



2012-13

REPORT 121

ANNUAL REPORT



Australian Government

Australian Law Reform Commission

ALRC

2012–13

REPORT 121

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

27 September 2013

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 2012 to 30 June 2013.

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	33
Corporate overview		Ministerial powers	33
Snapshot of 2012–13	10	Members of the Commission	33
Appointments and cessations	10	Remuneration	36
Significant events	10	Policies	36
Publications	10	Corporate planning	37
Performance	11	Financial management and audit	37
ALRC organisational structure	11	Fraud control and risk management	38
Role and functions of the ALRC	12	Enterprise risk management	38
Report on performance		Ethics	39
Outcome and program structure	14	Conflict of interest	39
Outcome report	15	Indemnity	39
Program 1: Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform	16	Significant developments 2013–14	40
The law reform process	17	External scrutiny and controls	40
Inquiries	18	Parliamentary scrutiny	40
Consultation meetings	20	Court and tribunal decisions	40
Diversity consultation strategy	22	Commonwealth Ombudsman	40
Consultation papers and reports	22	Human resource management	41
Program 1: Key performance indicators	23	Staffing	41
Implementation of reports	23	Staff retention and turnover	41
Court citations	25	Employment conditions	42
Submissions	25	Performance rewards and bonuses	43
ALRC website	25	Staff development	44
Presentations and speaking engagements	26	Study leave	45
Media mentions	27	Workplace diversity	45
Additional performance indicators	28	Work health and safety	45
Participation in external inquiries	28	Summary of financial performance	46
Mentions in Parliament	28	Financial outcomes	46
Online communications	28	Other reporting requirements	47
Challenges for 2013–14	30	Procurement and purchasing	47
Management and accountability		Consultancies	48
Corporate governance framework	32	Advertising and market research	48
		Environmental performance	48
		Disability strategy	50
		Freedom of information	51
		Protective security	51

Financial statements	53
Special features	
Law reform process	102
Diversity	104
Agency Multicultural Plan (AMP)	104
Reconciliation Action Plan update	104
ALRC internship program	106
International outreach	108
Delegations	108
Professional development	108
Australasian Law Reform Agencies Conference (ALRAC)	109
Kirby Cup Law Reform Competition	110
Appendices	
A. Corporate Plan 2011–2013	112
B. Key supporting policies and documents	115
C. Terms of Reference 2012–13	117
D. Advisory committee members and consultants 2012–13	122
E. Agency resource statement and resources for outcomes 2012–13	124
F. Implementation activity 2012–13	126
G. Implementation status of ALRC reports 2012–13	130
H. Citations of ALRC reports in major court decisions 2012–13	144
I. Presentations and articles written for external publications 2012–13	149
J. ALRC newsroom 2012–13	154
K. Submissions made to external inquiries 2012–13	168
L. List of ALRC reports	169
Glossary and indexes	
Glossary	174
List of requirements	177
Index	182

President's overview



ALRC President, Professor Rosalind Croucher

2012–13 has been a productive year for the ALRC, and one in which we have seen the enduring nature of law reform—along with the high regard for the ALRC’s work—evidenced in the substantial implementation activity that has occurred and the continued referral to the ALRC of highly relevant and apposite law reform projects. We have completed our Review into Commonwealth Legal Barriers to Older Persons Participating in the Workforce (the Age Barriers Inquiry) and continued to work on the Copyright in the Digital Economy Inquiry. We have been referred a new Inquiry into Serious Invasions of Privacy in the Digital Era, and the Attorney-General, the Hon Mark Dreyfus QC MP, has foreshadowed publicly that two additional inquiries will be referred to us shortly—into aspects of the *Native Title Act 1996* (Cth) and Legal Barriers for People with Disability.

‘The quality of the work of the ALRC is a testament to the contribution of our myriad of stakeholders and helps to ensure that our proposals are sensible, achievable, and that they strike the right balance between competing interests and perspectives, to deliver realisable reform to the Australian community.’

*Prof Rosalind Croucher,
ALRC President*

In March, we delivered our Report for the Age Barriers Inquiry, *Access All Ages—Older Workers and Commonwealth Laws*. This Inquiry arose out of concerns about the economic implications of an ageing population and the recognition that expanding the workforce participation of older Australians may go some way to meeting such concerns. The approach to law reform that we took in this Report includes a mix of strategies, directed for example, at legislation, codes of practice, guidelines, and education and training. Although the Report is presented to the Attorney-General, some of its recommendations are directed to other government agencies and bodies, professional associations and institutions for action or consideration. Much energy and activity, nationally and internationally, has been directed towards encouraging mature age people to remain in, or re-enter, paid work. The ALRC’s Report complements this other activity and its 36 focused recommendations, if implemented, will provide a timely, coordinated policy response.

The ALRC was assisted in this Inquiry by the Hon Susan Ryan AO, Age Discrimination Commissioner and, as she ends her role as ALRC part-time Commissioner, I want to acknowledge her contribution to the Inquiry, and thank her for providing guidance and insight throughout the process.

The Copyright Inquiry team, led by Commissioner Jill McKeough, has been busy this year and released its second consultation paper for the Inquiry in June. This Inquiry requires the ALRC to consult widely on controversial areas of copyright law in the digital environment and to suggest strategies for improvement. The ALRC has already received over 300 submissions, with many more expected in the coming months in response to our Discussion Paper. The Report is due to be completed at the end of November. I want to take this opportunity to acknowledge and thank Professor McKeough for her work in leading this complex Inquiry. Professor McKeough’s standing in the field of copyright law and her in-depth knowledge and experience have proven to be invaluable in helping the ALRC traverse this controversial area of law.

As indicated in my opening remark, there has been significant implementation activity this year, the details of which are outlined more fully in the appendices of this Report. It is heartening to see that there has been implementation of our most recent recommendations, as well as some from Reports that were completed up to 10 years ago—highlighting the enduring nature of law reform work and the continuing contribution of

the ALRC to the improvement of Australia's laws and legal processes over time. For example, one of the key recommendations made in our latest Report, *Access All Ages—Older Workers and Commonwealth Laws*, was taken up only a few months ago in July 2013, by the changes to the *Fair Work Act*, allowing an extension of the right to request flexible working arrangements to a range of employees, including where an employee is a carer. In addition, a number of the proposals made by the ALRC in the Discussion Paper for this Inquiry, and recommendations made in the Report, are consistent with those later made by two other Australian Government reviews in 2013—the *Safety, Rehabilitation and Compensation Act 1988 (Cth) Review Report* (February 2013) and the *Review of the Seacare Scheme Report* (March 2013). Broadly, these reviews supported ALRC recommendations with regard to consistency across Commonwealth workers' compensation legislation, to aligning retirement provisions with the qualifying age for the Age Pension, and in regard to incapacity payment periods and repealing superannuation-offset provisions.

On the other hand, there has also been implementation of recommendations made in a number of ALRC Reports from 1994, 1996 and 2004. In June 2013, the *Public Interest Disclosure Act 2013 (Cth)* was enacted providing for comprehensive protection of public interest disclosures in the Commonwealth public sector. In *Keeping Secrets: The Protection of Classified and Security Sensitive Information* (ALRC Report 98, 2004) and *Integrity: But Not by Trust Alone: AFP & NCA Complaints and Disciplinary Systems* (ALRC Report 82, 1996), the ALRC recommended comprehensive public interest disclosure legislation covering all Australian Government agencies. And in our 2010 Report, *Secrecy Laws and Open Government in Australia*, we observed that a regime enabling robust public interest disclosure—or 'whistleblower' protection—is an essential element in an effective system of open government and a necessary complement to secrecy laws.

Some other significant implementation that has occurred this year includes an announcement in April 2013, by the Minister for Home Affairs, the Hon Jason Clare MP, of the first stage of reforms to the National Classification System, which would implement several recommendations we made in our 2012 Report, *Classification—Content Regulation and Convergent Media*.

In addition, a number of employment-related recommendations made by the ALRC in the 2012 Report, *Family Violence and Commonwealth Laws* were implemented this year as part of the review of the *Fair Work Act*, including that the Australian Government support the inclusion of family violence clauses in enterprise agreements, and in provision for an employee who is experiencing family violence to request the employer for a change in working arrangements. In November 2012, changes were also made to the *Migration Regulations 1994 (Cth)* implementing the ALRC's recommendations to broaden the types of acceptable evidence that can be submitted in support of a claim of family violence under migration law.

In September 2012, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)* was enacted, implementing many recommendations made in the ALRC's 2008 Privacy Report. In November 2012, the *Access to Justice (Federal Jurisdiction) Amendment Act 2012 (Cth)* was enacted and implemented recommendations made in the ALRC's 2011 Report, *Managing Discovery: Discovery of Documents in Federal Courts*, to extend the Court's power to make cost orders in relation to discovery, and to provide expressly that the Court or a judge may order pre-trial oral examination about discovery.

These examples demonstrate that although the wheels of law reform may sometimes move slowly, they do move, and the 89% implementation of the ALRC's recommendations, as recorded in this Annual Report, is testimony of the quality and relevance of our work and the effectiveness of our processes.

One of the reasons for the high implementation of our recommendations—and something that we see as a hallmark of ALRC processes—is our engagement with the community and the extent to which we are able to elicit from our stakeholders the evidence base on which our work relies. During the past year, we have produced three consultation papers and conducted 97 consultations, including three industry roundtables for the Copyright Inquiry. We have also received over 350 submissions representing a very strong record of community engagement and participation. We have continued to develop our e-communications and have produced 16 inquiry e-newsletters, and eight podcasts.

A new and exciting development in terms of our publication strategy has been making our consultation papers and reports available as e-books (e-pubs) and we have provided 7 publications in this format. Four hundred and eighteen e-pubs have been downloaded since the first one was produced in October 2012. Another new development for the ALRC is providing greater access to our Reports through online publishing of community information sheets that summarise the key recommendations made in Inquiry Reports that are of particular relevance to people with disability, Indigenous communities, culturally and linguistically diverse communities and people from the lesbian, gay, bisexual, trans and intersex community.

Mining ALRC website statistics provides some interesting information about the ALRC and its community engagement. In 2012–13, 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—another illustration that goes to the enduring nature of law reform and the ongoing interest in the ideas, discussion and research that is contained in these landmark Reports.

In July 2012, we farewelled Justice Susan Kenny who had served as a standing part-time Commissioner for six years. Her contribution over that time to the ALRC's governance and inquiry work has been remarkable and we are fortunate that Justice Kenny has agreed to continue to serve the ALRC on the Advisory Committee for the duration of the Copyright Inquiry. Justices Nye Perram and John Middleton of the Federal Court have been appointed to the ALRC, joining Justice Berna Collier as standing part-time Commissioners. I welcome them to the ALRC and look forward to drawing on their wisdom, experience and guidance over the coming years.

The ALRC always starts any inquiry with an open mind, full of questions and in search of answers. I would like to take this opportunity formally to acknowledge and thank the many people from government departments and agencies, the legal profession, academia, the non-government sector, industry and from the community—our stakeholders—who have contributed so much to ALRC inquiries, through consultations, through our Advisory Committees and Expert Panels and by taking the time to give us their submissions. The quality of the work of the ALRC is a testament to this contribution and helps to ensure that our proposals are sensible, achievable, and that they strike the right balance between competing interests and perspectives, to deliver realisable reform to the Australian community.

I would also like to record my thanks to all the staff for their ongoing dedication to the work of the ALRC, for their professionalism, thoroughness and hard work. We are extremely lucky to have such a high performing legal research and corporate team.

The ALRC is also able to offer a training opportunity to an excellent group of legal interns who participate in our voluntary legal internship program. This past year we have hosted nine interns from universities around the country alongside another seven international interns, and I thank them for their interest in the work of the ALRC and their enthusiasm for the processes of law reform.

The year ahead looks to be an extremely busy one for the ALRC with two inquiries to be finalised and a further two indicated by the Attorney-General as coming to us in the next few months. The Copyright Inquiry is due to report at the end of November, and the Serious Invasions of Privacy in the Digital Era Inquiry will report in June 2014. 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 that are issued at the time an inquiry is given. What the next year holds for the ALRC is, therefore, in the hands of the Government.

I am confident that the ALRC's time-tested methodology—anchored in community consultation—its independence from government and sectional interests alike, and its high calibre research and analysis, will ensure that we are well and truly up to any task that is set for us. The ALRC's work will facilitate an informed government response to the challenges of the digital era and will help to ensure that our legal system can respond appropriately and effectively.

Professor Rosalind Croucher

Corporate overview

Snapshot of 2012–13

Appointments and cessations

- ▲ In July 2012, Justice Susan Kenny's appointment ended following six years of service as a part-time Commissioner.
- ▲ On 28 November 2012, the Hon Justice Nye Perram was appointed a part-time Commissioner for the ALRC, until 27 November 2015.
- ▲ On 28 November 2012, the Hon John Eric Middleton was appointed as a part-time Commissioner for the ALRC, until 27 November 2015.
- ▲ In March 2013, Age Discrimination Commissioner Susan Ryan's appointment to the ALRC as a part-time Commissioner for the Age Barriers to Work Inquiry ended.

Significant events

- ▲ On 20 August 2012, the ALRC released an Issues Paper for the Copyright and the Digital Economy Inquiry.
- ▲ On 2 October 2012, the ALRC released a Discussion Paper for the Age Barriers to Work Inquiry.
- ▲ On 30 May 2013, the ALRC's Report, *Access All Ages—Older Workers and Commonwealth Laws*, was tabled and launched at Parliament House by the Attorney-General, the Hon Mark Dreyfus QC MP.
- ▲ On 7 June 2013, the Attorney-General, the Hon Mark Dreyfus QC MP, released draft Terms of Reference for consultation for an Inquiry into the *Native Title Act 1993* (Cth).
- ▲ On 12 June 2013, the Attorney-General, the Hon Mark Dreyfus QC MP, provided the ALRC with Terms of Reference for an Inquiry into Serious Invasions of Privacy in the Digital Era.
- ▲ On 21 June 2013, the Attorney-General, the Hon Mark Dreyfus QC MP, released draft Terms of Reference for consultation for an Inquiry into Reducing Legal Barriers for People with Disability.

Publications

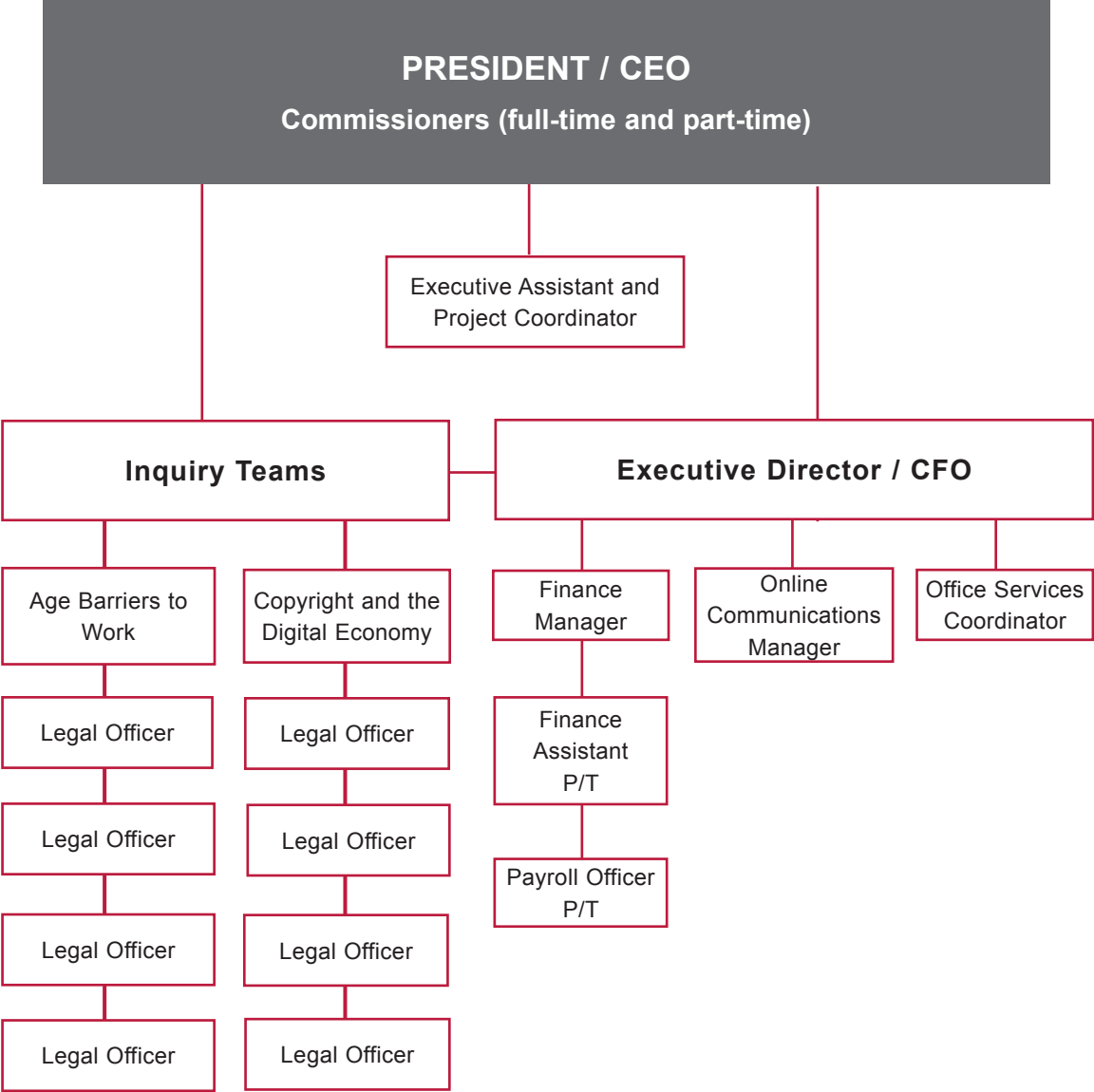
Table 1: ALRC publications released 2012–13

Area	Publication title	Date of release
Copyright	<i>Copyright and the Digital Economy</i> (IP 42)	20 August 2012
Age Barriers to Work	<i>Grey Areas—Age Barriers to Work in Commonwealth Laws</i> (DP 78)	2 October 2012
Corporate	<i>Annual Report 2011–12</i> (ALRC Report 119)	15 October 2012
Age Barriers to Work	<i>Access All Ages—Older Workers and Commonwealth Laws</i> (ALRC Report 120)	30 May 2013
Copyright	<i>Copyright and the Digital Economy Discussion Paper</i> (DP 79)	5 June 2013

Performance

The ALRC has exceeded its performance targets during 2012–13. There has been significant implementation of a number of key recommendations in recent reports occurring over the reporting period. Unique visits to our website have increased by 66% during the period, and the number of people following us on Twitter has increased by 50%, 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 resources to deliver its program on budget and to schedule.

