of 'disability' to include 'genetic predisposition to disability', prohibition on an employer requesting certain information from an employee; <i>Section 95AA Guidelines For National Privacy Principles About Genetic Information</i> ; National	SUBSTANTIAL

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
			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</i> (Cth); Human Genetics Advisory Committee established (2006); IFSA Standards <i>Genetic Information and Family Medical History</i> (2005); <i>Family Law Regulations 2004</i> (Cth) [parentage testing forms]; <i>Crimes Legislation Enhancement Act 2003</i> (Cth) [inter-jurisdictional sharing of DNA information with participating jurisdictions]; National Health and Medical Research Council Guidelines on the provision of genetic information to relatives (2009)	
ALRC Report 95	<i>Principled Regulation: Federal Civil & Administrative Penalties in Australia</i>	19 Mar 2003	<i>A Guide To Framing Commonwealth Offences, Civil Penalties And Enforcement Powers</i> (2004)	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC Report 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903</i>	2 Oct 2001	<i>Family Law Amendment Act 2005</i> (Cth) [appeals from Family Court]; <i>High Court Rules 2004</i> [special leave applications]; <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth) [appellate jurisdiction of Federal Court]; <i>Supreme Court Amendment Act 2001</i> (ACT) [ACT Court of Appeal]	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION

Table 14: Implementation Status of ALRC Reports				
Report	Title	Tabling date	Implementation brief	Degree of implementation
ALRC Report 91	<i>Review of the Marine Insurance Act 1909</i>	22 May 2001	<i>Financial Services Reform (Consequential Provisions) Act 2001</i> (Cth) [Repeal s 59, 60 of MIA Act]	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC Report 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 Feb 2000	Australian Academy of Law established (2005); <i>Administrative Appeals Tribunal Amendment Act 2005</i> (Cth); <i>Family Law Rules 2004</i> (Cth); <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth) [allows a single judge to dismiss an appeal for want of prosecution or failure to comply with a direction of the Court]; National Pro Bono Resource Centre established (2002); Council of Australian Tribunals established (2002); National Judicial College established (2002); Launch of Australian Law Online (2001); FLC review of social science literature proposal (2001); AUTC law discipline review (2001–02); changes to case management in Family Court of Australia and the Federal Court of Australia; <i>Family Law Amendment Act 2000</i> (Cth) [arbitration of family law property matters]; <i>Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009</i> (Cth) [assessors]; <i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i> (Cth)	SUBSTANTIAL

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	15 Jun 1999	<i>Proceeds of Crime Act 2002 (Cth)</i>	SUBSTANTIAL
ALRC Report 85	<i>Australia's Federal Record: A Review of Archives Act 1983</i>	2 Jul 1998	<i>Archives Amendment Act 2008 (Cth)</i> [objects clause, definition of 'record', NAA as executive agency]; <i>Census Information Legislation Amendment Act 2000 (Cth)</i> ; E-Permanence Strategy	PARTIAL
ALRC Report 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	19 Nov 1997	<i>Evidence Amendment Act 2008 (Cth)</i> ; <i>Measures to Combat Serious and Organised Crime Act 2001 (Cth)</i> [examination & cross-examination of child witnesses]; NSW Law Society <i>Representation Principles for Children's Lawyers</i> (2000); Increase of age of criminal responsibility to 10— <i>Children and Young People Act 1999 (ACT)</i> ; <i>Justice Act 1997 (Tas)</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC Report 82	<i>Integrity: But Not by Trust Alone</i>	10 Dec 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 Report 80	<i>Legal Risk in International Transactions</i>	8 Oct 1996	<i>Cross Border Insolvency Act 2008 (Cth)</i> ; <i>Electronic Transactions Act 2000 (Cth)</i> —complementary legislation in all states and territories.	PARTIAL
ALRC Report 79	<i>Making Rights Count: Services for People with a Disability</i>	10 Oct 1996	<i>Disability Services Amendment (Improved Quality Assurance) Act 2002 (Cth)</i>	PARTIAL

Table 14: Implementation Status of ALRC Reports				
Report	Title	Tabling date	Implementation brief	Degree of implementation
ALRC Report 78	<i>Beyond the Door Keeper: Standing to Sue for Public Remedies</i>	30 May 1996		NIL
ALRC Report 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i>	24 Jan 1996	<i>Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 (Cth); Australian Information Commissioner Act 2010 (Cth); Freedom of Information Amendment (Reform) Act 2010 (Cth)</i>	SUBSTANTIAL
ALRC Report 75	<i>Costs Shifting: Who Pays for Litigation</i>	25 Oct 1995	<i>Migration Litigation Reform Act 2005 (Cth)</i>	PARTIAL. FURTHER PROPOSALS UNDER CONSIDERATION
ALRC Report 74	<i>Designs</i>	31 Aug 1995	<i>Designs Act 2003 (Cth)</i>	SUBSTANTIAL
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i>	20 Jun 1995	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC Report 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i>	8 Mar 1995	<i>Aged Care Act 1997 (Cth)</i>	SUBSTANTIAL
ALRC Report 70	<i>Child Care for Kids</i>	8 Nov 1994	<i>Child Care Legislation Amendment Act 1998 (Cth)</i> [confidentiality]; <i>Child Care Legislation Amendment Act 1998 (Cth)</i> [sanctions for breach]	PARTIAL

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 69	<i>Equality Before the Law: Part I: Justice for Women Part II: Women's Equality</i>	25 Jul 1994 21 Dec 1994	<i>Sex Discrimination Amendment Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Domestic Violence Act 1995 (Norfolk Is)</i>	SUBSTANTIAL
ALRC Report 68	<i>Compliance with the Trade Practices Act 1974</i>	29 Jun 1994	<i>Trade Practices Amendment (No 1) Act 2001 (Cth)</i>	PARTIAL
ALRC Report 67 (Interim)	<i>Equality Before the Law: Women's Access to the Legal System</i>	3 Mar 1994	see ALRC 69	SUBSTANTIAL
ALRC Report 65	<i>Collective Investments: Other People's Money</i>	30 Sep 1993	<i>Managed Investments Act 1998 (Cth)</i>	SUBSTANTIAL
ALRC Report 64	<i>Personal Property Securities</i>	27 May 1993	<i>Personal Property Securities Act 2009 (Cth); Personal Property Securities (Corporations and Other Amendments) Bill 2011 (Cth)</i>	SUBSTANTIAL
ALRC Report 63	<i>Children's Evidence: Closed Circuit TV</i>	26 May 1993	<i>Evidence (Closed-Circuit Television) (Amendment) Act 1994 (ACT); Crimes Amendment (Children's Evidence) Act 1996 (NSW)</i>	SUBSTANTIAL
ALRC Report 61	<i>Administrative Penalties in Customs and Excise</i>	9 Sep 1992		NIL
ALRC Report 60	<i>Customs and Excise</i>	7 May 1992	<i>Customs Amendment Act (No1) 1997 (Cth); Customs Excise and Bounty Amendment Act 1995 (Cth)</i>	PARTIAL

