



Australian Government

Australian Law Reform Commission

ALRC

2013–14



REPORT 125

ANNUAL REPORT



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Australian Government
Australian Law Reform Commission

Professor Rosalind Croucher
President

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

30 September 2014

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 2013 to 30 June 2014.

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

Yours sincerely

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

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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.

Contents

President's overview	3	Corporate governance	37
Corporate overview		Ministerial powers	37
Snapshot of 2013–14	10	Members of the Commission	37
Appointments and cessations	10	Remuneration	42
Significant events	10	Policies	42
Publications	11	Corporate planning	43
Performance	12	Financial management and audit	43
ALRC organisational structure	13	Fraud control and risk management	44
Role and functions of the ALRC	14	Enterprise risk management	44
Report on performance		Ethics	45
Outcome and program structure	16	Conflict of interest	45
Outcome report	17	Indemnity	46
Program 1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform	18	Significant developments 2014–15	46
Inquiries	19	External scrutiny and controls	47
Consultation meetings	23	Parliamentary scrutiny	47
Diversity consultation strategy	24	Court and tribunal decisions	47
Consultation papers and reports	24	Commonwealth Ombudsman	47
Program 1: Key performance indicators	26	Human resource management	47
Implementation of reports	26	Staffing	47
Court citations	28	Staff retention and turnover	48
Submissions	28	Employment conditions	49
ALRC website	29	Performance rewards and bonuses	50
Presentations and speaking engagements	30	Staff development	50
Media mentions	30	Study leave	52
Additional performance indicators	32	Workplace diversity	52
Participation in external inquiries	32	Work health and safety	53
Mentions in Parliament	32	Summary of financial performance	54
Online communications	33	Financial outcomes	54
Challenges for 2014–15	34	Other reporting requirements	54
Management and accountability		Procurement and purchasing	54
Corporate governance framework	36	Legal services expenditure	55
		Consultancies	55
		Advertising and market research	55
		Environmental performance	56
		Disability strategy	57
		Freedom of information	58

Financial statements	59
Special features	
Law reform process	114
Diversity	117
Agency Multicultural Plan (AMP)	117
Reconciliation Action Plan update	118
ALRC internship program	120
International outreach	123
Professional development	123
Australasian Law Reform Agencies Conference (ALRAC)	123
Appendices	
A. Corporate Plan 2013–2015	126
B. Key supporting policies and documents	129
C. Terms of Reference 2013–14	131
D. Advisory committee members and consultants 2013–14	143
E. Agency resource statement and resources for outcomes 2013–14	146
F. Implementation activity 2013–14	148
G. Implementation status of ALRC reports 2013–14	149
H. Citations of ALRC reports in major court decisions 2013–14	163
I. Presentations and articles written for external publications 2013–14	169
J. ALRC newsroom 2013–14	173
K. Submissions made to external inquiries 2013–14	191
L: List of ALRC reports	192
M: ALRC Multicultural Plan report 2013–14	196
N: Reconciliation Action Plan 2012–14 report	207
Glossary and indexes	
Glossary	216
Compliance Index	219
Index	225

President's overview



ALRC President, Professor Rosalind Croucher

It is with great pleasure that I present the ALRC's Annual Report for 2013–14, my fifth as ALRC President. The ALRC has continued to be a highly productive and responsive law reform agency, working on five inquiries in areas of key concern to the community at this time: Copyright, Disability, Native Title, Privacy and Traditional Rights, Freedoms and Privileges, or what we have called the 'Freedoms Inquiry'. The importance of an independent law reform agency that can investigate an area of law free from political expectation or the values of particular interests, that is able to start a process with questions not answers, and that draws on the wealth and diversity of experience and knowledge in the community to help inform the reform process, cannot be overestimated. While law reform happens in many government departments, in other agencies and in the courts themselves, it is in the specialist law reform expertise of the ALRC and its ability to provide high level legal policy advice at arm's length from government, that our value truly lies.

The types of law reform reviews that the ALRC is uniquely experienced to undertake include those where there are complex legal issues involved and a need to be—and to be seen to be—completely independent from government, industry and special interests. These reviews involve a need to consult widely with diverse and often opposing stakeholders, and to consider their opinions and interests carefully, so that the Government is provided with independent and frank advice. The subject matter of our current inquiries provides excellent examples of this. Looking at how to enhance the equality of people with disability in Commonwealth laws while the NDIS is being implemented, considering whether the promise of Native Title has been realised 20 years after the landmark Mabo High Court decision, or addressing serious invasions of privacy in the age of the internet are all highly complex and challenging areas of great concern to the community, that require careful and in-depth consideration. Through its widespread and thorough consultation strategies, the ALRC is able to build consensus and understanding of its proposals within the community and this assists the government in turn to implement various recommendations, even in a context where change may be challenging.

The community's faith and trust in the independence of the legal system is bolstered by this independence and it is this, together with the high regard in which the ALRC's work is held, that has meant we have again been able to leverage relationships with key stakeholders who have continued to contribute to our various inquiries in a most generous manner. I would like to take this opportunity formally to acknowledge and thank the many people from the legal profession, academia, industry, the non-government sector, government departments and agencies and from the community—our stakeholders—for their contribution to our inquiries, through consultations, through our Advisory Committees and Expert Panels and by taking the time to give us their submissions. The quality of the work of the ALRC is a testament to this contribution and helps to ensure that our proposals are sensible and achievable, and that they strike the right balance between competing interests and perspectives to deliver realisable reform to the Australian community.

At the end of November we delivered our Report for the Copyright Inquiry, *Copyright and the Digital Economy* (ALRC Report 122, 2014). This inquiry was one in which our stakeholders were extremely divided, and I want to thank Professor Jill McKeough, Commissioner in charge of the Inquiry, for her dedication to this task and congratulate her on this highly complex, comprehensive and rigorous Report. Reforming copyright law posed a number of important challenges. While the law must be relevant to a complex and changing digital environment, it must also be clear and broadly understood in the community. The law must produce reasonably certain and predictable outcomes, but should also be

flexible and not inhibit innovation. Reforms must also not lose sight of the fundamental objectives of copyright law—to stimulate creation and learning by increasing the incentives to create and distribute copyright material. In recommending the introduction of fair use, the ALRC presented a more flexible and adaptive copyright framework. The introduction of fair use would mean Australian copyright law could be applied to new technologies and new commercial and consumer practices, without constant recourse to legislative change. Fair use would promote innovation and enable a market-based response to the demands of the digital age while also enhancing access to cultural material, without undermining incentives to create. The ALRC undertook widespread consultation in this inquiry, conducting 109 face to face consultations and receiving 1,009 public submissions. The Report is under consideration by the Government, having been tabled in Parliament in February 2014. In the mean time, the analysis in the Report and the widespread stakeholder engagement that preceded it will contribute to the reform process in a broad sense.

Usually the ALRC's resources allow us to work on two concurrent inquiries, but in July 2013, the then Attorney-General, the Hon Mark Dreyfus QC MP, provided the ALRC with additional resources so we could undertake two new inquiries and employ both a Commissioner and legal staff on a non-ongoing basis. The ALRC was able to undertake the Inquiry into Serious Invasions of Privacy in the Digital Era, led by Commissioner Professor Barbara McDonald, and to complete this Inquiry within a 10 month timeframe, handing the Report to the Attorney-General at the end of June 2014. The Terms of Reference for this Inquiry asked the ALRC to consider the detailed legal design of a statutory cause of action and, in addition, other innovative ways the law might prevent or redress serious invasions of privacy. Privacy is fundamental to enabling individuals to live dignified, fulfilling, safe and autonomous lives. It underpins many other freedoms of the individual, but it is a right that must be balanced with other fundamental values such as freedom of expression and with other aspects of modern society from which we all benefit. The design of a new cause of action reflects the balancing of these competing interests in carving out a level of protection of privacy that would see Australia meet its commitment to international norms and standards. New technologies are again a contributing factor here to both the complexity of, and necessity for, law reform as new ways to collect and use information about people's activities, and to intrude into someone's private life, constantly develop and challenge the usefulness of some existing laws. The ALRC recommendations reflect the need to provide people across Australia with the same level of protection for their privacy and competing freedoms. I take this opportunity to thank Professor McDonald for her work in leading this interesting Inquiry.

The additional resources also supported a national round of consultations for the Native Title Inquiry. The team, led by Professor Lee Godden as Commissioner in charge of the Inquiry, conducted over 100 face to face consultations around the country in the lead-up to and post the release of the Issues Paper. Speaking to Indigenous communities, aboriginal land councils, mining companies, agriculturalists, fisheries, local councils, judges and lawyers who work in the native title area, has made an invaluable contribution to our thinking, and again we are extremely grateful for the time that stakeholders have given us in this process.

This year I have been heading up the Inquiry into Capacity, Equality and Disability in Commonwealth Laws, due to report in August 2014. In this Inquiry we are looking at reforms to Commonwealth laws and legal frameworks to ensure that persons with disability are accorded equal recognition before the law—in particular, in relation to the right to make decisions that affect their lives, and to have those decisions respected. The reforms would

encourage supported decision-making—where persons with disability are assisted to make their own decisions—instead of having other people make decisions for them. In this regard, the Inquiry is an internationally groundbreaking examination of the implications of the UN Convention on the Rights of Persons with Disabilities for laws and legal frameworks that may disempower people with disability.

In my last Annual Report, I wrote in detail about important implementation of our recommendations that had occurred during the period. This year has seen further implementation including a first tranche of reforms to the National Classification Scheme that implements several recommendations in the ALRC's Report *Classification—Content Regulation and Convergent Media* (ALRC Report 118, 2012). This year also saw another set of privacy reforms included in the Privacy Amendment (Privacy Alerts) Bill 2014 (Cth). These would implement ALRC recommendations concerning data breach notification contained in *For Your Information: Australian Privacy Law and Practice* (ALRC Report 108, 2008).

During the year there were a significant number of citations of ALRC reports in a variety of cases, including four cases in the High Court. Citations illustrate how, as well as assisting in the interpretation of legislative provisions that have resulted from ALRC reports, our reports are quite often used as authority for basic legal and policy propositions—that is, they

provide judges with a useful starting point, which they recognise as having a respectable evidence base. Reports such as *Uniform Evidence Law* (ALRC Report 102, 2006), *Managing Justice: A Review of the Federal Civil Justice System* (ALRC Report 89, 2000), *Confiscation That Counts: A Review of the Proceeds of Crime Act 1987* (ALRC Report 87, 1999), *Collective Investments: Other People's Money* (ALRC Report 65, 1993), *General Insolvency Inquiry* (ALRC Report 45, 1988), *Insurance Contracts* (ALRC Report 20, 1982) and the *Recognition of Aboriginal Customary Laws* (ALRC Report 31, 1986) are still providing such an evidence base.

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

I liken the ALRC to a group of elite athletes working in a highly efficient team, able to respond flexibly to Government's requests, to operate within its resources and to deliver high quality advice. Over its history, the ALRC has developed an internationally recognised best practice methodology for law reform. The maintenance of this intellectual capital in law reform generates an enormous efficiency, where the ALRC is expert at the process of law reform, and, with its reputation and the standing of its Commissioners, is able to leverage enormous outside expertise and contributions—all honorary/pro bono—that inform the ALRC's work. During the past year, the ALRC has surpassed all its performance indicators, a testament to the highly productive and hardworking ALRC team. We have continued to

Federal Court of Australia, submission to the Senate Inquiry into the ALRC in 2011

develop our e-communications with inquiry e-newsletters, a number of podcasts and through Twitter. Our consultation papers and reports are also now freely available as ebooks.

Another new development for the ALRC is providing greater access to our inquiry process and this year we produced a range of materials in 21 community languages, including Auslan, explaining the law reform process and how people can make submissions. We also produced two consultation papers in Easy English for the Disability Inquiry.

In July 2013, we farewellled Justice Berna Collier who served as a standing part-time Commissioner for six years. Her contribution over that time to the ALRC's governance through her chairing of the Audit Committee and the contribution she made to several inquiries is greatly appreciated. Justice Nye Perram has taken over the Chair of the Audit Committee and currently contributes to the Inquiry into Native Title, and Justice John Middleton's involvement in the Privacy Inquiry has been of great assistance. I thank them both for their continuing service.

I would also like to record my thanks to all the staff for their ongoing dedication to the work of the ALRC, for their professionalism, thoroughness and hard work. We are extremely lucky to have such a high performing legal research and corporate team. The ALRC is also fortunate to be able to work with an excellent group of legal interns who participate in our voluntary legal internship program.

In the year ahead the ALRC will expect to produce two reports, one for the Disability Inquiry in August 2014, and one for the Native Title Inquiry in March 2015. We will also produce an interim report—an Issues Paper—for the Freedoms Inquiry by December 2014, with the Report due in December 2015. It is important to note that the ALRC is only able to work on such inquiries as are referred to us by the Attorney-General and that the time taken by the ALRC to complete its reports is stipulated in the Terms of Reference issued at the time an inquiry is given. What the next year holds for the ALRC is, therefore, in the hands of the Government. From 1 July the ALRC will be subject to a new Act, the *Public Governance, Performance and Accountability Act 2013*, and the corporate team will be tasked to ensure that our policies and processes are reviewed and updated to reflect the high level of governance and accountability required under this new regime.

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

Professor Rosalind Croucher

Corporate overview

Snapshot of 2013–14

Appointments and cessations

- ▲ On 16 July 2013, Disability Discrimination Commissioner Graeme Innes AM was appointed as a part-time Commissioner for the Equality, Capacity and Disability in Commonwealth Laws Inquiry until 30 August 2014.
- ▲ On 30 July 2013, Professor Barbara McDonald was appointed as Commissioner for the Inquiry into Serious Invasions of Privacy in the Digital Era until 30 June 2014.
- ▲ On 27 October 2013, Professor Lee Godden was appointed as Commissioner for the Review of the Native Title Act 1993 (Cth) until 30 March 2015.
- ▲ On 25 October 2013, Justice Berna Collier's appointment ended following six years of service as a part-time Commissioner.



ALRC Commissioners

l-r: Professor Lee Godden, Professor Barbara McDonald, Professor Rosalind Croucher (ALRC President), Professor Jill McKeough

Significant events

- ▲ On 8 October 2013, the ALRC released an Issues Paper for the Serious Invasions of Privacy in the Digital Era Inquiry.
- ▲ On 15 November 2013, the ALRC released an Issues Paper for the Equality, Capacity and Disability in Commonwealth Laws Inquiry.
- ▲ On 11 December 2013, the Attorney-General, Senator the Hon George Brandis QC, released draft Terms of Reference for an inquiry to review Commonwealth laws for consistency with traditional rights, freedoms and privileges. Final Terms of Reference were received on 19 May 2014.

- ▲ On 13 February 2014, the ALRC's Report, *Copyright and the Digital Economy*, was tabled in Parliament by the Attorney-General, Senator the Hon George Brandis QC.
- ▲ On 20 March 2014, the ALRC released an Issues Paper for the Review of the *Native Title Act 1993* (Cth).
- ▲ On 31 March 2014, the ALRC released a Discussion Paper for the Inquiry into Serious Invasions of Privacy in the Digital Era.
- ▲ On 22 May 2014, the ALRC released a Discussion Paper for the Equality, Capacity and Disability in Commonwealth Laws Inquiry.

Publications

Table 1: ALRC publications completed 2013–14

Area	Publication title	Date of completion
Corporate	<i>Annual Report 2012–13</i> (ALRC Report 121)	27 September 2013
Privacy	<i>Serious Invasions of Privacy in the Digital Era</i> (IP 43)	8 October 2013
Disability	<i>Equality, Capacity and Disability in Commonwealth Laws</i> (IP 44)	15 November 2013
Copyright	<i>Copyright and the Digital Economy</i> (ALRC Report 122)	30 November 2013
Native Title	<i>Review of the Native Title Act 1993</i> (IP 45)	20 March 2014
Privacy	<i>Serious Invasions of Privacy in the Digital Era</i> (DP 80)	31 March 2014
Disability	<i>Equality, Capacity and Disability in Commonwealth Laws</i> (DP 81)	22 May 2014
Privacy	<i>Serious Invasions of Privacy in the Digital Era</i> (ALRC Report 123)	30 June 2014

Performance

The ALRC has exceeded its performance targets during 2013–14. The ALRC has worked on five inquiries during this period, as opposed to the two inquiries we would normally expect to work on, and has produced five consultation papers, exceeding our target of three papers.

The total number of consultations was 312, exceeding our target of 100.

The total number of submissions received was 976, exceeding our target of 250.

Unique visits to our website have increased by 35% during the period, and the number of people following us on Twitter has increased by 39%, both indicators of our continuing engagement with the broader Australian community. In financial terms the ALRC ends the financial year in a strong position, operating within its current appropriation and achieving all objectives in its work plan.



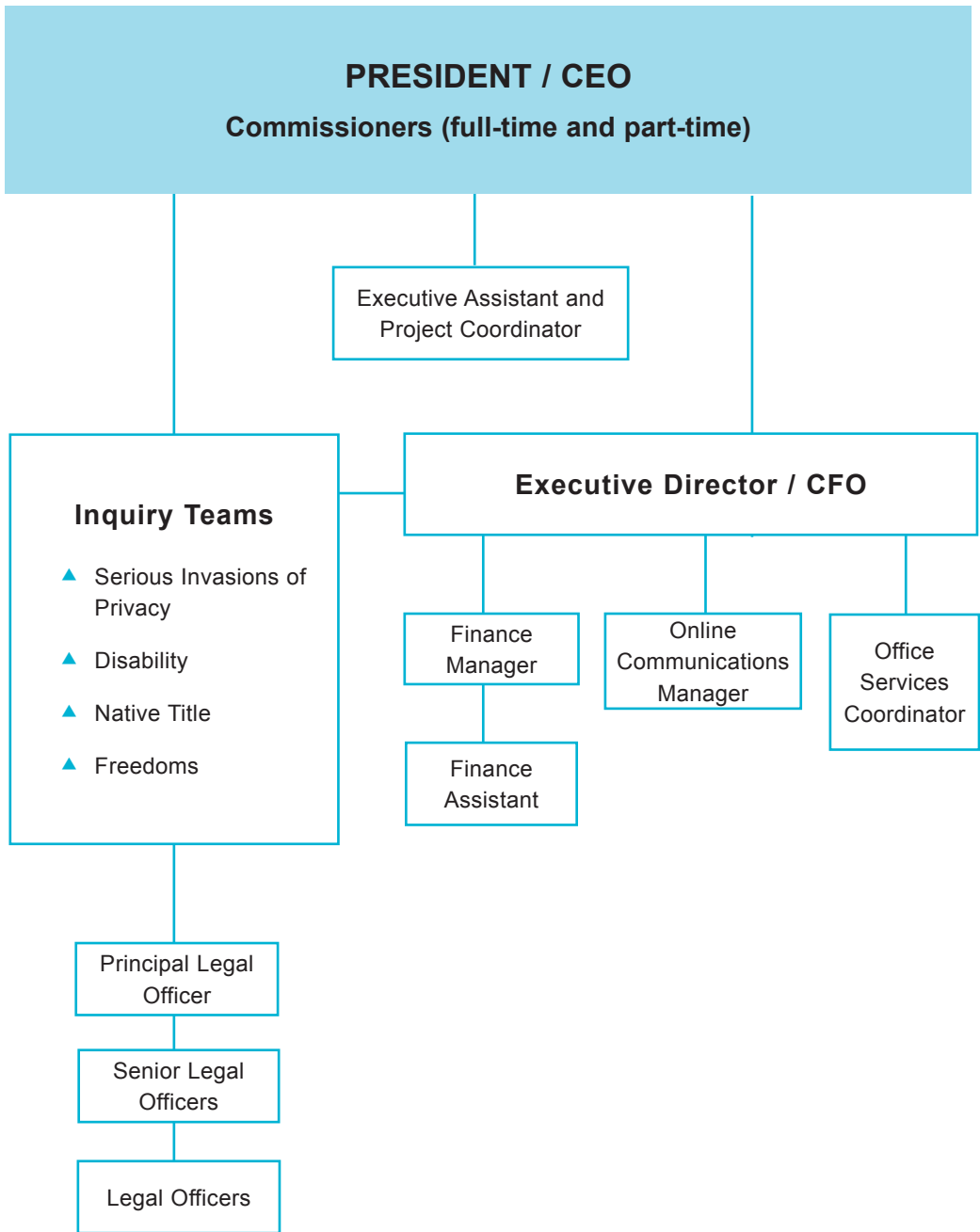
ALRC staff and interns

Back row, l–r: Steven Robertson, Sean Mulcahy, Bradley Woods, Jane Murray, Julie MacKenzie, Professor Barbara McDonald, Professor Rosalind Croucher, Robyn Gilbert, Amanda Alford, Jared Boorer, Marie-Claire Muir, Michelle Meares, Tina O'Brien

Front row, l–r: Professor Lee Godden, Sonya Kim, Brigit Morris, Hagen Sporleder

ALRC organisational structure

(as at 30 June 2014)



Role and functions of the ALRC

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

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

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

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

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

The ALRC is to consider proposals for making or consolidating Commonwealth laws, and must consider proposals for:

- ▲ the repeal of obsolete or unnecessary laws;
- ▲ uniformity between state and territory laws; and
- ▲ complementary Commonwealth, state and territory laws

with reference to those matters referred to it.

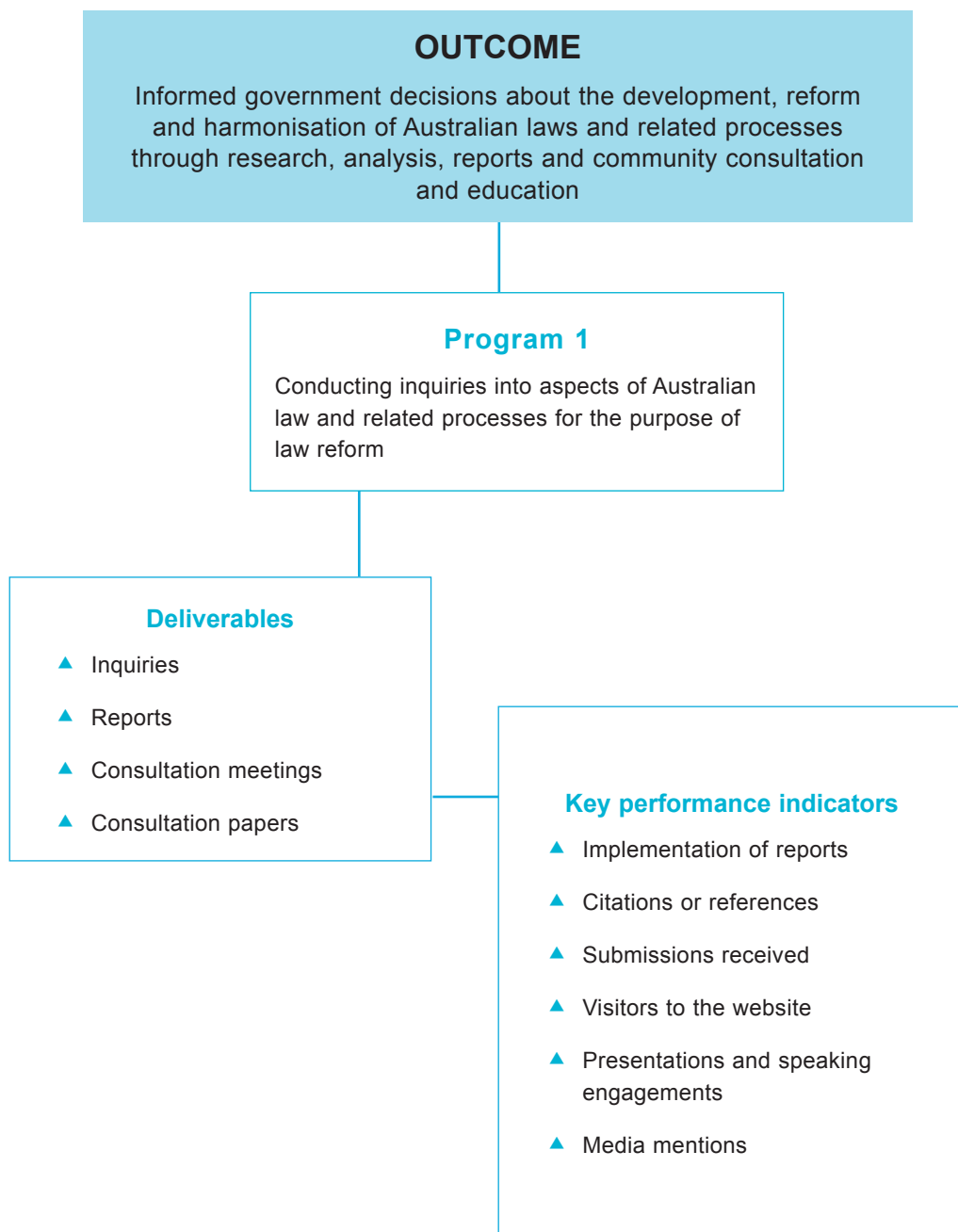
The ALRC is required by s 24 of the ALRC Act to ensure that relevant laws, proposals and recommendations:

- ▲ 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 UN International Covenant on Civil and Political Rights.

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

Report on performance

Outcome and program structure



Outcome report

The Australian Law Reform Commission's outcome is:

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

In delivering this outcome, the ALRC provides evidence-based reports that outline recommendations for law reform to contribute to an equitable and accessible system of federal justice and the harmonisation of Australia's laws and practices. In this way the ALRC contributes to the Attorney-General's mission—achieving a just and secure society.

The ALRC has one program to achieve its outcome:

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

It is through the inquiry process that the ALRC is able to undertake the research and analysis that underpins recommendations for law reform and provides the basis for informed government decisions.

The ALRC typically has two inquiries in progress at any one time and, with staggered timelines that reflect available resources, completes at least one inquiry each year.

As required by the ALRC Act, the ALRC has regard to relevant international obligations; the potential impact of its recommendations on the costs of accessing and dispensing justice; and personal rights and liberties, ensuring that citizens are not unduly dependent on administrative rather than judicial decisions. As ALRC recommendations must represent international best practice, the ALRC also engages with other law reform and expert bodies internationally to share information and ideas and to benchmark ALRC practices and procedures.