ALRC organisational structure



Role and functions of the ALRC

The ALRC is an independent statutory authority that operates under the *Australian Law Reform Commission Act 1996* (Cth) (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 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, by:

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

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

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

with reference to those matters referred to it.

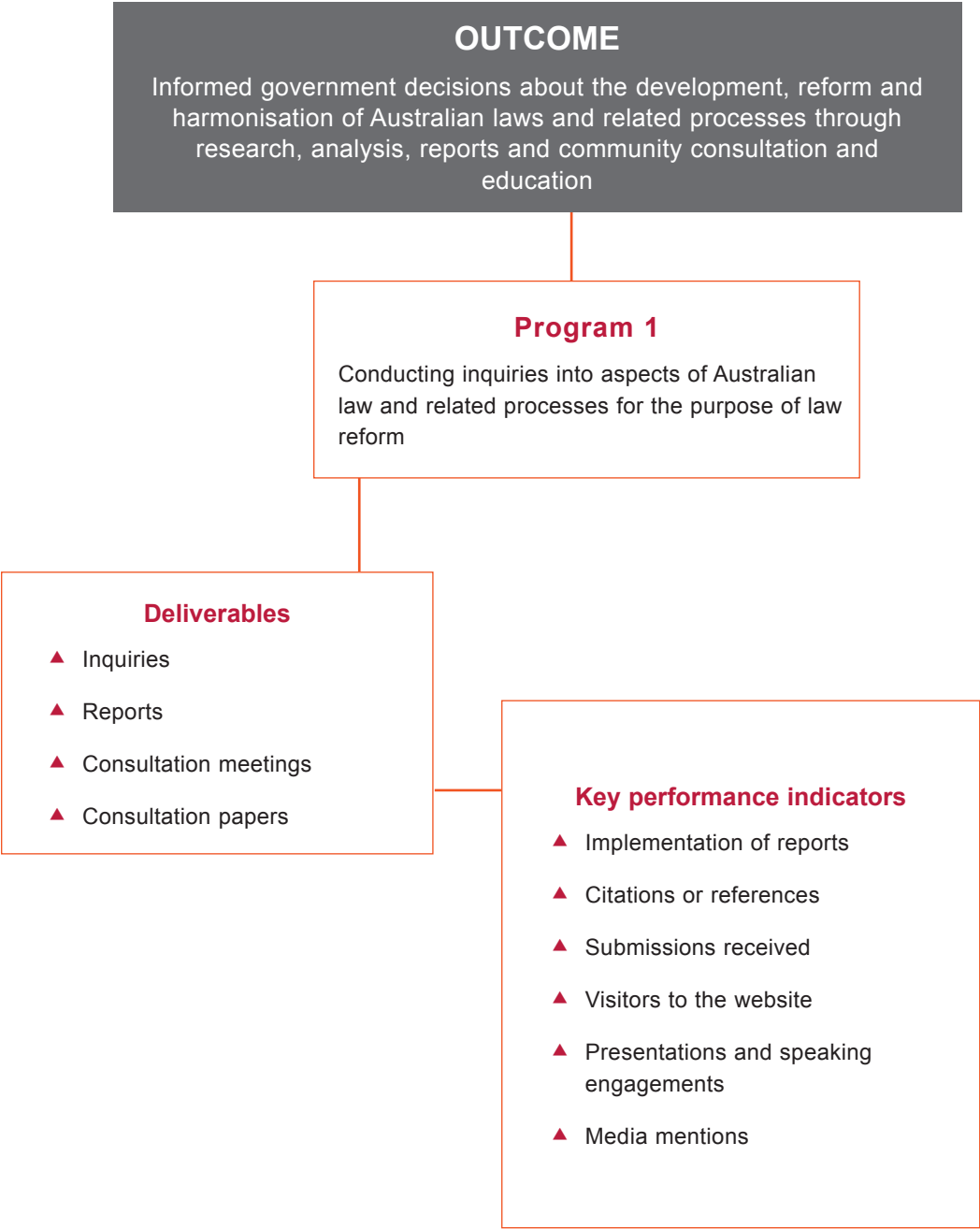
The ALRC is required by s 24 to ensure that relevant laws, proposals and recommendations:

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

'Once again, the Australian Law Reform Commission has made an important contribution to our collective thinking on an issue of national importance.'

*The Hon Mark Dreyfus,
Attorney-General*

As required by the ALRC Act, the ALRC has regard to: relevant international obligations; the potential impact of its recommendations on the costs of getting access to and dispensing justice; 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 are 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.

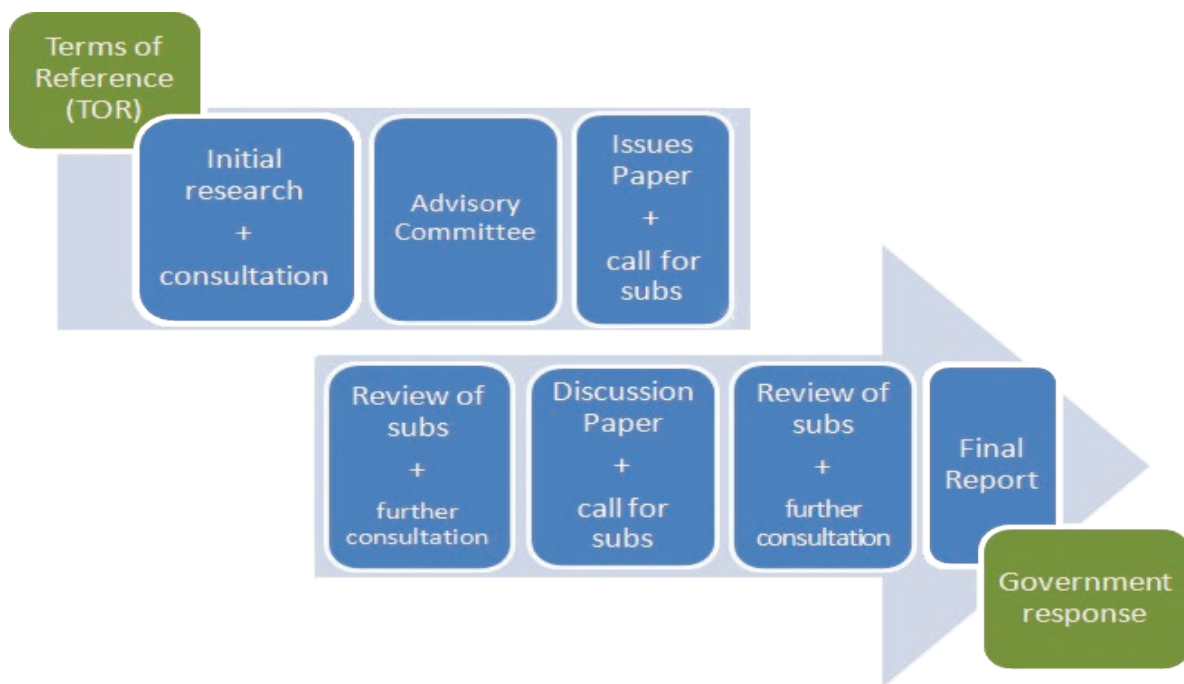
In undertaking this program during 2012–13, the ALRC has:

- ▲ worked on two Inquiries referred by the Attorney-General and completed one;
- ▲ conducted consultations with relevant stakeholders and experts interested in each area of law under review and reported on the consultation process;
- ▲ produced consultation documents for each Inquiry;
- ▲ called for submissions in response to consultation documents, seeking information and responses to questions and proposals to inform final recommendations;
- ▲ provided online consultation and communication strategies to increase public awareness and access to ALRC activities; and
- ▲ presented at conferences, seminars and parliamentary inquiries, ensuring that the work of the ALRC is publicly debated and discussed and contributes to the community’s knowledge about the Government’s law reform agenda.

Table 2: Program 1—Deliverables

<i>Deliverables</i>	<i>2012–13 budget</i>	<i>2012–13 actual</i>
Inquiries	2	3
Reports	1	1
Consultation meetings	100	97
Consultation papers	4	3

The law reform process



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

‘The ALRC always starts any inquiry with an open mind, full of questions and in search of answers.’

Prof Rosalind Croucher, ALRC President

Inquiries

During 2012–13, the ALRC worked on three Inquiries.

Commonwealth legal barriers to older persons participating in the workforce or other productive work (Age Barriers to Work Inquiry)

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

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

ALRC President, Professor Rosalind Croucher, was the lead Commissioner and on 7 February 2012, the Attorney-General announced the appointment of the Hon Susan Ryan AO, Age Discrimination Commissioner, as a part-time Commissioner for this Inquiry.

This Inquiry forms part of the Australian Government response to population ageing and the Government's overarching objective to encourage longer workforce participation by mature age people (defined as people aged over 45 years).

On 1 May 2012, the ALRC released an Issues Paper, *Grey Areas—Age Barriers to Work in Commonwealth Laws* (IP 41) and on 2 October 2012 released a Discussion Paper, *Grey Areas—Age Barriers to Work in Commonwealth Laws* (DP 78). The ALRC also produced a short summary of the Discussion Paper to provide quick access to the ALRC's thinking, framing principles and key proposals.

Over the course of the Inquiry, the ALRC conducted 101 consultations in Adelaide, Canberra, Melbourne, Brisbane, Tasmania and Sydney and received 101 submissions. The ALRC convened an Advisory Committee that met twice during the Inquiry, on 9 August 2012 and 6 December 2012. A full list of Advisory Committee Members and Expert Readers can be found at Appendix D. The ALRC produced six Inquiry e-newsletters and produced two podcasts, as part of the ALRC's online communication strategy. At the completion of the Inquiry, the ALRC also produced community fact sheets, outlining the key recommendations in the report that specifically concerned people with disability, Indigenous people and people from culturally and linguistically diverse backgrounds.

'In just 12 months the Commission has delivered a high quality and accessible report, with a clear set of recommendations to government. The Government knows that the Commission thinks deeply and consults widely before making recommendations and for that reason, its reports are persuasive, and demand proper and detailed policy consideration.....'

*The Hon Mark Dreyfus,
Attorney-General*

The ALRC Report *Access All Ages—Older Workers and Commonwealth Laws* (ALRC Report 120) was tabled on 30 May 2013 following a launch at Parliament House by the Attorney-General, the Hon Mark Dreyfus QC MP. Also attending were the Hon Bill Shorten MP, at that time Minister for Employment and

Workplace Relations and Financial Services and Superannuation, and the Hon Mark Butler MP, at that time Minister for Mental Health and Ageing, Minister for Social Inclusion, Minister Assisting the Prime Minister on Mental Health Reform, and Minister for Housing and Homelessness.



ALRC Report 120 launch

l-r: Professor Rosalind Croucher, ALRC President; The Hon Mark Butler MP; The Hon Bill Shorten MP; The Hon Susan Ryan, Age Discrimination Commissioner

The Report makes 36 recommendations that address the areas of recruitment and employment, work health and safety, workers' compensation, insurance, social security and superannuation. The keystone recommendation in the Report is for a *National Mature Age Workforce Participation Plan* to provide a coordinated policy response to address barriers to participation by mature age people in the Australian labour market. The ALRC suggests that a combination of legislative and regulatory reform is needed, together with measures to increase education and awareness and address perceptions and stereotypes surrounding mature age workers.

The ALRC considers that the recommendations in the Report, taken together, will provide:

- ▲ a coordinated policy response to enabling mature age workforce participation;
- ▲ consistency across Commonwealth laws and between Commonwealth and state and territory laws to support mature age workforce participation;
- ▲ a reduction in age discrimination;
- ▲ a greater awareness of mature age workers' rights and entitlements;
- ▲ support for maintaining attachment to the workforce for mature age people; and
- ▲ work environments, practices and processes that are appropriate for mature age workers.

Copyright and the digital economy

‘The ALRC is ideally placed to conduct this wide-ranging Inquiry into whether our Copyright Act is serving the needs of Australian business, consumers and creators in the digital environment.’

*Professor Jill McKeough,
Commissioner in charge,
Copyright inquiry*

On 29 June 2012, the ALRC received Terms of Reference for an Inquiry into copyright and the digital economy. The ALRC was asked to consider whether exceptions and statutory licences in the *Copyright Act 1968* (Cth) are 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 has met twice, to date, on 19 July 2012 and on 11 April 2013.

The ALRC released an Issues Paper, *Copyright and the Digital Economy* (IP 42), on 20 August 2012 and a Discussion Paper, *Copyright and the Digital Economy* (DP 79), on 5 June 2013.

During the reporting period the ALRC conducted 49 consultations in Sydney, Melbourne and Canberra including three stakeholder roundtables:

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

To date the ALRC has received 319 submissions to the Inquiry. The Report is due to be presented to the Attorney-General by 30 November 2013.

Serious invasions of privacy in the digital era

On 12 June 2013, the Attorney-General Mark Dreyfus QC MP referred to the ALRC an Inquiry into the protection of privacy in the digital era. The Inquiry will address both prevention and remedies for serious invasions of privacy. The Terms of Reference are at Appendix C.

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

Consultation meetings

Consultation lies at the heart of the ALRC inquiry process and 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 2012–13, the ALRC conducted a total of 97 consultations around the country, with respect to the following inquiries:

- ▲ Age Barriers to Work—48
- ▲ Copyright and the Digital Economy—49

National distribution of consultation meetings 2012–1



‘The ALRC’s engagement with the community has continued to be a hallmark of our inquiry process and to provide us with the evidence base on which our research relies.’

Prof Rosalind Croucher, ALRC President

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 ALRC legal teams at the beginning of each new Inquiry to ensure that these groups are targeted for consultation and that our methods of consultation are appropriate. These strategies have already positively influenced ALRC engagement with these communities. For example, at the end of the Age Barriers to Work Inquiry, the ALRC produced a podcast and three community information sheets which outlined the key recommendations affecting each group to provide better access to the ALRC's findings. The ALRC reviews these strategies annually as part of its Agency Multicultural Plan (AMP) and Reconciliation Action Plan (RAP). For more information about the ALRC's AMP and RAP see the Special Features section.

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 both HTML and PDF versions. Reports are also produced in hard copy for tabling purposes and for sale.

Table 3: Distribution of ALRC publications 2012–13

<i>Publication</i>	<i>Hard copy printed</i>	<i>Online access</i>
<i>Copyright and the Digital Economy (IP 42)</i>	N/A	35,464 page views 12,630 unique views
<i>Grey Areas—Age Barriers to Work in Commonwealth Laws (DP 78)</i>	N/A	7,370 page views 2,295 unique views
<i>Grey Areas—Age Barriers to Work in Commonwealth Laws (DP 78 Summary)</i>	N/A	2,014 page views 819 unique views
<i>Access All Ages—Older Workers and Commonwealth Laws (ALRC Report 120)</i>	500 copies	3,739 page views 1,181 unique views
<i>Access All Ages—Older Workers and Commonwealth Laws (ALRC Report 120 Summary)</i>	500 copies	2,726 page views 853 unique views
<i>Copyright and the Digital Economy (DP 79)</i>	N/A	12,375 page views 4,481 unique views

Program 1: Key performance indicators

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

- ▲ implementation of ALRC reports by government and other bodies, substantially or partially, over time;
- ▲ the number of court or tribunal decisions that cite ALRC reports;
- ▲ the number of submissions received for 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 2012–13

Program 1	Target	Actual
Implementation of reports—substantially or partially implemented	85%	89%
Citations in court or tribunal decisions	45	76
Submissions received	200	376
Visitors to website	>200,000	538,077
Presentations and speaking engagements	20	35
Media mentions	250	402

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.