Table 14: Implementation Status of ALRC Reports				
<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 59	<i>Collective Investments: Superannuation</i>	28 Apr 1992	<i>Superannuation Industry (Supervision) Act 1993 (Cth); Superannuation Resolution of Complaints Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC Report 58	<i>Choice of Law</i>	28 May 1992	<i>Choice of Law (Limitation Periods) Act 1993 (NSW); Choice of Law (Limitation Periods) Act 1993 (Vic); Choice of Law (Limitation Periods) Act 1994 (WA); Choice of Law (Limitation Periods) Act 1994 (NT)</i>	PARTIAL
ALRC Report 57	<i>Multiculturalism and the Law</i>	28 Apr 1992	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW); Racial Hatred Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Crimes and Other Legislation Amendment Act 1994 (Cth)</i> See also: Consumer Credit Code; Insurance Council of Australia, Insurance Code of Practice	SUBSTANTIAL
ALRC Report 55	<i>Censorship Procedure</i>	11 Sep 1991	<i>Classification (Publications, Films and Computer Games) Act 1995 (Cth)</i> —complementary legislation in each state and territory	SUBSTANTIAL
ALRC Report 52	<i>Guardianship and Management of Property</i>	20 Dec 1989	<i>Guardianship and Management of Property Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC Report 51	<i>Product Liability</i>	15 Aug 1989	Alternative option implemented by <i>Trade Practices Amendment Act 1992 (Cth)</i>	NIL

Table 14: Implementation Status of ALRC Reports

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

Table 14: Implementation Status of ALRC Reports				
<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	24 Mar 1988	Interim report—see ALRC 44	PARTIAL
ALRC Report 42	<i>Occupiers' Liability</i>	13 Apr 1988	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC Report 40	<i>Service and Execution of Process</i>	9 Dec 1987	<i>Service and Execution of Process Act 1992 (Cth); Service and Execution of Process Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC Report 39	<i>Matrimonial Property</i>	16 Sep 1987	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC Report 38	<i>Evidence</i>	5 Jun 1987	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW)</i>	SUBSTANTIAL
ALRC Report 37	<i>Spent Convictions</i>	3 Jun 1987	<i>Crimes Legislation Amendment Act 1989 (Cth); Human Rights and Equal Opportunity Commission Regulations (Cth)</i>	SUBSTANTIAL
ALRC Report 36	<i>Debt Recovery and Insolvency</i>	21 Oct 1987	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); Magistrates Court (Enforcement of Judgments) Act 1994 (ACT); Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC Report 35	<i>Contempt</i>	3 Jun 1987	<i>Family Law Amendment Act 1989 (Cth)</i>	PARTIAL
ALRC Report 33	<i>Civil Admiralty Jurisdiction</i>	2 Dec 1986	<i>Admiralty Act 1988 (Cth)</i>	SUBSTANTIAL

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 32	<i>Community Law Reform for the ACT: 2nd Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework</i>	23 Oct 1986	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act (No 2) 1991 (ACT)</i>	SUBSTANTIAL
ALRC Report 31	<i>The Recognition of Aboriginal Customary Laws</i>	12 Jun 1986	<i>Crimes and Other Legislation Amendment Act 1994 (Cth)</i> [Investigation Procedures]; <i>Evidence Act 1995 (Cth)</i> [Interpreters and interrogation]; <i>Safety and Rehabilitation and Compensation Act 1988 (Cth)</i> s 4 [Customary marriage recognition]; Adoption legislation in NSW, NT, SA, Vic; <i>De Facto Relationships Act 1984 (NSW)</i> ; <i>Administration and Probate Act 1979 (NT)</i> ; <i>Family Provision Act 1970 (NT)</i> ; Child Placement Principle—see child welfare laws in each state and territory; <i>Native Title Act 1993 (Cth)</i> [fishing, hunting, and gathering rights]	PARTIAL
ALRC Report 30	<i>Domestic Violence</i>	20 Mar 1986	<i>Domestic Violence Amendment Act 1991 (ACT)</i> ; <i>Domestic Violence Act 1986 (ACT)</i>	SUBSTANTIAL
ALRC Report 28	<i>Community Law Reform for the ACT: 1st Report—Contributory Negligence in Fatal Accident Cases and</i>	29 Nov 1985	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i> ; <i>Compensation (Fatal Injuries) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL

Table 14: Implementation Status of ALRC Reports				
Report	Title	Tabling date	Implementation brief	Degree of implementation
	<i>Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases</i>			
ALRC Report 27	<i>Standing in Public Interest Litigation</i>	29 Nov 1985	See ALRC 78	NIL
ALRC Report 26 (Interim)	<i>Evidence</i>	21 Aug 1985	See ALRC 38	SUBSTANTIAL
ALRC Report 24	<i>Foreign State Immunity</i>	10 Oct 1984	<i>Foreign States Immunities Act 1985 (Cth)</i>	SUBSTANTIAL
ALRC Report 22	<i>Privacy</i>	14 Dec 1983	<i>Privacy Act 1988 (Cth); Telecommunications (Interception) Amendment Act 1987 (Cth)</i>	SUBSTANTIAL
ALRC Report 20	<i>Insurance Contracts</i>	16 Dec 1982	<i>Insurance Contracts Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC Report 18	<i>Child Welfare</i>	12 Nov 1981	<i>Children's Services Act 1988 (ACT)</i>	SUBSTANTIAL
ALRC Report 16	<i>Insurance Agents and Brokers</i>	11 Sep 1980	<i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC Report 15 (Interim)	<i>Sentencing of Federal Offenders</i>	21 May 1980	<i>Crimes Amendment Act 1982 (Cth); Crimes Compensation Act 1982 (NT); Criminal Injuries Compensation Act 1983 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC Report 14	<i>Lands Acquisition and Compensation</i>	22 Apr 1980	<i>Lands Acquisition Act 1989 (Cth); Lands Acquisition Act 1978 (NT)</i>	SUBSTANTIAL

Table 14: Implementation Status of ALRC Reports

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Implementation brief</i>	<i>Degree of implementation</i>
ALRC Report 12	<i>Privacy and the Census</i>	15 Nov 1979	<i>Census and Statistics Amendment Act 1981 (Cth)</i>	SUBSTANTIAL
ALRC Report 11	<i>Unfair Publication: Defamation and Privacy</i>	7 Jun 1979		NIL
ALRC Report 9	<i>Complaints against Police (Supplementary Report)</i>	9 Jun 1978	See ALRC 1	SUBSTANTIAL
ALRC Report 7	<i>Human Tissue Transplants</i>	21 Sep 1977	<i>Transplantation and Anatomy Act 1978 (ACT)</i> [legislation based on the report has been enacted in all states and territories]	SUBSTANTIAL
ALRC Report 6	<i>Insolvency: The Regular Payment of Debts</i>	4 Nov 1977	<i>Bankruptcy Amendment Act 1996 (Cth)</i> ; <i>Bankruptcy Amendment Act 1980 (Cth)</i>	SUBSTANTIAL
ALRC Report 4	<i>Alcohol, Drugs and Driving</i>	23 Sep 1976	<i>Motor Traffic (Alcohol and Drugs) Act 1977 (ACT)</i>	SUBSTANTIAL
ALRC Report 2	<i>Criminal Investigation</i>	8 Nov 1975	<i>Defence Force (Discipline) Act 1984 (Cth)</i> ; <i>Crimes (Investigation of Commonwealth Offences) Act 1991 (Cth)</i> ; <i>Crimes Amendment (Forensic Procedures) Act 1998 (Cth)</i> See also <i>Police Administration Act 1978 (NT)</i>	SUBSTANTIAL
ALRC Report 1	<i>Complaints against Police</i>	7 Aug 1975	<i>Complaints (Australian Federal Police) Act 1981 (Cth)</i> . See also <i>Police (Allegations of Misconduct) Act 1977 (NSW)</i> ; <i>Police Administration Act 1979 (NT)</i>	SUBSTANTIAL