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

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

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

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

In undertaking this program during 2013–14, the ALRC has:

- ▲ produced a Report for the Copyright Inquiry and for the Privacy Inquiry (not tabled in this reporting period);
- ▲ worked on three inquiries referred by the then Attorney-General, the Hon Mark Dreyfus QC MP, and one inquiry referred by the current Attorney-General, Senator the Hon George Brandis QC;
- ▲ conducted consultations with relevant stakeholders and experts interested in each area of law under review and reported on the consultation process;
- ▲ produced consultation papers for each inquiry;
- ▲ called for submissions in response to consultation papers, seeking information and responses to the questions and proposals, to inform final recommendations;
- ▲ provided online consultation and communication strategies to increase public awareness and engagement in ALRC activities; and
- ▲ presented at conferences, seminars and Parliamentary inquiries, ensuring that the work of the ALRC is publicly debated and discussed and contributes to the community's knowledge about the Government's law reform agenda.

Table 2: Program 1—Deliverables

Deliverables	2013–14 budget	2013–14 actual
Inquiries	3	5
Reports	2	2
Consultation meetings	100	312
Consultation papers	3	5

Inquiries

During 2013–14, the ALRC worked on five inquiries.

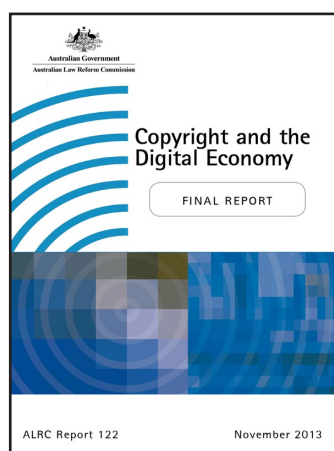
Inquiry into copyright and the digital economy

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

On 8 February 2012, the then Attorney-General, Nicola Roxon MP, appointed Professor Jill McKeough as Commissioner in charge of the Inquiry. An Advisory Committee was constituted and met twice outside the reporting period on 19 July 2012 and on 11 April 2013 and once during the reporting period on 26 September 2013.

The Advisory Committee for this Inquiry drew on a wide range of legal, industry and cultural experts. The ALRC was able to call upon the expertise and experience of its standing part-time Commissioners, both judges of the Federal Court of Australia: the Hon Justice John Middleton and the Hon Justice Nye Perram, who was President of the Copyright Tribunal of Australia at the time of the Inquiry. The Advisory Committee also included the Hon Justice Susan Kenny and the Hon Justice David Yates, both highly experienced intellectual property judges. The Advisory Committee benefited from a number of senior legal practitioners representing copyright owners and large copyright interests, a former member of the Copyright Tribunal of Australia, two regulatory economists and the Chief Executive of the peak body of copyright owners. The full membership of the Advisory Committee is listed at Appendix D.

The ALRC released an Issues Paper on 20 August 2012 and a Discussion Paper on 5 June 2013. The ALRC reported on 30 November 2013 and the Report was tabled in Parliament on 13 February 2014.



The Report recommends the introduction of fair use in Australia. Fair use is a defence to copyright infringement that essentially asks of any particular use: Is this fair? Fair use is found in a number of countries, notably the United States, and it builds on existing Australian laws that allow the fair use of copyright material for purposes such as research, study and reporting the news. The Report also recommends some specific exceptions, such as for libraries and archives to make preservation copies, for judicial proceedings and Royal Commissions, and for public access to certain documents lodged with government. There are also reforms to encourage the use of ‘orphan works’—a wealth of copyright material that cannot be used because rights holders cannot be found.

The 30 recommendations in the Report are designed to allow for a more principles-based and less prescriptive approach to copyright law. In a highly contested field, the ALRC has suggested reforms that will protect creators and their markets, provide appropriate access to

material, simplify and modernise the law, and create a better environment for innovation and economic development.

During the Inquiry, the ALRC conducted 109 consultations in Sydney, Melbourne and Canberra including three stakeholder roundtables:

- ▲ Culture (Galleries, Libraries, Archives and Museums) sector on 12 April 2013;
- ▲ Content Owners roundtable on 19 April 2013; and
- ▲ Creators roundtable on 2 May 2013.

In total, the ALRC received 870 public and 139 confidential submissions to the Inquiry. Internet communication tools—including e-newsletters and online forums—were used to provide information and obtain further comment. The ALRC also made use of Facebook and Twitter to provide information and as additional avenues for community engagement.

‘The ALRC inquiry was the most significant review of the Copyright Act since the Act came into operation in 1968 and has attracted strong interest with the inquiry receiving over 850 submissions. The Government acknowledges the contribution of those who participated in the inquiry consultation rounds and thanks them for the considerable amount of work involved in preparing submissions.’

*Senator the Hon George Brandis
QC, Attorney-General of Australia*

The ALRC believes that the overall effect of the recommendations in the Report will be a more flexible and adaptive copyright framework. The introduction of fair use will mean Australian copyright law can be applied to new technologies and new commercial and consumer practices without constant recourse to legislative change. Fair use will promote innovation and enable a market-based response to the demands of the digital age. The reforms will enhance access to cultural material, without undermining incentives to create. The recommended exceptions are also more consistent with public standards of fairness. The ALRC stressed that exceptions to copyright, whether in the form of a specific rule or a general standard, should only permit the unlicensed use of copyright material where this would be fair. Generally, they permit the unlicensed use of copyright material if this would:

- ▲ serve an important public purpose;
- ▲ stimulate the creation of new works and the use of existing works for new purposes; and
- ▲ not harm rights holders’ markets—ensuring exceptions do not undermine the crucial incentive to create and publish copyright material.

The Report is currently under consideration by the Government.

Inquiry into serious invasions of privacy in the digital era.

On 12 June 2013, the then Attorney-General, Mark Dreyfus QC MP, referred to the ALRC an Inquiry into the protection of privacy in the digital era. The Terms of Reference for this Inquiry asked the ALRC to review the issue of the prevention of, and remedies for, serious invasions of privacy in the digital era, having regard to a number of factors including: the extent and application of existing privacy statutes; the rapid growth in capabilities and use of information, surveillance and communication technologies; community perceptions of privacy; and relevant international standards and the desirability of consistency in laws affecting national and transnational data flows. The Terms of Reference for this Inquiry are at Appendix C.



The Terms of Reference required the ALRC to design a tort to deal with serious invasions of privacy in the digital era. In its Report, the ALRC provides the detailed legal design of such a tort located in a new Commonwealth Act and makes 16 other recommendations that would strengthen people's privacy in the digital environment. The ALRC has designed a remedy for invasions of privacy that are serious, committed intentionally or recklessly and that cannot be justified as being in the public interest. The recommendations in the Report recognise that while privacy is a fundamental right that is worthy of legal protection, this right must also be balanced with other rights, such as the right to freedom of expression and the freedom of the media to investigate and report on matters of public importance. The recommendations, taken together, would better protect people's privacy in the digital environment, while protecting and fostering freedom of speech and other public interests.

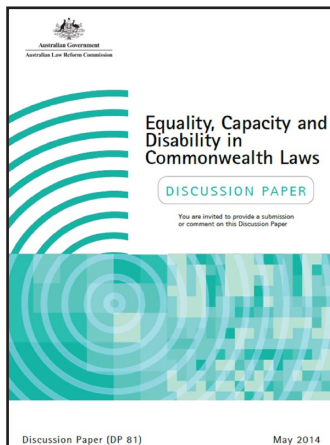
The Report also recommends that a new Commonwealth surveillance law be enacted to replace existing state and territory laws, to ensure consistency of surveillance laws throughout Australia, and a number of other reforms to supplement the statutory cause of action.

During the course of the Inquiry, the ALRC produced two consultation papers, received 134 submissions and undertook 69 face to face consultations with media, telecommunications, social media and marketing companies, many expert academics, specialist legal practitioners and judges, public interest groups and government agencies. Two legal roundtables in Sydney and London were also conducted. The ALRC published an Issues Paper on 8 October 2013 and a Discussion Paper on 31 March 2014. The ALRC provided its Report to the Attorney-General on 30 June 2014. The report will be tabled in the next reporting period.

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

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

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



During the reporting period, the ALRC released an Issues Paper on 15 November 2013 and a Discussion Paper on 22 May 2014. The ALRC conducted 90 consultations and received 118 submissions.

In order to better consult with people with disability the ALRC produced both its consultation papers in an Easy English version. Website statistics show that there have been 299 discreet downloads of these documents over the course of this Inquiry. The ALRC produced seven e-newsletters for the Inquiry and produced two podcasts summarising the key concepts in the Issues Paper and Discussion Paper.

The ALRC is due to provide its Report to the Attorney-General at the end of August 2014.

Inquiry into the Native Title Act 1993

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



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

Professor Lee Godden was appointed as a Commissioner to lead this Inquiry. An Advisory Committee was established and met once during the reporting period. The ALRC has consulted widely undertaking 110 consultations around the country including in Perth, Broome, Darwin, Cairns, Coffs Harbour, Brisbane, Canberra, Adelaide, Melbourne and Sydney and has received 36 submissions to the Issues Paper, which was released on 20 March 2014. The ALRC is to provide its Report by March 2015.

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

On 9 May 2014, the Attorney-General, Senator the Hon George Brandis QC, provided final Terms of Reference to the ALRC for a Review of Commonwealth laws for consistency with traditional rights, freedoms and privileges. The ALRC has been asked to identify any Commonwealth laws that encroach upon traditional rights, freedoms and privileges and to consider how laws are drafted, implemented and operate in practice; and any safeguards provided in the laws, such as rights of review or other scrutiny mechanisms. The Terms of Reference direct the ALRC to focus particularly on commercial and corporate regulation; environmental regulation; and workplace relations.

This Inquiry is being lead by ALRC President, Professor Rosalind Croucher. The Terms of Reference for this Inquiry are at Appendix C.

Consultation meetings

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

During 2013–14, the ALRC conducted a total of 312 consultations around the country, with respect to the following inquiries:

- ▲ Copyright and the Digital Economy—43
- ▲ Serious Invasions of Privacy in the Digital Era—69
- ▲ Equality, Capacity and Disability in Commonwealth Laws—90
- ▲ Native Title—110

National distribution of consultation meetings 2013–14



Diversity consultation strategy

The ALRC has a formal consultation strategy for engaging with groups who often find their voices are not heard—Indigenous peoples, those from culturally and linguistically diverse backgrounds, people with disability and members of the lesbian, gay, bisexual, transgender and intersex community. These strategies act as a guide for the ALRC’s legal teams at the beginning of each new inquiry to ensure that these groups within the community are targeted for consultation and that our methods of consultation are appropriate. The ALRC reviews these strategies annually as part of its Agency Multicultural Plan. The ALRC’s Multicultural Plan is on the ALRC website and a performance report against this Plan is at Appendix M.

To enhance its consultation with people from diverse communities, the ALRC has produced two key documents, the Law Reform Process and How to Make Submission, in 21 community languages including Auslan. These documents have also been produced in Easy English, for people with low English literacy skills.

Consultation papers and reports

Consultation papers are one of the key mechanisms the ALRC uses to identify and analyse the important issues in each inquiry. The number of consultation papers released in the course of an inquiry depends on the nature of that inquiry and the timeframe set by the

Attorney-General. Generally, ALRC inquiries follow a two-stage consultation process that includes the release of an Issues Paper accompanied by a call for submissions, followed later in the inquiry by a Discussion Paper and a second call for submissions, and then the release of a Report.

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

Table 3: Distribution of ALRC publications 2013–14

Publication	Online access	EPUB	PDF
<i>Serious Invasions of Privacy in the Digital Era</i> (IP 43)	15,167 page views 5,301 unique views	43	1,742
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (IP 44)	11,371 page views 3,638 unique views	61	1,396
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (IP 44) – Easy English version	N/A	N/A	235
<i>Copyright and the Digital Economy</i> (ALRC Report 122)	26,660 page views 8,987 unique views	200	2,362
<i>Copyright and the Digital Economy</i> (ALRC Report 122 Summary)	13,171 page views 4,293 unique views	N/A	1,847
<i>Review of the Native Title Act 1993</i> (IP 45)	5,397 page views 1,800 unique views	17	613
<i>Serious Invasions of Privacy in the Digital Era</i> (DP 80)	13,494 page views 4,750 unique views	74	1,605
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (DP 81)	5,898 page views 2,010 unique views	38	657
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (DP 81) – Easy English version	N/A	N/A	137

Program 1: Key performance indicators

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

- ▲ implementation of ALRC reports by government and other bodies, substantially or partially, over time;
- ▲ the number of court or tribunal decisions that cite ALRC reports;
- ▲ the number of submissions to each inquiry;
- ▲ the number of visitors to the website;
- ▲ the number of presentations and speaking engagements about ALRC inquiries;
- ▲ the number of media mentions of the ALRC and its work.

Table 4: Key achievements 2013–14

Program 1	Target	Actual
Implementation of reports—substantially or partially implemented	85%	88%
Citations in courts or tribunal decisions	50	64
Submissions received	250	976
Visitors to website	>250,000	731,089
Presentations and speaking engagements	25	23
Media mentions	250	426

Implementation of reports

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

The ALRC considers that a report is substantially implemented when the majority of the report's key recommendations have been implemented by those to whom the recommendations are directed. Partial implementation refers to implementation of at least some recommendations of an ALRC report.

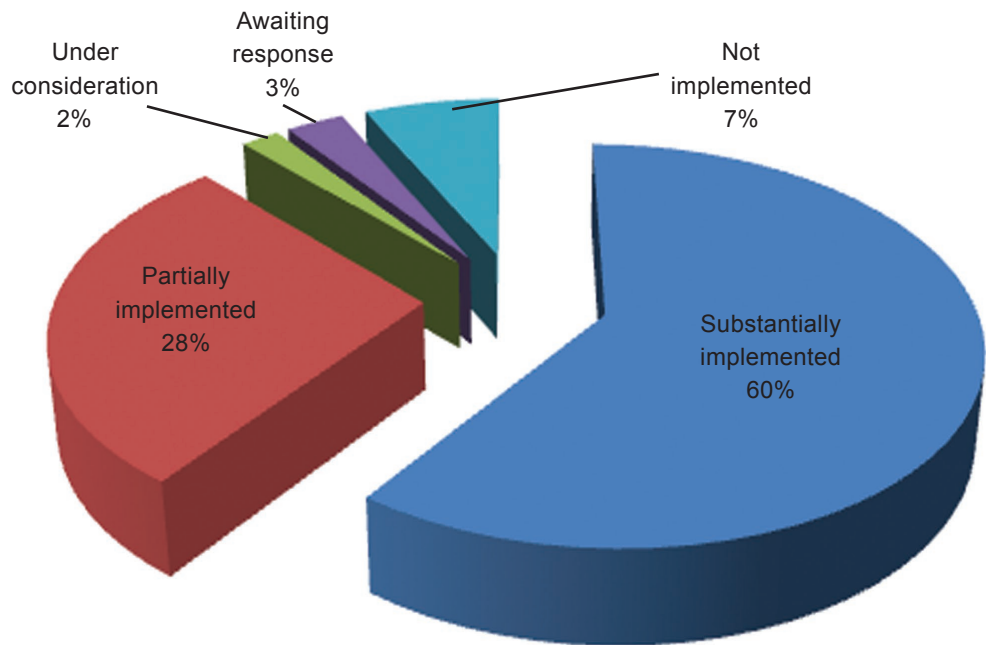
The term 'under consideration' applies to reports that are under active consideration by the Australian Government. 'Awaiting response' refers to reports that have been completed within the past ten years, in relation to which the ALRC is yet to receive a formal response from the Government.

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

- ▲ 60% are substantially implemented;
- ▲ 28% are partially implemented;
- ▲ 2% are under consideration;
- ▲ 3% are awaiting response; and
- ▲ 7% have not been implemented.

These figures represent an overall implementation rate of ALRC reports of 88%, as compared to 89% reported in 2012–13. The Government has yet to respond to a number of recently completed ALRC reports, including *Making Inquiries: A New Statutory Framework* (ALRC Report 111, 2010) and *Secrecy Laws and Open Government* (ALRC Report 112, 2010).

Implementation status of ALRC reports as at 30 June 2014



Appendix F provides a detailed update on action in relation to ALRC reports during 2013–14.

Appendix G provides a brief overview of the implementation status of all 83 reference-related ALRC reports. For a list of these reports, see Appendix L.

Court citations

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

During 2013–14, there were at least 64 mentions of ALRC reports in the judgments of federal and state and territory courts. These included citation in four cases in the High Court of Australia, 10 in the Federal Court of Australia, and 46 in state and territory Supreme Courts or Courts of Appeal, as well as in the decisions of other major courts and tribunals, such as the Land and Environment Court of NSW and the Administrative Appeals Tribunal of Australia.

The total number of citations is similar to the number of judgments from Australian courts and tribunals referring to ALRC reports reported in 2012–13. Historically, the ALRC report most often cited in Australian courts has been *Evidence* (Interim) (ALRC Report 26, 1985). More recently, this has been overtaken by *Uniform Evidence Law* (ALRC Report 102, 2006). These reports are frequently cited because their text is an important secondary source assisting the judiciary in interpreting provisions of the *Evidence Act 1995* (Cth) and state and territory uniform Evidence Acts.

Another report of enduring interest to litigants and courts is the Harmer report—*General Insolvency Inquiry* (ALRC Report 45, 1988), which remains important in interpreting Australian bankruptcy and corporate insolvency law.

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

Submissions

The number of submissions received by the ALRC is a measure of public engagement with its work and the extent to which the consultation papers have stimulated debate and discussion. However, the number of submissions received for any inquiry is also influenced by its subject matter—particular inquiries are likely to generate a greater, broader degree of public interest and participation than others.

Table 5: Submissions received 2013–14

Consultation paper	Submissions closing date	Submissions received during reporting period
<i>Copyright and the Digital Economy</i> (DP 79)	31 July 2013	688
<i>Serious Invasions of Privacy in the Digital Era</i> (IP 43)	11 November 2013	75
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (IP 44)	20 January 2014	96

Table 5: Submissions received 2013–14 (continued)

Consultation paper	Submissions closing date	Submissions received during reporting period
<i>Serious Invasions of Privacy in the Digital Era</i> (DP 80)	12 May 2014	59
<i>Review of the Native Title Act 1993</i> (IP 45)	14 May 2014	36
<i>Equality, Capacity and Disability in Commonwealth Laws</i> (DP 81)	30 June 2014	22
Total submissions received		976

ALRC website

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

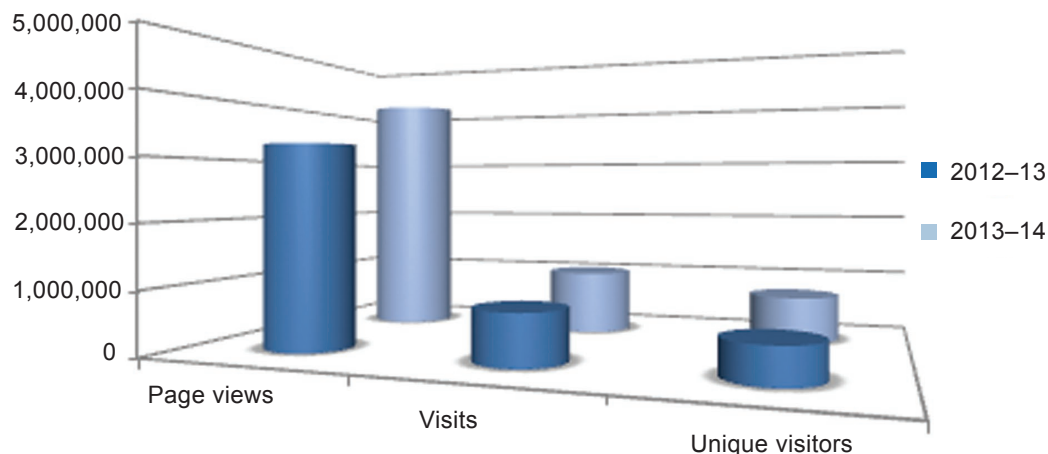
Key website metrics for 2013–14:

- ▲ visits = 1,019,916
- ▲ page views = 4,047,207
- ▲ unique visitors = 731,089

These metrics represent, compared to the 2012–13 reporting period:

- ▲ 30% increase in visits
- ▲ 26% increase in page views
- ▲ 35% increase in unique visitors

Comparison of website traffic: August–June in 2012–13 and 2013–14



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

In 2013–14, the top five reports accessed by PDF downloads were the Copyright Issues Paper and Discussion Paper but also included were the 2008 Privacy Report, the Uniform Evidence Report from 2006 and our Customary Laws Report from 1986—illustrating the ongoing interest in the ideas, discussion and research that is contained in these landmark reports.

Presentations and speaking engagements

Presenting at public conferences, seminars and Parliamentary inquiries ensures that the work of the ALRC is publicly debated and discussed. During 2013–14, ALRC Commissioners and staff made 23 presentations at a range of events around the country. They also contributed six articles to a range of journals and publications. A full list of presentations and articles is at Appendix I.

Media mentions

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

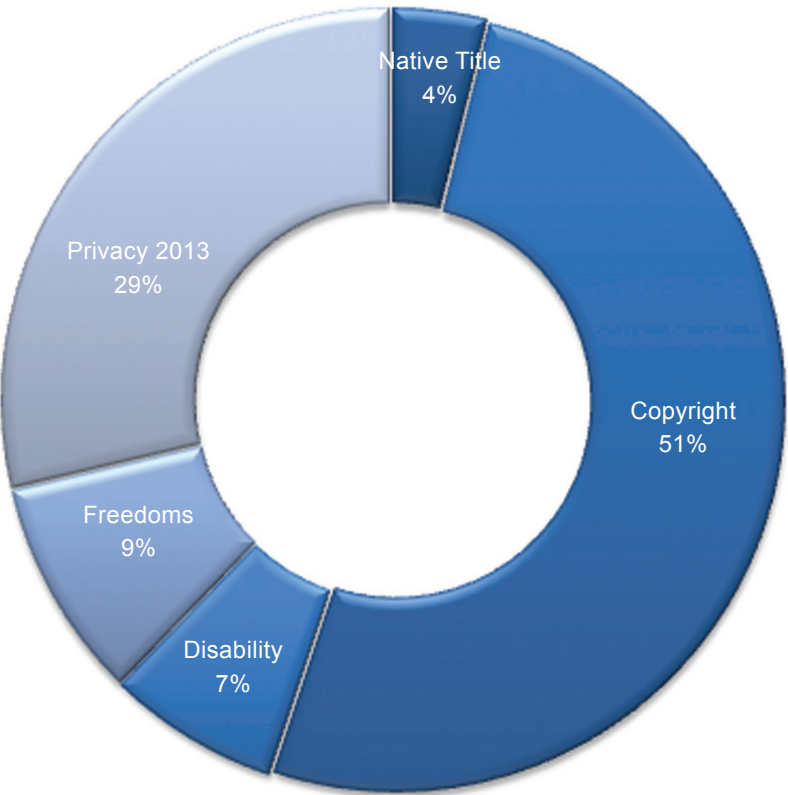
During 2013–14, the ALRC identified 426 mentions of its work across a range of media. This represents a slight increase of 6% from the previous reporting period.

In 2013–14 the Copyright Inquiry accounted for just over 50% of ALRC media mentions, dominating media attention for the second year running. Privacy law reform also continues to rate highly in the public interest, with the current Inquiry into Serious Invasions of Privacy in the Digital Era attracting 29%, and the ALRC's 2008 Privacy Inquiry an additional 5% of

media attention. The Review of Commonwealth Laws for Consistency with Traditional Rights, Freedoms and Privileges (the Freedoms Inquiry) represented 9%, the Disability Inquiry 7%, and the Native Title Review 4%.

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

Media mentions per inquiry 2013–14



Additional performance indicators

Participation in external inquiries

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

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

- ▲ the consonance of issues raised in the review or inquiry being undertaken by the external body with issues covered in current inquiry 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 two written submissions drawing on past inquiries. These are listed in Appendix K.

Mentions in Parliament

During 2013–14, Parliamentary Hansard records that ALRC reports and recommendations were referred to in second reading speeches and other Parliamentary proceedings on the following Commonwealth bills:

- ▲ Privacy Amendment (Privacy Alerts) Bill 2014
- ▲ Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014
- ▲ Regulatory Powers (Standard Provisions) Bill 2014

In addition, the ALRC report *Copyright and the Digital Economy* (ALRC Report 122) was mentioned in a Parliamentary speech, and in Questions without Notice.

Online communications

E-news

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

Table 6: Distribution of e-newsletters 2013–14

<i>Inquiry</i>	<i>Subscribers</i>	<i>Issues</i>
Copyright and the Digital Economy	2,060	1
Serious Invasions of Privacy in the Digital Era	1,084	5
Equality, Capacity and Disability in Commonwealth Laws	1,014	7
Review of Native Title Act 1993	1,051	5
Freedoms Inquiry	196	1
ALRC Brief	990	3

Online forums

The ALRC ran an online discussion forum for the Serious Invasions of Privacy in the Digital Era Inquiry, which opened just prior to the release of the Issues Paper in October 2013 and ran until May 2014. The forum sought views from individuals about their privacy concerns, the need to balance privacy with other interests, and ideas about ‘seriousness’. The forum attracted 33 comments.

Twitter

The ALRC’s following on Twitter has grown in the reporting period from 5,753 to 7,990 followers.

The ALRC Twitter handle is @AusLawReform.



Facebook



To increase exposure of the ALRC’s Copyright Inquiry, which had many internet-savvy stakeholders comfortable aggregating news and engaging in discussion via social media, the ALRC created a Facebook page dedicated to the Inquiry.

The page was closed on 20 June 2014.