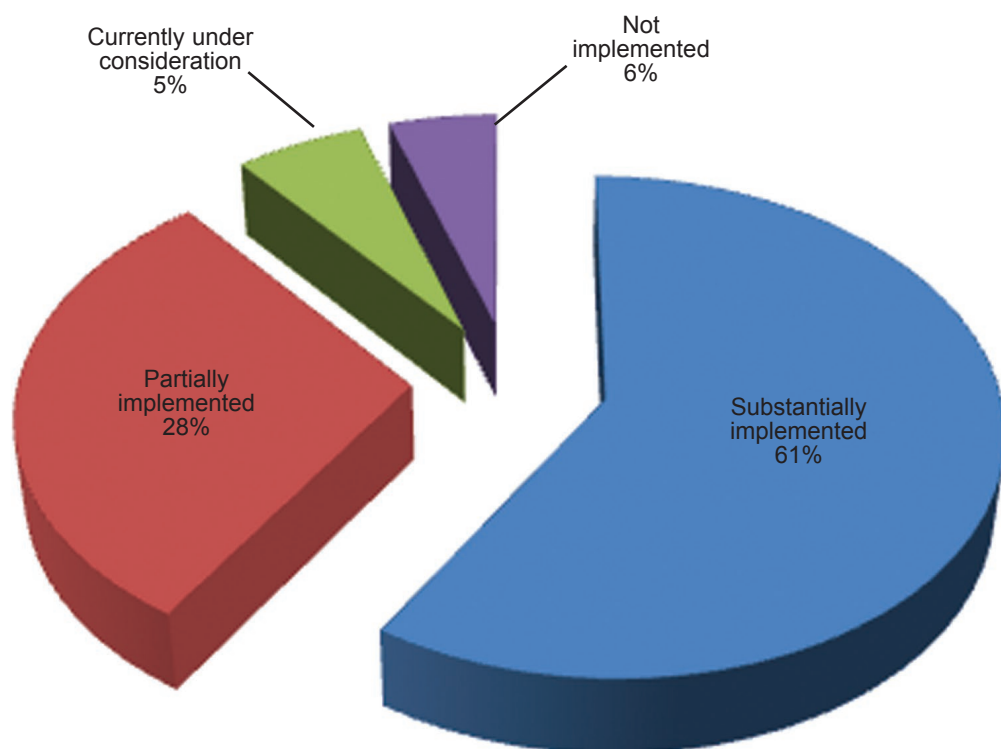
The ALRC considers that a report is substantially implemented when the majority of the report’s key recommendations have been implemented by those to whom the recommendations are directed. Partial implementation refers to implementation of at least some recommendations of an ALRC report. The ALRC takes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

Legislative and other implementation activity in 2012–13, as described in Appendix F, has altered the levels of implementation of all ALRC reports with the following results:

- ▲ 61% are substantially implemented;
- ▲ 28% are partially implemented;
- ▲ 5% without any implementation are currently under consideration; and
- ▲ 6% are not implemented.

These figures represent an overall implementation rate of ALRC reports of 89%, the same rate reported in 2011–12. 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 2013



Appendix F provides a detailed update on action in relation to ALRC reports during 2012–13.

Appendix G provides a brief overview of the implementation status of all 82 inquiry-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 2012–13, there were at least 75 mentions of ALRC reports in the judgments of major Australian courts and tribunals.

These included citations in 3 cases in the High Court of Australia, 12 in the Federal Court of Australia, 3 in the Family Court of Australia and 45 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 2011–12.

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

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 the subject matter—particular inquiries are likely to generate a greater, broader degree of public interest and participation than others.

Table 5: Submissions received 2012–13

Consultation paper	Submissions closing date	Submissions received during reporting period
Copyright and the Digital Economy (IP 42)	16 November 2012	319
Grey Areas—Age Barriers to Work in Commonwealth Laws (DP 78)	23 November 2013	57
Copyright and the Digital Economy (DP 79)	31 July 2013	Submissions due outside this reporting period.
Total submissions received		376

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.

The National Transition Strategy requires all Australian Government websites to meet success criteria for Level A of the Web Accessibility Initiative Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) by December 2012, and Level AA by December 2014. In 2012, the ALRC commissioned Vision Australia to review the ALRC website against WCAG 2.0. Following the review, the ALRC undertook substantial website accessibility works, and in August 2012 Vision Australia provided a Statement of Accessibility confirming that the ALRC website satisfies all Level AA Success Criteria, well ahead of the 2014 target.

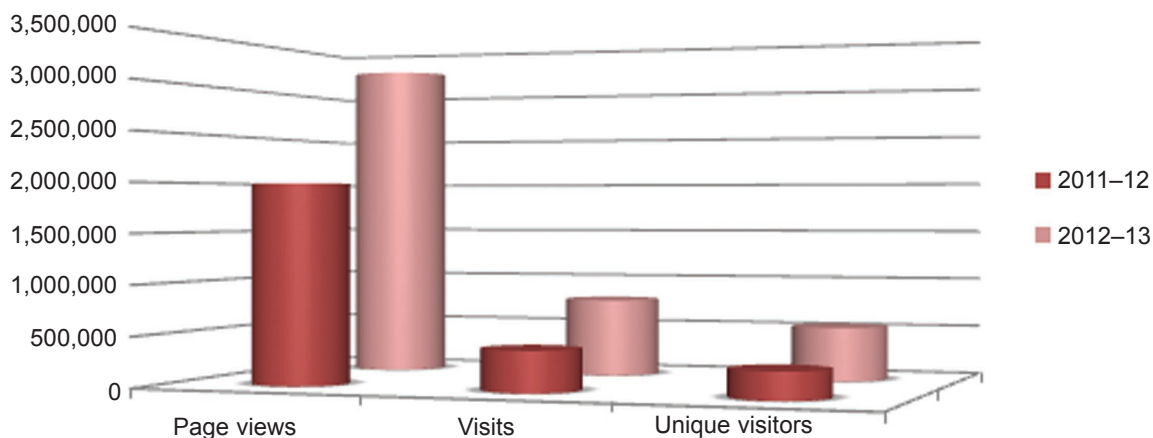
Key website metrics for 2012–13:

- ▲ visits = 784,815
- ▲ unique visitors = 538,077
- ▲ page views = 3,206,452

These metrics represent, compared to the 2011–12 reporting period:

- ▲ 60% increase in visits
- ▲ 66% increase in unique visitors
- ▲ 30% increase in page views

Comparison of website traffic: August–June in 2011–12 and 2012–13



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 2012–13, ALRC Commissioners and staff made 35 presentations at a range of events around the country. They also contributed five articles to a range of journals and publications. A full list of presentations and articles is at Appendix I.

Media mentions

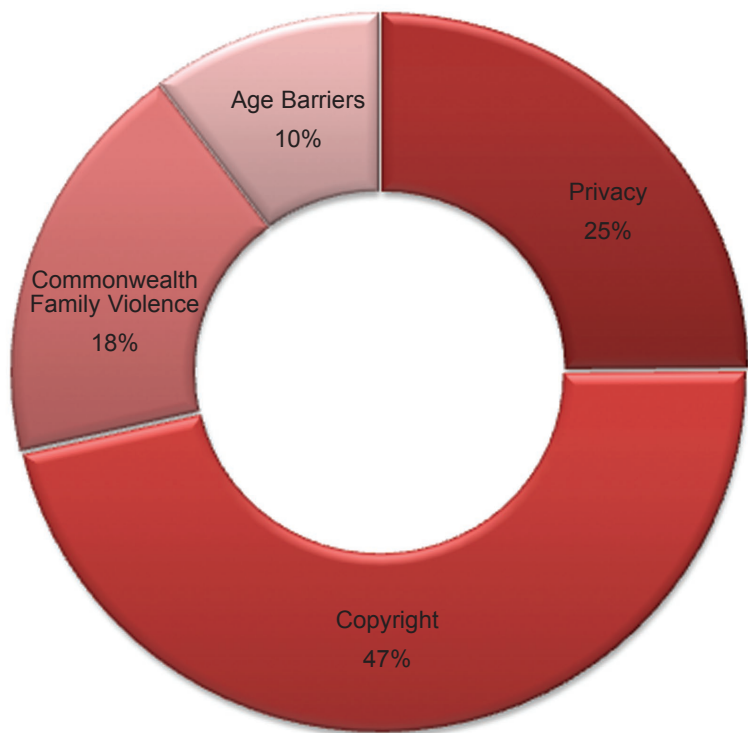
The ALRC actively promotes public debate on issues raised by its current and past inquiries, and on law reform generally.

During 2012–13, the ALRC identified 402 mentions of its work across a range of online and traditional media. This represents a slight decrease of 4% from the previous reporting period.

In 2012–13, the Copyright Inquiry accounted for close to 50% of ALRC media mentions. This is the first year the ALRC’s work on privacy has not dominated media attention since the ALRC’s Privacy Report, *For Your Information*, was first published in 2008. However, privacy law reform clearly still rates highly in terms of public interest. Combined, the 2008 Inquiry and the new Invasions of Privacy Inquiry attracted the second largest share of media attention with 25% of media mentions. The Commonwealth Laws and Family Violence Inquiry received 18%, and the Age Barriers to Work Inquiry 10%.

The ALRC conducts its own media monitoring. A 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 2012–13



Additional performance indicators

Participation in external inquiries

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

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

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

Where appropriate, submissions are published on the ALRC website.

During the reporting period, the ALRC made five written submissions to external inquiries. These are listed in Appendix K.

Mentions in Parliament

During 2012–13, Parliamentary Hansard records that ALRC reports and recommendations were referred to in second reading speeches and other parliamentary proceedings on the following Commonwealth Bills:

- ▲ Cybercrime Legislation Amendment Bill 2011;
- ▲ Regulatory Powers (Standard Provisions) Bill 2012;
- ▲ Privacy Amendment (Enhancing Privacy Protection) Bill 2012;
- ▲ Parliamentary Service Amendment (Freedom of Information) Bill 2013;
- ▲ Telecommunications Amendment (Get a Warrant) Bill 2013; and
- ▲ Privacy Amendment (Privacy Alerts) Bill 2013.

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 2012–13

<i>Inquiry</i>	<i>Subscribers</i>	<i>Issues</i>
Copyright and the Digital Economy	1,372	8
Age Barriers	882	8
Invasions of Privacy	141	0
ALRC Brief	618	9

Online forums

The ALRC opened an online discussion forum for the Copyright Inquiry on 17 June 2013, following the release of the Discussion Paper. The forum seeks views from individuals, in particular creators and users of copyright material, on what they think is fair and unfair when it comes to using other people's content and copyright material.

Twitter

The ALRC's following on Twitter has grown in the reporting period, from 3,844 to 5,753 followers.

Twitter users are also able to follow conversations about a particular inquiry, without actually following the ALRC, by using the dedicated hashtags, for example, #copyrev (Copyright Inquiry). The #copyrev thread has a very active following.



Facebook



To increase exposure of the ALRC's Copyright Inquiry, a Copyright Inquiry Facebook page was created.

The Copyright Inquiry Facebook page keeps followers up to date with different stages of the Inquiry and includes links to relevant media items.

Challenges for 2013–14

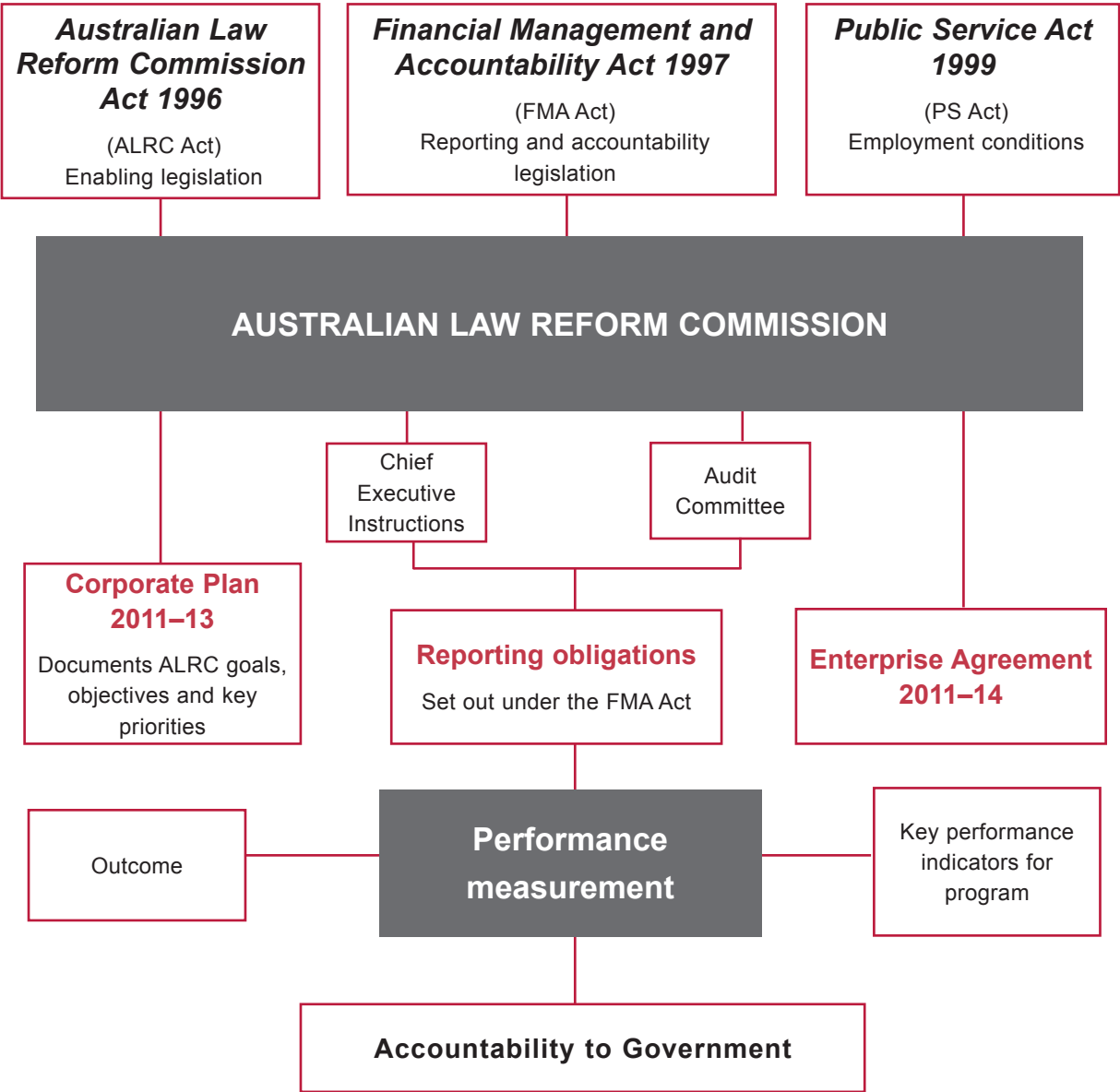
External factors that may have an impact on the ALRC's ability to achieve its outcome include the Government's reform agenda and timelines, which influence both the number and scope of inquiries that are referred to the ALRC, and the rate at which the recommendations made in completed inquiries are implemented.

The Attorney-General, the Hon Mark Dreyfus QC MP, has indicated that he will refer a further two inquiries to the ALRC, meaning that the ALRC will work on 4 inquiries during 2013–14 as opposed to the usual two inquiries. On 7 June 2013, the Attorney-General, announced a new inquiry for the ALRC—a review of the *Native Title Act 1993* (Cth), releasing draft Terms of Reference for community consultation—and a review into Legal Barriers for People with Disability for which he has also requested community consultation on the draft Terms of Reference. The Attorney-General's Department will provide the ALRC with additional resources for 2013–14 to cover the costs of these additional inquiries. Managing these concurrent inquiries will require careful allocation of resources across the ALRC.

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

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 governance 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* (Cth) (FMA Act).

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* (Cth).

The ALRC is constituted under the *Australian Law Reform Commission Act 1996* (Cth) (the ALRC Act). Section 20 of the ALRC Act states that the Attorney-General may refer matters to the ALRC for review. In 2012–13, the ALRC received Terms of Reference for one new inquiry into Serious Invasions of Privacy in the Digital Era and the Attorney-General also released for community consultation draft Terms of Reference for two additional ALRC inquiries: Legal Barriers for People with Disability and a review of the *Native Title Act 1993* (Cth).

Members of the Commission

The President is the CEO of the ALRC. During 2012–13 there were two full-time Commissioners (including the President) and four part-time Commissioners. Table 7 lists members of the ALRC and their terms of appointment. On 30 June 2013, there were six members of the ALRC—two full-time members and four part-time members.

Table 7: Members 2012–13

Commissioners	Term of appointment
Full-time Commissioners	
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
Part-time Commissioners	
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 Susan Ryan AO BA, MA, Hon.DLitt (Macquarie), Hon.DUniv (Canb), Hon.DUniv (SA), FAICD	7 March 2012–31 March 2013

Table 7: Members 2012–13 (continued)

Commissioners	Term of appointment
<i>Part-time Commissioners (continued)</i>	
The Hon Justice Nye Perram SC BA, LLB (Hons) (Syd), BCL (Dist) (Oxon)	28 November 2012–27 November 2015
The Hon Justice John Eric Middleton QC LLB (Hons) (Melb), BCL (Oxon)	28 November 2012–27 November 2015

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), and is a member of the International Legal Services Advisory Council (ILSAC), a member of the Professional Standards Board of Patent and Trade Mark Attorneys and Board member of the AustLII Foundation.