Appendix I: Citations of ALRC Reports in Major Court Decisions

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
<i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115, 2011)	<ul style="list-style-type: none"> • <i>Central Queensland Mining Supplies Pty Ltd v Columbia Steel Casting Co</i> [2011] QSC 183 (Supreme Court of Queensland)
<i>Fighting Words: A Review of Sedition Laws in Australia</i> (ALRC Report 104, 2006)	<ul style="list-style-type: none"> • <i>South Australia v Totani</i> [2010] HCA 39 (High Court of Australia)
<i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006)	<ul style="list-style-type: none"> • <i>DPP v Marino</i> [2011] VSCA 133 (Supreme Court of Victoria—Court of Appeal) • <i>TM v Karapanos and Bakes</i> [2011] ACTSC 74 (Supreme Court of the ACT) • <i>Director of Public Prosecutions (Cth) v De La Rosa</i> [2010] NSWCCA 194 (Supreme Court of New South Wales—Court of Criminal Appeal)
<i>Uniform Evidence Law</i> (ALRC Report 102, 2006)	<ul style="list-style-type: none"> • <i>Astram Financial Services Pty Ltd v Bank of Queensland Ltd</i> [2010] FCA 1010 (Federal Court of Australia) • <i>Medical Board of Australia v Jansz</i> [2011] VCAT 1026 (Victorian Civil and Administrative Tribunal) • <i>Fenwick v Wambo Coal (No. 2)</i> [2011] NSWSC 353 (Supreme Court of New South Wales) • <i>P T v The Queen</i> [2011] VSCA 43 (Supreme Court of Victoria—Court of Appeal) • <i>Walker v Mittagong Sands Pty Limited t/as Cowra Quartz</i> [2010] FWA 9440 (Fair Work Australia) • <i>Darmanin v Cowan</i> [2010] NSWSC 1118 (Supreme Court of New South Wales) • <i>R v Zuber</i> [2010] ACTSC 107 (Supreme Court of the ACT) • <i>Regina v XY</i> [2010] NSWCCA 181 (Supreme Court of New South Wales—Court of Criminal Appeal)

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (ALRC Report 96, 2003)	<ul style="list-style-type: none"> • <i>Jocelyn Edwards; Re the estate of the late Mark Edwards</i> [2011] NSWSC 478 (Supreme Court of New South Wales)
<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i> (ALRC Report 95, 2002)	<ul style="list-style-type: none"> • <i>Comcare v Gritsch</i> [2010] FCA 1220 (Federal Court of Australia) • <i>Comcare v John Holland Rail Pty Ltd</i> [2010] FCA 981 (Federal Court of Australia) • <i>Morley & Ors v Australian Securities and Investments Commission</i> [2010] NSWCA 331 (Supreme Court of New South Wales—Court of Appeal)
<i>Managing Justice: A Review of the Federal Civil Justice System</i> (ALRC Report 89, 2000)	<ul style="list-style-type: none"> • <i>Spencer v Commonwealth of Australia</i> [2010] HCA 28 (High Court of Australia) • <i>Malinda & Malinda</i> [2010] FamCA 603 (Family Court of Australia) • <i>Burns & O (a solicitor)</i> [2010] FamCAFC 124 (Family Court of Australia Full Court) • <i>Sunland Waterfront (BVI) Ltd v Prudentia Investments Pty Ltd (No 4)</i> [2010] FCA 863 (Federal Court of Australia) • <i>Scott MacRae Investments Pty Ltd & Anor v Baylily Pty Ltd & Anor</i> [2011] NSWCA 82 (Supreme Court of New South Wales—Court of Appeal)
<i>Seen and Heard: Priority for Children in the Legal Process</i> (ALRC Report 84, 1997)	<ul style="list-style-type: none"> • <i>R v Byerley</i> [2010] SASCF 3 (Supreme Court of South Australia—Full Court)
<i>Designs</i> (ALRC Report 74, 1995)	<ul style="list-style-type: none"> • <i>Somfy SAS</i> [2011] ADO 4 (Australian Designs Office)
<i>Collective Investments: Other People's Money</i> (ALRC Report 65, 1993)	<ul style="list-style-type: none"> • <i>Norman, in the matter of Forest Enterprises Australia v FEA Plantations</i> [2010] FCA 127 (Federal Court of Australia)

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
<i>Choice of Law</i> (ALRC Report 58, 1992)	<ul style="list-style-type: none"> <i>Reynolds v Aluma-Lite Products Pty Ltd (No 2)</i> [2010] FCA 914 (Federal Court of Australia)
<i>Multiculturalism and the Law</i> (ALRC Report 57, 1992)	<ul style="list-style-type: none"> <i>Nineth & Nineth (No. 2)</i> [2010] FamCA 1144 (Family Court of Australia) <i>DZAAA & Ors v Minister for Immigration</i> [2011] FMCA 434 (Federal Magistrates Court of Australia)
<i>Group Proceedings in the Federal Court</i> (ALRC Report 46, 1988)	<ul style="list-style-type: none"> <i>Jarra Creek Central Packing Shed Pty Ltd v Amcor Limited</i> [2011] FCA 671 (Federal Court of Australia)
<i>General Insolvency Inquiry</i> (ALRC Report 45, 1988)	<ul style="list-style-type: none"> <i>Cook, in the matter of Valhalla Labour Hire Pty Ltd (In Liquidation)</i> [2011] FCA 706 (Federal Court of Australia) <i>Lindholm, in the matter of Munday Group v Tsourlinis Distributors</i> [2011] FCA 195 (Federal Court of Australia) <i>Commonwealth Bank of Australia v Fernandez</i> [2010] FCA 1487 195 (Federal Court of Australia) <i>Australian Prudential Regulation Authority v ACN 000 007 492 (Under Judicial Management)</i> [2010] FCA 912 (Federal Court of Australia) <i>Re Bevillesta Pty Limited (In Voluntary Administration)</i> [2011] NSWSC 417 (Supreme Court of New South Wales) <i>Fitness First Australia Pty Ltd v Dubow</i> [2011] NSWSC 531 (Supreme Court of New South Wales) <i>De Vries v Rapid Metal Developments (Australia)</i> [2011] NSWCA 100 (Supreme Court of New South Wales—Court of Appeal) <i>King Furniture Australia Pty Ltd v Higgs</i> [2011] NSWSC 234 (Supreme Court of New South Wales)