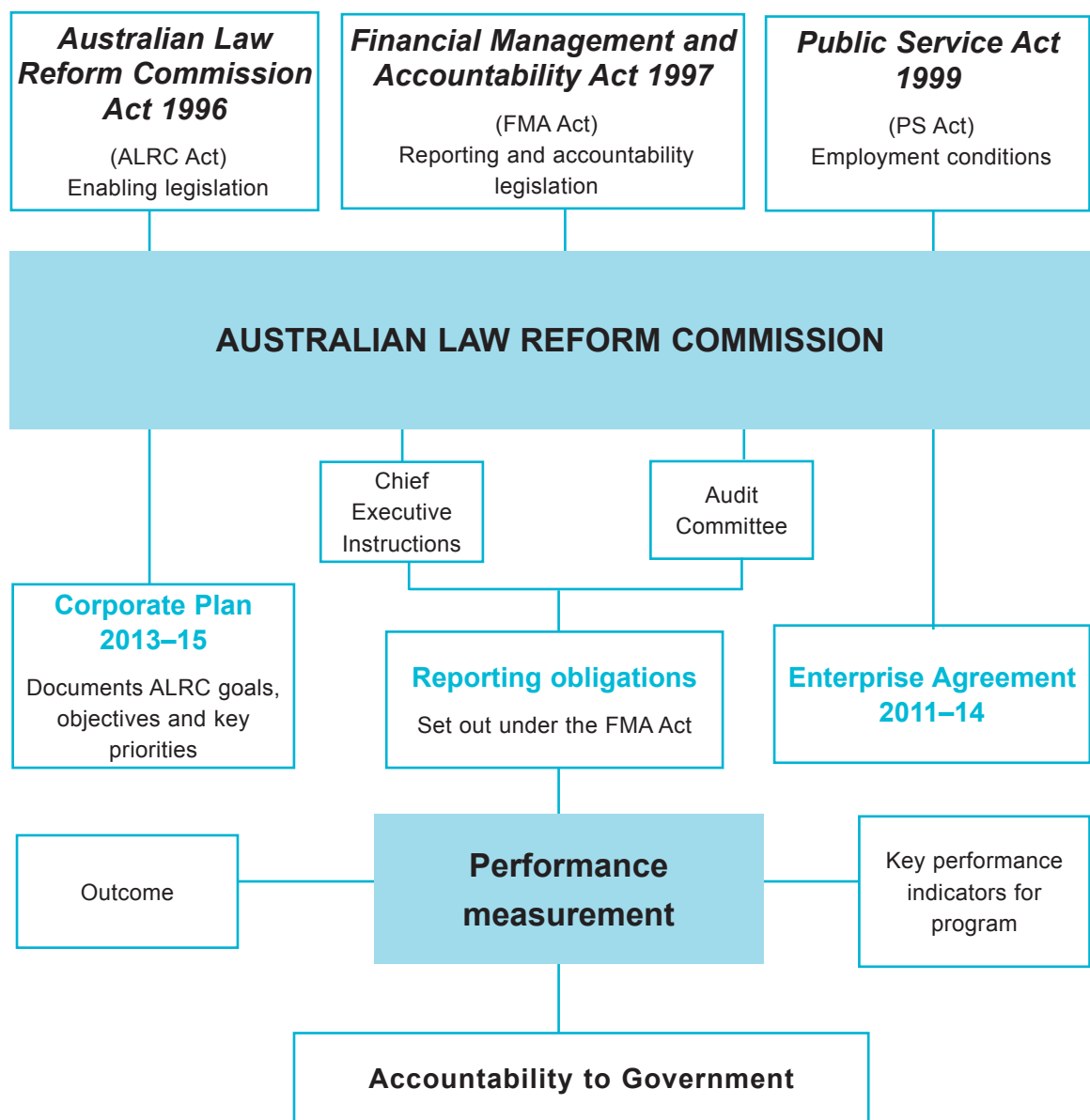
Challenges for 2014–15

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

The ALRC is a very small, single outcome agency, focussed on research and legal policy development, and it has a limited capacity to make further budget savings without impacting on its ability to complete the work referred to it within the allocated timeframe. Identifying additional productivity savings is also challenging as our processes have already been evaluated for potential improvements and streamlined as part of aligning our resources to our reduced appropriation in prior years.

Management and accountability

Corporate governance framework



Corporate governance

ALRC accountability and governance requirements are met through its Chief Executive Instructions. These reference the Model Chief Executive Instructions (CEIs) and provide the framework to ensure that the ALRC meets its obligations and responsibilities with regard to the proper use and management of public money, public property and other resources of the Commonwealth, in line with the requirements of the *Financial Management and Accountability Act 1997* (FMA Act).

From 1 July 2014 the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) will replace the FMA Act. The PGPA Act sets out the requirements for the governance, reporting and accountability of Commonwealth entities and for their use and management of public resources.

Ministerial powers

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

The ALRC is a statutory agency under the FMA Act and an employer subject to the *Public Services Act 1999*.

The ALRC is constituted under the *Australian Law Reform Commission Act 1996* (the ALRC Act). Section 20 of the ALRC Act states that the Attorney-General may refer matters to the ALRC for review.

Members of the Commission

The President is the CEO of the ALRC. During 2013–14 there were three Commissioners, in addition to the President, appointed to lead specific inquiries, and four part-time Commissioners. Table 7 lists members of the ALRC during 2013–14 and their current terms of appointment. On 30 June 2014, there were six members of the ALRC—two full-time members and four part-time members.

Table 7: Members 2013–14

Commissioner	Term of Appointment
<i>Full-time Commissioners</i>	
Professor Rosalind Croucher BA (Hons), LLB (Syd), PhD (UNSW), AMusA (AMEB), FRSA, FACLM (Hon), FAAL, TEP	5 February 2007–4 February 2010 as Commissioner 14 December 2009–13 December 2014 as President
Professor Jill McKeough LLB (UNSW), BA (UNSW), LLM (Syd), FAAL	1 May 2012–31 October 2013
Professor Barbara McDonald BA, LLB (Syd), LLM (Lond)	30 July 2013–30 June 2014

Table 7: Members 2013–14 (continued)

Commissioner	Term of Appointment
<i>Part-time Commissioners</i>	
Professor Lee Godden BA (Hons) (Melb), BLegs (Macq), MA (Melb), PhD (Griff)	27 October 2013–30 March 2015
The Hon Justice Berna Collier BA, LLB (Qld), LLM (Melb)	2 October 2007–1 October 2010 and reappointed 28 October 2010–26 October 2013
The Hon Justice Nye Perram SC BA, LLB (Hons) (Syd), BCL (Dist) (Oxon)	28 November 2012–27 November 2015
The Hon Justice John Middleton QC LLB (Hons) (Melb), BCL (Oxon)	28 November 2012–27 November 2015
Graeme Innes AM LLB (Syd), FAICD	16 July 2013–30 August 2014

Professor Rosalind Croucher, President

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

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

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



Professor Jill McKeough, Commissioner



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

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

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

Professor Barbara McDonald, Commissioner

Professor McDonald is a Professor of Law at the University of Sydney, where she has been a member of the full-time faculty since 1990. Prior to becoming an academic she practised in commercial litigation at Freehill, Hollingdale and Page, now Herbert Smith Freehills, with whom she has been a consultant since 2000. She has been a Visiting Professor at the University of Texas, Austin and is currently a Visiting Professor in law at the New College of the Humanities, London.

Professor McDonald has comprehensive academic experience in tort law, equity, remedies and media law, and has published widely in these areas, including many articles on the impact of tort reforms and the developing law of privacy.



Professor McDonald is a member of the editorial board of the *Torts Law Journal* and co-author of *Celebrity and the Law*, published in 2010, with primary authorship of the chapters on defamation and privacy, and a contributing author to *Fleming's Law of Torts*.

Professor Lee Godden, Part-time Commissioner

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

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

In 2007–8 she was Director, Office for Environmental Programs, The University of Melbourne. She is a member of Academic Advisory Group, Section on Energy, Environment, Resources and Infrastructure Law, International Bar Association. She is admitted to practice as an Australian Legal Practitioner in Victoria.

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



The Hon Justice Berna Collier, Part-time Commissioner



Justice Berna Collier was appointed a Federal Court judge on 8 February 2006. Prior to this she was one of three national Commissioners of the Australian Securities and Investments Commission, a position she held from 5 November 2001 and a director of the Australian Prudential Regulation Authority from November 2001 until June 2003.

From July 1997 until February 2006 she was Clayton Utz Professor of Commercial Law at Queensland University of Technology.

Justice Collier was awarded the Centenary Medal for service to Australian society through corporate regulation in recognition of her work in this area.

The Hon Justice Nye Perram SC, Part-time Commissioner



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

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

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

The Hon Justice John Middleton QC, Part-time Commissioner

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

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

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



Graeme Innes AM, Part-time Commissioner



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

(Access to Premises – Buildings) Standards 2010, as well as the establishment of Livable Housing Australia.

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

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

Remuneration

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

Policies

The Chief Executive Instructions and the ALRC Policy Manual contain the ALRC's current policies, guidelines and procedures on a range of administrative matters. ALRC policies are regularly reviewed and revised, as required. All new and revised policies are approved by the President.

New policies developed and implemented or updated during 2013–14 include:

- ▲ Public Interest Disclosure Policy
- ▲ Audit Committee Charter and Forward Plan (updated)
- ▲ Fraud Control Plan (updated)
- ▲ Enterprise Risk Management Plan (updated)

- ▲ Operational Risk Management Framework (updated)
- ▲ Business Continuity Plan (updated)
- ▲ Conflict of Interest Policy (updated)

Policies that concern interaction with members of the public are published on the ALRC website. New staff members are advised of ALRC policies as part of the induction process and all staff have access to ALRC policies via the intranet.

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

Corporate planning

The ALRC Corporate Plan 2013–15 is publicly available on the ALRC website and is reproduced in Appendix A.

Financial management and audit

The audit of the 2012–13 financial statements was performed by the Australian National Audit Office (ANAO). The ANAO has conducted an interim audit of the ALRC 2013–14 accounts and provided an interim report on 26 June 2014. No material issues were identified at this time.

The ALRC Audit Committee is established in compliance with s 46 of the *Financial Management and Accountability Act 1997* and reg 22C of the Financial Management and Accountability Regulations.

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

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

From March 2013, the members of the Audit Committee were:

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

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

The ALRC has an Audit Charter in line with the requirements of the FMA Act and is based on the following considerations:

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

The ALRC's Audit Forward Plan sets a meeting schedule and outlines the activities of the Audit Committee over the next financial year. The Audit Committee met on 22 August 2013, 3 April 2014 and 2 June 2014.

Fraud control and risk management

The ALRC has a commitment to fraud control and for promoting efficient, effective and ethical use of Commonwealth resources. The ALRC Fraud Control Plan (FCP) was updated in May 2014. The FCP is a strategic document drawing together all fraud prevention, detection, minimisation and reporting initiatives adopted by the ALRC to control fraud. It was developed from a risk assessment and is an integral part of the ALRC Assurance and Governance Framework. The FCP is reviewed annually by the ALRC Audit Committee. The ALRC also has a Fraud Policy Statement that sits alongside the FCP.

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

During 2013–14, the ALRC has taken all reasonable measures to minimise the incidence of fraud and has raised awareness of fraud control among employees to foster an environment that encourages employee involvement in the strategies to prevent fraud.

Overall, the ALRC has a low to negligible residual fraud risk profile, with an effective control environment. In accordance with s 8.14 of the Commonwealth Fraud Control Guidelines, the ALRC collects any information relating to fraudulent matters and reports it to the Attorney-General's Department and the Australian Federal Police annually. No fraudulent activity was detected in 2013–14.

Enterprise risk management

Enterprise risk management is a vital component of public sector management and is consistent with the obligations under the FMA Act. The ALRC Enterprise Risk Management

Plan (ERMP) was reviewed in June 2014. The objective of the ERMP is to identify and articulate any organisational risks and to develop a mechanism to track and report on controls in place, and treatments required, to mitigate these risks.

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

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

Ethics

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

Employees of the ALRC are Australian public servants and must follow the APS Values and APS Code of Conduct, which articulate the culture and operating ethos of the ALRC and provide the framework within which employment powers will be exercised by the President. ALRC employees are expected to comply with the APS Code of Conduct and other ALRC policies, and with any lawful direction given by the President and/or their supervisor.

Any suspected or real breaches of the APS Code of Conduct will be dealt with in accordance with the ALRC's *Procedures for Determining Breaches of the Code of Conduct*, established in accordance with s 15(3) of the *Public Service Act 1999*. During 2013–14, there were no suspected or actual breaches of the APS Code of Conduct.

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

Conflict of interest

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

Section 39 of the *Australian Law Reform Commission Act 1996* (ALRC Act) requires members to disclose any material personal interest in a matter under consideration by the Commission. Section 13(7) of the *Public Service Act 1999*, which contains the APS Code of Conduct, requires that an APS employee must disclose and take reasonable steps to avoid

any conflict of interest (real or perceived) in connection with APS employment. In addition, s 10 of the Act requires that the Australian Public Service performs its functions in an impartial and professional manner.

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

During 2013–14 there were no conflict of interest disclosures.

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

Indemnity

The ALRC carries directors' liability insurance for full time Commissioners of the ALRC. The following members are currently covered:

- ▲ Professor Rosalind Croucher—President
- ▲ Professor Barbara McDonald—Commissioner
- ▲ Professor Lee Godden—Commissioner

Nature of liability

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

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

Significant developments 2014–15

The ALRC will complete its Inquiry into Capacity, Equality and Disability in Commonwealth Laws and its Review into the *Native Title Act 1993* during 2014–15. The ALRC will also work on the Review of Commonwealth legislation to identify provisions that unreasonably encroach upon traditional rights, freedoms and privileges (the Freedoms Inquiry). The ALRC expects that its Report, *Serious Invasions of Privacy in the Digital Era* (ALRC Report 123, 2014), will be tabled in Parliament and made publicly available.

During 2014–15 the ALRC will also negotiate a new Enterprise Agreement. On 1 July 2014, the ALRC will become a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). This will require new Accountable Authority Instructions to be developed to replace the current Chief Executive Instructions, and the updating of many organisational policies to align them with the requirements of the PGPA Act.

In 2015, the ALRC will celebrate 40 years of law reform.

External scrutiny and controls

Parliamentary scrutiny

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

ALRC President, Professor Rosalind Croucher and Executive Director, Sabina Wynn attended Supplementary Estimates on 18 November 2013, Additional Estimates on 24 February 2014, and Budget Estimates on 29 May 2014.

Court and tribunal decisions

There were no judicial decisions or decisions of administrative tribunals during 2013–14 that involved the ALRC or had a significant impact on the operations of the ALRC.

Commonwealth Ombudsman

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

Human resource management

Staffing

The ALRC has one office in Sydney and all staff are located at this office. On 30 June 2014, the ALRC's full-time equivalent staffing level was 11.1 FTE. This figure does not include Commissioners (1.8 FTE).

Table 8: Staffing profile as at 30 June 2014

ALRC Classification	Men	Women	Full-time	Part-time	Total
Executive Director (SES-equivalent)		1	1		1
EL2/PLO (\$124,789–\$132,389)	1			1	1
EL1/SLO (\$92,854–\$121,155)	1	3	4		4
APS 5–6/LO (\$69,810–\$88,432)	1	3	3	1	4

Table 8: Staffing profile as at 30 June 2014 (continued)

ALRC Classification	Men	Women	Full-time	Part-time	Total
APS 3–4 (\$55,108–\$67,777)		2	1	1	2
APS 1–2 (\$38,652–\$53,502)					
Total	3	9	9	3	12

In addition to this core staffing, the ALRC was provided with additional resources for 2013–14 to enable it to work on more than two concurrent inquiries. With these additional resources, a Commissioner was brought on for the Privacy Inquiry and three non-ongoing legal officers were employed at the APS 5–6 level to work on the Privacy Inquiry and the Disability Inquiry.

Staff retention and turnover

During 2013–14 three ongoing employees resigned from the ALRC.

Table 9: ALRC staff 2013–14

Staff member	Position	Full-time/Part-time
<i>Corporate Support</i>		
Sabina Wynn	Executive Director	Full-time
Maria Zacharia	Finance Manager	Full-time
Dimitra Zinonos	Finance Assistant	Part-time
Greg Diggs (resigned in September 2013)	Payroll Officer	Part-time
Tina O'Brien	Executive Assistant/Project Coordinator	Full-time
Trisha Manning	Office Services Coordinator	Full-time
Marie-Claire Muir	Online Communications Manager	Full-time
<i>Legal Team</i>		
Bruce Alston	Principal Legal Officer	Part-time

Table 9: ALRC staff 2013–14 (continued)

Staff member	Position	Full-time/Part-time
Justine Clarke	Senior Legal Officer	Full-time
Jared Boorer	Senior Legal Officer	Full-time
Amanda Alford (resigned in May 2014)	Acting Senior Legal Officer	Full-time
Sara Peel (resigned in November 2013)	Legal Officer	Full-time
Robyn Gilbert	Legal Officer	Part-time
Khanh Hoang	Legal Officer	Full-time
Julie MacKenzie	Legal Officer	Full-time

Employment conditions

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

(a) ensuring health and wellbeing, including:

- ▲ providing flexible conditions and working arrangements that assist employees in balancing their work and personal responsibilities;
- ▲ providing a safe and healthy workplace; and
- ▲ promoting a work environment that upholds and supports policies relating to staff development, anti-discrimination, consultative workplace relations, work health and safety, and workplace diversity.

(b) supporting a responsive organisation able to meet future challenges by:

- ▲ providing remuneration that is competitive and fair;
- ▲ promoting arrangements that increase productivity;
- ▲ maintaining a strong performance and merit-based culture that encourages both individual and collegial achievements and contributions, and improves overall organisational performance;
- ▲ being consultative and encouraging open communication; and
- ▲ encouraging responsible and accountable practices across the organisation.

- (c) facilitating productive workplace relations and collective bargaining in good faith with ALRC employees and their representatives that will assist the ALRC to identify and realise productivity improvements.

The ALRC Enterprise Agreement is due to be re-negotiated during 2014–15.

Performance rewards and bonuses

The ALRC Enterprise Agreement 2011–14 makes provision for an annual increase of 3% and includes a salary scale, with each pay point in the scale representing a 3% increase in salary. The performance appraisal provisions of the Agreement allow for performance to be rewarded through a mixture of movement up the salary scale and one-off bonuses, as summarised below.

Table 10: Performance rewards and bonuses

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

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

During 2013–14, six employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$11,050.70.

- ▲ EL1: 3 employees—\$5,772.37
- ▲ APS 5–6: 1 employee—\$1,821.07
- ▲ APS 4: 2 employees—\$3,457.26

Further details of total remuneration expenditure in 2013–14 are provided in the financial statements.

Staff development

The performance appraisal process is the main mechanism for determining professional development needs of employees, but the ALRC also considers requests for education and

training as they arise. The ALRC budgets for professional development at a whole-of-organisation level as well as for individual employees. In addition, the ALRC considers attendance at relevant conferences and professional seminars to contribute to the professional development of staff.

The following professional development opportunities were taken up by corporate staff during 2013–14:

- ▲ Finance Manager attended training on Advanced Excel, GST and FBT
- ▲ Finance Assistant attended EOFY Meridian training
- ▲ Office Services Coordinator attended First Aid training

Legal officers attended the following conferences and seminars:

- ▲ *ALRC Inquiry into Copyright and the Digital Economy*, Communications and Media Law Association Inc and the Copyright Society Copyright seminar, 16 July 2013
- ▲ *Should we learn to stop worrying and love fair use?*, UTS Forum, 18 July 2013
- ▲ *Intellectual Property and the Creative Industries Today*, UNSW Seminar, 13 August 2013
- ▲ *Re-thinking the Role of IP*, 5th Francis Gurry Lecture on Intellectual Property, 21 August 2013
- ▲ *Human rights versus Restrictive Practices Forum*, Queensland Advocacy Incorporated (QAI) and Anti-Discrimination Commission Qld, 30 August 2013
- ▲ *Criminal Justice Forum*, The Disability Advocacy Information Service Inc (DAIS), 16 October 2013
- ▲ *Legal Capacity, Mental Capacity and the Convention on the Rights of Persons with Disabilities*, Macquarie University Centre for Agency, Values and Ethics Public Lecture, 23 October 2013
- ▲ *Breaking Down Barriers*, NDIS webinar, 10 December 2013
- ▲ Oxford-UNSW Copyright Scholars Roundtable, 17 December 2013
- ▲ *Equal before the law: Towards disability justice strategies*, Australian Human Rights Commission, 5 February 2014
- ▲ *Imagining Social Equity*, Melbourne Social Equity Institute Inaugural Conference, 28 February–1 March 2014
- ▲ 16th Biennial Copyright Law and Practice Symposium, 14 March 2014
- ▲ *Women, Disability, the NDIS and the Broader Community*, NDIS webinar, 20 March 2014

- ▲ *Meet the NDIS Governors*, NDIS webinar, 16 April 2014
- ▲ Australasian Law Reform Agencies Conference, 28–30 May 2014
- ▲ *Living with Native Title from the Bush to the Sea*, AIATSIS National Native Title Conference, 2–4 June 2014
- ▲ *Native Title and Cultural Heritage Law*, Legalwise Seminars, 24 June 2014

Study leave

Study leave is available for all ongoing employees (full-time and part-time). Study assistance provided by the ALRC is in the form of granting up to five days unpaid leave per academic year (part-time staff will be granted a pro rata amount) to facilitate an employee's study. Three employees were granted study leave in 2013–14.

Workplace diversity

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

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

The ALRC will also ensure that it provides a workplace that is free from discrimination, patronage and favouritism. The ALRC fosters a diverse workforce and ensures that its recruitment processes are fair and accessible. This includes a commitment to attract and recruit people from diverse backgrounds and, wherever possible, to participate in whole-of-APS recruitment programs.

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

The Reasonable Adjustment Guidelines are designed to assist in fulfilling the ALRC's responsibilities for providing a workplace that allows employees, contractors and interns with

disability to compete for vacancies and pursue careers effectively. The Guidelines require management to consider whether it is necessary and reasonable to make an adjustment to remove a barrier to enable a person with disability to achieve equal opportunity, equal participation or equal performance at work.

A breakdown of staff by gender and classification is provided in Table 8.

Work health & safety

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

The ALRC's Health and Safety Management Arrangements (HSMAs) and Work Health and Safety Policy (WH&S Policy) provide the framework for ensuring the health, safety and welfare of all its employees. The ALRC has a commitment to consult with employees and their representatives on work health and safety issues and to work together to ensure a safe work environment. As part of this, the ALRC shares relevant information about health, safety and welfare with employees and ensures that they are given the opportunity to express their views and to contribute in a timely fashion to the resolution of work health, safety and welfare issues.

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

The ALRC has a Work Health and Safety Committee (WHASC) comprised of the Executive Director, a Legal Officer and union delegate, Office Services Coordinator (Safety Officer), and Executive Assistant/Project Coordinator. ALRC employees have a responsibility to report to the WHASC any situation that could constitute a hazard to the health, safety or welfare of any ALRC employee. Any accident or injury that occurs while an employee is undertaking ALRC work—regardless of where it is being undertaken—must be reported immediately to the WHASC. There were no accidents nor any dangerous occurrences during 2013–14 that required giving of notice under the WH&S Act.

Workstation assessments are carried out at least every two years and on the start of employment. A number of standing desks were provided on request.

All employees undertake emergency procedures training. Fire Warden training is also undertaken on a regular basis as part of our tenancy requirements.

The ALRC conducts an annual health and safety audit and this was completed in February 2014. During 2013–14, there were no WH&S issues reported.

During the reporting period, the ALRC provided WH&S training to all employees on issues of preventing burnout, encouraging motivation and working effectively in teams.

As a workplace health initiative under the Enterprise Agreement, the ALRC provides free and voluntary influenza vaccinations to staff each year. In 2013–14, eight employees took advantage of a free vaccination.

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

Summary of financial performance

Financial outcomes

Operating outcome

The 2013–14 financial statements show an operating surplus of \$0.004m.

Operating revenue

The ALRC's operating revenue of \$2.877m comprised revenue from government of \$2.837m, revenue from sale of goods (publications) of \$0.003m, and other revenue of \$0.037m.

Operating expenses

Total operating expenses of \$2.873m were \$0.022m more than in 2012–13.

The ALRC's depreciation and amortisation expense decreased by \$0.008m.

Equity

The ALRC's total equity increased by \$0.061m. This includes contributed equity of \$0.057m.

Total assets

The ALRC's total assets increased by \$0.450m.

Total liabilities

The ALRC's total liabilities increased by \$0.389m.

Other reporting requirements

Procurement and purchasing

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

The ALRC's Procurement and Purchasing Policy sets 'value for money' as the core principle in procurement decisions and also ensures that the ALRC's procurement encourages competition and ensures the proper use of resources, accountability and transparency. 'Value for money' in a procurement process requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle (whole-of-life costing) and making decisions in an accountable and transparent manner. 'Value for money' also involves adopting processes that reflect the scale and risk profile of a particular procurement and that simple procurements should be undertaken using simple processes.

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

Where the Government has established a coordinated Whole-of-Government procurement contract for a particular property or service, the ALRC will use the government contract established for that property or service, unless an exemption has been provided. The ALRC currently uses a coordinated procurement contract for travel, purchasing major office machines, desktop computers, Microsoft software and office supplies.

The ALRC publishes an Annual Procurement Plan on the AusTender website. During 2013–14, the ALRC reported on the procurement of new computers and monitors under SON 335550.

Legal services expenditure

As per 11.1(ba) and (da) of the *Legal Services Directions 2005*, the ALRC reports that during 2013–14 the ALRC was compliant with these Directions. The ALRC's legal expenditure for 2013–14 was \$17,226.49 (GST exclusive) representing expenditure with the Australian Government Solicitor (AGS) on professional fees. The total value of disbursements was \$1,235.58. The ALRC sought advice from the AGS on a number of constitutional matters with regards to the recommendations in the *Serious Invasions of Privacy in the Digital Era* Report, and on policy changes that would be necessitated by the transition from the FMA Act to the PGPA Act.

Consultancies

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

The ALRC did not employ any consultants during 2013–14.

Advertising and market research

As required under s 311A of the *Commonwealth Electoral Act 1918*, the ALRC reports that, during 2013–14, it did not undertake any advertising campaigns nor conduct any market research with advertising agencies, market research organisations, polling organisations, direct mail organisations, or media advertising organisations.

Environmental performance

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

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

In line with the principals of ecologically sustainable development, and in line with s 516A of the EPBC Act, the ALRC makes the following report for 2013–14:

Energy efficiency

The ALRC is located in the MLC Centre at Level 40, 19 Martin Place, Sydney. The MLC building has achieved 5 stars under the NABERS Energy rating system which is current until March 2015. NABERS (the National Australian Built Environment Rating System) is a performance-based rating system which measures the overall environmental performance of a building during its hours of operation.

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

Waste and recycling

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

Water

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

Air travel

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

Vehicles

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

Printing

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

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

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

Disability strategy

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

During 2013–14 the ALRC undertook to produce two consultation papers for the Equality, Capacity and Disability in Commonwealth Laws Inquiry in Easy English. Information about the inquiry process, consultations and submissions was also produced in Easy English and Auslan and is available on the ALRC website.

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

Freedom of information

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an Annual Report. The ALRC Information Publication Plan (IPP) is updated annually and contains details about the information held within the ALRC, and how it handles this information. It is published on the ALRC website at <http://www.alrc.gov.au/ips-agency-plan>.

During 2013–14, the ALRC received four FOI requests.

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

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 2014, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Statement of Financial Position; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

Chief Executive's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Law Reform Commission's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Australian Law Reform Commission's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Australian Law Reform Commission, as well as evaluating the overall presentation of the financial statements.