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

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



The Hon Justice Berna Collier, Part-time Commissioner

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



The Hon Susan Ryan AO, Part-time Commissioner



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

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

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

The Hon Justice Nye Perram, Part-time Commissioner

Justice Nye Perram was appointed a part-time Commissioner of the ALRC for a term of three years on 28 November 2012. He graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws and from the University of Oxford with a Bachelor of Civil Law. Justice Perram practised as a barrister in New South Wales from 1993 and was appointed senior counsel in 2006. At the time of his appointment he was a member of the Law and Justice Foundation and the New South Wales Bar Council. Justice Perram has specialised in constitutional law, administrative law, commercial law and equity. In 2005, he was a Director of the Public Interest Law Clearing House, an independent, not-for-profit legal referral service. He is currently Deputy President of the Copyright Tribunal.



The Hon Justice John Middleton, Part-time Commissioner



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

Justice Middleton graduated from the University of Melbourne as Bachelor of Laws (First Class Honours) and from the University of Oxford as Bachelor of Civil Law (First Class Honours). 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, Bar Council, to the community and to education.

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 or updated during 2012–13 include:

- ▲ Chief Executive Instructions (updated)
- ▲ Corporate Plan (updated)
- ▲ Agency Multicultural Plan and Diversity Commitment
- ▲ Reconciliation Action Plan (updated)
- ▲ Managing Suspected Breaches of the APS Code of Conduct Policy (updated)
- ▲ Records Management Policy (updated)
- ▲ Protective Security Policy
- ▲ Internet and Email Policy (updated)
- ▲ Physical and Electronic Records Storage Policy
- ▲ Business Continuity and Safety Plan (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 the policies via the intranet.

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

Corporate planning

The ALRC's Corporate Plan 2011–13 is published in Appendix A. The recently updated Corporate Plan 2013–15 is published on the ALRC website.

Financial management and audit

The audit of the 2011–12 financial statements was performed by the Australian National Audit Office (ANAO). The ANAO conducted an interim audit of the ALRC's 2012–13 accounts and provided an interim report on 18 June 2013.

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

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

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

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

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

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

The Audit Committee met on 3 September 2012 and approved ALRC financial statements for 2011–12, and the ALRC's 2012–13 budget. The Audit Committee also met on 26 March 2013.

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

The ALRC has an Audit Charter in line with the requirements of the FMA Act having regard to the agency's governance framework and assurance mechanisms and the key risks to the agency, including the risks relating to program delivery and implementation. The ALRC Audit Charter 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.

Fraud control and risk management

The ALRC has a commitment to fraud control and to promoting efficient, effective and ethical use of Commonwealth resources. The ALRC Fraud Control Plan (FCP) was updated in April 2012 and will be updated again in March 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's Assurance and Governance Framework. The FCP is considered 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's 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 in the ALRC.

During 2012–13, 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 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 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 2012–13.

Enterprise risk management

Enterprise Risk Management is a vital component of public sector management and is consistent with the obligations under the FMA Act. The ALRC's Enterprise Risk Management Plan (ERMP) was reviewed in April 2012 and will be updated again in March 2014, alongside the Fraud Control Review. 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 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;
- ▲ training staff, ensuring that they understand their responsibilities and have the skills necessary to fulfil their responsibilities;

- ▲ transparent reporting of financial management and operational matters, both internally and externally;
- ▲ updated administrative policies aimed at preventing fraud and managing risk; and
- ▲ reviewing the Fraud Control Plan and Business Continuity Plan bi-annually.

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.

ALRC employees 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 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 2012–13, there were no suspected or actual breaches of the APS Code of Conduct.

Conflict of interest

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

Section 39 of the *Australian Law Reform Commission Act 1996* (Cth) (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* (Cth), 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 2012–13 there were no conflict of interest disclosures.

Full-time Commissioners of the ALRC and the Executive Director make annual declarations of private interests, which are provided to the Attorney-General each year. Updated declarations of interest were provided to the Attorney-General on 7 August 2012.

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 Jill McKeough—Commissioner

Nature of liability

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

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

Significant developments 2013–14

The ALRC will complete its Inquiry into Copyright and the Digital Economy in November 2013 and its Inquiry into Serious Invasions of Privacy in the Digital Era by June 2014.

The Attorney-General, the Hon Mark Dreyfus QC MP, has indicated that he will be providing the ALRC with Terms of Reference for an Inquiry into the *Native Title Act 1993* and an Inquiry into Legal Barriers for People with Disability and will appoint two new Commissioners to oversee these Inquiries. This will mean that the ALRC will be working on four significant Inquiries during 2013–14.

Additional resources will be made available to the ALRC for the period 2013–14 to allow this additional work to be carried out.

External scrutiny and controls

Parliamentary scrutiny

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

Executive Director, Sabina Wynn attended the Senate Supplementary Budget Estimates Hearing on 16 October 2012. ALRC President, Professor Rosalind Croucher was on annual leave.

The ALRC was not required to attend Additional Estimates in February 2013.

ALRC President, Professor Rosalind Croucher and Executive Director, Sabina Wynn attended Budget Estimates on 29 May 2013.

During 2012–13, the ALRC responded to 124 Questions on Notice, including portfolio-wide questions.

Court and tribunal decisions

During 2012–13, there were no judicial decisions or decisions of administrative tribunals 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 2013, the ALRC's full-time equivalent staffing level was 13.6 FTE. This figure does not include Commissioners (1.8 FTE).

Table 8: Staffing profile, as at 30 June 2013

<i>ALRC Classification</i>	<i>Men</i>	<i>Women</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Total</i>
Executive Director (SES-equivalent)		1	1		1
EL2/PLO (\$124,789–132,389)	1			1	1
EL1/SLO (\$92,854–121,155)	1	3	4		4
APS 5–6/LO (\$69,810–88,432)	1	5	5	1	6
APS 3–4 (\$55,108–67,777)	1	2	1	2	3
APS 1–2 (\$38,652–53,502)					
Total	4	11	11	4	15

Staff retention and turnover

During 2012–13, two ongoing employees resigned from the ALRC, and one ongoing employee took 12 months maternity leave.

Table 9: ALRC staff 2012–13

<i>Staff member</i>	<i>Position</i>	<i>Full-time/Part-time</i>
<i>Corporate Support</i>		
Sabina Wynn	Executive Director	Full-time
Maria Zacharia	Finance Manager	Full-time
Dimitra Zinonos	Finance Assistant	Part-time
Greg Diggs	Payroll Officer	Part-time
Tina O'Brien	Executive Assistant/Project Coordinator	Full-time

Table 9: ALRC staff 2012–13 (continued)

<i>Staff member</i>	<i>Position</i>	<i>Full-time/Part-time</i>
<i>Corporate Support (continued)</i>		
Trisha Manning	Office Services Coordinator	Full-time
<i>Communications and Information</i>		
Marie-Claire Muir	Online Communications Manager	Full-time
Carolyn Kearney (resigned in August 2012)	Librarian	Part-time
<i>Legal Team</i>		
Bruce Alston	Principal Legal Officer	Part-time
Justine Clarke	Senior Legal Officer	Full-time
Jared Boorer	Senior Legal Officer	Full-time
Sara Peel (maternity leave November 2012)	Legal Officer	Full-time
Robyn Gilbert	Legal Officer	Part-time
Krista Lee-Jones (resigned in April 2013)	Legal Officer	Full-time
Khanh Hoang	Legal Officer	Full-time
Amanda Alford	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, and workplace diversity.

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

- ▲ providing remuneration that is competitive and fair;
- ▲ promoting arrangements that increase productivity;

- ▲ maintaining a strong performance and merit-based culture that encourages both individual and collegial achievements and contributions, and improves overall organisational performance;
 - ▲ being consultative and encouraging open communication; and
 - ▲ encouraging responsible and accountable practices across the organisation.
- (c) facilitating productive workplace relations and collective bargaining in good faith with ALRC employees and their representatives that will assist the ALRC to identify and realise productivity improvements.

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

Performance rewards and bonuses

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

Table 10: Performance rewards and bonuses

<i>Performance rating</i>	<i>Outcome</i>
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 2012–13, four employees were awarded a performance bonus, amounting to a total bonus payment for the year of \$7,151.51.

- ▲ 1 x SES Band 1—\$3,006.47
- ▲ 2 x EL1—\$3,499.54
- ▲ 1 x APS 4—\$645.50

Further details of total remuneration expenditure in 2012–13 are provided in the financial statements.

Staff development

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

The following professional development opportunities were taken up by corporate staff during 2012–13:

- ▲ Fringe Benefits Tax Seminar, 4 March 2013, Sydney
- ▲ Meridian Payroll training, 4 and 11 March 2013, Sydney
- ▲ Reconciliation Australia RAP Learning Circle, 10 April 2013, Sydney
- ▲ Cost-effective approaches for Government Marketing & Communications, 16 April 2013, Sydney
- ▲ Cultivating Wisdom in Leadership, 5–10 May 2013, Melbourne
- ▲ Micropay general ledger training, 13 May 2013, Sydney
- ▲ End of year Meridian Payroll training, 18 June 2013, Sydney

Legal officers attended the following conferences and seminars:

- ▲ National Employment Services Association National Conference, August 2012, Sydney
- ▲ 20th Annual Colloquium of Superannuation Researchers, UNSW, 12–13 July 2012, Sydney
- ▲ Annual Labour Law Conference, 13 August 2012, Sydney
- ▲ National Leaders Conference, CPSU, 28–29 August 2012, Sydney
- ▲ *Copyright and the Digital Economy, so many issues, so little time*, Copyright Society of Australia, 5 November 2012, Sydney
- ▲ Quarterly OHS Update Series, Norton Rose, 9 November 2012, Sydney
- ▲ *Desperately seeking certainty for Certain Purposes: s200AB and other copyright exceptions*, Communications Law Centre, UTS and the UTS Faculty of Law Academic Roundtable, 12 November 2012, Sydney
- ▲ *Mirror, Mirror on the Wall...Fair Use or Fair Dealing in Australia*, UTS Faculty of Law, Communications Law Centre UTS and Norton Rose, 13 November 2012, Sydney
- ▲ Aboriginal Family Violence Prevention Legal Service Conference, 23 November 2012, Melbourne
- ▲ *The future of digital*, ARIA, 26 November 2012, Sydney
- ▲ Justice Connections Symposium, 30 November 2012, Canberra
- ▲ Privacy in the 21st Century Symposium, December 2012, Sydney

- ▲ Launch of AHRC, 'Investing in care: Recognising and valuing those who care' report, 30 January 2013, Sydney
- ▲ Evidence Based Policy Workshop, Crawford School ANU, 3 June 2013, Sydney
- ▲ Privacy Reform and Compliance Forum, 12–13 June 2013, Sydney
- ▲ Family Law Council, 13 June 2013, Sydney
- ▲ *Native Title Law: Focus on ILUAs and RTN agreements*, 14 June 2013, Sydney

Study leave

Study leave is available for all ongoing employees (full-time and part-time). Study assistance provided by the ALRC is in the form of granting up to five days unpaid leave per academic year (part-time staff will be granted a pro rata amount) to facilitate an employee's study. Two employees sought approval for study leave in 2012–13.

Workplace diversity

During 2012–13, the ALRC developed its Workplace Diversity Statement committing the ALRC to foster a diverse workforce and 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.

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 and safety

The ALRC recognises its responsibility to provide a healthy and safe workplace for employees and to provide them with easily accessible information on work health and safety matters and to prevent, where possible, any injury or illness potentially caused by workplace conditions.

The ALRC's Health and Safety Management Arrangements (HSMAs) and Work Health and Safety Policy (WHS Policy) provide the framework for ensuring the health, safety and welfare of all its employees ('workers' for the purposes of the *Work Health and Safety Act 2011* (Cth)). The ALRC has updated these arrangements and policies to ensure alignment and compliance with the *Work Health and Safety Act 2011* (Cth) and the Work Health and Safety Regulations 2011 (Cth).

The ALRC has a commitment to consult with employees and their representatives on work health and safety issues and to work together to ensure a safe work environment. The ALRC, so far as is reasonably practicable, consults with employees who are, or are likely to be, directly affected by a matter relating to work health or safety. 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 held an all-staff meeting on 11 December 2012 to inform employees of the new requirements under the WHS Act and the revised HSMAs and WHS policies and sought feedback on WHS issues. The ALRC's officers, have attended training with regards to their due diligence obligations and the changes to the Act.

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. WHS policies are accessible to workers on the ALRC intranet and new employees are provided with information on work health and safety as part of the induction process.

The ALRC has a Work Health and Safety Committee (WHASC), that meets, at least, twice a year. ALRC employees and management have a responsibility to report 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 2012–13 that required giving of notice under the WHS Act.

All ALRC employees have undertaken emergency 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 November 2012. During 2012–13, there were no WHS issues reported.

As a workplace health initiative under the Enterprise Agreement, the ALRC provides free and voluntary influenza vaccinations to staff each year. In 2012–13, 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 counseling service that provides up to three free sessions of counseling per year, for each staff member. In 2012–13, four sessions of counseling were accessed.

Summary of financial performance

Financial outcomes

Operating outcome

The 2012–13 financial statements show an operating surplus of \$0.017m.

Operating revenue

The ALRC's operating revenue of \$2.868m comprised revenue from government of \$2.830m, revenue from sale of goods (publications) of \$0.002m, and other revenue of \$0.036m.

Operating expenses

Total operating expenses of \$2.851m were \$0.108m less than in 2011–12.

The ALRC's depreciation and amortisation expense increased by \$0.006m.

Equity

The ALRC's total equity increased by \$0.068m. This includes contributed equity of \$0.056m.

Total assets

The ALRC's total assets decreased by \$0.97m.

Total liabilities

The ALRC's total liabilities decreased by \$0.165m.

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

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

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

The ALRC publishes an Annual Procurement Plan on the AusTender website and on its website. During 2012–13, the ALRC did not undertake any reportable procurement.

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 2012–13.

Advertising and market research

As required under s 311A of the *Commonwealth Electoral Act 1918* (Cth), the ALRC reports that, during 2012–13, 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's objective is to develop and maintain efficient and effective environmental office practices that comply with relevant government policy and environmental legislation and will ensure continuous improvement of the ALRC's environmental performance. The ALRC's Environment Management Policy is available on the ALRC website and, in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (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 about the recycling system and 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. The next revision is due in June 2014.

In line with the principals of ecologically sustainable development, and in line with section 516A of the EPBC Act, the ALRC makes the following report for 2012–13:

Energy efficiency

Automated lighting controls are used in the ALRC's office that switch off office lighting when people are out of office, and non-essential lighting outside of work hours. Employees are reminded to turn off computers, printers and photocopiers over weekends to minimise the ALRC's energy use. During 2012–13, the ALRC used a total of 32,230 kWh, representing a decrease of 4% from 2011–12.

The MLC Centre achieved 5 star NABERS Energy Base Building. This building uses 1.9% GreenPower.

Without GreenPower the rating would be 4.5 stars.

Waste and recycling

The ALRC supports recycling programs including for paper and comingled recycling 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's office is located in the MLC Centre at 19 Martin Place. While it is not possible to rate the ALRC's water usage separately, this building achieved a 3.5 star NABERS Water rating.

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 and videoconferencing, 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 they must conform to the ALRC's 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 it produces. Consultation papers, including Issues Papers and Discussion Papers, are now only published online, unless there are special circumstances that require a hard copy be produced. This not only reduces the paper used by the ALRC, but also encourages our stakeholders to use e-pubs and online versions.

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

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 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. Information sheets targeted at people with disability were produced for the Age Barriers to Work and the Family Violence and Commonwealth Laws Inquiries. The ALRC also produces podcasts that provide an overview of Inquiries and the key issues being discussed.

To improve access to web content for all users, the ALRC commissioned Vision Australia to conduct an accessibility audit of the ALRC website. In 2012–13, the ALRC undertook substantial accessibility works to remedy issues revealed in the audit, and in August 2012 Vision Australia provided a Statement of Accessibility confirming that the ALRC website satisfies all Level AA criteria of the Web Content Accessibility Guidelines 2.0.

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

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

Freedom of information

Agencies subject to the *Freedom of Information Act 1982* (Cth) (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an Annual Report. The ALRC's 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 2012–13, the ALRC received no 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>.

Protective security

During 2012–13, the ALRC developed its Protective Security Policy and Security Plan in response to the Government's Protective Security Policy Framework (PSPF). This Policy assists the ALRC to identify its responsibilities to:

- ▲ manage the risks to its people, information and assets;
- ▲ provide assurance to the Government and the public that official resources and information is safeguarded; and
- ▲ incorporate protective security into the culture of the ALRC.

The ALRC's Protective Security Policy complies with the Government's mandatory requirements and covers governance, personnel security, information security, and physical security. In developing the Policy the ALRC has used a risk management approach, and has taken into consideration the ALRC's functions, operations and the likelihood of a security threat. The Policy takes into account any risks created by the ALRC for others, as well as the risks inherited from external partners or stakeholders with whom the ALRC communicates.

The ALRC will review this Policy annually, and ensure that the organisation is complying with mandatory requirements. Training in Fraud Control, Business Continuity and in Protective Security occurs bi-annually and is also part of the ALRC's induction process for new employees to ensure all ALRC employees fully understand their security responsibilities. The ALRC also has a commitment in this Policy to investigate security incidents promptly.

Personnel security: The ALRC ensures the people it employs are suitable and meet high standards of integrity, honesty and tolerance. The ALRC does not require employees to be security cleared as it does not handle any security classified information.