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
	<ul style="list-style-type: none"> • <i>Amaca Pty Ltd v McGrath</i> [2011] NSWSC 90 (Supreme Court of New South Wales) • <i>Perpetual Trustee Company Ltd v Mustang Marine Australia Services Pty Ltd</i> [2010] NSWSC 1429 (Supreme Court of New South Wales)
<i>Sentencing</i> (ALRC Report 44, 1988)	<ul style="list-style-type: none"> • <i>Director of Public Prosecutions (Cth) v De La Rosa</i> [2010] NSWCCA 194 (Supreme Court of New South Wales—Court of Criminal Appeal)
<i>Evidence</i> (ALRC Report 38, 1987)	<ul style="list-style-type: none"> • <i>De Bortoli Wines Pty Limited v HIH Insurance Limited (in liq)</i> [2011] FCA 645 (Federal Court of Australia) • <i>J v Tasmania</i> [2011] TASCCA 7 (Supreme Court of Tasmania—Court of Criminal Appeal) • <i>Wilcox v Regina</i> [2011] NSWCCA 42 (Supreme Court of New South Wales—Court of Criminal Appeal) • <i>d'Apice v Gutkovich—Estate of Abraham (No. 1)</i> [2010] NSWSC 1336 (Supreme Court of New South Wales) • <i>Darmanin v Cowan</i> [2010] NSWSC 1118 (Supreme Court of New South Wales) • <i>R v Whymys</i> [2010] ACTSC 91 (Supreme Court of the ACT) • <i>Khamis v Regina</i> [2010] NSWCCA 179 (Supreme Court of New South Wales—Court of Criminal Appeal) • <i>Minassian v Minassian</i> [2010] NSWSC 708 (Supreme Court of New South Wales)
<i>Contempt</i> (ALRC Report 35, 1987)	<ul style="list-style-type: none"> • <i>Gaines & Gaines</i> [2011] FMCAfam 485 (Federal Magistrates Court of Australia—Family Law)
<i>Civil Admiralty Jurisdiction</i> (ALRC Report 33, 1986)	<ul style="list-style-type: none"> • <i>Cargill International SA v Peabody Australia Mining Ltd</i> [2010] NSWSC 887 (Supreme Court of New South Wales)

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
<i>Domestic Violence</i> (ALRC Report 30, 1986)	<ul style="list-style-type: none"> • <i>Lane v Lane and Mikhaleva</i> [2011] ACTSC 53 (Supreme Court of the ACT)
<i>Evidence</i> (Interim) (ALRC Report 26, 1985)	<ul style="list-style-type: none"> • <i>Dasreef Pty Ltd v Hawchar</i> [2011] HCA 21 (High Court of Australia) • <i>Australian Competition and Consumer Commission v Allphones Retail Pty Limited (No 4)</i> [2011] FCA 338 (Federal Court of Australia) • <i>Australian Licenced Aircraft Engineers Association v International Aviations Service Assistance Pty Ltd</i> [2011] FCA 333 (Federal Court of Australia) • <i>La Trobe Capital & Mortgage Corporation Limited v Hay Property Consultants Pty Ltd</i> [2011] FCAFC 4 (Federal Court of Australia—Full Court) • <i>R v Ceniccola</i> [2010] NSWSC 1554 (Supreme Court of New South Wales) • <i>Doddridge v Tasmania</i> [2010] TASCCA 18 (Supreme Court of Tasmania—Court of Criminal Appeal) • <i>d'Apice v Gutkovich—Estate of Abraham (No. 1)</i> [2010] NSWSC 1336 (Supreme Court of New South Wales) • <i>R v Rossi (Ruling No 1)</i> [2010] VSC 459 (Supreme Court of Victoria) • <i>Song v Ying</i> [2010] NSWCA 237 (Supreme Court of New South Wales—Court of Appeal) • <i>Bullman v Debnam</i> [2010] ACTSC 97 (Supreme Court of the ACT) • <i>Regina v XY</i> [2010] NSWCCA 181 (Supreme Court of New South Wales—Court of Criminal Appeal) • <i>Juul v Northey</i> [2010] NSWCA 211 (Supreme Court of New South Wales—Court of Appeal) • <i>Minassian v Minassian</i> [2010] NSWSC 708 (Supreme Court of New South Wales)

Table 15: Citations of ALRC Reports in Major Court Decisions

Report	Cases
<i>Foreign State Immunity</i> (ALRC Report 24, 1984)	<ul style="list-style-type: none"> • <i>Australian Competition and Consumer Commission v Malaysian Airline System Berhad</i> [2010] FCA 757 (Federal Court of Australia) • <i>PT Garuda Indonesia Ltd v Australian Competition and Consumer Commission</i> [2011] FCAFC 52 (Federal Court of Australia—Full Court) • <i>Zhang v Zemin</i> [2010] NSWCA 255 (Supreme Court of New South Wales—Court of Appeal)
<i>Insurance Contracts</i> (ALRC Report 20, 1982)	<ul style="list-style-type: none"> • <i>Vero Insurance Limited v QBE Insurance (Australia) Limited</i> [2011] NSWSC 593 (Supreme Court of New South Wales) • <i>Nicholas v Wesfarmers Curragh Pty Ltd & Ors</i> [2010] QSC 447 (Supreme Court of Queensland) • <i>Gorczynski v W&FT Osmo Pty Ltd</i> [2010] NSWCA 163 (Supreme Court of New South Wales—Court of Appeal)
<i>Lands Acquisition and Compensation</i> (ALRC Report 14, 1980)	<ul style="list-style-type: none"> • <i>Roads Corporation v Love</i> [2010] VSC 537 (Supreme Court of Victoria)
<i>Human Tissue Transplants</i> (ALRC Report 7, 1977)	<ul style="list-style-type: none"> • <i>Barrett v Coroner's Court of South Australia</i> [2010] SASCF 70 (Supreme Court of South Australia—Full Court)
<i>Alcohol, Drugs and Driving</i> (ALRC Report 4, 1976)	<ul style="list-style-type: none"> • <i>Kamara v Stone</i> [2010] ACTSC 92 (Supreme Court of the ACT)

Appendix J: Public Presentations and Articles Written for External Publications

Public Presentations 2010–11

20 July 2010	The President, Professor Rosalind Croucher attended the Family Law System Conference in Canberra and gave a presentation, <i>'Information Sharing—Family Violence and the Challenge of Silos'</i> .
29 July 2010	The President, Professor Rosalind Croucher, gave a keynote address <i>'Celebrating Women in the Judiciary'</i> to the Women Lawyers' Association of New South Wales.
6–8 August 2010	The President, Professor Rosalind Croucher gave a presentation, <i>'Key Issues from the ALRC Family Violence Inquiry'</i> , at the Australian Women Lawyers' Third National Conference—Justice for All—held in Brisbane.
9–10 September 2010	The Australasian Law Reform Agencies Conference (ALRAC) 2010 <i>Law Reform: Relationships and the Future</i> , in Brisbane was attended by President, Professor Rosalind Croucher; Part-time Commissioner, Justice Susan Kenny; Executive Director, Sabina Wynn; Website Manager, Marie-Claire Muir; and Legal Officer, Amanda Alford. Presentations were given by Professor Rosalind Croucher, <i>'Relationships with other law reformers—Joint law reform projects'</i> ; Justice Susan Kenny, <i>'The relationship between the judiciary and law reform bodies'</i> ; and Sabina Wynn and Marie-Claire Muir, gave a joint presentation, <i>'Online Communications and the Public'</i> .
20 October 2010	Legal Officer, Amanda Alford spoke at the Kingsford Legal Centre Diverse Legal Careers Forum, Sydney.
3 November 2010	Website Manager, Marie-Claire Muir and Executive Director, Sabina Wynn, gave a joint presentation <i>'Opening up the conversation'</i> , at the CEBIT Australia Gov 2.0 Conference held in Canberra.