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

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

Independence

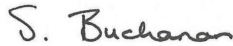
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

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

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders, including the Australian Law Reform Commission's financial position as at 30 June 2014 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Serena Buchanan
Executive Director

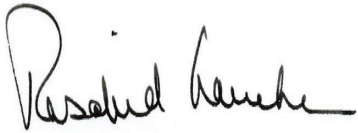
Delegate of the Auditor-General

Canberra
9 September 2014

AUSTRALIAN LAW REFORM COMMISSION

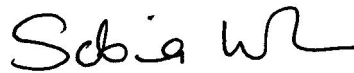
STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2014 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.



Professor Rosalind Croucher
Chief Executive

9 September 2014



Sabina Wynn
Chief Financial Officer

9 September 2014

AUSTRALIAN LAW REFORM COMMISSION

Statement of Comprehensive Income

For the period ended 30 June 2014

	Notes	2014 \$	2013 \$
NET COST OF SERVICES EXPENSES			
Employee benefits	<u>3A</u>	2,176,887	2,157,050
Suppliers	<u>3B</u>	656,373	661,797
Depreciation	<u>3C</u>	39,571	31,993
Total expenses		<u>2,872,831</u>	<u>2,850,840</u>
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	<u>4A</u>	13,662	12,254
Other revenue	<u>4B</u>	26,500	25,200
Total own-source revenue		<u>40,162</u>	<u>37,454</u>
Net cost of services		<u>2,832,669</u>	<u>2,813,386</u>
Revenue from Government	<u>4C</u>	2,837,000	2,830,000
Surplus on continuing operations		<u>4,331</u>	<u>16,614</u>
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus		–	(4,719)
Total other comprehensive income		–	(4,719)
Total comprehensive income		<u>4,331</u>	<u>11,895</u>

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

AUSTRALIAN LAW REFORM COMMISSION

Statement of Financial Position

as at 30 June 2014

	Notes	2014 \$	2013 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	6A	1,325,087	772,465
Trade and other receivables	6B	11,002	100,909
Total financial assets		1,336,089	873,374
Non-Financial Assets			
Property, plant & equipment	7A, 7B	140,818	128,385
Other non-financial assets	7C	56,433	81,531
Total non-financial assets		197,251	209,916
Total Assets		1,533,340	1,083,290
LIABILITIES			
Payables			
Suppliers	8A	100,471	39,885
Other payables	8B	535,876	248,269
Total payables		636,347	288,154
Provisions			
Employee provisions	9	452,673	412,147
Total provisions		452,673	412,147
Total Liabilities		1,089,020	700,301
Net Assets		444,320	382,989
EQUITY			
Contributed equity		183,000	126,000
Reserves		126,998	126,998
Retained surplus (accumulated deficit)		134,322	129,991
		444,320	382,989
Total Equity		444,320	382,989

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 2014

	Retained Earnings		Asset Revaluation surplus		Contributed equity/capital		Total Equity	
	2014	2013	2014	2013	2014	2013	2014	2013
	\$	\$	\$	\$	\$	\$	\$	\$
Opening balance								
Balance carried forward from previous period	129,991	113,377	126,998	131,717	126,000	70,000	382,989	315,094
Adjusted opening balance	129,991	113,377	126,998	131,717	126,000	70,000	382,989	315,094
Comprehensive income								
Other comprehensive income	-	-	-	(4,719)	-	-	-	(4,719)
Surplus for the period	4,331	16,614	-	-	-	-	4,331	16,614
Total comprehensive income	4,331	16,614	-	(4,719)	-	-	4,331	11,895
Transactions with owners								
Contributions by owners								
Departmental capital budget	-	-	-	-	57,000	56,000	57,000	56,000
Sub-total transactions with owners	-	-	-	-	57,000	56,000	57,000	56,000
Closing balance as at 30 June	134,322	129,991	126,998	126,998	183,000	126,000	444,320	382,989

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 2014

	Notes	2014 \$	2013 \$
OPERATING ACTIVITIES			
Cash received			
Appropriations		2,940,223	2,860,186
Sale of goods and rendering of services		2,464	1,337
Net GST received		71,633	78,651
Total cash received		<u>3,014,320</u>	<u>2,940,174</u>
Cash Used			
Employees		2,102,027	2,181,680
Suppliers		364,667	823,640
Total cash used		<u>2,466,694</u>	<u>3,005,320</u>
Net cash from / (used by) operating activities	<u>10</u>	<u><u>547,626</u></u>	<u><u>(65,146)</u></u>
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		52,004	56,797
Total cash used		<u>52,004</u>	<u>56,797</u>
Net cash used by investing activities		<u><u>52,004</u></u>	<u><u>56,797</u></u>
FINANCING ACTIVITIES			
Cash received			
Contributed equity		57,000	56,000
Total cash received		<u>57,000</u>	<u>56,000</u>
Net cash from financing activities		<u><u>57,000</u></u>	<u><u>56,000</u></u>
Net increase / (decrease) in cash held		552,622	(65,943)
Cash and cash equivalents at the beginning of the reporting period		<u>772,465</u>	<u>838,408</u>
Cash and cash equivalents at the end of the reporting period	<u>6A</u>	<u><u>1,325,087</u></u>	<u><u>772,465</u></u>

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS

as at 30 June 2014

	2014 \$	2013 \$
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	(159,391)	(193,741)
Total commitments receivable	<u>(159,391)</u>	<u>(193,741)</u>
Commitments payable		
Other commitments		
Operating leases ²	1,753,297	2,131,147
Total other commitments	<u>1,753,297</u>	<u>2,131,147</u>
Net commitments by type	<u>1,593,906</u>	<u>1,937,406</u>
BY MATURITY		
Commitments Receivable		
Operating lease income		
Within 1 year	(35,179)	(33,750)
Between 1 to 5 years	(124,212)	(159,991)
Total operating lease income	<u>(159,391)</u>	<u>(193,741)</u>
Commitments Payable		
Operating lease commitments		
Within 1 year	386,971	303,749
Between 1 to 5 years	1,366,326	1,439,916
Total operating lease commitments	<u>1,753,297</u>	<u>1,743,665</u>
Total commitments payable	<u>1,753,297</u>	<u>1,743,665</u>
Net commitments by maturity	<u>1,593,906</u>	<u>1,937,406</u>

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS (cont.)

Nature of lease/general description of leasing arrangement

1. Commitments are GST inclusive where relevant.
2. Operating lease included is effectively non-cancellable and comprises:

Lease for office accommodation

19 Martin Place, Sydney

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

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

SCHEDULE OF CONTINGENCIES

as at 30 June 2014

There are no known contingencies as at 30 June 2014. (2013: Nil)

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 2014

Table of Contents—Notes

Note 1:	Summary of Significant Accounting Policies
Note 2:	Events after the Reporting Period
Note 3:	Expenses
Note 4:	Own-Source Income
Note 5:	Fair Value Measurements
Note 6:	Financial Assets
Note 7:	Non-Financial Assets
Note 8:	Payables
Note 9:	Provisions
Note 10:	Cash Flow Reconciliation
Note 11:	Senior Executive Remuneration
Note 12:	Remuneration of Auditors
Note 13:	Financial Instruments
Note 14:	Financial Assets Reconciliation
Note 15:	Appropriations
Note 16:	Special Account
Note 17:	Reporting of Outcomes
Note 18:	Net Cash Appropriation Arrangements
Note 19:	Compensation and Debt Relief

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Australian Law Reform Commission

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

The Commission is structured to meet one outcome:

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

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

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

Section 45 of the *Australian Law Reform Commission Act 1996* (the Act), requires that money appropriated by the Parliament be transferred to the Law Reform Special Account (refer to notes 6A and 16).

1.2 Basis of Preparation of the Financial Statements

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

The financial statements have been prepared in accordance with:

- a) Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2011; and
- b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

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

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the statement of financial position when, and only when, it is probable that future economic benefits will flow to the Commission or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments or the Schedule of Contingencies.

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

During 2012–13 additional legal advice was received that indicated there could be breaches of Section 83 of the Constitution, by Commonwealth agencies under certain circumstances with generic payments for long service leave, goods and services tax and payments made under determinations of the Remuneration Tribunal. There have been no breaches by the ALRC in respect to these items. The ALRC has reviewed its processes and controls with respect to these items and has determined that there is a low risk of breach to the ALRC. The ALRC has put in place a risk assessment plan that will be reviewed annually to ensure that any potential future breach with regards to these payments is minimised.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

1.3 Significant Accounting Judgements and Estimates

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

- The fair value of property, plant and equipment has been taken to be the market value of similar assets as determined by an independent valuer;
- The relevant government bond rate has been used to discount non-current liabilities in accordance with the FMOs; and
- The liability for long service leave has been estimated as per the FMOs. This takes into account expected salary growth, attrition and future discounting using the government bond.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standards Requirements

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

The following new standards / revised standards / interpretations amending standards issued prior to the sign-off date that were applicable to the current reporting period:

Standard / Interpretation	Nature of change in accounting policy and adjustment to financial statements
AASB 119	Employee Benefits 2014
AASB 2011–10	Australian Accounting Standards arising from AASB 119 (September 2011)
AASB 13	Fair Value Measurement 2014
AASB 2011–8	Amendments to Australian Accounting Standards arising from AASB 13

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

Future Australian Accounting Standards Requirements

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

Standard / Interpretation	Application date for the Commission	Nature of impending change/s in accounting policy and likely impact on initial application
AASB 1055— Budgetary Reporting	March 2013 (Principal)	Disclosure impact

New standards, revised standards, interpretations and amending standards issued by the Australian Accounting Standards Board prior to the signing of the statement by the Chief Executive and Chief Finance Officer are not expected to have a material financial impact on the Commission for future reporting periods.

1.5 Revenue

Revenue from the sale of goods is recognised when:

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

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

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

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

Resources Received Free of Charge

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

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

Revenue from Government

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

1.6 Gains

Sale of Assets

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

1.7 Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year. In 2013–14 by agreement with the Department of Finance and Deregulation, the Commission received \$57,000 as a Departmental Capital Budget (DCB).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

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.

1.8 Employee Benefits

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

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

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

Leave

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

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Commission's employer superannuation contribution rates, to the extent that the leave is likely to be taken during service rather than paid out on termination.

The estimate of the present value of the long service leave 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 2014

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

Separation and Redundancy

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

Superannuation

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

PSS is a defined benefit scheme for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. The Commission makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Commission accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June 2014 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 Fair Value Measurement

The Commission deems transfers between levels of the fair value hierarchy to have occurred at the date of the event or change in circumstances that caused the transfer. There were no transfers in or out of any levels during the reporting period.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

1.11 Cash

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

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value;
- c) cash in special accounts.

1.12 Financial Assets

The Commission classifies its financial assets in the following categories:

- a) loans and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Loans and Receivables

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

Impairment of Financial Assets

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

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

1.13 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'.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

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

1.14 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.

1.15 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$1,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Revaluations

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

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

Depreciation

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

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2014	2013
Plant and equipment	3–10 years	3–10 years

Impairment

All assets were assessed for impairment at 30 June 2014. 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.

1.16 Taxation / Competitive Neutrality

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

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 2: Events after the Reporting Period

Departmental

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

Note 3: Expenses

	2014	2013
	\$	\$
<u>Note 3A. Employee Benefits</u>		
Wages and salaries	1,676,233	1,699,205
Superannuation:		
Defined contribution plans	137,381	127,029
Defined benefit plans	141,588	162,862
Leave and other entitlements	221,685	167,954
Total employee benefits	2,176,887	2,157,050

Note 3B. Suppliers

Goods and Services supplied or rendered

Committees	15,309	4,536
Library	34,162	75,408
Professional services	114,785	68,018
Printing and office requisites	17,259	15,552
Freight and removals	1,971	1,758
Telephone and postage	26,508	22,429
Incidentals	15,127	11,271
Minor assets	7,246	13,544
Staff training	4,873	30,922
Maintenance	13,326	12,801
Promotional activities	2,047	4,588
Advertising	382	386
Travel	44,370	43,609
IT services	26,805	25,260
Total goods and services supplied or rendered	324,170	330,082

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 3: Expenses (cont.)

	2014 \$	2013 \$
	<hr/>	<hr/>
<u>Note 3B. Suppliers (cont.)</u>		
Goods supplied in connection with		
Related Parties	–	–
External parties	297,670	304,882
Total goods supplied	<u>297,670</u>	<u>304,822</u>
 Services rendered in connection with		
Related Parties	26,500	25,200
External parties	–	–
Total services rendered	<u>26,500</u>	<u>25,200</u>
Total goods and services supplied or rendered	<u>324,170</u>	<u>330,082</u>
 Other suppliers		
Operating lease rentals in connection with		
Related parties		
Minimum lease payments	321,037	321,869
Workers compensation expenses	11,166	9,846
Total other suppliers	<u>332,203</u>	<u>331,715</u>
Total suppliers	<u>656,373</u>	<u>661,797</u>
 <u>Note 3C. Depreciation</u>		
Depreciation		
Property, plant and equipment	39,571	31,993
Total depreciation	<u>39,571</u>	<u>31,993</u>

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 4: Own-Source Income

	2014 \$	2013 \$
OWN-SOURCE REVENUE		
<u>Note 4A. Sale of Goods and Rendering of Services</u>		
Sale of goods in connection with		
Related parties	—	—
External parties	2,464	1,337
Total sale of goods	2,464	1,337
Rendering of services in connection with		
Related parties	11,198	10,917
External parties	—	—
Total rendering of services	11,198	10,917
Total sales of goods and rendering of services	13,662	12,254
<u>Note 4B. Other Revenue</u>		
Resources received free of charge		
Services	26,500	25,200
Total other revenue	26,500	25,200
GAINS		
<u>Note 4C. Revenue from Government</u>		
Appropriations		
Departmental appropriations	2,837,000	2,830,000
Total revenue from Government	2,837,000	2,830,000

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 5: Fair Value Measurement

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

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

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

Level 3: Unobservable inputs for the asset or liability.

Note 5A. Fair Value Measurement

Fair value measurements at the end of the reporting period by hierarchy for non-financial assets in 2014

	Fair value measurements at the end of the reporting period using			
	Fair value \$	Level 1 inputs \$	Level 2 inputs \$	Level 3 inputs \$
Non-financial assets:				
Property, plant and equipment	140,818	–	140,818	–
Total non-financial assets	140,818	–	140,818	–
Total fair value measurements of assets in the statement of financial position	140,818	–	140,818	–

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

The highest and best use of all non-financial assets are the same as their current use.

AUSTRALIAN LAW REFORM COMMISSION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30 JUNE 2014**

Note 5: Fair Value Measurement (cont.)

Note 5B. Level 1 and Level 2 transfers for recurring fair value measurements

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

There have been no transfers between Level 1 and Level 2 fair value measurements during 2013–2014.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 5: Fair Value Measurement (cont.)

Note 5C. Valuation technique and inputs for Level 2 fair value measurements

Level 2 fair value measurements—valuation technique and the inputs used for assets in 2014

	Category (Level 2 or Level 3)	Fair value	Valuation technique(s) ¹	Inputs used	Range (weighted average) ²
Non-financial assets:					
Property plant and equipment	2	140,818	Market Approach	Adjusted market transactions	Not Applicable

1. There have been no changes to valuation techniques.

2. Significant unobservable inputs only. Not applicable for assets or liabilities in the Level 2 category.

There were no significant inter-relationships between unobservable inputs that materially affect fair value.

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

There is no change in the valuation technique since the prior year.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 6: Financial Assets

	2014 \$	2013 \$
<u>Note 6A. Cash and cash equivalents</u>		
Cash on hand or on deposit	20,321	772,465
Special accounts	<u>1,304,766</u>	<u>–</u>
Total cash and cash equivalents	<u><u>1,325,087</u></u>	<u><u>772,465</u></u>
<u>Note 6B. Trade and Other receivables</u>		
Good and Services receivables in connection with		
Related parties	–	–
External parties	<u>330</u>	<u>–</u>
Total goods and services receivables	<u><u>330</u></u>	<u><u>–</u></u>
Appropriations receivable:		
Existing programs	<u>–</u>	<u>92,838</u>
Total appropriations receivables	<u><u>–</u></u>	<u><u>92,838</u></u>
Other receivables:		
Statutory receivables	<u>10,672</u>	<u>8,071</u>
Total other receivables	<u><u>10,672</u></u>	<u><u>8,071</u></u>
Total trade and other receivables (gross)	<u><u>11,002</u></u>	<u><u>100,909</u></u>
Trade and other receivables (net) expected to be recovered		
No more than 12 months	11,002	100,909
More than 12 months	<u>–</u>	<u>–</u>
Total trade and other receivables (net)	<u><u>11,002</u></u>	<u><u>100,909</u></u>
Trade and other receivables (gross) aged as follows		
Not overdue	<u>11,002</u>	<u>100,909</u>
Overdue by		
0 to 30 days	<u>–</u>	<u>–</u>
Total trade and other receivables (gross)	<u><u>11,002</u></u>	<u><u>100,909</u></u>

Goods and services receivable are with entities external to the Commission. Credit terms are net 30 days (2013: 30 days).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 7: Non-Financial Assets

	2014 \$	2013 \$
	<hr/>	<hr/>
<u>Note 7A. Property, Plant and Equipment</u>		
Other property, plant and equipment		
Fair value	197,628	145,724
Accumulated depreciation	(56,810)	(17,339)
Total other property, plant and equipment	<hr/> 140,818	<hr/> 128,385
Total property, plant and equipment	<hr/> <hr/> 140,818	<hr/> <hr/> 128,385

Plant and equipment were subject to revaluation.

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.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 1. On 30 June 2013, an independent valuer—Australian Valuation Office—conducted the revaluation.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 7: Non-Financial Assets (cont.)

Note 7B. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 7: Non-Financial Assets (cont.)

Note 7B. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (cont.)

Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment for 2013

	Property, Plant & Equipment \$	Total \$
As at 1 July 2012		
Gross book value	142,630	142,630
Accumulated depreciation	(34,332)	(34,332)
Total as at 1 July 2012	108,298	108,298
Additions		
Purchase	56,799	56,799
Depreciation	(31,993)	(31,993)
Revaluations and impairments recognised in other comprehensive income	(4,719)	(4,719)
Total as at 30 June 2013	128,385	128,385
Total as at 30 June 2013 represented by:		
Gross book value	145,724	145,724
Accumulated depreciation and impairment	(17,339)	(17,339)
Total as at 30 June 2013	128,385	128,385

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 7: Non-Financial Assets (cont.)

	2014	2013
	\$	\$
<u>Note 7C. Other Non-Financial Assets</u>		
Prepayments	56,433	81,531
Total other non-financial assets	56,433	81,531
Other non-financial assets—expected to be recovered		
No more than 12 months	56,433	81,531
Total other non-financial assets	56,433	81,531

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 2014

Note 8: Payables

	2014	2013
	\$	\$
Note 8A. Suppliers		
Trade creditors and accruals	100,471	39,885
Total suppliers	100,471	39,885
Supplier expected to be settled		
No more than 12 months	100,471	39,885
More than 12 months	—	—
Total suppliers	100,471	39,885
Suppliers in connection with		
Related parties	—	—
External parties	100,471	39,885
Total suppliers	100,471	39,885

Settlement was usually made within 30 days.

Note 8B. Other Payables

Other	151,228	154,364
Wages and salaries	128,240	93,905
Unearned income	256,408	—
Total other payables	535,876	248,269
Other payables expected to be settled		
No more than 12 months	399,991	93,905
More than 12 months	135,885	154,364
Total other payables	535,876	248,269

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 9: Provisions

	2014	2013
	\$	\$
<u>Employee Provisions</u>		
Leave	452,673	412,147
Total employee provisions	452,673	412,147
Employee provisions expected to be settled		
No more than 12 months	346,325	315,494
More than 12 months	106,348	96,653
Total employee provisions	452,673	412,147

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 10: Cash Flow Reconciliation

	2014	2013
	\$	\$
Reconciliation of cash and cash equivalents as per statement of financial position to cash flow statement		
Cash and cash equivalents as per:		
Cash Flow Statement	1,325,087	772,465
Statement of financial position	1,325,087	772,465
Discrepancy	–	–
Reconciliation of net cost of services to net cash from / (used by) operating activities		
Net cost of services	(2,832,669)	(2,813,386)
Revenue from Government	2,837,000	2,830,000
Adjustments for non-cash items		
Depreciation / amortisation	39,571	31,993
Movements in assets and liabilities		
Assets		
(Increase) / decrease in net receivables	89,907	(6,261)
(Increase) / decrease in prepayments and other non financial assets	25,098	57,360
Liabilities		
(Increase) / decrease in suppliers payables	348,193	21,784
Increase / (decrease) in other provisions	–	(162,005)
(Increase) / decrease in employee provisions	40,525	(24,631)
Net cash from / (used by) operating activities	547,625	(65,146)

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 11: Senior Executive Remuneration

Note 11A. Senior Executive Remuneration Expenses for the Reporting Period

	2014 \$	2013 \$
Short-term employee benefits:		
Salary	535,549	628,320
Performance bonuses	—	3,006
Motor vehicle and other allowances	50,873	86,457
Total short-term employee benefits	586,422	717,783
Post-employment benefits:		
Superannuation	98,317	124,462
Total post-employment benefits	98,317	124,462
Other long-term employee benefits:		
Annual leave accrued	37,912	48,545
Long-service leave	12,321	15,777
Total other long-term employee benefits	50,233	64,322
Total senior executive remuneration expenses	734,973	906,567

Notes:

1. Note 11A was prepared on an accrual basis (therefore the performance bonus expenses disclosed above may differ from cash 'bonus paid' in Note 11B).
2. Note 11A excludes acting arrangements and part-year service where total remuneration expensed as a senior executive was less than \$195,000.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 11: Senior Executive Remuneration (cont.)

Note 11B. Average Annual Reportable Remuneration paid to Substantive Senior Executives during the Reporting Period

Average annual reportable remuneration paid to substantive senior executives in 2014

	Substantive Senior Executives No.	Reportable salary ²	Contributed Superannuation ³	Reportable Allowances ⁴	Bonus paid ⁵	Total reportable remuneration
Average annual reportable remuneration ¹		\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements)						
Less than \$195,000	2	60,022	7,524	-	-	67,546
\$255,000 to \$284,999	1	221,744	36,780	-	-	258,524
\$405,000 to \$434,999	1	348,011	52,084	-	-	400,095
Total number of substantive senior executives	4					

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 11: Senior Executive Remuneration (cont.)

Note 11B. Average Annual Reportable Remuneration paid to Substantive Senior Executives during the Reporting Period (cont.)

Average annual reportable remuneration paid to substantive senior executives in 2013

	Substantive Senior Executives No.	Reportable salary ²	Contributed Superannuation ³	Reportable Allowances ⁴	Bonus paid ⁵	Total reportable remuneration
Average annual reportable remuneration ¹		\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements)						
Less than \$195,000	1	165,718	22,626	–	–	188,344
\$195,000 to \$224,999	1	166,307	39,639	–	3,006	208,952
\$375,000 to \$404,999	1	340,032	50,679	–	–	390,711
Total number of substantive senior executives	3					

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 11: Senior Executive Remuneration (cont.)

Note 11B. Average Annual Reportable Remuneration paid to Substantive Senior Executives during the Reporting Period (cont.)

Notes:

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on the headcount of the individuals in the band.
2. 'Reportable salary' includes the following: a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column); b) reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes); c) reportable employer superannuation.
3. The 'contributed superannuation' amount is the average cost to the Commission for the provision of superannuation benefits to substantive senior executives in the reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the Commission during the financial year.

Note 11C. Average Annual Reportable Remuneration Paid to Other Highly Paid Staff during the Reporting Period

During the reporting period, there was no employees whose salary plus performance bonus were \$195,000 or more. (2013: no employees)

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 12: Remuneration of Auditors

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

	2014 \$	2013 \$
Fair value of the services received		
Financial statement audit services	26,500	25,200
Total fair value of services received	26,500	25,200

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

Note 13: Financial Instruments

	2014 \$	2013 \$
Note 13A. Categories of Financial Instruments		
Financial Assets		
Loans and receivables:		
Cash and cash equivalents	1,325,087	772,465
Trade and other receivables	330	–
Total loans and receivables	1,325,417	772,465
Total financial assets	1,325,417	772,465
Financial Liabilities		
Financial liabilities measured at amortised cost:		
Trade creditors	100,471	39,885
Other payables	535,876	248,269
Total financial liabilities measured at amortised cost	636,347	288,154
Total financial liabilities	636,347	288,154

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 13: Financial Instruments (cont.)

Note 13B. Net Gains or Losses on Financial Liabilities

Financial liabilities—at amortised cost

There is no income or expense from financial liabilities not at fair value through profit or loss in the year ending 30 June 2014 (2013: nil).

Note 13C. Fair Value of Financial Instruments

	2014	2014	2013	2013
	Carrying amount \$	Fair value \$	Carrying amount \$	Fair value \$
Financial Assets				
Cash at bank	1,325,087	1,325,087	772,465	772,465
Trade and other receivables	330	330	—	—
Total financial assets	1,325,417	1,325,417	772,465	772,465
Financial Liabilities				
Trade creditors	100,471	100,471	39,885	39,885
Other payables	535,876	535,876	248,269	248,269
Total financial liabilities	636,347	636,347	288,154	288,154

Note 13D. Credit Risk

The Commission's maximum exposures to credit risk as loans and receivables were cash and trade receivables. The maximum exposure to credit risk was the risk that arises from potential default of a debtor. This amount was equal to the total amount of trade receivables (2014: \$330 and 2013: \$0).

The Commission has no collateral to mitigate against credit risk.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 13: Financial Instruments (cont.)

Note 13E. Liquidity Risk

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

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

The Commission has no derivative financial liabilities in 2014 or 2013.