Information security: The ALRC safeguards official information to ensure its confidentiality, integrity, and availability by applying safeguards so that:

- ▲ information is only accessed by people authorised to access it;
- ▲ information is only used for its official purpose and satisfies the ALRC's operational requirements; and
- ▲ information is classified and labelled correctly as per the ALRC's Information Classification Policy.

Physical security: The ALRC provides and maintains a safe working environment for employees and the public, and a secure physical environment for their official resources.

The ALRC is not responsible for collecting or processing official information for which there are legislative security requirements. The ALRC reports annually to the Attorney-General, to the Secretary, Attorney-General's Department, and to the Auditor-General, on the level of the ALRC's compliance with the Protective Security Policy Framework, as is required.

The ALRC has undertaken an annual security assessment against the mandatory requirements detailed within the PSPF. Based on the ALRC's internal control mechanisms, including its Protective Security Policy and the advice of the ALRC Audit Committee, the ALRC has complied with all the mandatory requirements of the PSPF during 2012–13.

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 2013, which comprise: a Statement by the Chief Executive and Chief Financial Officer; the Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; and Notes to and Forming Part of the Financial Statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive Officer's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

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

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

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

Independence

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

Opinion

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

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *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 2013 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office

A handwritten signature in black ink, appearing to read 'John McCullough', enclosed in a thin black rectangular border.

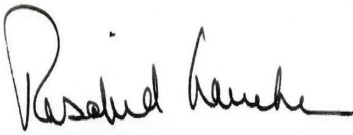
John McCullough
Executive Director
Delegate of the Auditor-General

Canberra
10 September 2013

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 2013 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

10 September 2013



Sabina Wynn
Chief Financial Officer

10 September 2013

AUSTRALIAN LAW REFORM COMMISSION

Statement of Comprehensive Income

For the period ended 30 June 2013

	Notes	2013 \$	2012 \$
EXPENSES			
Employee benefits	3A	2,157,050	2,258,824
Supplier	3B	661,797	670,063
Depreciation	3C	31,993	25,612
Finance costs	3D	—	4,842
Total expenses		2,850,840	2,959,341
LESS			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	12,254	6,100
Other revenue	4B	25,200	191,530
Total own-source revenue		37,454	197,630
GAINS			
Sale of assets	4C	—	17,896
Total gains		—	17,896
Total own-source income		37,454	215,526
Net cost of services		2,813,386	2,743,815
Revenue from Government	4D	2,830,000	2,927,000
Surplus on continuing operations		16,614	183,185
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus		(4,719)	(3,710)
Total other comprehensive income after income tax		(4,719)	(3,710)
Total comprehensive income		11,895	179,475

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

AUSTRALIAN LAW REFORM COMMISSION

Balance Sheet

as at 30 June 2013

	Notes	2013 \$	2012 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	772,465	838,408
Trade and other receivables	5B	100,909	94,648
Total financial assets		873,374	933,056
Non-Financial Assets			
Property, plant & equipment	6A, 6B	128,385	108,298
Other non-financial assets	6C	81,531	138,891
Total non-financial assets		209,916	247,189
Total Assets		1,083,290	1,180,245
LIABILITIES			
Payables			
Suppliers	7A	39,885	21,084
Other payables	7B	248,269	245,285
Total payables		288,154	266,369
Provisions			
Employee provisions	8A	412,147	436,777
Lease Provision	8B	–	162,005
Total provisions		412,147	598,782
Total Liabilities		700,301	865,150
Net Assets		382,989	315,094
EQUITY			
Contributed equity		126,000	70,000
Reserves		126,998	131,717
Retained surplus (accumulated deficit)		129,991	113,377
		382,989	315,094
Total Equity		382,989	315,094

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 2013

	Retained Earnings		Asset Revaluation Reserve		Contributed equity/capital		Total Equity	
	2013	2012	2013	2012	2013	2012	2013	2012
	\$	\$	\$	\$	\$	\$	\$	\$
Opening balance								
Balance carried forward from previous period	113,377	(69,807)	131,717	135,427	70,000	–	315,094	65,620
Adjusted opening balance	113,377	(69,807)	131,717	135,427	70,000	–	315,094	65,620
Comprehensive income								
Other comprehensive deficit	–	–	(4,719)	(3,710)	–	–	(4,719)	(3,710)
Surplus for the period	16,614	183,185	–	–	–	–	16,614	183,185
Total comprehensive income	16,614	183,185	(4,719)	(3,710)	–	–	11,895	179,475
Transactions with owners								
Contributions by owners								
Departmental capital budget	–	–	–	–	56,000	70,000	56,000	70,000
Sub-total transactions with owners	–	–	–	–	56,000	70,000	56,000	70,000
Closing balance as at 30 June	129,991	113,378	126,998	131,717	126,000	70,000	382,989	315,095

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 2013

	Notes	2013 \$	2012 \$
OPERATING ACTIVITIES			
Cash received			
Appropriations		2,860,186	2,860,500
Sale of goods and rendering of services		1,337	6,100
Other		–	61,952
Net GST received		78,651	122,644
Total cash received		2,940,174	3,051,196
Cash Used			
Employees		(2,181,680)	(2,116,139)
Suppliers		(823,640)	(1,422,733)
Total cash used		(3,005,320)	(3,538,872)
Net cash used by operating activities	9	(65,146)	(487,676)
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		–	17,896
Total cash received		–	17,896
Cash used			
Purchase of property, plant and equipment		(56,797)	(79,468)
Total cash used		(56,797)	(79,468)
Net cash used by investing activities		(56,797)	(61,572)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		56,000	70,000
Total cash from financing activities		56,000	70,000
Net decrease in cash held		(65,943)	(479,248)
Cash and cash equivalents at the beginning of the reporting period		838,408	1,317,656
Cash and cash equivalents at the end of the reporting period	5A	772,465	838,408

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS

as at 30 June 2013

	2013	2012
	\$	\$
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	(193,741)	(255,105)
Total commitments receivable	<u>(193,741)</u>	<u>(255,105)</u>
Commitments payable		
Other commitments		
Operating leases ²	2,131,147	2,683,610
Total other commitments	<u>2,131,147</u>	<u>2,683,610</u>
Net commitments by type	<u><u>1,937,406</u></u>	<u><u>2,428,505</u></u>
BY MATURITY		
Commitments Receivable		
Operating lease income		
One year or less	(33,750)	(50,574)
From one to five years	(159,991)	(191,985)
Over five years	–	(12,546)
Total operating lease income	<u>(193,741)</u>	<u>(255,105)</u>
Operating lease commitments		
One year or less	303,749	541,741
From one to five years	1,439,916	2,028,995
Over five years	–	112,874
Total operating lease commitments	<u>1,743,665</u>	<u>2,683,610</u>
Total commitments payable	<u>1,743,665</u>	<u>2,683,610</u>
Net Commitments by maturity	<u><u>1,937,406</u></u>	<u><u>2,428,505</u></u>

Nature of lease/general description of leasing arrangement

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

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

AUSTRALIAN LAW REFORM COMMISSION

SCHEDULE OF COMMITMENTS (cont.)

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 2013

There are no known contingencies as at 30 June 2013. (2012: 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 2013

Table of Contents—Notes

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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 5A and 15).

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.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

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

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

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* (2012) 288 ALR 410, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the Commission advises that no accounting assumptions, judgements or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standards Requirements

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

No new accounting standards (including reissued standards), amendments to standards or interpretations issued by the Australian Accounting Standards Board that are applicable in the current period, have had a material financial impact on the Commission.

Future Australian Accounting Standards Requirements

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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

1.5 Revenue

Revenue from the sale of goods is recognised when:

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

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

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

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

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

Resources Received Free of Charge

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

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue, is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

1.6 Gains

Sale of Assets

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

1.7 Transactions with the Government as Owner

Equity Injections

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

Restructuring of Administrative Arrangements

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

Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity. In 2012–13 by agreement with the Department of Finance and Deregulation, the Commission received \$56,000 as a Departmental Capital Budget (DCB).

1.8 Employee Benefits

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

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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

Leave

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

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

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

Separation and Redundancy

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

Superannuation

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

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

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. 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 2013 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.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

1.10 Cash

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

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

1.11 Financial Assets

The Commission classifies its financial assets in the following categories:

- a) loans and receivables.

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

Loans and Receivables

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

Impairment of Financial Assets

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

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

1.12 Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

1.13 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated in 1.14. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs, where appropriate.

1.14 Property, Plant and Equipment

Asset Recognition Threshold

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

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'makegood' provisions in property leases taken up by the Commission where there exists an obligation to restore the property to its original condition. In 2011–12 financial year, the Commission restored the premises of 135 King St. Sydney to its original condition. The cost was offset against the makegood provision and the balance has been transferred to profit and loss.

Revaluations

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

Asset class	Fair value measurement
Infrastructure, plant and equipment	Market selling price

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

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

Depreciation

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

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

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

	2013	2012
Plant and equipment	3–10 years	3–10 years

Impairment

All assets were assessed for impairment at 30 June 2013. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

1.15 Taxation/Competitive Neutrality

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

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 2: Events after the Balance Sheet Date

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

Note 3: Expenses

	2013	2012
	\$	\$
Note 3A. Employee Benefits		
Wages and salaries	1,699,205	1,730,904
Superannuation:		
Defined contribution plans	127,029	111,823
Defined benefit plans	162,862	155,626
Leave and other entitlements	167,954	260,471
Total employee benefits	2,157,050	2,258,824

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 3: Expenses (cont.)

	2013 \$	2012 \$
Note 3B. Supplier		
Goods and Services		
Committees	4,536	16,196
Library	75,408	90,329
Professional services	68,018	73,675
Printing and office requisites	15,552	28,976
Freight and removals	1,758	2,225
Telephone and postage	22,429	26,171
Incidentals	11,271	12,836
Minor assets	13,544	6,222
Staff training	30,922	27,594
Maintenance	12,801	14,497
Promotional activities	4,588	5,874
Advertising	386	3,142
Travel	43,609	52,072
IT services	25,260	31,603
Total goods and services	330,082	391,411
Goods and services are made up of:		
Provision of goods—external parties	304,882	369,411
Provision of goods—related parties	25,200	22,000
Total goods and services	330,082	391,411
Other supplier expenses		
Operating lease rentals—external parties		
Minimum lease payments	321,869	268,394
Workers compensation expenses	9,846	10,258
Total other supplier expenses	331,715	278,652
Total supplier expenses	661,797	670,063

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 3: Expenses (cont.)

	2013 \$	2012 \$
<u>Note 3C. Depreciation</u>		
Depreciation:		
Property, plant and equipment	<u>31,993</u>	<u>25,612</u>
Total depreciation	<u><u>31,993</u></u>	<u><u>25,612</u></u>
<u>Note 3D. Finance Costs</u>		
Unwinding of discount	<u>-</u>	<u>4,842</u>
Total finance costs	<u><u>-</u></u>	<u><u>4,842</u></u>

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 4: Income

	2013	2012
	\$	\$

OWN-SOURCE REVENUE

Note 4A. Sale of Goods and Rendering of Services

Provision of goods—external parties	1,337	6,100
Relevant agency receipts	10,917	—
Total sales of goods and rendering of services	12,254	6,100

Note 4B. Other Revenue

Reimbursement of Commissioner cost—Attorney-General's Department	—	169,530
Resources received free of charge-services	25,200	22,000
Total other revenue	25,200	191,530

GAINS

Note 4C. Sale of Assets

Property, plant and equipment:		
Proceeds from sale	—	17,896
Net gain from sale of assets	—	17,896

REVENUE FROM GOVERNMENT

Note 4D. Revenue from Government

Appropriations

Departmental appropriations	2,830,000	2,927,000
Total revenue from Government	2,830,000	2,927,000

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 5: Financial Assets

	2013	2012
	\$	\$
Note 5A. Cash and cash equivalents		
Cash on hand or on deposit	772,465	838,408
Total cash and cash equivalents	772,465	838,408
Note 5B. Trade and Other receivables		
Good and Services:		
Goods and services—external parties	—	2,296
Total receivable for goods and services	—	2,296
Appropriations receivable:		
For existing programs	92,838	66,500
Total appropriations receivable	92,838	66,500
Other receivables:		
GST receivable from the Australian Taxation Office	8,071	25,852
Total other receivables	8,071	25,852
Total trade and other receivables (gross)	100,909	94,648
Receivables are expected to be recovered in:		
No more than 12 months	100,909	94,648
More than 12 months	—	—
Total trade and other receivables (net)	100,909	94,648
Receivables are aged as follows:		
Not overdue	100,909	94,648
Total receivables (gross)	100,909	94,648

All receivables are with entities external to the Commission. Credit terms are net 30 days (2012: 30 days).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 6: Non-Financial Assets

	2013	2012
	\$	\$
<u>Note 6A. Property, Plant and Equipment</u>		
Other property, plant and equipment:		
Fair value	145,724	142,630
Accumulated depreciation	(17,339)	(34,332)
Total other property, plant and equipment	<u>128,385</u>	<u>108,298</u>
Total property, plant and equipment	<u><u>128,385</u></u>	<u><u>108,298</u></u>

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.

A revaluation decrement of \$4,719 for property, plant and equipment (2012: \$0) was debited to the asset revaluation surplus by asset class and included in the equity section of the balance sheet, no increments/decrements were expensed (2012: \$0).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 6: Non-Financial Assets (cont.)

Note 6B. Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2012–13)

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 6: Non-Financial Assets (cont.)

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

	Property, Plant & Equipment \$	Total \$
As at 1 July 2011		
Gross book value	350,022	350,022
Accumulated depreciation	(291,870)	(291,870)
Net book value 1 July 2011	58,152	58,152
Additions		
by purchase	79,468	79,468
Depreciation expense	(25,612)	(25,612)
Revaluations and impairments recognised in other comprehensive income	(3,710)	(3,710)
Net book value 30 June 2012	108,298	108,298
Net book value as of 30 June 2012 represented by:		
Gross book value	142,630	142,630
Accumulated depreciation and impairment	(34,332)	(34,332)
Net book value 30 June 2012	108,298	108,298

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 6: Non-Financial Assets (cont.)

	2013	2012
	\$	\$
Note 6C. Other Non-Financial Assets		
Prepayments	81,531	138,891
Total other non-financial assets	81,531	138,891
Total other non-financial assets—are expected to be recovered in:		
No more than 12 months	81,531	138,891
Total other non-financial assets	81,531	138,891

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 2013

Note 7: Payables

	2013 \$	2012 \$
Note 7A. Suppliers		
Trade creditors and accruals	39,885	21,084
Total supplier payables	39,885	21,084
Supplier payables expected to be settled within 12 months:		
External entities	39,885	21,084
Total	39,885	21,084
Total supplier payables	39,885	21,084
Settlement was usually made within 30 days.		
Note 7B. Other Payables		
Lease incentive	154,364	149,047
Wages and salaries	93,905	96,238
Total other payables	248,269	245,285
Total other payable are expected to be settled in:		
No more than 12 months	93,905	96,238
More than 12 months	154,364	149,047
Total other payables	248,269	245,285

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 8: Provisions

	2013 \$	2012 \$
<u>Note 8A. Employee Provisions</u>		
Leave	412,147	436,777
Total employee provisions	412,147	436,777
Employee provisions are expected to be settled in:		
No more than 12 months	315,494	284,964
More than 12 months	96,653	151,813
Total employee provisions	412,147	436,777
<u>Note 8B. Lease Provisions</u>		
Provision for lease	-	162,005
	-	162,005

The Commission had a rent provision resulting from vacating its previous premises, 135 King St. Sydney prior to the completion of its lease.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 9: Cash Flow Reconciliation

	2013 \$	2012 \$
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash Flow Statement	772,465	838,408
Balance Sheet	772,465	838,408
Difference	–	–
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(2,813,386)	(2,743,815)
Add revenue from Government	2,830,000	2,927,000
Adjustments for non-cash items		
Depreciation	31,993	25,612
Gain on disposal of assets	–	(17,896)
Changes in assets / liabilities		
(Increase) / decrease in net receivables	(6,261)	(73,434)
(Increase) / decrease in prepayments and other non-financial assets	57,360	4,788
Increase / (decrease) in supplier payables	21,784	(25,115)
Increase / (decrease) in other provisions	(162,005)	(734,232)
(Increase) / decrease in employee provisions	(24,631)	149,417
Net cash used by operating activities	(65,146)	(487,676)

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 10: Senior Executive Remuneration

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

	2013	2012
	\$	\$
Short-term employee benefits:		
Salary	628,320	592,035
Annual leave accrued	48,545	45,563
Performance bonuses	3,006	10,861
Motor vehicle and other allowances	86,457	72,222
Total short-term employee benefits	766,328	720,681
Post-employment benefits:		
Superannuation	124,462	107,725
Total post-employment benefits	124,462	107,725
Other long-term benefits		
Long-service leave	15,777	11,171
Total other long-term employee benefits	15,777	11,171
Total senior executive remuneration expenses	906,567	839,577

Notes:

1. Note 10A was prepared on an accrual basis (therefore the performance bonus expenses disclosed above may differ from cash 'bonus paid' in Note 10B).
2. Note 10A excludes acting arrangements and part-year service where total remuneration expensed as a senior executive was less than \$180,000.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 10: Senior Executive Remuneration (cont.)