16 November 2010	The President, Professor Rosalind Croucher presented, <i>'Uniform Succession Law in Australia—2010 progress report'</i> at the SA Law Society's Succession Law Conference, Adelaide.
19 November 2010	Senior Legal Officers, Bruce Alston and Isabella Cosenza participated by telephone in the Family Law Forum lead by the Deputy Chief Justice of the Family Court of Australia. Ms Cosenza gave a summary of the Family Violence Inquiry and Mr Alston spoke about the Terms of Reference for the Commonwealth Family Violence Inquiry.
25 November 2010	The President, Professor Rosalind Croucher and Bruce Alston, Senior Legal Officer, were witnesses at the Senate Finance and Public Administration Legislation Committee: Public Hearing on Exposure Drafts of the Australian Privacy Amendment Legislation, by telephone.
6 December 2010	Website Manager, Marie-Claire Muir, gave a presentation <i>'The ALRC's Online Engagement Strategy'</i> at the Social Networking Technologies Workshop, Legal Aid Commission, held in Sydney.
9 February 2011	The President, Professor Rosalind Croucher and Legal Officer, Sara Peel, co-presented <i>'Family Violence and Commonwealth Laws: Child Support Law and the ALRC's Project'</i> at the Child Support National Stakeholder Engagement Group meeting in Canberra.
11 February 2011	The President, Professor Rosalind Croucher; Executive Director, Sabina Wynn; and Senior Legal Officer, Bruce Alston, attended the Legal and Constitutional Affairs References Committee public hearing for its inquiry into the ALRC. The President answered questions regarding matters raised in the ALRC's and other submissions made to the Inquiry. The public hearing was held at Parliament House, Canberra.

1 March 2011	Legal Officer, Sara Peel, gave a presentation ' <i>Family Violence and Commonwealth Laws: Child Support Law and the ALRC's Project</i> ', at the Child Support State Engagement Group meeting in Parramatta.
7 March 2011	The President, Professor Rosalind Croucher while in Papua New Guinea met with the Hon Joe Mek Teine, Chairman; T Kamuta, Acting Sectary; Isaiah Chillian, Deputy Sectary; and Namai Puka Areni, Senior Legal Officer, of the Papua New Guinea Law Reform Commission.
24 March 2011	The President, Professor Rosalind Croucher and the Hon Justice Susan Kenny gave a joint presentation ' <i>Secrecy Provisions—Policy and Practice</i> ', at the National Information Law Conference, held in Canberra.
14 April 2011	Senior Legal Officer, Patrick Collins gave a presentation, ' <i>Managing Discovery: discovery of documents in federal courts</i> ', at the E-Discovery Asia Pacific Forum in Melbourne.
30–31 May 2011	Senior Legal Officer, Virginia Marshall and Legal Officer, Amanda Alford, presented ' <i>The ALRC and Indigenous People—Continuing the Conversation</i> ' at the 7th Annual Indigenous Family Violence Prevention Legal Forum, Mackay.
7 June 2011	Commissioner, Professor Terry Flew presented a paper, ' <i>The ALRC Review of the National Classification System</i> ', at the Classification Enforcement Contacts Forum in Sydney.

Articles Written for External Publications

- ▲ Executive Director, Sabina Wynn wrote an article for the Law Institute Journal (Vic) on online consultation strategies for the Family Violence Inquiry, July 2010.
- ▲ President, Professor Rosalind Croucher and Emeritus Professor Hilary Astor, Commissioner at the New South Wales Law Reform Commission, co-wrote '*Fractured Families, Fragmented Responsibilities—Responding to Family Violence in Federal System*' for the University of NSW Law Journal—Forum edition, November 2010.
- ▲ President, Professor Rosalind Croucher and Legal Officer, Amanda Alford wrote a joint article '*The ALRC and Indigenous People—Continuing the Conversation*', for the Indigenous Law Bulletin, December 2010. The article was published in the Jan/Feb edition and is also published on the ALRC website.
- ▲ President, Professor Rosalind Croucher and Emeritus Professor Hilary Astor, Commissioner at the New South Wales Law Reform Commission, co-wrote '*Family Violence Victims Seeking Clear Path to Help*', for the Law Institute Journal (Vic), December 2010.
- ▲ Legal Officer, Khanh Hoang, wrote an article for inclusion in the Law Institute Journal (Vic) entitled '*ALRC Family Violence Report—A National Legal Response*', February 2011.
- ▲ Legal Officer, Krista Lee-Jones, wrote an article for inclusion in the Law Institute Journal (Vic) entitled '*More work to do—A follow-up ALRC inquiry on family violence*' that outlined the new Commonwealth Laws and Family Violence reference, April 2011.
- ▲ President, Professor Rosalind Croucher and Senior Legal Officer, Jared Boorer, wrote an article on the Discovery Final Report, '*Reining in discovery*', for Civil Procedure News NSW, LexisNexis Butterworths, June 2011.
- ▲ Commissioner, Professor Terry Flew, wrote an article on the National Classification Review entitled, '*Sense and Censorability*' for the Law Institute Journal (Vic), June 2011.

Appendix K: ALRC Newsroom

Media Releases 2010–11

- ▲ ALRC to review Discovery in Federal Courts to Improve Access to Justice - 29 June 2010
- ▲ Three part-time Commissioners appointed to the ALRC - 3 November 2010
- ▲ Panel Discussion, Melbourne, 17 November: Conduct of Lawyers in Discovery: Room for Improvement? - 5 November 2010
- ▲ Improving safety the key aim of the ALRC/NSWLRC Family Violence Report - 11 November 2010
- ▲ ALRC releases Consultation Paper on Discovery - 15 November 2010
- ▲ ALRC releases Issues Papers on Family Violence and Commonwealth Laws - 23 February 2011
- ▲ Professor Terry Flew appointed as ALRC Commissioner for the National Classification Scheme Review - 21 April 2011
- ▲ ALRC releases an Issues Paper for the National Classification Scheme Review - 20 May 2011
- ▲ ALRC recommends a facilitative approach to discovery in federal courts - 25 May 2011

ALRC in the News 2010–11

- ▲ Google gets a slap on the wrist for violating Australian privacy law | Inside Google - 9 July 2010
- ▲ Universal principles for judicial ethics and integrity | Sunday Times (UK) - 25 July 2010
- ▲ Invasion Of Privacy | Epik - 26 July 2010
- ▲ Media self-regulation has failed: Keating | ABC Lateline - 4 August 2010
- ▲ Keating puts the case for some privacy in the face of “media free-for-all” | Open and Shut - 5 August 2010
- ▲ Keating calls for privacy laws overhaul | ABC News - 5 August 2010