Note 13F. 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 14: Financial Assets Reconciliation

		2014	2013
		\$	\$
	Notes		
Total financial assets as per statement of financial position		1,336,089	873,374
Less: non-financial instrument components:			
Appropriations receivables	6B	–	92,838
Other receivables	6B	11,002	8,071
Total non-financial instrument components		11,002	100,909
Total financial assets as per financial instruments note		1,325,087	772,465

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations

Note 15A. Annual Appropriations ('Recoverable GST exclusive')
Annual Appropriations for 2014

	Appropriation Act								FMA Act			Total appropriation	Appropriation applied in 2014 (current and prior years)	Variance ³
	Annual Appropriation		Appropriations reduced ¹	AFM ²	Section 30	Section 31	Section 32							
	\$	\$	\$	\$	\$	\$	\$							
DEPARTMENTAL Ordinary annual services	2,894,000	—	—	—	—	2,464	—		2,896,464	2,989,301	92,837			
Total Departmental	2,894,000	—	—	—	—	2,464	—		2,896,464	2,989,301	92,837			

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

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

Notes:

1. Appropriations reduced under Appropriation Acts (Nos. 1 & 3) 2013–14: sections 10, 11, 12 and 15 and under Appropriation Acts (Nos. 2, 4 & 5) 2013–14: sections 12, 13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. In 2014, there was no reduction in departmental and non-operating departmental appropriations.
2. In 2013–14, there was no adjustment that met the recognition criteria of a formal addition or reduction in revenue (in accordance with FMO Div 101) but at law the appropriations had not been amended before the end of the reporting period.
3. The variance amount contributes to amounts paid to the Official Public Account on 30 June 2014. The amounts consist of revenue received from sale of publications. Also an amount has been paid for long service leave.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

Note 15A. Annual Appropriations ('Recoverable GST exclusive') (cont.)
Annual Appropriations for 2013

	Appropriation Act							FMA Act			Total appropriation	Appropriation applied in 2013 (current and prior years)	Variance ³
	Annual Appropriation	Appropriations reduced ¹	AFM ²	Section 30	Section 31	Section 32	\$						
								\$					
DEPARTMENTAL Ordinary annual services	2,886,000	—	—	—	1,337	—					2,887,337	2,861,000	26,337
Total Departmental	2,886,000	—	—	—	1,337	—					2,887,337	2,861,000	26,337

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

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

Notes:

1. Appropriations reduced under Appropriation Acts (Nos. 1 & 3) 2012–13: sections 10, 11, 12 and 15 and under Appropriation Acts (Nos. 2, 4 & 5) 2012–13: sections 12, 13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. In 2013, there was no reduction in departmental and non-operating departmental appropriations.
2. In 2012–13, there was no adjustment that met the recognition criteria of a formal addition or reduction in revenue (in accordance with FMO Div 101) but at law the appropriations had not been amended before the end of the reporting period.
3. The variance amount contributes to amounts paid to the Official Public Account on 30 June 2013. The amounts consist of revenue received from sale of publications. Also an amount has been paid for long service leave.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

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

	2014 Capital Budget Appropriations			Capital Budget Appropriations applied in 2014 (current and prior years)		
	Appropriation Act		FMA Act	Payments for non-financial assets ³	Payments for other purposes	Total payments
	Annual Capital Budget	Appropriations reduced ²				
	\$	\$	Section 32	\$	\$	\$
DEPARTMENTAL Ordinary annual services— Departmental Capital Budget ¹	57,000	—	—	52,004	—	52,004
						4,996

Notes:

1. Departmental and Capital Budgets are appropriated through Appropriation Acts (Nos. 1, 3 & 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Note 15A. Annual Appropriations.
2. Appropriations reduced under Appropriation Acts (Nos. 1, 3 & 5) 2013–14: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets and expenditure on assets which has been capitalised.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

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

	2013 Capital Budget Appropriations				Capital Budget Appropriations applied in 2013 (current and prior years)		
	<i>Appropriation Act</i>		<i>FMA Act</i>		Payments for non-financial assets ³	Payments for other purposes	Total payments
	Annual Capital Budget	Appropriations reduced ²	Section 32	Total Capital Budget Appropriations			
	\$	\$	\$	\$	\$	\$	\$
DEPARTMENTAL							
Ordinary annual services—							
Departmental Capital Budget ¹	56,000	—	—	56,000	56,797	—	56,797
							(797)

Notes:

1. Departmental and Capital Budgets are appropriated through Appropriation Acts (Nos. 1, 3 & 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Note 15A. Annual Appropriations.
2. Appropriations reduced under Appropriation Acts (Nos. 1, 3 & 5) 2012–13: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets and expenditure on assets which has been capitalised.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 15: Appropriations (cont.)

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

	2014	2013
Australian Law Reform Commission	\$	\$
DEPARTMENTAL		
Appropriation Act (No 1)	–	92,837
Total	–	92,837

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

	Attorney-General's Department ¹
	2014
	\$
Total receipts	875,758
Total payments²	679,170

1. Additional inquiries undertaken on behalf of Attorney-General's Department.

2. The balance is recognised in unearned income.

	Attorney-General's Department
	2013
	\$
Total receipts	–
Total payments	–

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 16: Special Accounts

Special Accounts ('Recoverable GST exclusive')

Law Reform Special Account (Departmental)	2014 \$	2013 \$
Appropriation: <i>Financial Management and Accountability Act 1997</i> , section 21 Enabling Instrument: <i>Australian Law Reform Commission Act 1996</i> , section 45 Purpose: The purpose of the Special Account is: (a) to pay the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Commission's functions; (b) to pay any remuneration and allowances payable to a person under this Act; (c) to pay the expenses of administering the Account; (d) to pay any amount that is required or permitted to be repaid; and (e) to reduce the balance of the Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.		
Balance brought forward from previous period	865,303	904,908
Increases:		
Appropriation credited to special account	2,904,385	2,942,524
Other receipts	2,464	1,337
Total increases	2,906,849	2,943,861
Available for payments	3,772,152	3,848,769
Decreases:		
Departmental		
Payments made to suppliers	345,038	815,772
Payments made to employees	2,102,027	2,167,694
Total departmental	2,447,065	2,983,466
Total balance carried to the next period	1,325,087	865,303

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 17: Reporting of Outcomes

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

Note 17A. Net Cost of Outcome Delivery

	Outcome 1		Total	
	2014	2013	2014	2013
	\$	\$	\$	\$
Departmental				
Expenses	2,872,831	2,850,840	2,872,831	2,850,840
Own-source income	40,162	37,454	40,162	37,454
Net cost / (contribution) of outcome delivery	2,832,669	2,813,386	2,832,669	2,813,386

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 17: Reporting of Outcomes (cont.)

Note 17B. Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1 ¹		Total	
	2014	2013	2014	2013
	\$	\$	\$	\$
Expenses				
Employees	2,176,887	2,157,050	2,176,887	2,157,050
Suppliers	656,373	661,797	656,373	661,797
Depreciation	39,571	31,993	39,571	31,993
Total expenses	2,872,831	2,850,840	2,872,831	2,850,840
Own-source income				
Sale of goods and services	13,662	12,254	13,662	12,254
Income from government	2,837,000	2,830,000	2,837,000	2,830,000
Other	26,500	25,200	26,500	25,200
Total own-source income	2,877,162	2,867,454	2,877,162	2,867,454
Assets				
Cash and cash equivalents	1,325,087	772,465	1,325,087	772,465
Trade and other receivables	11,002	100,909	11,002	100,909
Property, plant and equipment	140,818	128,385	140,818	128,385
Other	56,433	81,531	56,433	81,531
Total assets	1,533,340	1,083,290	1,533,340	1,083,290
Liabilities				
Suppliers	100,471	39,885	100,471	39,885
Other payables	535,876	248,269	535,876	248,269
Employee provisions	452,673	412,147	452,673	412,147
Total liabilities	1,089,020	700,301	1,089,020	700,301

1. The Commission's Outcome is described in Note 1.1. Net costs shown included intra-government costs that were eliminated in calculating the actual Budget Outcome.

Refer to Outcome 1 Resourcing Table on page 146 of this Annual Report.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 18: Net Cash Appropriation Arrangements

	2014	2013
	\$	\$
Total comprehensive income less depreciation expenses previously funded through revenue appropriations¹	43,902	43,888
Plus: depreciation expenses previously funded through revenue appropriation	39,571	31,993
Total comprehensive income—as per the Statement of Comprehensive Income	4,331	11,895

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

AUSTRALIAN LAW REFORM COMMISSION

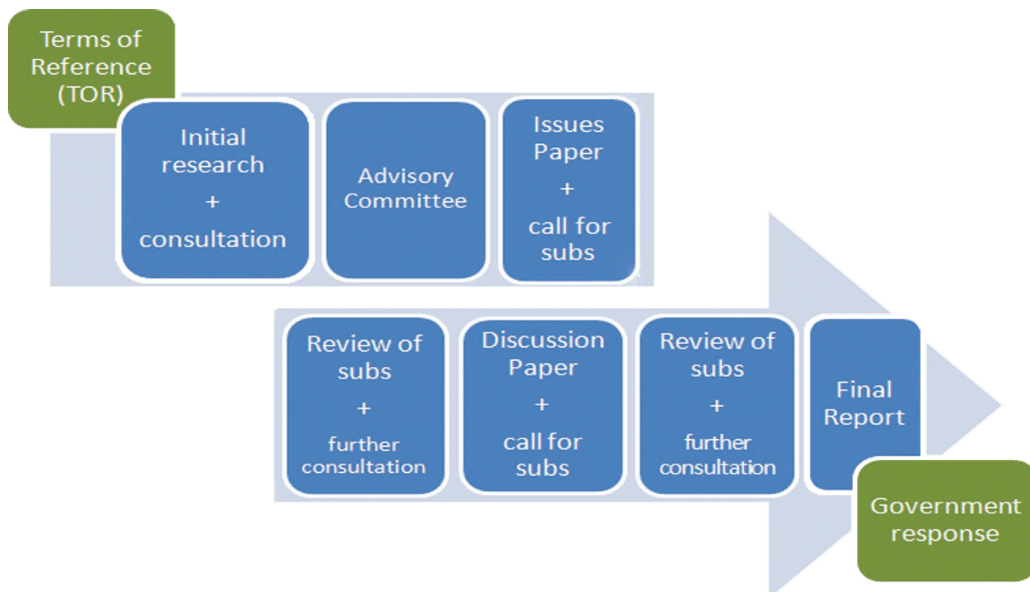
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

Note 19: Compensation and Debt Relief

	2014	2013
	\$	\$
Compensation and Debt Relief—Departmental		
No 'Act of Grace payments' were expensed during the reporting period (2013: nil).	—	—
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the <i>Financial Management and Accountability Act 1997</i> (2013: nil).	—	—
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2013: nil).	—	—
No ex-gratia payments were provided for during the reporting period (2013: nil).	—	—
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the <i>Public Service Act 1999</i> (PS Act) during the reporting period (2013: nil).	—	—

Special features

Law reform process



The ALRC typically has two inquiries in progress at any one time and, with staggered timetables, completes 1–2 inquiries in a year. The process for each inquiry may differ according to the scope of inquiry, the range of stakeholders, the complexity of the laws under review, and the period of time allotted for the inquiry by the Attorney-General. While the exact procedure needs to be tailored to suit each inquiry, the ALRC usually works to a process that has been tested over nearly 40 years of law reform.

Terms of Reference

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

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

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

Consultations

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

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

Issues Papers

The number of consultation documents produced during an inquiry varies according to the needs of the inquiry and its timeframe, but usually the ALRC produces an Issues Paper and a Discussion Paper. Sometimes, if the timeframe is quite short, the ALRC will only produce one consultation document and then the Report.

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

Submissions

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

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

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

Discussion Papers

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

Formulating recommendations

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

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

Reports

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

Government response

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

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

Diversity

The ALRC is committed to ensuring that all Australians are able to contribute to shaping the laws that affect them and have the opportunity to participate in the law reform process. The ALRC acknowledges that it must be responsive to the needs of all members of the Australian community.

The ALRC Agency Multicultural Plan sets out the ways by which we can establish meaningful and ongoing dialogue with people from diverse backgrounds. Under this Plan, the ALRC has committed to:

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

The ALRC's workplace diversity statement commits the ALRC to foster a diverse workforce and to ensure that its recruitment processes are fair and accessible, including a commitment to attract and recruit people from diverse backgrounds and, wherever possible, to participate in whole-of-APS recruitment programs.

Agency Multicultural Plan (AMP)

The ALRC's Multicultural Plan commits the ALRC to multicultural access, equity and social inclusion. As a law reform body, the ALRC has the opportunity to contribute to social justice, equity and inclusion in Australia through reform of laws appropriate to the diversity of the Australian community. The ALRC has committed to engaging and consulting with culturally and linguistically diverse (CALD) organisations and communities and to consider the impact on CALD communities when formulating recommendations for law reform. In this first year of the ALRC's Multicultural Plan, the ALRC has concentrated on the area of engagement, encouraging CALD communities to engage actively in our consultation processes. As part of this engagement, the ALRC commissioned the translations of some key documents into 21 community languages including Auslan. These materials cover the law reform process and how to make a submission to the ALRC.

The ALRC has also produced two consultation papers in Easy English to assist people with disability and low English literacy to engage with the Equality, Capacity and Disability in Commonwealth Laws Inquiry. In addition, the ALRC has produced two podcasts that outline the issues canvassed in the Issues Paper, and the proposals and questions contained in the Discussion Paper, so as to provide greater access to these consultation documents to people with disability. These podcasts are available on the ALRC website.

The ALRC's AMP is available on the ALRC website. A report against the ALRC 2012–13 AMP is at Appendix M.

Reconciliation Action Plan update

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

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

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

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

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

The ALRC has developed consultation strategies that assist in identifying Indigenous stakeholders for particular inquiries. The ALRC is committed to ensuring that our consultation strategies reflect the diversity of circumstances of indigenous communities and, where possible, the ALRC will take special measures to ensure that our processes are accessible and open, including using interpreters or Indigenous consultants, taking oral submissions and adopting other flexible consultation methods. For example, the legal team has produced a brief document, *Review of the Native Title Act—At a Glance*, aimed at the general community, that explains in plain language what the inquiry is about and encourages people to make a submission.

The ALRC consults with Aboriginal and Torres Strait Islander communities, organisations and individual on its inquiries to ensure that Indigenous perspectives and experience are considered when formulating proposals for law reform. During 2013–14, the ALRC consulted with 30 Indigenous organisations with regards to the Inquiry into the *Native Title Act 1993*.

The ALRC provides feedback to Indigenous communities about the results of consultations and/or inquiries in a number of ways including by using the ALRC website, through fact sheets, articles in publications and through conferences and seminars. The Native Title legal team attended the National Native Title Conference in June 2014 and presented a paper on

the Native Title Inquiry, seeking feedback and engagement from the conference delegates. Commissioner for the Native Title Inquiry, Professor Lee Godden has also done a number of interviews with Indigenous radio stations including:

- ▲ Larrakia Radio, Darwin, 27 November 2013
- ▲ ABC Radio Darwin, 27 November 2013
- ▲ Bumma Bipperra Media, Cairns, 28 November 2013
- ▲ CAAMA, Central Australian Aboriginal Media Association, 21 March 2014
- ▲ Larrakia Radio, Darwin, 21 March 2014
- ▲ Aboriginal Message Radio Program, Radio Adelaide, 29 April 2014
- ▲ ABC Radio Kimberley, 30 April 2014
- ▲ National Indigenous Radio at the National Native Title Conference, 3 June 2014

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

A report against the ALRC 2012–13 RAP is at Appendix N.

ALRC internship program

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

Internships with the ALRC are highly sought after and the ALRC has a competitive selection process that includes a formal application and interview. The number of interns accepted at any one time depends on the current work program of the Commission. In 2013–14, 16 internships were offered to local students and the ALRC was pleased to include students of an exceptionally high standard from around Australia.

In 2013–14 the ALRC also welcomed Hagen Sporleder from Münster University in Germany. Hagen spent three months with the ALRC as part of the Attorney-General's referender program.

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

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

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



Interns

l-r: Lidija Bujanovic, Ravi Gosal, Laura Neill, Andrew Brooks

Interns July 2013 to June 2014

Table 11: Interns 2013–14

Name	Institution	Inquiry	Start Date	Finish Date
Jack Murray	University of NSW	Native Title	12 August 2013	20 December 2013
Claire Bready	Newcastle University	Copyright	7 August 2013	21 November 2013
Isabella Partridge	Sydney University	Disability	9 August 2013	21 November 2013
Jackson Wherrett	Sydney University	Privacy	13 August 2013	20 December 2013
Hagen Sporleder	Münster University, Germany	Privacy	2 December 2013	24 February 2014
Lidija Bujanovic *	Melbourne University	Native Title	13 January 2014	31 January 2014
Laura Neill *	University of Queensland	Native Title	13 January 2014	31 January 2014
Ravi Gosal	University of Queensland	Privacy	13 January 2014	31 January 2014
Andrew Brooks *	Monash University	Disability	13 January 2014	31 January 2014
Michelle Meares	University of New England	Privacy	3 February 2014	21 February 2014
Bradley Woods	Monash University	Privacy	3 February 2014	21 February 2014
Jane Murray	La Trobe University	Disability	3 February 2014	21 February 2014

Table 11: Interns 2013–14 (continued)

Name	Institution	Inquiry	Start Date	Finish Date
Sean Mulcahy	Monash University	Native Title	3 February 2014	21 February 2014
Georgie Leahy	Sydney University	Disability	21 March 2014	6 June 2014
Penelope Marles	University of NSW	Disability	21 March 2014	6 June 2014
Timothy Maybury	Sydney University	Privacy	20 March 2014	5 June 2014
Alisha Mathew	University of NSW	Privacy	20 March 2014	5 June 2014

* Interviews with these interns are published on the ALRC website.

International outreach

Professional development

This year the ALRC hosted Clifton Meleu Ruele, Legal Officer from Samoa Law Reform Commission, for a professional development placement over a period of three weeks. Clifton joined the Samoa Law Reform Commission in October last year after completing his law studies at the University of the South Pacific. In Samoa, Clifton's work is focussed on property and homicide offences under the review of the Penal Code.

During his time at the ALRC, Clifton participated in team meetings and workshops for the Native Title, Disability and Privacy Inquiries and gained an overview of our inquiry processes. Clifton also attended specific training sessions on research strategies and methodologies, developing proposals and recommendations and on the practical planning and management of inquiries.



Clifton Meleu Ruele with ALRC President, Professor Rosalind Croucher

Australasian Law Reform Agencies Conference (ALRAC)

The Australasian Law Reform Agencies Conference was held from 28–30 May 2014 in Apia, Samoa, hosted by the Samoa Law Reform Commission. The conference theme was Challenges of Law Reform in the Pacific, with a focus on customary law. Delegates from across the Pacific—including from Samoa, the Solomon Islands, Tonga, Vanuatu, New Zealand and Papua New Guinea—attended the conference. The theme of the conference was particularly relevant to the ALRC's current Inquiry into the *Native Title Act 1993*. Two legal staff from that Inquiry attended the conference and presented on both this Inquiry and the ALRC's 1986 Inquiry into the Recognition of Customary Laws. The ALRC Project Coordinator also attended the conference and shared knowledge about inquiry management and consultation strategies at a specially convened Administrators and Support Staff session.

The Opening Address was given by the Prime Minister of Samoa. The Attorney-General of Samoa also presented and spoke about harmonising customary laws and western laws and about practical law reform strategies in the Pacific.

The conference was a valuable forum in which to share knowledge and experience about law reform with other agencies in the region. It also provided an opportunity to reconnect with staff from both the Solomon Islands and Samoa Law Reform Commissions who had spent time on professional development and capacity building secondments with the ALRC, as well as to build new relationships with others working in law reform.

The next ALRAC will be hosted by the Victorian Law Reform Commission in 2016.



Legal Officer, Julie MacKenzie and Senior Legal Officer, Justine Clarke, speaking about the ALRC Native Title Inquiry

Appendices

Appendix A: Corporate Plan 2013–15

Our vision

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

Outcome statement

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

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

Our strategies

The strategy that the ALRC will use to achieve its intended outcome is to undertake inquiries into areas of law reform referred to it by the Attorney-General. In conducting its inquiries, the ALRC will consult with relevant government, industry and community stakeholders and experts interested in the area under review and comprehensively research and analyse the legal policy issues raised during the course of this research. As part of the inquiry process, the ALRC will produce a number of consultation papers including Issues Papers and Discussion Papers and will call for submissions that will, along with its own research and findings, inform the preparation of a Final Report with recommendations for the Government's consideration for each inquiry undertaken. The ALRC has one program to achieve its outcome.

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

In 2013–2015, the ALRC is expecting to conduct at least two inquiries at any one time. As part of the inquiry process, the ALRC will produce a number of consultation papers that present issues, ask questions and raise proposals for reform and will call on the community to respond through both formal submission processes and consultation meetings and more informal feedback mechanisms, including online discussion forums, blogs, e-newsletters and focus groups, where appropriate. These external contributions and the ALRC's own research will inform the recommendations in the Final Report for the Government's consideration for each inquiry undertaken. The ALRC will usually constitute an expert Advisory Committee for each inquiry to assist in the analysis and formulation of key recommendations and proposals for reform.

The ALRC is committed to ensuring it consults widely and will continue to develop online resources and communication strategies to maximise access, respecting the diversity of the Australian community.

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

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

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

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

Our deliverables

Program 1—Conducting inquiries

The ALRC will conduct inquiries as referred by the Attorney-General and will:

- ▲ undertake community consultation nationally with stakeholders and experts relevant to each area of law under review and report on the consultation process;
- ▲ constitute an expert Advisory Committee for each inquiry, as required;
- ▲ produce consultation documents, as appropriate, to each inquiry;
- ▲ provide web-based consultation and communication strategies to effectively and efficiently broaden access to the ALRC's activities by the community;
- ▲ produce a Final Report containing recommendations for law reform for each inquiry;
- ▲ present at public conferences, seminars and Parliamentary inquiries, ensuring that the work of the ALRC is publicly debated and discussed and contributes to the community's knowledge about the Government's law reform agenda; and
- ▲ track and report on implementation of its recommendations.

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

Our key performance indicators (KPIs)

Program 1—Conducting inquiries

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

- ▲ the level of implementation of ALRC reports by government and other bodies, either substantially or partially, over time;

- ▲ the number of citations or references to ALRC reports and recommendations in Parliamentary debates, in court citations and decisions, and in academic publications and other publications;
- ▲ the number of submissions received for each inquiry;
- ▲ the number of visitors to the ALRC's website;
- ▲ the number of presentations and speaking engagements; and
- ▲ the number of media mentions.

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

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

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

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

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

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

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

June 2013

Appendix B: Key supporting policies and documents

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

Administration

- ▲ Agency Multicultural Plan*
- ▲ Business Continuity Plan
- ▲ Chief Executive Instructions
- ▲ Conflict of Interest Policy
- ▲ Consultative Committee Charter
- ▲ Corporate Plan 2013–15*
- ▲ Enterprise Risk Management Plan
- ▲ Environmental Management Policy*
- ▲ Fraud Control Plan 2012–14 & Fraud Policy Statement 2012–14
- ▲ Protective Security Policy and Safety Plan
- ▲ Reconciliation Action Plan 2012–14*

Communications & publications

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

Finance

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

- ▲ Receiving Gifts and Benefits Policy
- ▲ Travel Policy

Human resources

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

Information management

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

Interns

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

WH&S

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

* Available on the ALRC website.

Appendix C: Terms of Reference 2013–14

Copyright and the digital economy

Having regard to:

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

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

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

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

Scope of reference

In undertaking this reference, the Commission should:

- ▲ take into account the impact of any proposed legislative solutions on other areas of law and their consistency with Australia's international obligations;
- ▲ take into account recommendations from related reviews, in particular the Government's Convergence Review; and
- ▲ not duplicate work being undertaken on: unauthorised distribution of copyright materials using peer to peer networks; the scope of the safe harbour scheme for ISPs; a review of exceptions in relation to technological protection measures; and increased access to copyright works for persons with a print disability.

Timeframe

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

Nicola Roxon

Attorney-General

Serious invasions of privacy in the digital era

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

- ▲ the extent and application of existing privacy statutes
- ▲ the rapid growth in capabilities and use of information, surveillance and communication technologies
- ▲ community perceptions of privacy
- ▲ relevant international standards and the desirability of consistency in laws affecting national and transnational dataflows.

REFER to the Australian Law Reform Commission for inquiry and report, pursuant to s20(1) of the *Australian Law Reform Commission Act 1996*, the issue of prevention of and remedies for serious invasions of privacy in the digital era.

Scope of the reference

The ALRC should make recommendations regarding:

1. Innovative ways in which law may reduce serious invasions of privacy in the digital era.
2. The necessity of balancing the value of privacy with other fundamental values including freedom of expression and open justice.
3. The detailed legal design of a statutory cause of action for serious invasions of privacy, including not limited to:
 - a. legal thresholds
 - b. the effect of the implied freedom of political communication
 - c. jurisdiction
 - d. fault elements
 - e. proof of damages
 - f. defences
 - g. exemptions
 - h. whether there should be a maximum award of damages
 - i. whether there should be a limited period
 - j. whether the cause of action should be restricted to natural and living persons
 - k. whether any common law causes of action should be abolished
 - l. access to justice
 - m. the availability of other court ordered remedies.

4. The nature and appropriateness of any other legal remedies for redress for serious invasions of privacy.

The Commission should take into account the *For Your Information* ALRC Report (2008), relevant New South Wales and Victorian Law Reform Commission privacy reports, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and relevant Commonwealth, State, Territory legislation, international law and case law.

Consultation

In undertaking this reference, the Commission will identify and consult relevant stakeholders including the Office of the Australian Information Commissioner, and relevant State and Territory bodies.

Timeframe

The ALRC will provide its final report to the Attorney-General by June 2014.

Dated: 12 June 2013

Mark Dreyfus

Attorney-General

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

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

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

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

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

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

Scope of the reference

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

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

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

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

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

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

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

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

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

Consultation

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

Timeframe

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

Dated 23 July 2013

Mark Dreyfus

Attorney-General

Review of the Native Title Act 1993

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

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

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

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

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

Scope of reference

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

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

Consultation

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

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

Timeframe for reporting

The Commission is to report by March 2015.