Note 10B: Average Annual Reportable Remuneration paid to Substantive Senior Executives during the Reporting Period

Average annual reportable remuneration paid to substantive senior executives in 2013

Average annual reportable remuneration ¹	Substantive Senior Executives No.	Reportable salary ²	Contributed Superannuation ³	Reportable Allowances ⁴	Bonus paid ⁵	Total reportable remuneration
		\$	\$	\$	\$	\$
Total reportable remuneration						
\$180,000 to \$209,999	2	148,323	31,132	17,690	3,006	200,151
\$370,000 to \$399,999	1	348,473	50,679	–	–	399,152
Total number of substantive senior executives	3					

Average annual reportable remuneration paid to substantive senior executives in 2012

Average annual reportable remuneration ¹	Substantive Senior Executives No.	Reportable salary ²	Contributed Superannuation ³	Reportable Allowances ⁴	Bonus paid ⁵	Total reportable remuneration
		\$	\$	\$	\$	\$
Total reportable remuneration						
less than \$180,000	1	121,668	19,878	16,575	–	158,121
\$180,000 to \$209,999	1	145,945	28,317	16,582	10,861	201,705
\$370,000 to \$399,999	1	321,980	49,650	–	–	371,630
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 2013

Note 10: Senior Executive Remuneration (cont.)

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

Notes:

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

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

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.

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

Note 10C. Other Highly Paid Staff

During the reporting period, there was no employees whose salary plus performance bonus were \$180,000 or more. (2012: no employees)

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 11: Remuneration of Auditors

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

	2013	2012
	\$	\$
Fair value of the services provided		
Financial statement audit services	25,200	22,000
Total	25,200	22,000

Note 12: Financial Instruments

	2013	2012
	\$	\$

Note 12A. Categories of Financial Instruments

Financial Assets

Loans and receivables:

Cash on hand or on deposit	772,465	838,408
Trade and other receivables	—	2,296
Total	772,465	840,704
Carrying amount of financial assets	772,465	840,704

Financial Liabilities

At amortised cost:

Trade creditors	39,885	21,084
Other	248,269	245,285
Total	288,154	266,369
Carrying amount of financial liabilities	288,154	266,369

Note 12B. Net Income and Expense from Financial Liabilities

Financial liabilities—at amortised cost

There is no income or expense from financial liabilities not at fair value through profit or loss in the year ending 30 June 2013 (2012:nil).

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 12: Financial Instruments (cont.)

Note 12C. Fair Values of Financial Instruments

	2013		2012	
	Carrying amount	Fair value	Carrying amount	Fair value
	\$	\$	\$	\$
Financial Assets				
Cash at bank	772,465	772,465	838,408	838,408
Receivables for goods and services (net)	–	–	2,296	2,296
Total	772,465	772,465	840,704	840,704
Financial Liabilities				
Trade creditors	39,885	39,885	21,084	21,084
Other payables	248,269	248,269	245,285	245,285
Total	288,154	288,154	266,369	266,369

Financial Assets

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

Financial Liabilities

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

Note 12D. Credit Risk

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

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

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

Note 12 E. Liquidity Risk

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 12: Financial Instruments (cont.)

Note 12 F. 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 13: Financial Assets Reconciliation

		2013	2012
		\$	\$
<u>Financial Assets</u>			
	Notes		
Total financial assets as per balance sheet		873,374	933,056
Less: non-financial instrument components:			
Appropriations receivable	5B	92,838	66,500
Other receivables	5B	8,071	25,852
Total non-financial instrument components		100,909	92,352
Total financial assets as per financial instruments note		772,465	840,704

Note 14: Appropriations

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

	2013 Appropriations							Appropriation applied in 2013 (current and prior years)	Variance ³
	Appropriation Act			FMA Act					
	Annual Appropriation	Appropriations reduced ¹	AFM ²	Section 30	Section 31	Section 32	Total appropriation		
	\$	\$	\$	\$	\$	\$	\$	\$	\$
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 2013

Note 14: Appropriations (cont.)

Table A: 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 provided for long service leave.

Note 14: Appropriations (cont.)

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

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

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 14: Appropriations (cont.)

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

Notes:

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

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

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 14: Appropriations (cont.)

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

	2013 Capital Budget Appropriations				Capital Budget Appropriations applied in 2013 (current and prior years)		
	<i>Appropriation Act</i>		<i>FMA Act</i>	Total Capital Budget Appropriations	Payments for non-financial assets ³	Payments for other purposes	Total payments
	Annual Capital Budget	Appropriations reduced ²	Section 32				
	\$	\$	\$	\$	\$	\$	Variance
DEPARTMENTAL							
Ordinary annual services							
—Departmental Capital Budget ¹	56,000	—	—	56,000	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 Table A: 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, expenditure on assets which has been capitalised and costs incurred to make good an asset to its original condition.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 14: Appropriations (cont.)

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

	2012 Capital Budget Appropriations				Capital Budget Appropriations applied in 2012 (current and prior years)		
	<i>Appropriation Act</i>		<i>FMA Act</i>	Total Capital Budget Appropriations	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	70,000	—	—	70,000	70,000	—	70,000
							Variance
							\$ —

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 Table A: Annual Appropriations.
2. Appropriations reduced under Appropriation Acts (Nos. 1, 3 & 5) 2011–12: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 14: Appropriations (cont.)

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

	2013	2012
Australian Law Reform Commission	\$	\$
DEPARTMENTAL		
Appropriation Act (No 1)	92,837	66,500
Total	92,837	66,500

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 that will be reviewed annually to ensure that any potential future breach with regards to these payments is minimised.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 15: Special Account (Recoverable GST exclusive)

	2013	2012
Law Reform Special Account (Departmental)	\$	\$
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	904,908	1,317,656
Increases:		
Appropriation credited to special account	2,886,000	2,997,000
Other receipts	1,337	85,948
Total increases	2,887,337	3,082,948
Available for payments	3,792,245	4,400,604
Decreases:		
Payments made to suppliers	815,772	1,379,557
Payments made to employees	2,167,694	2,116,139
Total decreases	2,983,466	3,495,696
Total balance carried to the next period	808,779	904,908

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 16: 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 16A: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2013	2012	2013	2012
	\$	\$	\$	\$
Departmental				
Expenses	2,850,840	2,959,341	2,850,840	2,959,341
Own-source income	37,454	215,526	37,454	215,526
Net cost/(contribution) of outcome delivery	2,813,386	2,743,815	2,813,386	2,743,815

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 16: Reporting of Outcomes (cont.)

Note 16B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1 ¹		Total	
	2013	2012	2013	2012
	\$	\$	\$	\$
Expenses				
Employees	2,157,050	2,258,824	2,157,050	2,258,824
Suppliers	661,797	670,063	661,797	670,063
Depreciation	31,993	25,612	31,993	25,612
Finance costs	–	4,842	–	4,842
Total	2,850,840	2,959,341	2,850,840	2,959,341
Income				
Sale of goods and services	12,254	6,100	12,254	6,100
Income from government	2,830,000	2,927,000	2,830,000	2,927,000
Gains from disposal of assets	–	17,896	–	17,896
Other	25,200	191,530	25,200	191,530
Total	2,867,454	3,142,526	2,867,454	3,142,526
Assets				
Cash and cash equivalents	772,465	838,408	772,465	838,408
Trade and other receivables	100,909	94,648	100,909	94,648
Property, plant and equipment	128,385	108,298	128,385	108,298
Other	81,531	138,891	81,531	138,891
Total	1,083,290	1,180,245	1,083,290	1,180,245
Liabilities				
Suppliers	39,885	21,084	39,885	21,084
Lease incentive & wages	248,269	245,285	248,269	245,285
Employee provisions	412,147	436,776	412,147	436,776
Other provisions	–	162,005	–	162,005
Total	700,301	865,150	700,301	865,150

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 124 of this Annual Report.

AUSTRALIAN LAW REFORM COMMISSION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Note 17: Net Cash Appropriation Arrangements

	2013	2012
	\$	\$
Total comprehensive income less depreciation expenses previously funded through revenue appropriations¹	43,888	205,087
Plus: depreciation expenses previously funded through revenue appropriation	31,993	25,612
Total comprehensive income—as per the Statement of Comprehensive Income	11,895	179,475

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

Special features

Law reform process

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

Terms of Reference

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

- ▲ there is community concern about a particular issue that needs to be addressed through the process of law reform;
- ▲ recent events or legal cases have highlighted a deficiency 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 a particular area relevant to the area of law under review. An advisory committee will not necessarily include representatives from each stakeholder group, as these may be consulted separately. The advisory committee has particular value in helping the ALRC to identify the key issues, as well as in providing quality assurance in the research and consultation processes. Advisory committees usually meet at least twice during an inquiry, before the publication of a consultation document and Report.

Issues Papers

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

An Issues Paper is usually the first official publication of an inquiry. It provides a preliminary look at issues surrounding the inquiry and often suggests principles which could guide proposals for reform. It poses questions regarding the subject area and seeks advice from the community about the issues that need to

be considered as the inquiry progresses, as well as informing the community about the range of issues already identified. The Issues Paper invites feedback in the form of submissions.

Submissions

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

Naturally there are many different views advanced through submissions, and the evaluation of submissions is not like a ballot. The ALRC considers the opinions and arguments expressed in submissions together with other forms of consultation and in-depth research. When writing a report, the ALRC 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* (Cth), 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, and the evidence base for its 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.

During 2012–13, the ALRC developed its Workplace Diversity Statement committing the ALRC to foster a diverse workforce and 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.

The ALRC has also worked to produce its Agency Multicultural Plan that will guide our work towards meaningful and ongoing dialogue with people from diverse backgrounds. 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.

Agency Multicultural Plan (AMP)

During 2012–13 the ALRC formed a Diversity Working Group incorporating our Reconciliation Action Group. One of the key tasks was to develop the ALRC's Multicultural Plan and to give substance to our commitment 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 considering the impact on CALD communities when formulating recommendations for law reform. In the first year of the Multicultural Plan, the ALRC will concentrate on the area of engagement, ensuring that CALD communities are able to engage actively in our consultation processes. The ALRC's AMP is available on the ALRC website.

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 originally developed in 2009, and is reported on and updated biennially. Our reports are published on the ALRC website. The next update and report is due in June 2014.

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.

During 2012–13, the ALRC consulted with the following organisations with regard to the Age Barriers Inquiry:

- ▲ Aboriginal Legal Service, WA
- ▲ Hewitt Whyman (Aboriginal Legal Service ACT/NSW/Gannambarra Enterprises)
- ▲ Department of Families, Housing, Community Services and Indigenous Affairs

The ALRC also consulted with a number of community legal centres and similar groups who represent Indigenous clients.

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 attending conferences and seminars. A fact sheet was produced for the Age Barriers to Work Inquiry outlining the key recommendations aimed at removing barriers to workforce participation for Indigenous mature age people. A paper was given at the Aboriginal Family Violence Legal Conference on Family Violence and Aboriginal and Torres Strait Islander Peoples, based on the ALRC's work on the Commonwealth Laws and Family Violence Inquiry.

The ALRC celebrated National Reconciliation Week attending NAIDOC celebrations held in Hyde Park by the City of Sydney. ALRC staff also attended an event at the Australian Government Solicitors office for National Reconciliation Week and heard Michael West, Member and Cultural Representative of the Metropolitan Local Aboriginal Land Council (MLALC) speak about the Indigenous history of Sydney including that of the Aboriginal Medical Service and Aboriginal Legal Service.

ALRC internship program

The internship program is an important part of the ALRC inquiry program. An internship at the ALRC provides an opportunity for students to increase their awareness of law reform processes and improve their research and writing skills, while contributing to an ALRC inquiry. Interns join one of the Inquiry teams and are supervised by the Commissioner in charge of the Inquiry and/or legal officers.

The ALRC accepts students in their penultimate or final year of an undergraduate or graduate law degree, from any university including overseas institutions. An internship with the ALRC is highly sought after and the ALRC has a competitive selection process including a formal application and interview.

The number of interns accepted at any one time will depend upon the current work program of the Commission. In 2012–13, nine internships were offered to local students and the ALRC was pleased to include students of an exceptionally high standard from around Australia including from the ACT, Victoria, Queensland and NSW. This past year we also welcomed seven international students, including from Harvard University Law School, the University of Maryland, the University of Michigan, and from Indonesia.

Our interns were able to observe a range of ALRC activities attending, when possible, consultation meetings with stakeholders, Advisory Committee meetings and Inquiry team meetings.

The ALRC endeavours to capture the intern experience via podcasts in which students describe the experience of interning at the ALRC. These podcasts are available on the ALRC website.

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



Interns from the University of Maryland, Joseph Sedtal and Akosua Koram

Interns July 2012 to June 2013

Table 11: Interns 2012–13

<i>Name</i>	<i>Institution</i>	<i>Inquiry</i>	<i>Start Date</i>	<i>Finish Date</i>
*Max Dalton	UNSW	Copyright	1 August 2012	22 November 2012
*Hannah Ryan	USyd	Age Barriers	1 August 2012	22 November 2012
*Fritz Siregar	AusAid Scholar, UNSW	Age Barriers	18 July 2012	31 October 2012
*Max Bulinski	University of Michigan, USA	Copyright	1 August 2012	14 December 2012
William Brien	Harvard University, USA	Copyright	14 January 2013	1 February 2013
Michael Springer	Harvard University, USA	Copyright	14 January 2013	1 February 2013
Emma Raviv	Harvard University, USA	Copyright	14 January 2013	1 February 2013
*Kiri McEwan	ANU	Copyright	11 February 2013	22 February 2013
*Penelope Swales	Monash	Copyright	11 February 2013	22 February 2013
*Christopher Stackpoole	QUT	Copyright	11 February 2013	22 February 2013
Linda Renouf	Southern Cross	Copyright	11 February 2013	22 February 2013
Oliver Doraisamy	UTS	Copyright	5 April 2013	7 June 2013
Bronte Lambourne	USyd	Copyright	5 April 2013	7 June 2013
Steven Gardiner	UNSW	Copyright	5 April 2013	7 June 2013
Joseph W Sedtal	University of Maryland, USA	Copyright	3 June 2013	23 June 2013
Akosua B Koram	University of Maryland, USA	Copyright	3 June 2013	12 July 2013

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

International outreach

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

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

Delegations

On 10 October 2012, the ALRC welcomed Ms Hai-Yuean Tualima from the Samoa Law Reform Commission, to discuss ALRC processes and share information and experiences of consultation and stakeholder management. Ms Tualima was able to attend and observe a consultation with the Copyright Inquiry team during her visit.

On the 11 December 2012, the ALRC welcomed a delegation from Vietnam specifically to discuss the ALRC's 2006 Sedition Inquiry and Report.



ALRC President, Prof Rosalind Croucher and ALRC Principal Legal Officer, Bruce Alston with the Vietnamese Delegation

On 7 March 2013, the ALRC hosted a delegation from the Vietnam Supreme People's Court to discuss law reform processes and our relationship to the courts.

Professional development

In May 2013, the ALRC welcomed Philip Kanairara and Derek Futaiasi, legal officers with the Solomon Islands Law Reform Commission, for a three-week secondment. During this time Mr Kanairara and Mr Futaiasi were able to participate in the Inquiry teams and to shadow our legal officers undertaking research, as well as to participate in formal learning sessions on policy development, research and writing

for law reform, consultation strategies and corporate governance. ALRC staff also benefitted from the exchange of information and experience with many interesting examples of difference being discussed as well as finding the similarities in our law reform processes.



Derek Futaiasi, Philip Kanairara, ALRC President, Professor Rosalind Croucher and ALRC Legal Officer, Dr Julie Mackenzie

Australasian Law Reform Agencies Conference (ALRAC)

The Australasian Law Reform Agencies Conference was held from 12–14 September 2012 in Canberra at the Australian National University. Entitled, *Conversations about Law Reform: Sharing Knowledge and Experience*, this conference was committed to ensuring that participants had the opportunity to engage in discussion and to share information, experiences and ideas.

Sixty-two participants from law reform agencies across the Pacific attended along with delegates from as far afield as Scotland, Canada and Kenya. Themes explored included: law reform in small jurisdictions; issues of independence and effectiveness; professional cultures in law reform—bureaucrats, the academy and the judiciary; gender issues in law reform; and the design and conduct of inquiries. The ALRC President and Executive Director attended along with two Legal Officers and the Online Communications Manager, and shared our experience on matters such as how to measure effectiveness, consultation strategies, and governance.

The Opening Address was given by the Hon Michael Kirby AC CMG, founding President of the Australian Law Reform Commission and former Justice of the High Court. Mr Kirby spoke of the history of ALRAC, from its inception in 1973 as an initiative of the NSW Law Reform Commission through to the present, and canvassed the developing notions of law reform throughout this time and the cooperation between law reform agencies both internationally and within Australia.

A reception was hosted by the Governor General, Her Excellency Ms Quentin Bryce, at Government House. Ms Bryce spoke about the importance of law reform to the democratic tradition.

The conference provided an extremely valuable opportunity to exchange ideas and share experiences in law reform. It also afforded an opportunity for the ALRC to consult with colleagues on best practice and to continue to build productive working relationships across the international law reform community.

The next ALRAC will be held in Samoa on 27–29 May 2014.