- ▲ Fine breaches of privacy: Keating | The Age - 5 August 2010
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- ▲ Protect privacy in information free-for-all | Brisbane Times - 5 August 2010
- ▲ Victorian Law Reform Commission adds voice to call for privacy rights | Open and Shut - 24 August 2010
- ▲ Companies cry foul over reforms to privacy laws | The Australian - 30 August 2010
- ▲ Drupal on the rise in government with ALRC website win | Computerworld - 30 August 2010
- ▲ Law reformers reform website | PS News - 31 August 2010
- ▲ Paul Hogan and 'Accountants' Concession'—Is it time to follow the Kiwis? | CCH Tax Blog - 31 August 2010
- ▲ Australian companies not happy with the reforms to the privacy laws | Top News Arab Emirates - 31 August 2010
- ▲ Pressure building on opaque regulators | Money Management - 2 September 2010
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- ▲ ALRC Inquiry into Discovery Needs Your Thoughts | Survive Law - 23 September 2010
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- ▲ Save us from the partisan scourge in the US | The Australian - 5 October 2010
- ▲ Attorney-General's office considering copyright law review | Computerworld - 11 October 2010
- ▲ Who Owns You? | On Line Opinion - 18 October 2010
- ▲ Shield law, whistleblowers and secrecy provisions all part of the framework | Open & Shut - 20 October 2010

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- ▲ The Attorney General and the Greens put copyright reform on the agenda | Australian Copyright Council - 29 October 2010
- ▲ Copyright body calls for infringement warning system | Start Up Smart - 5 November 2010
- ▲ ALRC has found greater flexibility and interaction with Gov 2.0 | Computerworld - 5 November 2010
- ▲ Top minds examine family violence laws | ABC News - 12 November 2010
- ▲ Family and sex violence courts considered | News.com.au - 12 November 2010
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- ▲ Streamlined courts to deal with family violence | Life Matters, ABC Radio - 15 November 2010
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- ▲ Avoiding Trial by Avalanche: Australian Law Reform Commission Consultation Paper on Discovery | Library Boy - 17 November 2010
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- ▲ Busy Week for Law Reform Commissions | SLAW - 18 November 2010
- ▲ Call for calm in gene patent debate | LifeScientist - 18 November 2010
- ▲ Specialist court spectre rises again | The Australian - 19 November 2010
- ▲ The price of privacy | The Independent Weekly - 20 November 2010
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- ▲ Revealed: How the ALP keeps secret files on voters | The Age - 23 November 2010
- ▲ Australia's domestic violence laws evaluated, with recommendations | DVRCV - 24 November 2010
- ▲ Australian Law Reform Commission Inquiry Welcomed | Guy Barnett - 24 November 2010
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- ▲ Gender-based Approach Misses the Mark in Tackling Family Violence | Online Opinion - 25 November 2010
- ▲ New Court news to ACT Law Society | Lawyers Weekly - 25 November 2010
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- ▲ ALRC Releases Discovery Consultation Paper | Law Institute of Australia - 26 November 2010
- ▲ We need to take an integrated approach to family violence | The Australian - 26 November 2010
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- ▲ Australian Law Reform Commission sidelined | Money Management - 2 December 2010
- ▲ Senate releases report into Gene Patents | Norton Rose - 6 December 2010

- ▲ Agreement to review planned internet filter laws | The Australian - 14 December 2010
- ▲ Legalling up | Barnold law - 17 December 2010
- ▲ Australian Law Reform Commission Broadens Outreach Through Podcasts | Library Boy - 20 December 2010
- ▲ READY: Classification Review Set In Motion | Kotaku - 21 December 2010
- ▲ ALRC to review classification in Australia | Big Pond Game Arena - 21 December 2010
- ▲ Review of the National Classification Scheme | Aus Gamers - 21 December 2010
- ▲ Aussie classification review set for early 2011 | GameSpot Au - 21 December 2010
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- ▲ Last puzzled word on the state of Australian sedition law in 2010 | North Coast Voices - 24 December 2010
- ▲ Classifying The Unclassifiable: R18+ And The Bigger Picture | Kotaku - 5 January 2011
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- ▲ Whistleblowing and leaks | Open & Shut - 11 January 2011
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- ▲ Australian Law Reform Commission performs vital role | Attorney-General's Department - 11 February 2011
- ▲ Let us stop pussyfooting around our censorship laws | The Australian - 12 February 2011
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- ▲ Australian Credit Reporting Industry Under Spotlight as Government Discusses New Code of Conduct Changes | News-4-Us - 12 February 2011
- ▲ Censorship: Reviewing the Reviews | Organised Adversary - 12 February 2011
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- ▲ News news is privacy news | CRGessentials - 17 February 2011
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- ▲ Attorney-General signals shift in safe harbour provisions | Computerworld - 25 February 2011
- ▲ ACIP Report on Patentable Subject Matter | Mondaq - 27 February 2011
- ▲ Canberra mulls a wider safe harbour | ITnews - 28 February 2011
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- ▲ In brief: Industry schedules iiTrial briefings | Computerword - 28 February 2011
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- ▲ Mobile games regulation on Government agenda | iTnews.com.au - 9 March 2011
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- ▲ An Apple A Day Keeps Classification Away | Kotaku Australia - 10 March 2011
- ▲ Somebody think of the pigs! Angry Birds to become censored? | LexMedia Australia - 6 March 2011
- ▲ Censors speak: classification system broken | SMH - 11 March 2011
- ▲ Aussie government proposes 'fix' for mobile game ratings | Gamespot.au - 11 March 2011
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- ▲ Australia Joins List of Threats to Online Freedom | Pulse World - 11 March 2011
- ▲ Patent Reform Exposed Part II—Usefulness | Patentology - 13 March 2011
- ▲ Social security and domestic violence | Barnold Law - 19 March 2011
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- ▲ Oz gov kicks off censorship review | The Register UK - 24 March 2011
- ▲ Liberal Senator floats Canberra classification takeover | iTnews - 28 March 2011
- ▲ R18+ propaganda manipulating public opinion | The Drum - 30 March 2011
- ▲ ACL appears at classification inquiry | ACL - 31 March 2011
- ▲ The Classification Review: The ACL And Elizabeth Handsley State Their Case | Kotaku AU - 31 March 2011
- ▲ Video games reform rebuffed over violence fears | SMH - 2 April 2011
- ▲ With censors swamped, Canberra signals it's time for self-regulation | The Age - 3 April 2011
- ▲ Dell Australia customer details stolen in major global data breach | SMH - 7 April 2011
- ▲ Epsilon: Does phishing constitute "harm"? | IT News - 8 April 2011
- ▲ Call for new laws to protect personal data online | Canberra Times - 8 April 2011
- ▲ Law reform body in dire need of funding | Lawyers Weekly - 10 April 2011
- ▲ Senate Committee suggests new laws to protect Australians' online privacy | Clayton Utz - 11 April 2011
- ▲ Reining in the 'privacy is dead' crowd | Open and Shut - 11 April 2011
- ▲ Family violence shouldn't alter super rules | Money Management - 12 April 2011
- ▲ Audacious invasion of the privacy snatchers | SMH - 15 April 2011
- ▲ ALRC Review | Barnold Law - 15 April 2011
- ▲ Artists may face classification to counter nudity | The Age - 18 April 2011
- ▲ Warning: this art debate may contain adult themes | SMH - 18 April 2011