Dated 3 August 2013

Mark Dreyfus QC MP

Attorney-General

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

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

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

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

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

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

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

Scope of the reference

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

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

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

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

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

Consultation

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

Timeframe

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

Appendix D: Advisory Committee members 2013–14

Copyright and the digital economy

- ▲ Charles Alexander, Partner, Minter Ellison
- ▲ Professor Kathy Bowrey, Faculty of Law, University of New South Wales
- ▲ Alex Byrne, NSW State Librarian and Chief Executive, State Library of New South Wales
- ▲ Professor Tom Cochrane, Deputy Vice-Chancellor Technology, Information and Learning Support and Chair, Australian Libraries Copyright Committee, Queensland University of Technology
- ▲ Carolyn Dalton, Executive Director, Policy Australia
- ▲ Professor Henry Ergas, Managing Director, Network Economics Consulting Group
- ▲ Patrick Fair, Baker & McKenzie and Deputy Chairman, Internet Industry Association
- ▲ Mia Garlick, Manager, Communications and Policy, Facebook
- ▲ Dr Nicholas Gruen, Chief Executive Officer, Lateral Economics
- ▲ Michael Hall, Barrister, Nigel Bowen Chambers
- ▲ The Hon Justice Susan Kenny, Federal Court of Australia
- ▲ Dr The Hon Kevin Lindgren AM QC
- ▲ Associate Professor David Lindsay, Monash University
- ▲ Caroline Lovell, Head of Regulatory Affairs and Industry Analysis, National Broadband Network Co
- ▲ The Hon Justice John Middleton, Federal Court of Australia
- ▲ Matthew Minogue, First Assistant Secretary, Civil Law Division, Attorney-General's Department
- ▲ Professor Martin Nakata, Director, Nura Gili, University of New South Wales
- ▲ Emeritus Professor Dennis Pearce AO, Special Counsel, HWL Ebsworth Lawyers
- ▲ The Hon Justice Nye Perram, Federal Court of Australia
- ▲ Fiona Phillips, Executive Director, Australian Copyright Council
- ▲ Professor Sam Ricketson, University of Melbourne
- ▲ Ishtar Vij, Policy Counsel, Public Policy and Government Affairs, Google Australia and New Zealand

- ▲ Associate Professor Kimberlee Weatherall, Sydney Law School, University of Sydney
- ▲ The Hon Justice David Yates, Federal Court of Australia

Serious invasions of privacy in the digital era

- ▲ The Hon Justice Peter Applegarth, Supreme Court of Queensland
- ▲ Richard Coleman, Fairfax Media Limited
- ▲ Professor Graham Greenleaf, Professor of Law & Information Systems, University of New South Wales
- ▲ Anna Johnston, Director, Salinger Privacy
- ▲ Peter Leonard, Partner, Gilbert & Tobin
- ▲ The Hon W H Nicholas QC
- ▲ The Hon Justice John Middleton, Federal Court of Australia
- ▲ Tara McNeilly, Senior General Counsel, Australian Government Solicitor
- ▲ Timothy Pilgrim, Privacy Commissioner, Office of the Australian Information Commissioner
- ▲ Professor Megan Richardson, Melbourne Law School, University of Melbourne
- ▲ Associate Professor David Rolph, Sydney Law School, University of Sydney
- ▲ Edward Santow, Chief Executive Officer, Public Interest Advocacy Centre
- ▲ Veronica Scott, Special Counsel, Media and Communications Group, Minter Ellison
- ▲ David Vaile, Executive Director, Cyberspace Law and Policy Community, Faculty of Law, University of New South Wales

Equality, capacity and disability in Commonwealth laws

- ▲ Emeritus Professor Terry Carney, Sydney Law School, University of Sydney
- ▲ The Hon Justice Berna Collier, Federal Court of Australia
- ▲ Phillip French, Director, Australian Centre for Disability Law
- ▲ David Fintan, Corporate Counsel, Disability Care Australia
- ▲ Stephen Gianni, Acting CEO, The Australian Federation of Disability Organisations
- ▲ Damian Griffis, Executive Director, First People's Disability Network
- ▲ Graeme Innes AM, Disability Discrimination Commissioner, Australian Human Rights Commission
- ▲ Rosemary Kayess, Senior Lecturer, Australian Centre for Disability Law, University of New South Wales

- ▲ Emeritus Professor Ron McCallum AO, Sydney Law School, University of Sydney
- ▲ Christina Ryan, General Manager, Advocacy for Inclusion
- ▲ Therese Sands, Co-Chief Executive, People with Disability Australia
- ▲ Graeme Smith, Public Guardian, NSW Department of Attorney General & Justice
- ▲ Professor Cameron Stewart, Sydney Law School, University of Sydney

Review of the Native Title Act 1993

- ▲ Jason Behrendt, Legal Executive, Chalk & Fitzgerald Lawyers & Consultants
- ▲ Hans Bokelund, Chief Executive Officer, Goldfields Land and Sea Council
- ▲ Dr Valerie Cooms, Quandamooka (Chair of the Prescribed Body Corporate)
- ▲ Alice Cope, Executive Manager, United Nations Global Compact Network Australia
- ▲ Professor Megan Davis, Director, Indigenous Law Centre, University of New South Wales
- ▲ Sally Davis, Senior Lawyer, Australian Government Solicitor
- ▲ Professor Mick Dodson AM, Director, National Centre for Indigenous Studies, The Australian National University
- ▲ The Hon Paul Finn, former Judge, Federal Court of Australia
- ▲ Dr Jonathan Fulcher, Partner, HopgoodGanim
- ▲ Mick Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission
- ▲ Jenny Hart, Assistant Crown Solicitor, Native Title Section, Crown Solicitor's Office
- ▲ Vance Hughston SC, Windeyer Chambers
- ▲ Graeme Neate, former President, National Native Title Tribunal
- ▲ The Hon Justice Anthony North, Federal Court of Australia
- ▲ Dr David Martin, Anthropol Consulting
- ▲ The Hon Justice Nye Perram, Federal Court of Australia
- ▲ Dr Lisa Strelein, Director, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)
- ▲ Associate Professor Maureen Tehan, Associate Director, Centre for Resources, Energy and Environmental Law, University of Melbourne
- ▲ Raelene Webb QC, President, National Native Title Tribunal

Appendix E: Agency resource statement and resources for outcomes 2013–14

1. Agency Resource Statement 2013–14

	Actual available appropriation for 2013–14 \$'000	Payments made 2013–14 \$'000	Balance Remaining 2013–14
	(a)	(b)	(a) – (b)
Ordinary Annual Services¹			
Departmental appropriation ²	2,894	2,873	
Total	2,894	2,873	21
Administered expenses			
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.			
Total	2,894	2,873	
Total ordinary annual services	A 2,894	2,873	

1. Appropriation Bill (No. 1) 2013–14.

2. Includes an amount of \$0.0057m in 2013–14 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

2. Resources for Outcomes

Expenses and Resources for Outcome 1			
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.	Budget*	Actual Expenses	Variation
	2013–14 \$'000	2013–14 \$'000	2013–14 \$'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			
Departmental Appropriation ¹	2,842	2,840	(2)
Total for Program 1	2,842	2,840	(2)
Outcome 1 Totals by appropriation type			
Departmental expenses			
Departmental (Appropriation Bill No. 1)	2,837	2,837	
Revenue from independent sources	5	3	
Total expenses for Outcome 1	2,842	2,840	(2)
	2013–14	2013–14	
Average Staffing Level (number)	14	13	(1)

* Full year budget, including any subsequent adjustment made to the 2013–14 Budget.

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

Appendix F: Implementation activity 2013–14

The following provides an overview of activity in relation to the implementation of ALRC reports during 2013–14.

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

On 19 March 2014, the Minister for Justice, the Hon Michael Keenan MP announced ‘first tranche’ reforms to the National Classification Scheme with the introduction into Parliament of the Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014.

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

- ▲ broaden the scope of existing exempt film categories and streamline exemption arrangements for festivals and cultural institutions (see Rec 6–3);
- ▲ enable certain content to be classified using classification tools (such as online questionnaires that deliver automated decisions) (see Rec 7–8);
- ▲ create an explicit requirement in the Act to display classification markings on all classified content (see Rec 8–1);
- ▲ expand the exceptions to the modifications rule so that films and computer games which are subject to certain types of modifications do not require classification again (see Rec 8–2); and
- ▲ enable the Attorney-General’s Department to notify law enforcement authorities of potential Refused Classification content without having the content classified first, to help expedite the removal of extremely offensive or illegal content from distribution (see Rec 12–3).

On 27 March 2014, the Bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, which was due to report by 19 June 2014.

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

The Privacy Amendment (Privacy Alerts) Bill 2014 would implement ALRC recommendations concerning data breach notification. The Bill would amend the *Privacy Act 1988* (Cth) to establish a framework for the mandatory notification by regulated entities of serious data breaches to the Australian Information Commissioner and to affected individuals.

Appendix G: Implementation status of ALRC reports

Table 12: Implementation status of ALRC reports 2013–14

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 122	<i>Copyright and the Digital Economy</i>	13 February 2014		UNDER CONSIDERATION
ALRC 120	<i>Access All Ages—Older Workers and Commonwealth Laws</i>	30 May 2013	<i>Fair Work Amendment Act 2013 (Cth)</i>	PARTIAL
ALRC 118	<i>Classification—Content Regulation and Convergent Media</i>	1 March 2012		UNDER CONSIDERATION
ALRC 117	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i>	7 February 2012	<i>Fair Work Amendment Act 2013 (Cth)</i> ; <i>Guide to Social Security Law</i> ; <i>Migration Legislation Amendment Regulation 2012 (No. 5) (Cth)</i>	PARTIAL
ALRC 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i>	25 May 2011	<i>Access to Justice (Federal Jurisdiction) Amendment Act 2012 (Cth)</i> ; <i>Federal Court Rules 2011 (Cth)</i> ; <i>Federal Court Practice Notes CM 5 and 6</i>	SUBSTANTIAL
ALRC 114	<i>Family Violence: A National Legal Response</i>	11 November 2010	<i>Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth)</i>	PARTIAL
ALRC 112	<i>Secrecy Laws and Open Government in Australia</i>	11 March 2010		AWAITING RESPONSE

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i>	10 February 2010		AWAITING RESPONSE
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 August 2008	<i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth); Combating the Financing of People Smuggling and Other Measures Act 2011 (Cth); Healthcare Identifiers Act 2010 (Cth)</i>	SUBSTANTIAL
ALRC 107	<i>Privilege in Perspective</i>	13 February 2008		NIL
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i>	13 December 2006	<i>National Security Legislation Amendment Act 2010 (Cth)</i>	PARTIAL
ALRC 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders</i>	22 June 2006	<i>Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Cth); federal sentencing database</i>	PARTIAL
ALRC 102	<i>Uniform Evidence Law</i>	8 February 2006	<i>Evidence Act 2011 (ACT); Evidence (National Uniform Legislation) Act 2011 (NT); Evidence Amendment Act 2008 (Cth); Evidence Act 2008 (Vic); Statutes Amendment (Evidence and Procedure) Act 2008 (SA); Evidence Amendment (Journalists' Privilege) Act 2007 (Cth); Evidence Amendment Act 2007 (NSW)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 99	<i>Genes and Ingenuity: Gene Patenting and Human Health</i>	31 August 2004	<i>Intellectual Property Laws Amendment (Raising the Bar) Act 2012</i> (Cth); House of Representatives Standing Committee on Legal and Constitutional Affairs, <i>Review of Technological Protection Measures Exceptions</i> (2006)	SUBSTANTIAL
ALRC 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i>	23 June 2004	<i>National Security Information Legislation Amendment Act 2005</i> (Cth); <i>National Security Information (Criminal and Civil Proceedings) Act 2004</i> (Cth)	SUBSTANTIAL
ALRC 96	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i>	29 May 2003	<i>Disability Discrimination and Other Human Rights Legislation Amendment Act 2009</i> (Cth); National Health and Medical Research Council Guidelines on the provision of genetic information to relatives (2009); <i>Section 95AA Guidelines For National Privacy Principles About Genetic Information</i> ; National Pathology Accreditation Advisory Council, <i>Classification of Human Genetic Testing 2007 Edition</i> (2007); <i>National Statement on Ethical Conduct in Human Research</i> (2007); <i>Privacy Legislation Amendment Act 2006</i> (Cth); Human Genetics Advisory Committee established (2006);	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 96 (continued)	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i>	29 May 2003	IFSA Standards Genetic Information and Family Medical History (2005); Family Law Regulations 2004 (Cth); Crimes Legislation Enhancement Act 2003 (Cth)	SUBSTANTIAL
ALRC 95	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i>	19 March 2003	<i>A Guide To Framing Commonwealth Offences, Civil Penalties And Enforcement Powers</i> (2004)	PARTIAL
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903</i>	2 October 2001	<i>Family Law Amendment Act 2005</i> (Cth); <i>High Court Rules 2004</i> ; <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth); <i>Supreme Court Amendment Act 2001</i> (ACT)	PARTIAL
ALRC 91	<i>Review of the Marine Insurance Act 1909</i>	22 May 2001	<i>Financial Services Reform (Consequential Provisions) Act 2001</i> (Cth)	PARTIAL
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 February 2000	<i>Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012</i> (Cth); <i>Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009</i> (Cth); <i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i> (Cth); Australian Academy of Law established (2005); <i>Administrative Appeals Tribunal Amendment Act 2005</i> (Cth); <i>Family Law Rules 2004</i> (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 89 (continued)	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 February 2000	<i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth); National Pro Bono Resource Centre established (2002); Council of Australian Tribunals established (2002); National Judicial College established (2002); Launch of Australian Law Online (2001); FLC review of social science literature proposal (2001); AUTC law discipline review (2001–02); changes to case management in Family Court of Australia and the Federal Court of Australia; <i>Family Law Amendment Act 2000</i> (Cth)	SUBSTANTIAL
ALRC 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	15 June 1999	<i>Proceeds of Crime Act 2002</i> (Cth)	SUBSTANTIAL
ALRC 85	<i>Australia's Federal Record: A Review of the Archives Act 1983</i>	2 July 1998	<i>Archives Amendment Act 2008</i> (Cth); <i>Census Information Legislation Amendment Act 2000</i> (Cth); E-Permanence Strategy	PARTIAL
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	19 November 1997	<i>Evidence Amendment Act 2008</i> (Cth); <i>Measures to Combat Serious and Organised Crime Act 2001</i> (Cth); NSW Law Society, <i>Representation Principles for Children's Lawyers</i> (2000); increase of age of criminal responsibility to 10— <i>Children and Young People Act 1999</i> (ACT); <i>Justice Act 1997</i> (Tas)	PARTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 82	<i>Integrity: But Not by Trust Alone</i>	10 December 1996	<i>Law Enforcement Integrity Commissioner Act 2006</i> (Cth); <i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006</i> (Cth)	SUBSTANTIAL
ALRC 80	<i>Legal Risk in International Transactions</i>	8 October 1996	<i>Cross Border Insolvency Act 2008</i> (Cth); <i>Electronic Transactions Act 2000</i> (Cth)—complementary legislation in all states and territories.	PARTIAL
ALRC 79	<i>Making Rights Count: Services for People with a Disability</i>	10 October 1996	<i>Disability Services Amendment (Improved Quality Assurance) Act 2002</i> (Cth)	PARTIAL
ALRC 78	<i>Beyond the Door Keeper: Standing to Sue for Public Remedies</i>	30 May 1996		NIL
ALRC 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i>	24 January 1996	<i>Australian Information Commissioner Act 2010</i> (Cth); <i>Freedom of Information Amendment (Reform) Act 2010</i> (Cth); <i>Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009</i> (Cth)	SUBSTANTIAL
ALRC 75	<i>Costs Shifting—Who Pays for Litigation</i>	25 October 1995	<i>Migration Litigation Reform Act 2005</i> (Cth)	PARTIAL
ALRC 74	<i>Designs</i>	31 August 1995	<i>Designs Act 2003</i> (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i>	20 June 1995	<i>Family Law Reform Act 1995</i> (Cth)	SUBSTANTIAL
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i>	8 March 1995	<i>Aged Care Act 1997</i> (Cth)	SUBSTANTIAL
ALRC 70	<i>Child Care for Kids</i>	8 November 1994	<i>Child Care Legislation Amendment Act 1998</i> (Cth)	PARTIAL
ALRC 69	<i>Equality Before the Law: Part I: Justice for Women Part II: Women's Equality</i>	25 July 1994 21 December 1994	<i>Sex Discrimination Amendment Act 1995</i> (Cth); <i>Family Law Reform Act 1995</i> (Cth); <i>Domestic Violence Act 1995</i> (Norfolk Is)	SUBSTANTIAL
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i>	29 June 1994	<i>Trade Practices Amendment (No 1) Act 2001</i> (Cth)	PARTIAL
ALRC 67 (Interim)	<i>Equality Before the Law: Women's Access to the Legal System</i>	3 March 1994	see ALRC 69	SUBSTANTIAL
ALRC 65	<i>Collective Investments: Other People's Money</i>	30 September 1993	<i>Managed Investments Act 1998</i> (Cth)	SUBSTANTIAL
ALRC 64	<i>Personal Property Securities</i>	27 May 1993	<i>Personal Property Securities Act 2009</i> (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 63	<i>Children's Evidence: Closed Circuit TV</i>	26 May 1993	<i>Crimes Amendment (Children's Evidence) Act 1996 (NSW); Evidence (Closed-Circuit Television) (Amendment) Act 1994 (ACT)</i>	SUBSTANTIAL
ALRC 61	<i>Administrative Penalties in Customs and Excise</i>	9 September 1992		NIL
ALRC 60	<i>Customs and Excise</i>	7 May 1992	<i>Customs Amendment Act (No 1) 1997 (Cth); Customs Excise and Bounty Amendment Act 1995 (Cth)</i>	PARTIAL
ALRC 59	<i>Collective Investments: Superannuation</i>	28 April 1992	<i>Superannuation Industry (Supervision) Act 1993 (Cth); Superannuation Resolution of Complaints Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC 58	<i>Choice of Law</i>	28 May 1992	<i>Choice of Law (Limitation Periods) Act 1994 (WA); Choice of Law (Limitation Periods) Act 1994 (NT); Choice of Law (Limitation Periods) Act 1993 (NSW); Choice of Law (Limitation Periods) Act 1993 (Vic)</i>	PARTIAL
ALRC 57	<i>Multiculturalism and the Law</i>	28 April 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

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 55	<i>Censorship Procedure</i>	11 September 1991	<i>Classification (Publications, Films and Computer Games) Act 1995</i> (Cth)—complementary legislation in each state and territory	SUBSTANTIAL
ALRC 52	<i>Guardianship and Management of Property</i>	20 December 1989	<i>Guardianship and Management of Property Act 1991</i> (ACT)	SUBSTANTIAL
ALRC 51	<i>Product Liability</i>	15 August 1989	Alternative option implemented by <i>Trade Practices Amendment Act 1992</i> (Cth)	NIL
ALRC 50	<i>Community Law Reform for the ACT: 4th Report—Informed Decision-Making in Medical Procedures</i>	21 November 1989	National Health and Medical Research Council Guidelines on the provision of information to patients	PARTIAL
ALRC 48	<i>Criminal Admiralty Jurisdiction and Prize</i>	27 November 1990	<i>Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999</i> (Cth); <i>Crimes Legislation Amendment Act 1992</i> (Cth); <i>Crimes (Ships and Platforms) Act 1992</i> (Cth)	SUBSTANTIAL
ALRC 47	<i>Community Law Reform for the ACT: 3rd Report—Enduring Powers of Attorney</i>	6 April 1989	<i>Property Law Amendment Act 1990</i> (Qld); <i>Powers of Attorney (Amendment) Act 1989</i> (ACT)	SUBSTANTIAL
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	13 December 1988	<i>Federal Court (Amendment) Act 1991</i> (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 45	<i>General Insolvency Inquiry</i>	13 December 1988	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth); Corporate Law Reform Act 1992 (Cth)</i>	SUBSTANTIAL
ALRC 44	<i>Sentencing</i>	25 August 1988	<i>Periodic Detention Act 1995 (ACT); Crimes Legislation Act (No 2) 1993 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	24 March 1988	Interim report—see ALRC 44	PARTIAL
ALRC 42	<i>Occupiers' Liability</i>	13 April 1988	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 40	<i>Service and Execution of Process</i>	9 December 1987	<i>Service and Execution of Process Act 1992 (Cth); Service and Execution of Process Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC 39	<i>Matrimonial Property</i>	16 September 1987	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC 38	<i>Evidence</i>	5 June 1987	<i>Evidence Act 1995 (Cth); Evidence Act 1995 (NSW)</i>	SUBSTANTIAL
ALRC 37	<i>Spent Convictions</i>	3 June 1987	<i>Crimes Legislation Amendment Act 1989 (Cth); Human Rights and Equal Opportunity Commission Regulations (Cth)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 36	<i>Debt Recovery and Insolvency</i>	21 October 1987	<i>Bankruptcy Legislation Amendment Act 1996</i> (Cth); <i>Magistrates Court (Enforcement of Judgments) Act 1994</i> (ACT); <i>Insolvency (Tax Priorities) Legislation Amendment Act 1993</i> (Cth)	SUBSTANTIAL
ALRC 35	<i>Contempt</i>	3 June 1987	<i>Family Law Amendment Act 1989</i> (Cth)	PARTIAL
ALRC 33	<i>Civil Admiralty Jurisdiction</i>	2 December 1986	<i>Admiralty Act 1988</i> (Cth)	SUBSTANTIAL
ALRC 32	<i>Community Law Reform for the ACT: 2nd Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework</i>	23 October 1986	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act (No 2) 1991</i> (ACT)	SUBSTANTIAL
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i>	12 June 1986	<i>Evidence Act 1995</i> (Cth); <i>Crimes and Other Legislation Amendment Act 1994</i> (Cth); <i>Native Title Act 1993</i> (Cth); <i>Safety and Rehabilitation and Compensation Act 1988</i> (Cth) s 4; Adoption legislation in NSW, NT, SA, Vic; <i>De Facto Relationships Act 1984</i> (NSW); <i>Administration and Probate Act 1979</i> (NT); <i>Family Provision Act 1970</i> (NT); Child Placement Principle—see child welfare laws in each state and territory	PARTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 30	<i>Domestic Violence</i>	20 March 1986	<i>Domestic Violence Amendment Act 1991 (ACT)</i> ; <i>Domestic Violence Act 1986 (ACT)</i>	SUBSTANTIAL
ALRC 28	<i>Community Law Reform for the ACT: 1st Report—Contributory Negligence in Fatal Accident Cases and Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases</i>	29 November 1985	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act 1991 (ACT)</i> ; <i>Compensation (Fatal Injuries) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 27	<i>Standing in Public Interest Litigation</i>	29 November 1985	See ALRC 78	NIL
ALRC 26 (Interim)	<i>Evidence</i>	21 August 1985	See ALRC 38	SUBSTANTIAL
ALRC 24	<i>Foreign State Immunity</i>	10 October 1984	<i>Foreign States Immunities Act 1985 (Cth)</i>	SUBSTANTIAL
ALRC 22	<i>Privacy</i>	14 December 1983	<i>Privacy Act 1988 (Cth)</i> ; <i>Telecommunications (Interception) Amendment Act 1987 (Cth)</i>	SUBSTANTIAL
ALRC 20	<i>Insurance Contracts</i>	16 December 1982	<i>Insurance Contracts Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC 18	<i>Child Welfare</i>	12 November 1981	<i>Children's Services Act 1988 (ACT)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 16	<i>Insurance Agents and Brokers</i>	11 September 1980	<i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC 15 (Interim)	<i>Sentencing of Federal Offenders</i>	21 May 1980	<i>Criminal Injuries Compensation Act 1983 (ACT)</i> ; <i>Crimes Amendment Act 1982 (Cth)</i> ; <i>Crimes Compensation Act 1982 (NT)</i> ; <i>Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 14	<i>Lands Acquisition and Compensation</i>	22 April 1980	<i>Lands Acquisition Act 1989 (Cth)</i> ; <i>Lands Acquisition Act 1978 (NT)</i>	SUBSTANTIAL
ALRC 12	<i>Privacy and the Census</i>	15 November 1979	<i>Census and Statistics Amendment Act 1981 (Cth)</i>	SUBSTANTIAL
ALRC 11	<i>Unfair Publication: Defamation and Privacy</i>	7 June 1979		NIL
ALRC 9	<i>Complaints against Police (Supplementary Report)</i>	9 June 1978	See ALRC 1	SUBSTANTIAL
ALRC 7	<i>Human Tissue Transplants</i>	21 September 1977	<i>Transplantation and Anatomy Act 1978 (ACT)</i> ; legislation based on the report has been enacted in all states and territories	SUBSTANTIAL
ALRC 6	<i>Insolvency: The Regular Payment of Debts</i>	4 November 1977	<i>Bankruptcy Amendment Act 1996 (Cth)</i> ; <i>Bankruptcy Amendment Act 1980 (Cth)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2013–14 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 4	<i>Alcohol, Drugs and Driving</i>	23 September 1976	<i>Motor Traffic (Alcohol and Drugs) Act 1977 (ACT)</i>	SUBSTANTIAL
ALRC 2	<i>Criminal Investigation</i>	8 November 1975	<i>Crimes Amendment (Forensic Procedures) Act 1998 (Cth); Crimes (Investigation of Commonwealth Offences) Act 1991 (Cth); Defence Force (Discipline) Act 1984 (Cth)</i> See also <i>Police Administration Act 1978 (NT)</i>	SUBSTANTIAL
ALRC 1	<i>Complaints against Police</i>	7 August 1975	<i>Complaints (Australian Federal Police) Act 1981 (Cth)</i> See also <i>Police Administration Act 1978 (NT); Police (Allegations of Misconduct) Act 1977 (NSW)</i>	SUBSTANTIAL

Appendix H: Citations of ALRC reports in major court decisions

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14

ALRC report	Cases
<i>Lands Acquisition and Compensation</i> (ALRC Report 14, 1980)	<ul style="list-style-type: none"> ▲ <i>El Boustani v The Minister administering the Environmental Planning and Assessment Act 1979</i> [2014] NSWCA 33 (Supreme Court of NSW, Court of Appeal) ▲ <i>George D Angus Pty Limited v Health Administration Corporation</i> [2013] NSWLEC 212 (NSW Land and Environment Court)
<i>Insurance Contracts</i> (ALRC Report 20, 1982)	<ul style="list-style-type: none"> ▲ <i>Allianz Australia Insurance Ltd v Mercer</i> [2014] TASFC 3 (Supreme Court of Tasmania, Full Court) ▲ <i>Galaxy Homes Pty Ltd v The National Mutual Life Association of Australasia Ltd (No 2)</i> [2013] SASCFC 66 (Supreme Court of South Australia, Full Court) ▲ <i>Matthew Maxwell v Highway Hauliers Pty Ltd</i> [2013] WASCA 115 (Supreme Court of Western Australia, Court of Appeal)
<i>Evidence (Interim)</i> (ALRC Report 26, 1985)	<ul style="list-style-type: none"> ▲ <i>R v Tabbah; R v Tiriaki (No 1)</i> [2014] NSWSC 564 (Supreme Court of NSW) ▲ <i>Kong v Kang & Ors</i> [2014] VSC 28 (Supreme Court of Victoria) ▲ <i>Matthews v SPI Electricity Pty Ltd & Ors (Ruling No 31)</i> [2013] VSC 575 (Supreme Court of Victoria) ▲ <i>Fattal & Ors v The Queen</i> [2013] VSCA 276 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Murdoch (a Pseudonym) v The Queen</i> [2013] VSCA 272 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Bar-Mordecai v Attorney-General of NSW (No.3)</i> [2013] NSWSC 1631 (Supreme Court of NSW)

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14 (continued)