Kirby Cup Law Reform Competition

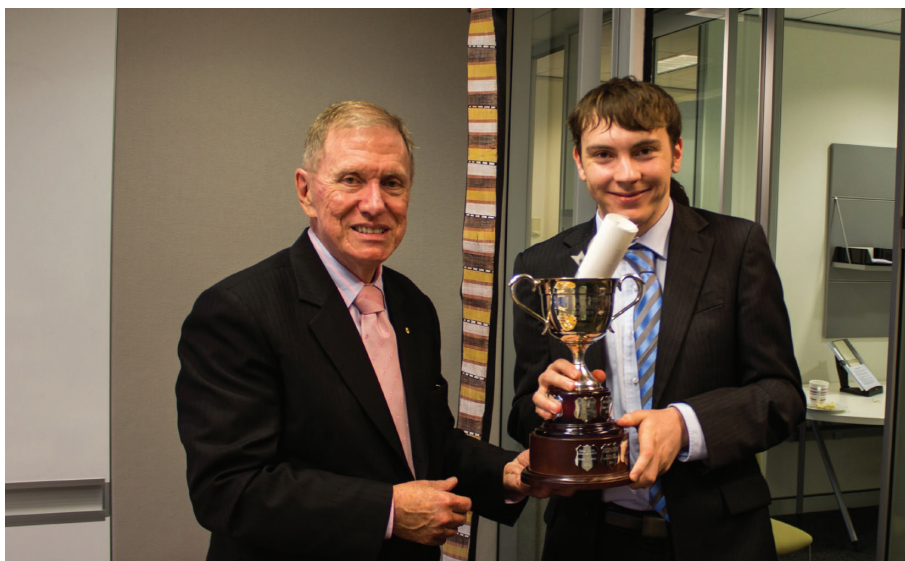
The Kirby Cup Law Reform Competition is a unique opportunity for Australian law students to consider the role of law reform and law reform agencies in Australia. To enter, law students must provide a written paper (2,000–4,000 words) on a given topic of law reform. The Kirby Cup is one way that the ALRC provides insight to law students across Australia into the processes of law reform and our inquiries.

The competition is open to all students currently enrolled in a tertiary law course (including law courses offered by universities and legal practitioner admission boards). Students may participate in the competition as individuals or as a team of up to four students.

The topic for 2012 was chosen to feed into the ALRC Copyright Inquiry

Suggest one or more new statutory exceptions for the Copyright Act 1968 (Cth), consistent with Australia's international legal obligations, and explain why it/they should be introduced. Alternatively, explain why further exceptions should not be introduced.

This year the Kirby Cup was won by Michael Dorman, Fourth Year Bachelor of Arts/Law at Monash University. His essay *'Saving the Right to Parallel Import in a Digital World'* was published on the ALRC website. Runner up was Peter Key-Matuszak from the University of NSW.



The Hon Michael Kirby AC CMG with Michael Dorman

The winner and runner up were acknowledged at a small event at the ALRC on 22 November 2012 with a presentation by Michael Kirby.

Appendices

Appendix A: Corporate Plan 2011–2013

Our Vision

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

Outcome Statement

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

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

Our Strategies

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

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

In 2011–2013, the ALRC is expecting to conduct at least two inquiries at any one time. As part of the inquiry process, the ALRC will produce a number of consultation papers that present issues, ask questions and raise proposals for reform and will call on the community to respond through both formal submission processes and consultations and more informal feedback mechanisms, including online discussion forums, phone-ins and focus groups, where appropriate. These external contributions and the ALRC's own research will inform the preparation of a final report with recommendations for the Government's consideration for each inquiry undertaken. The ALRC will usually constitute an expert Advisory Committee for each inquiry to assist in the analysis and formulation of key recommendations and proposals for reform.

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

As required by its Act, the ALRC 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 government and will:

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

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

Our Key Performance Indicators (KPIs)

Program 1—Conducting inquiries

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

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

- ▲ the number of submissions received for each inquiry;
- ▲ the number of visitors to the ALRC website;
- ▲ the number of presentations and speaking engagements; and
- ▲ the number of media mentions.

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

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

Using the number of submissions received is one indicator of the breadth of the evidence base that underpins 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.

July 2011

Appendix B: Key supporting policies and documents

Information about ALRC functions, objectives, policies and activities can be found in the following documents.

Administration

- ▲ Agency Multicultural Plan*
- ▲ Business Continuity and Safety Plan
- ▲ Chief Executive Instructions
- ▲ Conflict of Interest Policy
- ▲ Consultative Committee Charter
- ▲ Corporate Plan 2013–2015*
- ▲ Enterprise Risk Management Plan
- ▲ Environmental Management Policy*
- ▲ Fraud Control Plan 2012–2014 & Fraud Policy Statement
- ▲ Protective Security Policy
- ▲ Reconciliation Action Plan*

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
- ▲ Personal Use of Office Telephone Policy
- ▲ Procurement and Purchasing Policy
- ▲ Travel Policy

Human resources

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

Information management

- ▲ Disclaimer Policy*
- ▲ Internet & Email Policy
- ▲ Information Classification Policy
- ▲ Library Collection 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 & Safety Management Arrangements
- ▲ Work From Home Policy
- ▲ Work Health & Safety Policy

* Available on the ALRC website.

Appendix C: Terms of Reference 2012–13

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

Having regard to:

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

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

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

Scope of the reference

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

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

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

- ▲ the work undertaken by the Advisory Panel on the Economic Potential of Senior Australians including its initial, second and final reports
- ▲ the work being undertaken by the Consultative Forum on Mature Age Participation and any recommendations made in the Forum’s interim report and final reports

- ▲ the work to be undertaken during 2012 by Safe Work Australia to investigate options to address age discrimination in workers' compensation legislation, and
- ▲ the work being undertaken by the Attorney-General's Department to consolidate Commonwealth anti-discrimination laws into a single Act.

Consultation

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

Timeframe for reporting

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

Nicola Roxon
Attorney-General

Copyright and the Digital Economy

Having regard to:

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

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

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

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

Scope of reference

In undertaking this reference, the Commission should:

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

Timeframe

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

Nicola Roxon
Attorney-General

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

Appendix D: Advisory Committee members and consultants 2012–13

Age Barriers to Work

Advisory Committee members

- ▲ Emeritus Professor Terry Carney, Faculty of Law, University of Sydney
- ▲ Anne de Salis, Director, ME Bank
- ▲ Anne Lampe, Freelance Journalist
- ▲ Emeritus Professor Ron McCallum AO, UN Committee on the Rights of Persons with Disabilities, University of Sydney
- ▲ Therese MacDermott, Senior Lecturer, Macquarie Law School, Macquarie University
- ▲ Michael O'Neill, Chief Executive, National Seniors Australia
- ▲ Professor John Piggott, Director, ARC Centre of Excellence in Population Ageing Research
- ▲ Professor Philip Taylor, Director, Research and Graduate Studies, Monash University

Expert readers

- ▲ Emeritus Professor Terry Carney, Faculty of Law, University of Sydney
- ▲ Anne de Salis, Director, ME Bank
- ▲ David Lee, President of the Australian Insurance Law Association
- ▲ Therese MacDermott, Senior Lecturer, Macquarie Law School, Macquarie University
- ▲ Professor John Piggott, Director, ARC Centre of Excellence in Population Ageing Research

Copyright and the Digital Economy

Advisory Committee members

- ▲ Charles Alexander, Partner, Minter Ellison, Sydney
- ▲ Professor Kathy Bowrey, Faculty of Law, University of New South Wales
- ▲ Alex Byrne, NSW State Librarian & Chief Executive, State Library of New South Wales
- ▲ Professor Tom Cochrane, QUT Chair, Australian Libraries Copyright Committee
- ▲ Carolyn Dalton, Executive Director, Policy Australia
- ▲ Henry Ergas, Network Economics Consulting Group
- ▲ Patrick Fair, Baker & McKenzie and Deputy Chairman, Internet Industry Association

- ▲ Professor Brian Fitzgerald, Executive Dean of Law, Australian Catholic University (resigned from Committee April 2013)
- ▲ Mia Garlick, Communications & Policy, Facebook
- ▲ Dr Nicholas Gruen, Chief Executive Officer, Lateral Economics
- ▲ Michael Hall, Barrister
- ▲ The Hon Justice Susan Kenny, Federal Court of Australia, Melbourne
- ▲ Dr The Hon Kevin Lindgren QC
- ▲ Associate Professor David Lindsay, Monash University
- ▲ Caroline Lovell, NBN Co
- ▲ Professor Martin Nakata, Director, Nura Gili
- ▲ Matthew Minogue, First Assistant Secretary, Civil Law Division, Attorney-General's Department
- ▲ Emeritus Professor Dennis Pearce AO, Special Counsel, HWL Ebsworth Lawyers, Canberra
- ▲ Fiona Phillips, Executive Director, Australian Copyright Council
- ▲ Professor Sam Ricketson, University of Melbourne
- ▲ Ishtar Vij, 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, Sydney

Expert readers

- ▲ The Hon Justice Susan Kenny, Federal Court of Australia, Melbourne
- ▲ Associate Professor David Lindsay, Monash University
- ▲ Associate Professor Kimberlee Weatherall, Sydney Law School, University of Sydney

Appendix E: Agency resource statement and resources for outcomes 2012–13

1. Agency Resource Statement 2012–13

	Actual available appropriation for 2012–13 \$'000	Payments made 2012–13 \$'000	Balance Remaining 2012–13
	(a)	(b)	(a) – (b)
Ordinary Annual Services¹			
Departmental appropriation ²	2,886	2,851	
Total	2,886	2,851	35
Administered expenses			
Outcome 1: Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.			
Total	2,886	2,851	
Total ordinary annual services A	2,886	2,851	

1 Appropriation Bill (No.1) 2012–13.

2 includes an amount of \$0.0056m in 2012–13 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:	Budget*	Actual Expenses	Variation
Informed government decisions about the development, reform and harmonisation of the Australian laws related processes through research, analysis, reports and community consultation and education.			
	2012–13 \$'000	2012–13 \$'000	2012–13 \$'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	2,835	2,832	(3)
Total for Program 1	2,835	2,832	(3)
Outcome 1 Totals by appropriation type			
Departmental expenses			
Departmental (Appropriation Bill No. 1)	2,830	2,830	
Revenue from independent sources	5	2	
Total expenses for Outcome 1	2,835	2,832	(3)
	2012–13	2012–13	
Average Staffing Level (number)	16	16	(0)

* Full year budget, including any subsequent adjustment made to the 2012–13 Budget.

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

Appendix F: Implementation activity 2012–13

The following provides an overview of activity in relation to the implementation of ALRC reports during 2012–13.

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

In July 2013, a number of changes to the *Fair Work Act 2009* (Cth) took effect. These changes included an extension of the right to request flexible working arrangements to a range of employees, including where an employee is a carer, implementing a recommendation of the *Access All Ages* report.

A number of the proposals made by the ALRC in the Discussion Paper, and recommendations made in the Report, are consistent with those later made by two other Australian Government reviews in 2013—the *Safety, Rehabilitation and Compensation Act 1988* (Cth) *Review Report* (February 2013) and the *Review of the Seacare Scheme Report* (March 2013). Broadly, these reviews supported ALRC recommendations with regard to:

- ▲ consistency across Commonwealth workers' compensation legislation and, in particular, the need to address inconsistencies in the *Seafarers Rehabilitation and Compensation Act 1992* (Cth) compared to the other two key pieces of Commonwealth workers' compensation legislation;
- ▲ amending Commonwealth workers' compensation legislation to align retirement provisions with the qualifying age for the Age Pension;
- ▲ extending the incapacity payment period under Commonwealth workers' compensation legislation; and
- ▲ repealing superannuation-offset provisions.

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

In April 2013, the Minister for Home Affairs announced the first stage of reforms to the National Classification System, which would implement several recommendations of the Classification Report. State and Territory Ministers have agreed to:

- ▲ broaden the type of content that is exempt from classification laws;
- ▲ enable the use of automated classification decision-making systems;
- ▲ change the rules so that 2D and 3D versions of films or computer games no longer need to be classified twice;
- ▲ change the rules to allow minor modifications to be made to computer games without further classification;
- ▲ a program of research to examine current classification categories, symbols and community standards; and
- ▲ give explicit power to Commonwealth officials so that they can notify law enforcement authorities of content that is potentially Refused Classification prior to classification by the Classification Board.

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

In 2012–13, a number of employment-related recommendations made by the ALRC in the *Family Violence and Commonwealth Laws* Report were implemented, or partially implemented, including recommendations that:

- ▲ the Department of Education, Employment and Workplace Relations collect data on the incidence of family violence-related clauses and references in enterprise agreements and include it as part of the Workplace Agreements Database;
- ▲ the Australian Government support research, monitoring and evaluation of family violence-related developments in the employment law sphere, for example by bodies such as the Australian Domestic and Family Violence Clearinghouse;
- ▲ the Australian Government consider family violence-related amendments to the *Fair Work Act 2009* (Cth) in the course of the 2012 Post-Implementation Review of the Act;
- ▲ the Australian Government support the inclusion of family violence clauses in enterprise agreements;
- ▲ the Australian Human Rights Commission, in the context of the consolidation of Commonwealth anti-discrimination laws, examine the possible basis upon which status as an actual or perceived victim of family violence could be included as a protected attribute under Commonwealth anti-discrimination law; and
- ▲ the Australian Government amend the *Fair Work Act 2009* (Cth) to provide that an employee who is experiencing family violence may request the employer for a change in working arrangements.

In the social security context, the ALRC's recommendation that the Guide to Social Security Law should direct Centrelink customer service advisers expressly to consider family violence when tailoring a job seeker's Employment Pathway Plan has also been implemented.

Finally, in November 2012, changes were made to the *Migration Regulations 1994* (Cth) implementing the ALRC's recommendations to broaden the types of acceptable evidence that can be submitted in support of a claim of family violence under migration law. The changes included:

- ▲ repealing the requirements for a valid statutory declaration from a 'competent person'; and
- ▲ amendments providing a wider list of people, listed in a ministerial instrument, who can provide evidence in support of a non-judicially determined claim of family violence.

The Department of Immigration and Citizenship's policy manual for decision makers has also been amended in accordance with ALRC recommendations concerning the impact of family violence.

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

In November 2012, the *Access to Justice (Federal Jurisdiction) Amendment Act 2012* (Cth) was enacted. The Act implemented ALRC recommendations for amendments to the *Federal Court of Australia Act 1976* (Cth) to clarify or extend the Court's power to make costs orders in relation to discovery, and to provide expressly that the Court or a judge may order pre-trial oral examination about discovery.

Most importantly, the *Federal Court of Australia Act* was amended to provide expressly that the Court or a judge may order the party requesting discovery to pay in advance for some or all of the estimated costs of discovery; order the party requesting discovery to give security for the payment of the cost of discovery; or make an order specifying the maximum cost that may be recovered for giving discovery or taking inspection.

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

The national response to the *Family Violence* Report was agreed to by the Standing Council on Law and Justice in April 2013. The national response dealt with the 24 recommendations that relate jointly to the Commonwealth, states and territories.

The Commonwealth response to the Report was tabled in Parliament in June 2013 and deals with those aspects of the Report that relate to the Commonwealth family law system. Of the 56 recommendations in the Report that relate to Commonwealth responsibilities, many have, since the Report's release, been acted on by the Australian Government to improve the capacity of the federal family law system to respond to family violence—notably 2012 reforms to the *Family Law Act 1975* (Cth).

Another nine recommendations are being addressed through a National Justice CEOs project which is looking at collaboration between the family law and child protection systems. States and territories have committed, through the first three-year action plan of the National Plan to Reduce Violence against Women and their Children, to respond separately to the remaining 97 recommendations that relate specifically to them.

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

In September 2012, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth) was enacted, implementing many recommendations made in the ALRC's 2008 Privacy Report. The *Privacy Act 1988* (Cth) was amended to:

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

In addition, the Privacy Amendment (Privacy Alerts) Bill 2013 (Cth), introduced into Parliament in May 2013, would implement ALRC recommendations concerning data breach notification. The Bill would amend the *Privacy Act* to establish a framework for the mandatory notification by regulated entities of serious data breaches to the Australian Information Commissioner and to affected individuals.

Principled Regulation: Federal Civil and Administrative Penalties in Australia (ALRC Report 95, 2003)

In October 2012, the Regulatory Powers (Standard Provisions) Bill 2012 (Cth) was introduced into Parliament.

In the Report *Principled Regulation: Federal Civil and Administrative Penalties in Australia*, the ALRC made a range of recommendations to introduce a greater degree of consistency in relation to penalties across the various Commonwealth regulatory schemes.

A key recommendation was that ‘A Regulatory Contraventions Statute of general application should be enacted to cover various aspects of the law and procedure governing non-criminal contraventions of federal law’.

The Regulatory Powers (Standard Provisions) Bill 2012 has the similar aim of providing more consistency across Commonwealth law in respect to civil and administrative penalties—and other matters not dealt with in *Principled Regulation*, including the monitoring and investigation powers of regulatory agencies. Rather than provide default provisions, however, the Bill would only apply to regulatory schemes that trigger its provisions through amendment of existing legislation or the introduction of new legislation.

Many of the provisions of the Bill are entirely consistent with the ALRC’s recommendations and appear to have been influenced by them, and by the Attorney-General’s Department’s *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*, which cites the ALRC’s recommendations.

Public Interest Disclosure Act 2013 (Cth)

In June 2013, the *Public Interest Disclosure Act 2013* (Cth) was enacted. The Act implemented the 2010 Government Response to the 2009 House of Representatives Standing Committee on Legal and Constitutional Affairs Report, *Whistleblower Protection: A Comprehensive Scheme for the Commonwealth Public Sector*. The Act provides for comprehensive protection of public interest disclosures in the Commonwealth public sector.