- ▲ Accountants, lawyers take potshot at each other over professional privilege | The Australian - 18 April 2011
- ▲ Privacy Commissioner calls for online security laws | ABC - 2 May 2011
- ▲ Shield laws a good start but not enough: Alliance | The Australian - 2 May 2011
- ▲ Sony breach worsens as government mulls over mandatory reporting scheme for data loss | Smart Company - 3 May 2011
- ▲ Minister: Sony hack firms breach notification case | Delimiter - 3 May 2011
- ▲ Federal government on privacy: do as I say, not as I do | Crikey - 3 May 2011
- ▲ Sony gamers all losers thanks to Labor | The Brisbane Times - 5 May 2011
- ▲ Identity theft, e-fraud top Australian security concerns: Unisys | TechWorld - 5 May 2011
- ▲ Game ratings could be ceded to machines | SMH - 5 May 2011
- ▲ How security chief's bank details leaked | The Age - 16 May 2011
- ▲ Have Your Say On The Upcoming Classification Review | Kotaku - 20 May 2011
- ▲ ALRC releases classification review paper | CIO - 20 May 2011
- ▲ ALRC National Classification Scheme Review | Peter Black's Freedom to Differ - 20 May 2011
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- ▲ Australian Law Reform Commission Paper on Film and Game Classification | Library Boy - 22 May 2011
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- ▲ R18+: Let's Just Get This Thing Done | Kotaku - 26 May 2011
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- ▲ ALRC: Managing Discovery: Discovery of Documents in Federal Courts—report | Thomson Reuters, Legal Online - 26 May 2011
- ▲ R18+ computer game guidelines fly in the face of community concern | On Line Opinion - 27 May 2011
- ▲ ALRC Discovery Report | Barnold Law - 27 May 2011
- ▲ Australian Law Reform Commission Recommends Changes To Court Discovery Laws—Release of ALRC report | Peter A Clarke - 27 May 2011
- ▲ Comments Sought on National Classification Scheme Review | Friday Facts, Law Institute of Victoria - 27 May 2011
- ▲ Focus: ALRC recommends major changes to discovery | Allens Arthur Robinson - 30 May 2011
- ▲ Privilege in relation to tax advice—Discussion paper released | The Institute of Chartered Accountants in Australia - 30 May 2011
- ▲ Should firms be forced to organise docs? | ZDNet - 31 May 2011
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- ▲ Abusive labels and slurs no substitute for real debate | ABC, The Drum Opinion - 6 June 2011
- ▲ The ALRC review of the national classification system | Australian Policy Online - 9 June 2011
- ▲ Discovery Reforms in Federal Court proceedings proposed by ALRC Report 115 | DLA Piper - 9 June 2011
- ▲ Censors struggle to catch the naughty bits | The Australian - 10 June 2011
- ▲ Evidence overhaul could 'end farce, save litigants millions' | The Australian - 10 June 2011
- ▲ Mapping the new era of the discovery process | The Australian - 10 June 2011
- ▲ Nudge from McClelland to boost judicial education | The Australian - 10 June 2011
- ▲ Recent Developments in Data Security and Identification: what challenges for the law of privacy? | Scribd - 11 June 2011

- ▲ Discovery overhaul to save millions | Radio Atticus - 16 June 2011
- ▲ Political parties and the media both take comfort from privacy law exemption | Open and Shut - 14 June 2011
- ▲ Breeding the right Bill: Australia's gene patents debate | NSW Legal Review - 20 June 2011
- ▲ Gametech 2011: Aussie government on classification reform | Gamespot AU - 21 June 2011
- ▲ Should Classification Be Self Regulated? It's 'Not An Inconceivable Leap' | Kotaku Australia - 21 June 2011
- ▲ Small business privacy laws in parliamentary crosshairs | ITnews - 21 June 2011
- ▲ Call for national porn censorship and axing of 'artistic merit' defence | SMH - 24 June 2011
- ▲ Senate Committee divided on classification reform | ITnews - 24 June 2011
- ▲ Senate report acknowledges need for national classification scheme reform | The World News - 24 June 2011
- ▲ New privacy reform reports join the logjam | Open and Shut - 24 June 2011
- ▲ Dead persons' documents rise again | Open and Shut - 27 June 2011
- ▲ Apps, games could be classified to ensure 'unity' | WA Today - 28 June 2011
- ▲ Call to ban art with nude children | Herald Sun - 29 June 2011
- ▲ One child protection system for all | The Drum - 29 June 2011
- ▲ Apps, games could be classified to ensure 'unity' | The Age - 29 June 2011
- ▲ Classification reform no easy task | SMH - 30 June 2011

Appendix L: Visitors to the ALRC during 2010–11

Table 16: Visitors to the ALRC

<i>Date</i>	<i>Visitor</i>
September 2010	Kathleen Kohata and Daniel Suluia from the Solomon Islands came to the ALRC to work for a period of two weeks.
14 September 2010	Commissioner Alexandra Nkonge and Assistant Commissioner Florence Ochago from the Uganda Law Reform Commission spoke with Executive Director, Sabina Wynn regarding ALRC publications and inquiry processes.
24 October 2010	The ALRC hosted a visit by an Indonesian delegation, who met with members of the ALRC and discussed the functions of the ALRC and development of law reform in Australian and Indonesia.
30 November 2010	The President, Professor Rosalind Croucher; Isabella Cosenza, Senior Legal Officer; Bruce Alston, Senior Legal Officer; and Khanh Hoang, Legal Officer, met with eight members of the Vietnam–Australia Human Rights Technical Cooperation (HRTC) program.
14 December 2010	The President, Professor Rosalind Croucher met with a delegation from Papua New Guinea which included the Hon Joe Teine MP, Chairman of the Constitutional Law Reform Commission, in Papua New Guinea.
15 December 2010	Senior Legal Officer, Isabella Cosenza met with Raka Numa Raula of the Papua New Guinea Constitutional and Law Reform Commission. They discussed ALRC processes, policy formulation, and day to day operations—including operational set up for inquiries including intranet, endnote database, import database and online forums.

<i>Table 16: Visitors to the ALRC</i>	
<i>Date</i>	<i>Visitor</i>
15 December 2010	Senior Legal Officer, Isabella Cosenza, met with Merinda Dutton, an Indigenous cadet with the Office of the Australian Information Commissioner.
16 December 2010	The President, Professor Rosalind Croucher hosted a visit from the Hon Justice Grant Hammond, President of the New Zealand Law Reform Commission.
20 December 2010	The ALRC hosted an end of year 'thank you' morning tea for stakeholders and staff. This included a briefing by the President regarding the Senate's Legal and Constitutional Affairs Inquiry into the Australian Law Reform Commission.