ALRC report	Cases
<i>Evidence</i> (Interim) (ALRC Report 26, 1985) (continued)	<ul style="list-style-type: none"> ▲ <i>Fulham Partners LLC v National Australia Bank Ltd</i> [2013] NSWCA 296 (Supreme Court of NSW, Court of Appeal) ▲ <i>Commonwealth of Australia v Davis Samuel Pty Ltd and Ors (No 7)</i> [2013] ACTSC 146 (Supreme Court of the ACT) ▲ <i>Raimondi v The Queen</i> [2013] VSCA 194 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Telstra Corporation Limited v Phone Directories Company Pty Ltd</i> [2014] FCA 568 (Federal Court of Australia)
<i>Recognition of Aboriginal Customary Laws</i> (ALRC Report 31, 1986)	<ul style="list-style-type: none"> ▲ <i>Gundy v Eatts</i> [2013] QSC 297 (Supreme Court of Queensland)
<i>Civil Admiralty Jurisdiction</i> (ALRC Report 33, 1986)	<ul style="list-style-type: none"> ▲ <i>Shagang Shipping Co Ltd v Ship 'Bulk Peace' as surrogate for the Ship 'Dong-A Astrea'</i> [2014] FCAFC 48 (Federal Court of Australia, Full Court)
<i>Contempt</i> (ALRC Report 35, 1987)	<ul style="list-style-type: none"> ▲ <i>O'Connor v Witness G</i> [2013] QSC 281 (Supreme Court of Queensland)
<i>Evidence</i> (ALRC Report 38, 1987)	<ul style="list-style-type: none"> ▲ <i>Haddara v The Queen</i> [2014] VSCA 100 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Sanderson v Rabuntja</i> [2014] NTSC 13 (Supreme Court of the Northern Territory) ▲ <i>Marshall v QBE Insurance (Australia) Limited</i> [2013] NSWSC 1935 (Supreme Court of NSW)
<i>Sentencing</i> (ALRC Report 44, 1988)	<ul style="list-style-type: none"> ▲ <i>R v Zerafa</i> [2013] NSWCCA 222 (Supreme Court of NSW, Court of Criminal Appeal)

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14 (continued)

ALRC report	Cases
<i>General Insolvency Inquiry</i> (ALRC Report 45, 1988)	<ul style="list-style-type: none"> ▲ <i>Sutherland v Jatkar</i> [2014] FCA 532 (Federal Court of Australia) ▲ <i>Fortress Credit Corporation (Australia) II Pty Ltd v Fletcher</i> [2014] NSWCA 148 (Supreme Court of NSW, Court of Appeal) ▲ <i>Australian Gypsum Industries Pty Ltd v Dalesun Holdings Pty Ltd</i> [2014] WASC 89 (Supreme Court of Western Australia) ▲ <i>DSG Holdings Australia Pty Ltd v Helenic Pty Ltd</i> [2014] NSWCA 96 (Supreme Court of NSW, Court of Appeal) ▲ <i>Lucas v Currie</i> [2013] FCA 1404 (Federal Court of Australia) ▲ <i>Morgan, in the matter of Brighton Hall Pty Ltd (in liq)</i> [2013] FCA 970 (Federal Court of Australia) ▲ <i>CBA Corporate Services (NSW) Pty Limited v Walker and Moloney, in the matter of ZYX Learning Centres Limited</i> [2013] FCAFC 74 (Federal Court of Australia, Full Court) ▲ <i>Sydney Water Corporation v McGrath</i> [2014] NSWCA 197 (Supreme Court of NSW, Court of Appeal)
<i>Grouped Proceedings in the Federal Court</i> (ALRC Report 46, 1988)	<ul style="list-style-type: none"> ▲ <i>Matthews v SPI Electricity Pty Ltd & Ors (No 9)</i> [2013] VSC 671 (Supreme Court of Victoria)
<i>Collective Investments: Other People's Money</i> (ALRC Report 65, 1993)	<ul style="list-style-type: none"> ▲ <i>Kern Consulting Group Pty Ltd & Anor v Opus Capital Ltd</i> [2014] QCA 111 (Supreme Court of Queensland, Court of Appeal) ▲ <i>MacarthurCook Fund Management Limited v TFML Limited</i> [2014] HCA 17 (High Court of Australia) ▲ <i>Australian Securities and Investments Commission v Australian Property Custodian Holdings Limited (No 3)</i> [2013] FCA 1342 (Federal Court of Australia)

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14 (continued)

ALRC report	Cases
<i>Designs</i> (ALRC Report 74, 1995)	<ul style="list-style-type: none"> ▲ <i>Seafolly Pty Limited v Fewstone Pty Ltd</i> [2014] FCA 321 (Federal Court of Australia) ▲ <i>Multisteps Pty Limited v Source and Sell Pty Limited</i> [2013] FCA 743 (Federal Court of Australia)
<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 Lomman</i> [2014] SASCF 55 (Supreme Court of South Australia, Court of Criminal Appeal)
<i>Confiscation That Counts: A Review of the Proceeds of Crime Act 1987</i> (ALRC Report 87, 1999)	<ul style="list-style-type: none"> ▲ <i>Attorney-General (NT) v Emmerson</i> [2014] HCA 13 (High Court of Australia) ▲ <i>Milne v The Queen</i> [2014] HCA 4 (High Court of Australia)
<i>Managing Justice: A Review of the Federal Civil Justice System</i> (ALRC Report 89, 2000)	<ul style="list-style-type: none"> ▲ <i>Acton & Hammer</i> [2013] FCCA 1174 (Federal Circuit Court of Australia)
<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation</i> (ALRC Report 92, 2001)	<ul style="list-style-type: none"> ▲ <i>Murdoch v Lake</i> [2013] QSC 268 (Supreme Court of Queensland)
<i>Uniform Evidence Law</i> (ALRC Report 102, 2006)	<ul style="list-style-type: none"> ▲ <i>Campton v Centennial Newstan Pty Ltd (No 1)</i> [2014] NSWSC 304 (Supreme Court of NSW) ▲ <i>Matthews v SPI Electricity Pty Ltd & Ors (Ruling No 35)</i> [2014] VSC 59 (Supreme Court of Victoria) ▲ <i>DPP v Bracken</i> [2014] VSC 94 (Supreme Court of Victoria) ▲ <i>Bai v Hammond</i> [2013] ACTSC 275 (Supreme Court of the ACT) ▲ <i>Martin v The Queen</i> [2013] VSCA 377 (Supreme Court of Victoria, Court of Appeal) ▲ <i>QUBE Logistics (Vic) Pty Ltd v Wimmera Container Line Pty Ltd</i> [2013] VSC 695 (Supreme Court of Victoria)

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14 (continued)

ALRC report	Cases
<p><i>Uniform Evidence Law</i> (ALRC Report 102, 2006) (continued)</p>	<ul style="list-style-type: none"> ▲ <i>Rich v Attorney General of New South Wales & Ors</i> [2013] NSWCA 419 (Supreme Court of NSW, Court of Appeal) ▲ <i>Huges (a Pseudonym) v The Queen</i> [2013] VSCA 338 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Versi v The Queen</i> [2013] NSWCCA 206 (Supreme Court of NSW, Court of Criminal Appeal) ▲ <i>Chaina v Presbyterian Church (NSW) Property Trust (No. 16)</i> [2013] NSWSC 1494 (Supreme Court of NSW) ▲ <i>R v MR</i> [2013] NSWCCA 236 (Supreme Court of NSW, Court of Criminal Appeal) ▲ <i>Matthews v SPI Electricity Pty Ltd & Ors (No 7)</i> [2013] VSC 553 (Supreme Court of Victoria) ▲ <i>Shea v TruEnergy Services Pty Ltd (No 5)</i> [2013] FCA 937 (Federal Court of Australia) ▲ <i>Lactalis Jindi Pty Ltd & Anor v Jindi Cheese Pty Ltd & Ors</i> [2013] VSC 475 (Supreme Court of Victoria) ▲ <i>Hopkins and Repatriation Commission</i> [2013] AATA 554 (Administrative Appeals Tribunal) ▲ <i>Clarke v The Queen</i> [2013] VSCA 206 (Supreme Court of Victoria, Court of Appeal)
<p><i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006)</p>	<ul style="list-style-type: none"> ▲ <i>DPP v Jones</i> [2013] VSCA 330 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Construction, Forestry, Mining and Energy Union v State of Victoria (No 2)</i> [2013] FCA 1034 (Federal Court of Australia) ▲ <i>Lewis v Chief Executive Department of Justice and Community Safety and Sentence Administration Board of the Australian Capital Territory</i> [2013] ACTSC 198 (Supreme Court of the ACT)

Table 13: Citations of ALRC reports in court and tribunal decisions 2013–14 (continued)

ALRC report	Cases
<p><i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006) (continued)</p>	<p>▲ <i>Lam v The Queen</i> [2014] WASCA 114 (Supreme Court of Western Australia, Court of Appeal)</p>
<p><i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115, 2011)</p>	<p>▲ <i>Hodgson v Amcor Ltd; Amcor Ltd v Barnes</i> (No. 11) [2013] VSC 739 (Supreme Court of Victoria)</p> <p>▲ <i>Liesfield v SPI Electricity Pty Ltd & Ors</i> (Ruling No 1) [2013] VSC 634 (Supreme Court of Victoria)</p> <p>▲ <i>Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Limited</i> [2013] HCA 46 (High Court of Australia)</p>

Appendix I: Presentations and articles written for external publications

Table 14: Presentations 2013–14

Presenter	Name of event	Title of presentation	Date	Location
Jill McKeough	Network Insight: Special Meeting of Advisers	Copyright and the Digital Economy	4 July 2013	Sydney
Robyn Gilbert	21st Annual Colloquium of Superannuation Researchers	Is superannuation a barrier to workforce participation? The ALRC Inquiry into mature age work	10 July 2013	Sydney
Jill McKeough	Centre of Media and Communications Law: Roundtable Discussion	Discussion Paper 79: Copyright and the Digital Economy	16 July 2013	Melbourne
Amanda Alford	Public Sector In-House Counsel Conference	Recent Developments in Law Reform: The Laws of Work	30 July 2013	Canberra
Rosalind Croucher	St Andrew's College Lecture	Defining Moments—In Honour of the Rev Theodora Hobbs	29 August 2013	Sydney
Rosalind Croucher	Commercial Law Association of Australia: Navigating the Changing Privacy Landscape—key legal and business issues	Welcome and Introduction	30 August 2013	Sydney
Rosalind Croucher	Australian Council of Human Rights Agencies	The ALRC's Current References—the state/federal challenge	13 September 2013	Sydney

Table 14: Presentations 2013–14 (continued)

Presenter	Name of event	Title of presentation	Date	Location
Lee Godden	Rethinking Public Interest in Expropriation Law	Expropriation and Third Party Transfers: Trends in Australian Jurisprudence—Griffiths v Minister for Lands, Planning and Environment	26–28 September 2013	Netherlands (via Skype)
Rosalind Croucher (with contributions from Amanda Alford)	NSW Disability Network Forum	The ALRC's Disability Inquiry	1 October 2013	Sydney
Barbara McDonald	Office of the Australian Information Commissioner—Community Attitudes to Privacy survey launch	Panel discussion	9 October 2013	Sydney
Rosalind Croucher	Law and Justice Forum: Disability Advocacy and Information Service	Panellist and final words: 'How will the information be used'	16 October 2013	Albury
Rosalind Croucher and Amanda Alford	HR Leadership Conference—World-class ideas for local organisations	Access All Ages and HR Leaders—Older Workers and Commonwealth Laws	18 October 2013	Canberra
Rosalind Croucher	Sydney Law School 2013 Postgraduate Conference—Stability and Transformation	Keynote Address: An Academic in the World of Law Reform—Of Writing and 'Jousting with Demons'	31 October 2013	Sydney

Table 14: Presentations 2013–14 (continued)

Presenter	Name of event	Title of presentation	Date	Location
Jill McKeough	Intellectual Property IP Teacher's Conference	Copyright and Law Reform	7–8 February 2014	Gold Coast
Jill McKeough	Australian Digital Alliance Forum 2014	Copyright Exceptions and the Context of Copyright Reform	14 February 2014	Canberra
Amanda Alford	Roundtable to Develop Second Action Plan under the National Plan to Reduce Violence Against Women and Their Children	Family Violence	6 February 2014	Canberra
Rosalind Croucher (with contributions from Amanda Alford and Bruce Alston)	Meeting of the Australian Guardianship and Administration Council	The ALRC's Disability Inquiry	28 February 2014	Perth
Jill McKeough	Competition Law and Intellectual Property: Academic Symposium	Copyright and Competition Law	26 March 2014	Sydney
Barbara McDonald	CMCL Privacy & Defamation Roundtable		23–24 April 2014	Melbourne
Barbara McDonald	Gilbert & Tobin Breakfast Debate—Privacy Awareness Week		6 May 2014	Sydney
Julie MacKenzie and Justine Clarke	Australasian Law Reform Agencies Conference (ALRAC)	Looking backward, looking forward: The ALRC's inquiries about customary law	28 May 2014	Apia, Samoa

Table 14: Presentations 2013–14 (continued)

Presenter	Name of event	Title of presentation	Date	Location
Lee Godden	AIATSIS Native Title Conference—Living with Native Title from the Bush to the Sea	Review of the <i>Native Title Act 1993</i>	2–4 June 2014	Coffs Harbour
Bruce Alston	NSW Ministerial Reference Group on Person Centred Approaches	The ALRC's Disability Inquiry	16 June 2014	Sydney

Table 15: Articles written for external publications 2013–14

Author	Name of article	Name of publication	Date
Rosalind Croucher	'A New Statutory Framework—towards a common legislative foundation for public inquiries in Australia'	<i>Royal Commissions and Public Inquiries as Instruments of Public Policy and Review</i>	July 2013
Rosalind Croucher	'Justice Behind the Scenes—Introduction'	<i>Justice Connections</i>	July 2013
Amanda Alford	'Family Violence, Employment and Anti-Discrimination Law: The Challenge for Law Reform'	<i>Justice Connections</i>	July 2013
Jill McKeough	'Libraries and the Copyright Inquiry'	<i>INCITE</i> (Journal of the Australian Library and Information Association)	November 2013
Lee Godden	'ALRC Inquiry into Native Title'	<i>Law Institute of Victoria Journal</i>	December 2013
Amanda Alford	'The ALRC's Disability Inquiry'	<i>PartyLine</i> (Newsletter of the National Rural Health Alliance)	March 2014

Appendix J: ALRC newsroom 2013–14

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

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- ▲ Terms released for disabilities inquiry | PS News—26 July 2013
- ▲ Inquiry into Legal Barriers for People with Disabilities | Pro Bono Australia—25 July 2013
- ▲ Commissioner appointed for ALRC inquiry into Legal Barriers for People with Disabilities | Newsmaker—24 July 2013
- ▲ Data breach law essential to protect individuals | Sydney Morning Herald—24 July 2013
- ▲ Disability Discrimination Commissioner turns spotlight on the justice system | The World Today (ABC News)—24 July 2013
- ▲ Australian Law Reform Commission Review | Education Services Australia—24 July 2013
- ▲ Commissioner appointed for ALRC inquiry into Legal Barriers for People with Disabilities | Attorney-General—23 July 2013
- ▲ 'Fair use' not fair to education | artsHub Australia—23 July 2013
- ▲ Why reform of copyright will benefit students and schools | Australian Digital Alliance—19 July 2013
- ▲ Drones a safety and privacy headache | The Australian—18 July 2013
- ▲ Data breach law a jobs killer | Sydney Morning Herald—17 July 2013
- ▲ What's wrong with copyright | artsHub Australia—17 July 2013
- ▲ Musicians may lose simulcast royalties | artsHub Australia—16 July 2013
- ▲ Giving Copyright A Fair Go—The Greens' Way | IP Whiteboard—15 July 2013
- ▲ National law reform: Adapting to the digital economy | Law Institute of Victoria—July 2013

- ▲ Copyright News | Managing Intellectual Property—11 July 2013
- ▲ Copyright for a Digital Future | NetHui—10 July 2013
- ▲ Greens Senator proposes fair use amendment to the Copyright Act | Minter Ellison—9 July 2013
- ▲ Copyright changes to affect journalists | The Australian—8 July 2013
- ▲ Volunteer Opportunities for Law Students and Graduates | Australian National University—8 July 2013
- ▲ Boost for anti-coal body shows Labor knows how to alienate its heartland | The Australian—5 July 2013
- ▲ Data breach hot potato to bounce back | The Age—4 July 2013
- ▲ Report decodes US data privacy | Lawyers Weekly—3 July 2013
- ▲ ALRC: have your say | Copyright Agency—3 July 2013
- ▲ Senate must pass mandatory data breach notification bill | ZDNet—2 July 2013
- ▲ Gaming the FOI system? | Open and Shut—1 July 2013
- ▲ Breach notification laws delayed from debate yet again | ZDNet—1 July 2013
- ▲ Mandatory data breach reforms in limbo for now | Business Spectator—1 July 2013

Appendix K: Submissions made to external inquiries 2013–14

Table 16: Submissions made by the ALRC to other inquiries 2013–14

Agency conducting inquiry	Date of submission	Subject matter	Related ALRC Report/Inquiry
National Commission of Audit	25 November 2013	Review of scope, efficiency and functions of the Commonwealth Government	N/A
Senate Standing Committee on Legal and Constitutional Affairs	20 January 2014	Review of the Telecommunications (Interception and Access) Act 1979 (Cth)	<i>For Your Information: Australian Privacy Law and Practice</i> (ALRC Report 108, 2008)

Appendix L: List of ALRC reports

This list does not include Annual Reports.

ALRC 1	<i>Complaints Against Police</i> , 1975
ALRC 2	<i>Criminal Investigation</i> , 1975
ALRC 4	<i>Alcohol, Drugs and Driving</i> , 1976
ALRC 6	<i>Insolvency: The Regular Payment of Debts</i> , 1977
ALRC 7	<i>Human Tissue Transplants</i> , 1977
ALRC 9	<i>Complaints Against Police</i> (Supplementary Report), 1978
ALRC 11	<i>Unfair Publication: Defamation and Privacy</i> , 1979
ALRC 12	<i>Privacy and the Census</i> , 1979
ALRC 14	<i>Lands Acquisition and Compensation</i> , 1980
ALRC 15	<i>Sentencing of Federal Offenders</i> (Interim), 1980
ALRC 16	<i>Insurance Agents and Brokers</i> , 1980
ALRC 18	<i>Child Welfare</i> , 1981
ALRC 20	<i>Insurance Contracts</i> , 1982
ALRC 22	<i>Privacy</i> , 1983
ALRC 24	<i>Foreign State Immunity</i> , 1984
ALRC 26	<i>Evidence</i> (Interim), 1985
ALRC 27	<i>Standing in Public Interest Litigation</i> , 1985
ALRC 28	<i>Community Law Reform for the Australian Capital Territory: First Report—Contributory Negligence in Fatal Accident Cases and Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases</i> , 1985
ALRC 30	<i>Domestic Violence</i> , 1986
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i> , 1986
ALRC 32	<i>Community Law Reform for the Australian Capital Territory: Second Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework</i> , 1986
ALRC 33	<i>Civil Admiralty Jurisdiction</i> , 1986
ALRC 35	<i>Contempt</i> , 1987
ALRC 36	<i>Debt Recovery and Insolvency</i> , 1987

ALRC 37	<i>Spent Convictions</i> , 1987
ALRC 38	<i>Evidence</i> , 1987
ALRC 39	<i>Matrimonial Property</i> , 1987
ALRC 40	<i>Service and Execution of Process</i> , 1987
ALRC 42	<i>Occupiers' Liability</i> , 1988
ALRC 43	<i>The Commonwealth Prisoners Act (Interim)</i> , 1988
ALRC 44	<i>Sentencing</i> , 1988
ALRC 45	<i>General Insolvency Inquiry</i> , 1988
ALRC 46	<i>Grouped Proceedings in the Federal Court</i> , 1988
ALRC 47	<i>Community Law Reform for the Australian Capital Territory: Third Report—Enduring Powers of Attorney</i> , 1988
ALRC 48	<i>Criminal Admiralty Jurisdiction and Prize</i> , 1990
ALRC 50	<i>Informed Decisions About Medical Procedures</i> , 1989
ALRC 51	<i>Product Liability</i> , 1989
ALRC 52	<i>Guardianship and Management of Property</i> , 1989
ALRC 55	<i>Censorship Procedure</i> , 1991
ALRC 57	<i>Multiculturalism and the Law</i> , 1992
ALRC 58	<i>Choice of Law</i> , 1992
ALRC 59	<i>Collective Investments: Superannuation</i> , 1992
ALRC 60	<i>Customs and Excise</i> , 1992
ALRC 61	<i>Administrative Penalties in Customs and Excise</i> , 1992
ALRC 63	<i>Children's Evidence: Closed Circuit TV</i> , 1992
ALRC 64	<i>Personal Property Securities</i> , 1993
ALRC 65	<i>Collective Investments: Other People's Money</i> , 1993
ALRC 67	<i>Equality Before the Law: Women's Access to the Legal System (Interim)</i> , 1994
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i> , 1994
ALRC 69 Pt. 1	<i>Equality Before the Law: Justice for Women</i> , 1994
ALRC 69 Pt. 2	<i>Equality Before the Law: Women's Equality</i> , 1994

ALRC 70	<i>Child Care for Kids: Review of Legislation Administered By Department of Human Services and Health</i> , 1994
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i> , 1995
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i> , 1995
ALRC 74	<i>Designs</i> , 1995
ALRC 75	<i>Costs Shifting: Who Pays for Litigation</i> , 1995
ALRC 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i> , 1995
ALRC 78	<i>Beyond the Door-Keeper: Standing to Sue for Public Remedies</i> , 1996
ALRC 79	<i>Making Rights Count: Services for People With a Disability</i> , 1996
ALRC 80	<i>Legal Risk in International Transactions</i> , 1996
ALRC 82	<i>Integrity: But Not By Trust Alone: AFP & NCA Complaints and Disciplinary Systems</i> , 1996
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i> , 1997
ALRC 85	<i>Australia's Federal Record: A Review of Archives Act 1983</i> , 1998
ALRC 87	<i>Confiscation That Counts: A Review of the Proceeds of Crime Act 1987</i> , 1999
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i> , 2000
ALRC 91	<i>Review of the Marine Insurance Act 1909</i> , 2001
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation</i> , 2001
ALRC 95	<i>Principled Regulation: Federal Civil & Administrative Penalties in Australia</i> , 2002
ALRC 96	<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> , 2003
ALRC 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information</i> , 2004
ALRC 99	<i>Genes and Ingenuity: Gene Patenting and Human Health</i> , 2004
ALRC 102	<i>Uniform Evidence Law</i> , 2005
ALRC 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders</i> , 2006
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia</i> , 2006

ALRC 107	<i>Privilege in Perspective: Client Legal Privilege in Federal Investigations</i> , 2008
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i> , 2008
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i> , 2010
ALRC 112	<i>Secrecy Laws and Open Government in Australia</i> , 2010
ALRC 114	<i>Family Violence: A National Legal Response</i> , 2010
ALRC 115	<i>Managing Discovery: Discovery of Documents in Federal Courts</i> , 2011
ALRC 117	<i>Family Violence and Commonwealth Laws—Improving Legal Frameworks</i> , 2012
ALRC 118	<i>Classification—Content Regulation and Convergent Media</i> , 2012
ALRC 120	<i>Access All Ages—Older Workers and Commonwealth Laws</i> , 2013
ALRC 122	<i>Copyright and the Digital Economy</i> , 2014
ALRC 123	<i>Serious Invasions of Privacy in the Digital Era</i> , 2014

Appendix M: ALRC Multicultural Plan report for 2013–14

1. Leadership

Minimum obligations

1.1 Executive accountability—Agency to assign a Senior Executive Officer to be responsible for implementation of Multicultural Access and Equity obligations in the agency.

1.2 Agency commitment—Agency leadership to ensure that staff understand and are committed to Multicultural Access and Equity implementation.

	Action	Responsibility	Timeline	Target	Report
1.1	Executive accountability				
	The ALRC President has committed to this AMP and has appointed the Executive Director to be responsible for its implementation.	Executive Director	1 July 2013	Executive Director has responsibility for the implementation of the ALRC's AMP.	President approved the ALRC's AMP and the Executive Director was appointed as chair of the Diversity Working Group.
1.2	Agency commitment				
	The ALRC will establish a Diversity Working Group with responsibility for developing, monitoring and implementing the ALRC's AMP.	Diversity Working Group (DWG)	1 May 2013 established. Quarterly meetings, in August, November and February.	Diversity Working Group established and meeting quarterly.	Given the size of the ALRC and the nature of its activities, it was decided that the DWG should meet biannually rather than quarterly. DWG met in February 2014 and in August 2014.

2. Engagement

Minimum obligations

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

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

	Action	Responsibility	Timeline	Target	Report
2.1	Stakeholder engagement				
	At the beginning of an inquiry, Commissioners and Legal Officers will develop a consultation strategy for CALD communities, relevant to the subject matter of that inquiry.	Commissioners and Legal Officers	At the beginning of each inquiry.	Each inquiry has a CALD consultation strategy in place, if relevant to CALD communities.	Communicating with CALD communities was considered relevant in the Disability Inquiry. Consultation strategy was developed for this inquiry.
2.2	Invite CALD community members with relevant expertise to participate in Advisory Committees and/or expert panels for ALRC inquiries.	Commissioners	At the beginning of each inquiry.	Each inquiry Advisory Committee and/or expert panel has diverse representation.	As Advisory Committee members are chosen for their individual expertise, relevant to the area of law under review, and not as being representatives of particular groups, it was decided to alter this target and to include this as part of the consultation strategy developed for each inquiry where relevant.
2.3	Where case studies are used in consultation documents and reports to reflect the experiences of stakeholders, the ALRC will include CALD-related case studies.	Legal Officers	Throughout each inquiry.	Diverse case studies are used in consultation documents and reports.	Case studies have been used in the Disability Inquiry and include CALD community perspectives.

	Action	Responsibility	Timeline	Target	Report
2.4	Language and communication				
	Develop a language and communication plan to facilitate and encourage ALRC communications with CALD communities.	Diversity Working Group	September 2013	Language and communication plan produced.	Language and communication plan was not completed. To be completed by December 2014.
2.5	Produce community fact sheets that explain the key concepts and recommendations of relevance to the CALD community, where appropriate.	Legal Officers	At the conclusion of each inquiry.	Number of fact sheets produced and available.	Two Easy English papers have been produced. One for the Issues Paper and one for the Discussion Paper in the Disability Inquiry. The purpose was to provide access to diverse communities.
2.6	Ensure stakeholder contributions can be made in a variety of forms, including orally.	Executive Director	Throughout each inquiry.	Number of consultations held and submissions received from CALD community organisations and representatives.	This target to be changed. The ALRC did provide a variety of ways in which CALD communities could make contributions to our inquiries and these are advertised on the ALRC website.