Glossary

A/g	Acting
AC	Companion of the Order of Australia Award
ACT	Australian Capital Territory
ADR	Alternative Dispute Resolution
AG	Australian Greens
AGD	Attorney-General's Department
AGS	Australian Government Solicitor
ALLA	Australian Law Librarians' Association
ALP	Australian Labor Party
ALRAC	Australasian Law Reform Agencies Conference
ALRC	Australian Law Reform Commission
ALRC Act	<i>Australian Law Reform Commission Act 1996</i> (Cth)
ANAO	Australian National Audit Office
AO	Order of Australia Award
APPs	Australian Privacy Principles
ARIA	Accessible Rich Internet Application
ASIC	Australian Securities and Investment Commission
AUTC	Australian Universities Teaching Committee
CAC	Commonwealth Authorities and Companies
CAC Act	<i>Commonwealth Authorities and Companies Act 1997</i> (Cth)
CBMS	Central Budgeting Management System
CMG	Companion Order of St Michael and St George Award
CMS	Content Management System
CP	Consultation Paper—published by the ALRC as part of their inquiry process. A Consultation Paper is a combination of Issues and Discussion Paper, asking questions and offering preliminary proposals.

CPSU	Community & Public Sector Union
Cth	Commonwealth of Australia
DBCDE	Department of Broadband, Communications and the Digital Economy
DFAT	Department of Foreign Affairs & Trade
DPP	Director of Public Prosecutions
EEO	Equal Employment Opportunity
EMS	Environment Management System
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
ESD	Ecologically sustainable development
FFLA Act	<i>Financial Framework Legislation Amendment Act 2010</i> (Cth)
FLC	Family Law Council
FMA Act	<i>Financial Management and Accountability Act 1997</i> (Cth)
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1982</i> (Cth)
FTE	Full-time Equivalent
HSMA	Health and Safety Management Arrangements
HTML	HyperText Markup Language. The coded format used to create document on the World Wide Web and control how web pages appear
IAC	Indigenous Advisory Committee
IP	Issues Paper—released by the ALRC as part of the inquiry process. Issues Papers assist the research phase of the inquiry.
IPAA	Institute of Public Administration Australia
IPS	Information Publication Scheme
IT	Information Technology
KPI	Key Performance Indicator
LP	Liberal Party of Australia
MP	Member of Parliament

NSW	New South Wales
NSWLRC	New South Wales Law Reform Commission
NT	Northern Territory
NZLLA	New Zealand Law Librarians' Association
OH&S	Occupational Health & Safety
OH&SCC	Occupational Health & Safety Consultative Committee
PDF	Portable Document Format. PDF documents require (free) Adobe Acrobat Reader software. Some PDF documents create access difficulties for some users.
QC	Queen's Counsel
QLD	Queensland
QON	Question on Notice
QUT	Queensland University of Technology
RAP	Reconciliation Action Plan
SA	South Australia
SC	Senior Counsel
SES	Senior Executive Service
SILRC	Solomon Islands Law Reform Commission
TAS	Tasmania
UK	United Kingdom
UNSW	University of New South Wales
UTS	University of Technology, Sydney
Vic	Victoria
WA	Western Australia
WCAG	Web Content Accessibility Guidelines
WIPA	Web Industry Professionals Association

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Compliance Index

The ALRC Annual Report is prepared in accordance with the requirements for Annual Reports approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the *Public Service Act 1999* (Cth).

	Letter of transmittal	Mandatory	iii
	Table of contents	Mandatory	1
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	Glossary	Mandatory	167
	Contact officer(s)	Mandatory	ii
	Internet home page address and Internet address for report	Mandatory	ii
Review by Secretary	Review by departmental secretary—President's Overview	Mandatory	2
	Summary of significant issues and developments	Suggested	10
	Overview of department's performance and financial results	Suggested	12, 58
	Outlook for following year	Suggested	46
	Significant issues and developments—portfolio	Portfolio departments – suggested	not applicable
Agency Overview	Role and functions	Mandatory	9
	Organisational structure	Mandatory	8
	Outcome and program structure	Mandatory	12
	Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	Mandatory	no difference
	Portfolio structure	Mandatory for portfolio departments	not applicable
Report on Performance	Review of performance during the year in relation to programs and contribution to outcomes	Mandatory	13

Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	Mandatory	14, 24
Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	Mandatory	24
Narrative discussion and analysis of performance	Mandatory	24
Trend information	Mandatory	46, 59
Performance of purchaser/ provider arrangements	If applicable, suggested	not applicable
Significant changes in nature of principal functions/ services	Suggested	not applicable
Factors, events or trends influencing departmental performance	Suggested	not applicable
Contribution of risk management in achieving objectives	Suggested	not applicable
Social inclusion outcomes	If applicable, mandatory	not applicable
Performance against service charter customer service standards, complaints data, and the department's response to complaints	If applicable, mandatory	no service charter
Discussion and analysis of the department's financial performance	Mandatory	58
Discussion of any significant changes from the prior year or from budget.	Suggested	11, 58
Agency resource statement and summary resource tables by outcomes	Mandatory	126
Developments since the end of the financial year that have affected or may significantly affect the department's operations or financial results in future	If applicable, mandatory	not applicable

Corporate Governance	Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines.	Mandatory	45
	Statement of the main corporate governance practices in place	Mandatory	35
	Names of the senior executive and their responsibilities	Suggested	36
	Senior management committees and their roles	Suggested	41
	Corporate and operational planning and associated performance reporting and review	Suggested	108
	Approach adopted to identifying areas of significant financial or operational risk	Suggested	45
	Policy and practices on the establishment and maintenance of appropriate ethical standards	Suggested	43
	How nature and amount of remuneration for SES officers is determined	Suggested	41
External Scrutiny	Significant developments in external scrutiny	Mandatory	47
	Judicial decisions and decisions of administrative tribunals	Mandatory	48
	Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	Mandatory	48
Management of Human Resources	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	Mandatory	48
	Workforce planning, staff turnover and retention	Suggested	50
	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and AWAs	Suggested	51

	Training and development undertaken and its impact	Suggested	52
	Occupational health and safety performance	Suggested	55
	Productivity gains	Suggested	59
	Statistics on staffing	Mandatory	48
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	Mandatory	51
	Performance pay	Mandatory	52
Assets Management	Assessment of effectiveness of assets management	If applicable, mandatory	not applicable
Purchasing	Assessment of purchasing against core policies and principles	Mandatory	57
Consultants	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	Mandatory	58
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	Mandatory	none to report
Exempt contracts	Contracts exempt from the AusTender	Mandatory	none to report
Financial Statements	Financial Statements	Mandatory	64

Other Mandatory Information	Occupational health and safety (s 74 of the Occupational Health and Safety Act 1991)	Mandatory	55
	Freedom of information for the period 1 July 2010 to 30 April 2011 inclusive (see terms of s 8(1) of the Freedom of Information Act 1982 as it existed prior to 1 May 2011)	Mandatory	61
	Advertising and Market Research (s 311A of the Commonwealth Electoral Act 1918) and statement on advertising campaigns	Mandatory	58
	Ecologically sustainable development and environmental performance (s 516A of the Environment Protection and Biodiversity Conservation Act 1999)	Mandatory	59
	Grant programs	Mandatory	not applicable
	Disability reporting—explicit and transparent reference to agency level information available through other reporting mechanisms	Mandatory	62
	Correction of material errors in previous annual report	If applicable, mandatory	none to report
	List of Requirements	Mandatory	171

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