	Action	Responsibility	Timeline	Target	Report
2.7	Ensure media releases are available to CALD community press/networks.	Executive Director	At the publication of Report.	Number of media releases available to CALD community press/networks.	Media release for Copyright Inquiry was sent to ethnic news outlets through AAP Medianet. Media releases for the Disability Inquiry were sent to community organisations to send out through their networks. DWG decided to expand this target to include media releases about consultation papers.

3. Performance

Minimum obligations

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

	Action	Responsibility	Timeline	Target	Report
3.1	Performance indicators and reporting				
	Annual review of consultation strategy templates.	Diversity Working Group	First review by 1 July 2014, then annually.	Review will be undertaken in July 2014. Consultation strategy updated.	Review will be conducted in August 2014.
	Two-yearly review of consultation strategy templates with CALD stakeholders.	Diversity Working Group	First review by 1 July 2014, then July 2016.		

	Action	Responsibility	Timeline	Target	Report
3.2	Consultation and engagement with CALD community organisations and representatives. <i>(Note: the ALRC does not determine the subject matter of its inquiries. Some ALRC inquiries will be of more relevance to CALD communities than others).</i>	Commissioners and Legal Officers	Throughout each inquiry.	Number of consultations held and submissions received from CALD community organisations and representatives.	The ALRC consulted with 5 CALD community organisations and representatives and received 2 submissions from CALD community organisations.
3.3	Feedback				
	Review feedback mechanisms and search functions on ALRC website relevant to CALD communities.	Online Communications Manager and Diversity Working Group	December 2013	Initial review completed.	The ALRC website provides a feedback mechanism. Due to feedback from the Deaf Society, the ALRC produced two policies about the law reform process and how to make a submission in video for AUSLAN readers.

	Action	Responsibility	Timeline	Target	Report
3.4	Conduct a stakeholder survey to collect feedback on the ALRC's performance and level of responsiveness to CALD stakeholders.	Executive Director and Diversity Working Group	At the conclusion of each inquiry.	Survey distributed and results compiled at the conclusion of each inquiry.	Not achieved. The DWG will reassess this initiative in 2014–15.
3.5	Provide feedback to CALD communities about the results of consultations and/or inquiries in a number of ways including by using the ALRC's website, through fact sheets, articles in publications and media as well as through conferences and seminars.	Executive Director, Commissioners and Legal Officers	At the conclusion of each inquiry.	Number of fact sheets, articles and conference presentations.	Achieved See 2.4.

4. Capability

Minimum obligations

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

	Action	Responsibility	Timeline	Target	Report
4.1	Cultural competency				
	Induction materials are updated with appropriate information about cultural diversity and the ALRC's AMP.	Executive Director	By December 2013 and then annually.	Induction material is up to date.	Induction material for new employees now includes the ALRC AMP and RAP.
4.2	All new employees will be made aware of AMP as part of the induction process.	Executive Director	Upon engagement of new employees.	New employees have received information about the ALRC's AMP.	No new employees have been engaged since the ALRC developed its AMP.
4.3	Provide two-yearly cross-cultural training to all employees.	Executive Director	June 2014	All employees have attended cross-cultural training.	Due to budget constraints, cross-cultural training not completed. The aim is to do so in the 2014–15 year.
4.4	Research and data				
	Compile a list of all CALD stakeholders engaged with in the course of inquiries.	Executive Director, Project Coordinator and Legal Officers	At the conclusion of each inquiry.	List compiled of all CALD stakeholders engaged with in the course of inquiries.	CALD stakeholders were included in the list of stakeholders consulted with in the Copyright Report.

	Action	Responsibility	Timeline	Target	Report
4.5	In preparing consultation strategies, discussion papers, and reports, consider best practice research and data/statistical resources to better understand demographic and socio-economic characteristics of CALD communities, where relevant.	Legal Officers	Throughout each inquiry.	CALD statistics and resources used to inform and/or referred to in consultation strategies and inquiry documents.	This was achieved in the Disability Inquiry.
4.6	Update consultation strategy templates to include a reference guide to best practice research and statistical/data information on CALD communities.	Executive Director and Diversity Working Group	Annually	Consultation strategy templates updated by June 2013.	Update completed in July 2014. DWG will change this to a biennial update.

5. Responsiveness

Minimum obligations

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

	Action	Responsibility	Timeline	Target	Report
5.1	Standards				
	The ALRC will adhere to all whole-of-government diversity standards and guidelines that are developed to ensure access and equity is a consideration in all the ALRC's whole-of-government services, frameworks, protocols and procurements.	Executive Director	From July 2013 and ongoing.	ALRC has adhered to access and equity guidelines in all its whole-of-government services, frameworks, protocols and procurements.	Achieved.
5.2	Policy, program and service delivery				
	Review all ALRC policies to ensure they use culturally appropriate language and promote diversity.	Diversity Working Group	December 2013	All ALRC internal policies use culturally appropriate language and promote diversity.	ALRC policies need to be reviewed to ensure appropriate language used and diversity promoted. New deadline June 2015.
5.3	Develop and publish an ALRC diversity commitment in line with the <i>Australian Public Service Commissioner's Directions</i> .	Diversity Working Group	July 2013	Commitment is published on ALRC website.	Achieved.

	Action	Responsibility	Timeline	Target	Report
5.4	Develop and implement CALD feedback and evaluation mechanism to collect information on how effective ALRC inquiry processes are in communicating with CALD communities.	Diversity Working Group	December 2013	Evaluation methodology developed and implemented.	Feedback is provided through the ALRC website.
5.5	Notification of new positions and the existence of the ALRC's Temporary Employment Register in CALD networks.	Executive Director	July 2013, updated when new positions arise.	Increased number of applications from CALD communities to new positions and on the Temporary Employment Register.	No new positions were advertised during the reporting period.
5.6	Outsourced services				
	The ALRC will incorporate Multicultural Access and Equity requirements into contracts for any outsourced services it engages.	Executive Director	July 2013	Contracts for outsourced services encourage adherence by contractor to access and equity principles.	The ALRC's only outsourced supplier contract is with a commercial technology supplier and this target was not possible to negotiate with them.

6. Openness

Minimum obligations

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

	Action	Responsibility	Timeline	Target	Report
6.1	Publishing				
	The ALRC's AMP will be published on the ALRC website.	Online Communications Manager	July 2013	ALRC's AMP published on the ALRC website.	Achieved.
6.2	A performance report in relation to the AMP will be included in the ALRC Annual Report.	Executive Director and Diversity Working Group	August 2013 and then annually.	AMP performance report included in the ALRC Annual Report.	Achieved.
6.3	ALRC to report to DIAC and Australian Multicultural Council against AMP.	Executive Director	First report July 2015 and then two yearly.	Report provided to DIAC and AMC against AMP.	
6.4	Where relevant, summary documents and/or fact sheets addressing CALD issues raised in an inquiry will be published on the ALRC website to ensure the visibility of the issues and perspectives of CALD communities.	Legal Officers	At the conclusion of each inquiry.	Summary documents and fact sheets produced and published.	Two documents have been translated into 20 community languages and provided on the ALRC website.
6.5	Data				
	A list of all CALD stakeholders engaged with in the course of each inquiry will be listed in the Report and published on the ALRC website.	Executive Director, Project Coordinator and Online Communications Manager	At the conclusion of each inquiry.	CALD stakeholders are included in stakeholder lists in Reports and on the ALRC website.	CALD stakeholders were included as part of the list of consultations for the Copyright Report.

Appendix N: Reconciliation Action Plan 2012–14 report

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

Our vision for reconciliation

'Reconciliation involves justice, recognition and healing. It's about helping all Australians move forward with a better understanding of the past and how the past affects the lives of Indigenous people today.'

Reconciliation Australia

The ALRC sees reconciliation between Indigenous and non-Indigenous Australians as comprising both processes and outcomes. Both of these things require meaningful and ongoing dialogue between Indigenous peoples and the ALRC. For the ALRC, *respect* for Indigenous peoples; *participation and representation* of Indigenous peoples; and *consideration and understanding* of issues that are important to Indigenous peoples are essential features of the journey to, and achievement of, reconciliation in Australia.

Our RAP

The ALRC's Reconciliation Action Plan (RAP) focuses on relationships, respect and opportunities. The ALRC recognises that our RAP needs to achieve practical outcomes. Therefore, the ALRC commits to:

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

The ALRC recognises that historically the Australian legal system has failed to deliver equitable social and economic outcomes for Indigenous peoples. As a law reform body, the ALRC has the opportunity to contribute to social justice, equity and inclusion in Australia. The ALRC commits to building trusting relationships with Indigenous peoples, while recognising that building relationships and trust takes time and requires resources. The ALRC will take account of this in the way it organises its activities and priorities.

Our business

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

Summary and key learnings 2012–14

The past two years have been challenging for the ALRC with a further reduction in staffing from 16.24 to 14 and a very big work load with the ALRC working on four inquiries during the past year as opposed to the two concurrent inquiries that is our usual practice. This has added to the workload of the staff and made it more difficult to undertake other activities. As a result, the ALRC has decided to form a Diversity Working Group and to include the RAP Committee within this broader group rather than to continue with two stand-alone Committees.

Relationships

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

Action	Target	Actual progress	Lessons learned
Maintain the RAP Committee.	RAP Committee meeting quarterly.	Due to resourcing issues, it was decided to combine the RAP Committee with the Diversity Working Group and to meet every 6 months rather than quarterly.	Due to the small size of the ALRC and the nature of our work, we found that there was little achieved in meeting quarterly.
Identify opportunities for consultation with Indigenous communities and organisations on ALRC inquiries, where relevant. When a consultation has been conducted with an Indigenous organisation it will be reported to the RAP Committee.	Number of consultations with Indigenous peoples held per inquiry.	The ALRC has consulted widely with the Aboriginal community on two specific inquiries, one into Commonwealth Laws and Disability and the other on changes to the Native Title Act.	Our ability to consult with Indigenous communities and organisations is very much influenced by the nature of the inquiry work at any given time. Some inquiries are more relevant to Indigenous people than others, and where an inquiry is not seen as relevant, it has been difficult to engage with Indigenous communities in the process of law reform. Therefore, this target is greatly influence by the nature of our work at any given time, something that is not within our control.

Action	Target	Actual progress	Lessons learned
<p>Awareness of protocols for use by ALRC legal staff in all consultations with Indigenous peoples that reflect their diversity of circumstances. This may mean using local Indigenous consultants, interpreters, taking oral submissions and other flexible consultation processes so that Indigenous perspectives and opinions are understood. A checklist that outlines these protocols to be developed. Consult with other organisations that have a protocol of this nature, e.g. Arts Law Centre.</p>	<p>Checklist developed and used by Legal Officers during inquiry consultation processes.</p> <p>Protocols documented and used in Legal Officer inductions.</p> <p>Protocols considered prior to all consultations with Indigenous communities.</p>	<p>Although a protocol document has not yet been developed, the Native Title team has been aware of the appropriate way of communicating with Indigenous communities and has gone through the Native Title Rep groups where appropriate. They have also canvassed whether there was a need to use interpreters and community consultants although for the consultations to date, the communities did not think this was necessary. The website submissions page states that people can make submissions to the Inquiry orally if they need to. Two oral submissions have been received.</p>	

Action	Target	Actual progress	Lessons learned
Provide feedback to Indigenous communities about the results of consultations and/or inquiries in a number of ways including by using the ALRC website, through fact sheets, articles in publications and through conferences and seminars.	<p>Feedback is provided to Indigenous communities on the ALRC's consultations and inquiry processes and accounted for in the consultation strategy checklist and report.</p> <p>ALRC website is updated re any consultations with Indigenous communities and any results from inquiries.</p>	The Native Title Inquiry team provided feedback on the progress of this Inquiry at the National Native Title Conference in Coffs Harbor in June 2014 and through the Native Title e-news and on the website. An information sheet outlining the key recommendations that may affect Indigenous peoples was produced for the Age Barriers to Work Inquiry and for the Commonwealth Laws and Family Violence Inquiry.	Providing feedback to the community once an inquiry is completed is an important way of both respecting the input that these communities have had to the inquiry and demonstrating how their input has been utilised, and also an important way of extending the relations that have been made during an inquiry.
Maintain the currency of the ALRC contact database and ensure Indigenous legal organisations, lawyers and stakeholders are included in the ALRC mailing lists and invited to ALRC functions.	Indigenous database.	Indigenous stakeholders have been added to our database and are sent information about our inquiry work that is of relevance to them.	It is important to have Indigenous media included in all media mail outs so as to raise knowledge of ALRC activities in the Indigenous community. Ensuring Indigenous people receive our newsletters and media releases is important to building connections and understanding of the work of the ALRC.

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

Respect

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

Action	Target	Actual progress	Lessons learned
All ALRC staff to undertake Indigenous cultural awareness training.	Cross cultural training for all ALRC staff.	Cross cultural awareness training not undertaken during the reporting period.	Resourcing cross cultural training has been an issue in a very tight budget situation where there has been other demands for all staff training in areas such as WH&S, protective security and fraud training. Undertaking cross cultural training every two years will be more achievable.
Induction for new staff to include Indigenous cultural awareness training.	Indigenous cultural awareness to be part of the induction for all new staff, and induction materials updated to include Indigenous protocols and policies.	Training not given but new staff were encouraged to join the RAP Committee and the RAP was given to them.	No one felt confident to conduct Indigenous cultural awareness training for new staff. Instead the DWG believes that it is more realistic to give a copy of the RAP to new staff and that this should be the new action in an updated RAP.

Action	Target	Actual progress	Lessons learned
Investigate a policy for handling Indigenous material that is culturally sensitive. Utilise policies developed by other organisations where possible.	Policy in place, used by staff and published on ALRC website.	Confidential submissions are treated in the same way as all confidential submissions as per the ALRC submission policy.	The ALRC does not receive culturally sensitive material and therefore the Committee believes that having an actual policy to deal with culturally sensitive material is not really necessary and needs to be changed for the next RAP.
Use the protocol for Indigenous 'Welcome to Country' and the acknowledgement of the traditional owners and ancestors for use at ALRC functions and events.	Number of times the Welcome to Country and/or acknowledgement is used at ALRC events and functions.	Achieved. President and Commissioners have followed the acknowledgement of the traditional owners and ancestors at all Advisory Committee meetings, at consultations and at conferences where they are making presentations.	
Develop a calendar of Indigenous events that can be celebrated and/or acknowledged by the ALRC.	Number of Indigenous events ALRC participates in.	ALRC regularly celebrates NAIDOC week and Reconciliation Week with attendance at a number of associated events.	
Maintain subscriptions to relevant Indigenous magazines, newsletters, and Indigenous law journals.	Number of current subscriptions.	The ALRC receives newsletters and/or alerts from the Indigenous Law Centre at UNSW, from AIATSIS and from the National Native Title Tribunal.	ALRC has had to reduce the number of magazines and papers it subscribes to due to budgetary restrictions.

Action	Target	Actual progress	Lessons learned
Seek opportunities to support Indigenous businesses whenever possible.	Number of Indigenous businesses utilised by the ALRC.	ALRC commissioned Indigenous company Gilimbaa to provide artwork for its Native Title Inquiry.	The ALRC has limited need to commission outside businesses to undertake work with the ALRC. Most commonly when activities are commissioned such as catering, cost is the key factor driving our decisions.

Opportunities

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

Action	Target	Actual progress	Lessons learned
Increase the number of Indigenous applicants to ALRC positions—advertise all new jobs in Indigenous media.	Number of Indigenous advertisements for each position.	Not achieved.	Under current Government employment policy positions can no longer be publically advertised. All new positions must be referred to APSC and if approval is given to recruit, recruitment is limited to current APS employees through the public gazette.
Establish an Indigenous component to the internship program at the ALRC.	Number of Indigenous interns.	ALRC has recruited one Indigenous student to attend our internship program and to work on the ALRC Native Title Inquiry.	Having a specifically targeted Indigenous internship program is not possible given the current resources of the ALRC. However, making connections with Indigenous law centres to alert them to the internship is something that is done at the beginning of each semester.
Investigate whether it is possible for the ALRC to establish a relationship with a Sydney-based Indigenous organisation to share expertise.		Not achieved.	This is not a realistic action given the level of resources at the ALRC.

Action	Target	Actual progress	Lessons learned
Identify suggestions for new ALRC references of primary interest to Aboriginal and Torres Strait Islander peoples.	Suggestions identified and discussed with the Attorney-General's Department.	Achieved. ALRC has an inquiry into reforming the Native Title Act.	
Develop the Indigenous consultation section of the website.	Indigenous section of the ALRC website revised and updated.	Achieved.	

Tracking progress and reporting

Action	Target	Actual progress	Lessons learned
ALRC RAP Committee to meet quarterly to monitor the implementation of the ALRC RAP.	Progress on ALRC RAP is reported annually.	Annual reporting completed in ALRC Annual Report and on website.	Due to reduced staffing and resources it was decided to combine the RAP Committee with the Diversity Working Group and to meet twice per year.
Report progress in Annual Report.	Report included in Annual Report.	Achieved. RAP report is included in Annual Report. Final copy due in mid September. Report will then be uploaded to the ALRC website.	
Update RAP.	RAP updated by RAP Committee biennially.	New RAP will be uploaded on website in October 2014.	

Glossary and indexes

Glossary

AASB	Australian Accounting Standards Board
ACT	Australian Capital Territory
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ALRAC	Australasian Law Reform Agencies Conference
ALRC	Australian Law Reform Commission
ALRC Act	Australian Law Reform Commission Act 1996 (Cth)
AM	Member of the Order of Australia
AMP	Agency Multicultural Plan
ANAO	Australian National Audit Office
AO	Order of Australia Award
APS	Australian Public Service
APSC	Australian Public Service Commission
CALD	Culturally and Linguistically Diverse
CEI	Chief Executive Instructions
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CPR	Commonwealth Procurement Rules
Cth	Commonwealth of Australia
DCB	Departmental Capital Budget
DP	Discussion Paper
DWG	Diversity Working Group
EEO	Equal Employment Opportunity
EL	Executive Level
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
EPUB	Electronic Publication. A free and open e-book standard by the International Digital Publishing Forum (IDPF)
ERMP	Enterprise Risk Management Plan

FCP	Fraud Control Plan
FMA Act	Financial Management and Accountability Act 1997 (Cth)
FMO	Finance Minister's Orders
FOI	Freedom of Information
FOI Act	Freedom of Information Act 1982 (Cth)
FSC	Forest Stewardship Council
FTE	Full-Time Equivalent
HSMA	Health and Safety Management Arrangements
HTML	HyperText Markup Language
IP	Issues Paper
IPP	Information Publication Plan
IPS	Information Publication Scheme
KPI	Key Performance Indicator
LO	Legal Officer
MP	Member of Parliament
N/A	Not applicable
NDIS	National Disability Insurance Scheme
NSW	New South Wales
NT	Northern Territory
PDF	Portable Document Format
PGPA Act	Public Governance, Performance and Accountability Act 2013 (Cth)
PLO	Principal Legal Officer
PS Act	Public Service Act 1999 (Cth)
P/T	Part-time
QC	Queen's Counsel
QLD	Queensland
RAP	Reconciliation Action Plan
Rec	Recommendation
SA	South Australia

SC	Senior Counsel
SES	Senior Executive Service
SLO	Senior Legal Officer
TOR	Terms of Reference
UN	United Nations
UNSW	University of New South Wales
USyd	University of Sydney
UTS	University of Technology, Sydney
VIC	Victoria
WA	Western Australia
WH&S	Work Health and Safety
WHASC	Work Health and Safety Committee

Compliance Index

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

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

Part of Report	Description	Page no.
	Letter of transmittal	iii
	Table of contents	1
	Index	225
	Glossary	216
	Contact officer(s)	ii
	Internet home page address and Internet address for report	ii
Review by Secretary		
	Review by departmental secretary	3
	Summary of significant issues and developments *	10
	Overview of department's performance and financial results *	12, 54
	Outlook for following year *	46
	Significant issues and developments—portfolio *	not applicable
Departmental Overview		
	Role and functions	14
	Organisational structure	13
	Outcome and programme structure	16

Part of Report	Description	Page no.
	Where outcome and programme structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	no difference
	Portfolio structure	not applicable
Report on Performance		
	Review of performance during the year in relation to programmes and contribution to outcomes	18
	Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	18, 26
	Where performance targets differ from the PBS/PAES, details of both former and new targets, and reasons for the change	no change
	Narrative discussion and analysis of performance	18
	Trend information	46
	Significant changes in nature of principal functions/services *	not applicable
	Performance of purchaser/provider arrangements *	not applicable
	Factors, events or trends influencing departmental performance *	not applicable
	Contribution of risk management in achieving objectives *	not applicable
	Performance against service charter customer service standards, complaints data, and the department's response to complaints	not applicable

Part of Report	Description	Page no.
	Discussion and analysis of the department's financial performance	54
	Discussion of any significant changes in financial results from the prior year, from budget or anticipated to have a significant impact on future operations.	34
	Agency resource statement and summary resource tables by outcomes	146
<hr/> Management and Accountability		
<hr/> Corporate Governance		
	Agency heads are required to certify that their agency complies with the 'Commonwealth Fraud Control Guidelines'	44
	Statement of the main corporate governance practices in place	37
	Names of the senior executive and their responsibilities *	37
	Senior management committees and their roles *	43
	Corporate and operational plans and associated performance reporting and review *	126
	Internal audit arrangements including approach adopted to identifying areas of significant financial or operational risk and arrangements to manage those risks *	44
	Policy and practices on the establishment and maintenance of appropriate ethical standards *	45
	How nature and amount of remuneration for SES officers is determined *	42
<hr/> External Scrutiny		
	Significant developments in external scrutiny	46

Part of Report	Description	Page no.
	Judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner	47
	Reports by the Auditor-General, a Parliamentary Committee, the Commonwealth Ombudsman or an agency capability review	47
<hr/>		
Management of Human Resources		
	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	47
	Workforce planning, staff retention and turnover *	48
	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and Australian Workplace Agreements (AWAs) *	49
	Training and development undertaken and its impact *	50
	Work health and safety performance *	53
	Productivity gains *	not reported
	Statistics on staffing	47
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	49
	Performance pay	50
<hr/>		
Assets management		
	Assessment of effectiveness of assets management	not applicable
<hr/>		
Purchasing		
	Assessment of purchasing against core policies and principles	54

Part of Report	Description	Page no.
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	55
Australian National Audit Office Access Clauses		
	Absence of provisions in contracts allowing access by the Auditor-General	none to report
Exempt contracts		
	Contracts exempted from publication in AusTender	none to report
Financial Statements		
	Financial Statements	59
Other Mandatory Information		
	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i>)	53
	Advertising and Market Research (Section 311A of the <i>Commonwealth Electoral Act 1918</i>) and statement on advertising campaigns	55
	Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	56
	Compliance with the agency's obligations under the <i>Carer Recognition Act 2010</i>	not applicable

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
	Grant programmes	none to report
	Disability reporting—explicit and transparent reference to agency-level information available through other reporting mechanisms	57
	Information Publication Scheme statement	58
	Correction of material errors in previous annual report	none to report
	Agency Resource Statements and Resources for Outcomes	146
	List of Requirements	219

Index

A

Accountability	35–58
Advisory committees	143–145
Advertising & market research	55
Agency Multicultural Plan	117, 196–206
Agency resource statement	146
ALRC Act	14, 17, 36, 37, 45
ALRC reports	192–195
Appointments	10
Articles written for external publications	172
Attorney-General	iii, 6, 8, 10, 11, 14, 17, 18, 19, 21, 22, 23, 24, 37, 46, 114, 116
Audit report	43–44
Australasian Law Reform Agencies Conference (ALRAC)	123–124

C

Challenges	34
Citations	28, 163–168
Code of conduct	45
Collier, The Hon Justice Berna	8, 10, 38, 40
Commissioners	37–42
Compliance index	219–224
Conflict of interest	45–46
Consultancies	55
Consultations	23–24
Consultation papers	24–25
Copyright Inquiry	5, 19–20
Corporate governance framework	36
Corporate planning	43, 126–128
Courts & tribunal decisions	47
Croucher, Prof Rosalind	iii, 3–8, 22, 23, 37, 38, 46, 47

D

Disability Inquiry	6–7, 22
Disability strategy	57–58
Diversity	117–119
Diversity consultation strategy	24

E

Employment conditions	49–50
E-newsletters	22, 33
Enterprise agreement	46, 49, 50, 54
Environmental performance	56–57
Equal employment opportunity	52–53

Ethics	45
External inquiries	32
External scrutiny and controls	47

F

Facebook	33
Financial performance summary	54
Financial statements	59–112
FMA Act	iii, 14, 36, 37, 43, 44, 55
Fraud control	44
Freedom of information	58
Freedoms Inquiry	8, 23
Functions	14

G

Glossary	216–218
Godden, Prof Lee	6, 10, 23, 38, 40, 46, 119
Governance	37–46

H

Human resource management	47–54
---------------------------	-------

I

Implementation of reports	26–27, 148–162
Indemnity	46
Innes, Graeme	10, 22, 38, 42
Inquiries	5, 19–23
International outreach	123–124
Internship program	120–122

K

KPIs	26, 127–128
------	-------------

L

Law reform process	114–116
Legal services expenditure	55

M

Management	35–58
McDonald, Prof Barbara	6, 10, 37, 39, 46
McKeough, Prof Jill	5, 19, 37, 39
Media	30–31
Members	37–42
Middleton, The Hon Justice John	8, 19, 38, 41
Ministerial powers	35

N

Native Title Inquiry	6, 22–23
Newsroom	173–190

O

Ombudsman, Commonwealth	47
Online communications	33
Online forums	33
Organisational structure	13
Outcome report	17
Outcome and program structure	16
Outcome statement	iv, 126

P

Parliamentary mentions	32
Parliamentary scrutiny	47
Performance rewards & bonuses	50
Perram, The Hon Justice Nye	8, 19, 38, 41, 43
Performance report	12, 15–34
PGPA Act	8, 37, 46
Policies	42–43, 129–130
Presentations	30, 169–172
President's overview	3–8
Privacy Inquiry	6, 21
Procurement and purchasing	54–55
Program 1	18–25, 126–127
Public Service Act	iii, 14, 37, 45, 211
Publications	11

R

Reconciliation Action Plan	118–119, 207–214
Remuneration	42
Resource for outcomes	147
Risk management	44–45
Role	14

S

Significant developments	46
Significant events	10–11
Speaking engagements	30, 169–172
Staff	47–49
Staff development	50–52
Study leave	52
Submissions made to the ALRC	28–29
Submissions made to external inquiries	191

T

Terms of reference	131–142
Transmittal letter	iii
Twitter	33

V

Vision statement	iv, 126
------------------	---------

W

Website	29–30
Work health & safety	53–54
Workplace diversity	52–53

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