In past reports, the ALRC has recommended comprehensive public interest disclosure legislation covering all Australian Government agencies: see *Keeping Secrets: The Protection of Classified and Security Sensitive Information* (ALRC Report 98, 2004); *Integrity: But Not by Trust Alone: AFP & NCA Complaints and Disciplinary Systems* (ALRC Report 82, 1996).

Most recently, in *Secrecy Laws and Open Government in Australia* (ALRC Report 112, 2010), the ALRC observed that a regime enabling robust public interest disclosure—or whistleblower protection—is an essential element in an effective system of open government and a necessary complement to secrecy laws. In that Report, the ALRC recommended that ss 70 and 79(3) of the *Crimes Act 1914* (Cth) be repealed and replaced by newly designed secrecy offences in the *Criminal Code* (Cth). The ALRC recommended that public interest disclosure legislation should protect those who would otherwise be subject to these offences.

Appendix G: Implementation status of ALRC reports

Table 12: Implementation status of ALRC reports 2012–13

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
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>Federal Court Rules 2011 (Cth)</i> ; <i>Federal Court Practice Notes CM 5 and 6</i> ; <i>Access to Justice (Federal Jurisdiction) Amendment Act 2012 (Cth)</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		UNDER CONSIDERATION
ALRC 111	<i>Making Inquiries: A New Statutory Framework</i>	10 February 2010		UNDER CONSIDERATION

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice</i>	11 August 2008	<i>Healthcare Identifiers Act 2010 (Cth); Combating the Financing of People Smuggling and Other Measures Act 2011 (Cth); Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i>	SUBSTANTIAL
ALRC 107	<i>Privilege in Perspective</i>	13 February 2008		UNDER CONSIDERATION
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 Amendment Act 2008 (Cth); Evidence Amendment Act 2007 (NSW); Evidence Act 2008 (Vic); Statutes Amendment (Evidence and Procedure) Act 2008 (SA); Evidence Amendment (Journalists' Privilege) Act 2007 (Cth); Evidence Act 2011 (ACT); Evidence (National Uniform Legislation) Act 2011 (NT)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (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	House of Representatives Standing Committee on Legal and Constitutional Affairs, <i>Review of Technological Protection Measures Exceptions</i> (2006); <i>Intellectual Property Laws Amendment (Raising the Bar) Act 2012</i> (Cth)	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); <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); IFSA <i>Standards Genetic Information and Family Medical History</i> (2005);	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (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	<i>Family Law Regulations 2004</i> (Cth); <i>Crimes Legislation Enhancement Act 2003</i> (Cth); National Health and Medical Research Council Guidelines on the provision of genetic information to relatives (2009)	SUBSTANTIAL
ALRC 95	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i>	19 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) (Repeal s 59, 60 of MIA Act)	PARTIAL
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System</i>	17 February 2000	Australian Academy of Law established (2005); <i>Administrative Appeals Tribunal Amendment Act 2005</i> (Cth); <i>Family Law Rules 2004</i> (Cth); <i>Jurisdiction of Courts Legislation Amendment Act 2002</i> (Cth); National Pro Bono Resource Centre established (2002);	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (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	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); <i>Federal Justice System Amendment (Efficiency Measures) Act (No 1) 2009</i> (Cth) (assessors); <i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i> (Cth)	SUBSTANTIAL
ALRC 87	<i>Confiscation that Counts: A Review of the Proceeds of Crime Act 1987</i>	15 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

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process</i>	19 November 1997	<i>Evidence Amendment Act 2008 (Cth)</i> ; <i>Measures to Combat Serious and Organised Crime Act 2001 (Cth)</i> ; NSW Law Society <i>Representation Principles for Children's Lawyers</i> (2000); increase of age of criminal responsibility to 10— <i>Children and Young People Act 1999 (ACT)</i> ; <i>Justice Act 1997 (Tas)</i>	PARTIAL
ALRC 82	<i>Integrity: But Not by Trust Alone</i>	10 December 1996	<i>Law Enforcement Integrity Commissioner Act 2006 (Cth)</i> ; <i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006 (Cth)</i>	SUBSTANTIAL
ALRC 80	<i>Legal Risk in International Transactions</i>	8 October 1996	<i>Cross Border Insolvency Act 2008 (Cth)</i> ; <i>Electronic Transactions Act 2000 (Cth)</i> —complementary legislation in all states and territories.	PARTIAL
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 (Cth)</i>	PARTIAL
ALRC 78	<i>Beyond the Door Keeper: Standing to Sue for Public Remedies</i>	30 May 1996		NIL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982</i>	24 January 1996	<i>Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009 (Cth); Australian Information Commissioner Act 2010 (Cth); Freedom of Information Amendment (Reform) Act 2010 (Cth)</i>	SUBSTANTIAL
ALRC 75	<i>Costs Shifting—Who Pays for Litigation</i>	25 October 1995	<i>Migration Litigation Reform Act 2005 (Cth)</i>	PARTIAL
ALRC 74	<i>Designs</i>	31 August 1995	<i>Designs Act 2003 (Cth)</i>	SUBSTANTIAL
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court</i>	20 June 1995	<i>Family Law Reform Act 1995 (Cth)</i>	SUBSTANTIAL
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth</i>	8 March 1995	<i>Aged Care Act 1997 (Cth)</i>	SUBSTANTIAL
ALRC 70	<i>Child Care for Kids</i>	8 November 1994	<i>Child Care Legislation Amendment Act 1998 (Cth); Child Care Legislation Amendment Act 1998 (Cth)</i>	PARTIAL
ALRC 69	<i>Equality Before the Law: Part I: Justice for Women Part II: Women's Equality</i>	25 July 1994 21 December 1994	<i>Sex Discrimination Amendment Act 1995 (Cth); Family Law Reform Act 1995 (Cth); Domestic Violence Act 1995 (Norfolk Is)</i>	SUBSTANTIAL
ALRC 68	<i>Compliance with the Trade Practices Act 1974</i>	29 June 1994	<i>Trade Practices Amendment (No 1) Act 2001 (Cth)</i>	PARTIAL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
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
ALRC 63	<i>Children's Evidence: Closed Circuit TV</i>	26 May 1993	<i>Evidence (Closed-Circuit Television) (Amendment) Act 1994</i> (ACT); <i>Crimes Amendment (Children's Evidence) Act 1996</i> (NSW)	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</i> (Cth); <i>Customs Excise and Bounty Amendment Act 1995</i> (Cth)	PARTIAL
ALRC 59	<i>Collective Investments: Superannuation</i>	28 April 1992	<i>Superannuation Industry (Supervision) Act 1993</i> (Cth); <i>Superannuation Resolution of Complaints Act 1993</i> (Cth)	SUBSTANTIAL
ALRC 58	<i>Choice of Law</i>	28 May 1992	<i>Choice of Law (Limitation Periods) Act 1993</i> (NSW); <i>Choice of Law (Limitation Periods) Act 1993</i> (Vic); <i>Choice of Law (Limitation Periods) Act 1994</i> (WA); <i>Choice of Law (Limitation Periods) Act 1994</i> (NT)	PARTIAL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 57	<i>Multiculturalism and the Law</i>	28 April 1992	<i>Evidence Act 1995</i> (Cth); <i>Evidence Act 1995</i> (NSW); <i>Racial Hatred Act 1995</i> (Cth); <i>Family Law Reform Act 1995</i> (Cth); <i>Crimes and Other Legislation Amendment Act 1994</i> (Cth) See also: Consumer Credit Code; Insurance Council of Australia, Insurance Code of Practice	SUBSTANTIAL
ALRC 55	<i>Censorship Procedure</i>	11 September 1991	<i>Classification (Publications, Films and Computer Games) Act 1995</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>Crimes Legislation Amendment Act 1992</i> (Cth); <i>Crimes (Ships and Platforms) Act 1992</i> (Cth); <i>Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999</i> (Cth)	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 47	<i>Community Law Reform for the ACT: 3rd Report—Enduring Powers of Attorney</i>	6 April 1989	<i>Powers of Attorney (Amendment) Act 1989 (ACT); Property Law Amendment Act 1990 (Qld)</i>	SUBSTANTIAL
ALRC 46	<i>Grouped Proceedings in the Federal Court</i>	13 December 1988	<i>Federal Court (Amendment) Act 1991 (Cth)</i>	SUBSTANTIAL
ALRC 45	<i>General Insolvency Inquiry</i>	13 December 1988	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); 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>Crimes Legislation Act (No 2) 1993 (ACT); Periodic Detention Act 1995 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 43 (Interim)	<i>The Commonwealth Prisoners Act</i>	24 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

Table 12: Implementation status of ALRC reports 2012–13 (continued)

<i>Report</i>	<i>Title</i>	<i>Tabling date</i>	<i>Legislation and legal frameworks</i>	<i>Implementation status</i>
ALRC 37	<i>Spent Convictions</i>	3 June 1987	<i>Crimes Legislation Amendment Act 1989 (Cth); Human Rights and Equal Opportunity Commission Regulations (Cth)</i>	SUBSTANTIAL
ALRC 36	<i>Debt Recovery and Insolvency</i>	21 October 1987	<i>Bankruptcy Legislation Amendment Act 1996 (Cth); Magistrates Court (Enforcement of Judgments) Act 1994 (ACT); Insolvency (Tax Priorities) Legislation Amendment Act 1993 (Cth)</i>	SUBSTANTIAL
ALRC 35	<i>Contempt</i>	3 June 1987	<i>Family Law Amendment Act 1989 (Cth)</i>	PARTIAL
ALRC 33	<i>Civil Admiralty Jurisdiction</i>	2 December 1986	<i>Admiralty Act 1988 (Cth)</i>	SUBSTANTIAL
ALRC 32	<i>Community Law Reform for the ACT: 2nd Report—Loss of Consortium and Compensation for Loss of Capacity to do Housework</i>	23 October 1986	<i>Law Reform (Miscellaneous Provisions) (Amendment) Act (No 2) 1991 (ACT)</i>	SUBSTANTIAL
ALRC 31	<i>The Recognition of Aboriginal Customary Laws</i>	12 June 1986	<i>Crimes and Other Legislation Amendment Act 1994 (Cth); Evidence Act 1995 (Cth); Safety and Rehabilitation and Compensation Act 1988 (Cth) s 4; Adoption legislation in NSW, NT, SA, Vic; De Facto Relationships Act 1984 (NSW); Administration and Probate Act 1979 (NT); Family Provision Act 1970 (NT); Child Placement Principle—see child welfare laws in each state and territory; Native Title Act 1993 (Cth)</i>	PARTIAL

Table 12: Implementation status of ALRC reports 2012–13 (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); 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); Compensation (Fatal Injuries) (Amendment) Act 1991 (ACT)</i>	SUBSTANTIAL
ALRC 27	<i>Standing in Public Interest Litigation</i>	29 November 1985	See ALRC 78	NIL
ALRC 26 (Interim)	<i>Evidence</i>	21 August 1985	See ALRC 38	SUBSTANTIAL
ALRC 24	<i>Foreign State Immunity</i>	10 October 1984	<i>Foreign States Immunities Act 1985 (Cth)</i>	SUBSTANTIAL
ALRC 22	<i>Privacy</i>	14 December 1983	<i>Privacy Act 1988 (Cth); Telecommunications (Interception) Amendment Act 1987 (Cth)</i>	SUBSTANTIAL
ALRC 20	<i>Insurance Contracts</i>	16 December 1982	<i>Insurance Contracts Act 1984 (Cth)</i>	SUBSTANTIAL
ALRC 18	<i>Child Welfare</i>	12 November 1981	<i>Children's Services Act 1988 (ACT)</i>	SUBSTANTIAL
ALRC 16	<i>Insurance Agents and Brokers</i>	11 September 1980	<i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 15 (Interim)	<i>Sentencing of Federal Offenders</i>	21 May 1980	<i>Crimes Amendment Act 1982 (Cth); Crimes Compensation Act 1982 (NT); Criminal Injuries Compensation Act 1983 (ACT); Crimes Legislation Amendment Act (No 2) 1989 (Cth)</i>	PARTIAL
ALRC 14	<i>Lands Acquisition and Compensation</i>	22 April 1980	<i>Lands Acquisition Act 1989 (Cth); 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); Bankruptcy Amendment Act 1980 (Cth)</i>	SUBSTANTIAL
ALRC 4	<i>Alcohol, Drugs and Driving</i>	23 September 1976	<i>Motor Traffic (Alcohol and Drugs) Act 1977 (ACT)</i>	SUBSTANTIAL

Table 12: Implementation status of ALRC reports 2012–13 (continued)

Report	Title	Tabling date	Legislation and legal frameworks	Implementation status
ALRC 2	<i>Criminal Investigation</i>	8 November 1975	<i>Defence Force (Discipline) Act 1984 (Cth); Crimes (Investigation of Commonwealth Offences) Act 1991 (Cth); Crimes Amendment (Forensic Procedures) Act 1998 (Cth)</i> See also <i>Police Administration Act 1978 (NT)</i>	SUBSTANTIAL
ALRC 1	<i>Complaints against Police</i>	7 August 1975	<i>Complaints (Australian Federal Police) Act 1981 (Cth)</i> . See also <i>Police (Allegations of Misconduct) Act 1977 (NSW); Police Administration Act 1979 (NT)</i>	SUBSTANTIAL

Appendix H: Citations of ALRC reports in major court decisions

Table 13: Citations of ALRC reports in court and tribunal decisions 2012–13

ALRC report	Cases
<i>Human Tissue Transplants</i> (ALRC Report 7, 1977)	▲ <i>Re H, AE</i> [2012] SASC 146 (Supreme Court of South Australia)
<i>Lands Acquisition and Compensation</i> (ALRC Report 14, 1980)	▲ <i>Allandale Blue Metal Pty Ltd v Roads and Maritime Services</i> [2013] NSWCA 103 (Supreme Court of NSW, Court of Appeal)
<i>Insurance Contracts</i> (ALRC Report 20, 1982)	▲ <i>Matthew Maxwell v Highway Hauliers Pty Ltd</i> [2013] WASCA 115 (Supreme Court of Western Australia, Court of Appeal)
<i>Foreign State Immunity</i> (ALRC Report 24, 1984)	▲ <i>Australian International Islamic College Board Inc IA 30976 v Kingdom of Saudi Arabia & Anor</i> [2013] QCA 129 (Supreme Court of Queensland, Court of Appeal) ▲ <i>Li v Zhou</i> [2013] NSWSC 12 (Supreme Court of NSW) ▲ <i>P T Garuda Indonesia Ltd v Australian Competition & Consumer Commission</i> [2012] HCA 33 (High Court of Australia)
<i>Evidence</i> (Interim) (ALRC Report 26, 1985)	▲ <i>R v Klobucar</i> [2013] ACTSC 118 (Supreme Court of the ACT) ▲ <i>Semaan v The Queen</i> [2013] VSCA 134 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Nolan v Nolan & Ors</i> [2013] QSC 140 (Supreme Court of Queensland) ▲ <i>Norrie v NSW Registrar of Births Deaths and Marriages</i> [2013] NSWCA 145 (Supreme Court of NSW, Court of Appeal) ▲ <i>R v XY</i> [2013] NSWCCA 121 (NSW Court of Criminal Appeal) ▲ <i>Kyluk Pty Ltd v Chief Executive Office of Environment and Heritage</i> [2013] NSWCCA 114 (NSW Court of Criminal Appeal) ▲ <i>Waverley Council v Tovir Investments Pty Ltd and Rappaport (No 2)</i> [2013] NSWLEC 21 (Land and Environment Court of NSW) ▲ <i>Traderight (NSW) Pty Ltd & Ors v Bank of Queensland Limited (No 14)</i> [2013] NSWSC 211 (Supreme Court of NSW)

Table 13: Citations of ALRC reports in court and tribunal decisions 2012–13 (continued)

ALRC report	Cases
<i>Evidence</i> (Interim) (ALRC Report 26, 1985) (continued)	<ul style="list-style-type: none"> ▲ <i>Confidential and Commissioner of Taxation</i> [2013] AATA 112 (Administrative Appeals Tribunal of Australia) ▲ <i>Strauss v Police</i> [2013] SASC 3 (Supreme Court of South Australia) ▲ <i>Dupas v The Queen</i> [2012] VSCA 328 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Richards v Macquarie Bank Limited (No 3)</i> [2012] FCA 1523 (Federal Court of Australia) ▲ <i>Australian Competition and Consumer Commission v Air New Zealand Limited (No 1)</i> [2012] FCA 1355 (Federal Court of Australia) ▲ <i>Liu v Fairfax Media Publications Pty Ltd</i> [2012] NSWSC 1352 (Supreme Court of NSW) ▲ <i>Liu v Fairfax Media Publications Pty Ltd</i> [2012] NSWSC 900 (Supreme Court of NSW) ▲ <i>DPP v Gibson</i> [2012] VSC 297 (Supreme Court of Victoria)
<i>Civil Admiralty Jurisdiction</i> (ALRC Report 33, 1986)	<ul style="list-style-type: none"> ▲ <i>Ships 'Hako Endeavour', 'Hako Excel', 'Hako Esteem' and 'Hako Fortress' v Programmed Total Marine Services Pty Ltd</i> [2013] FCAFC 21 (Federal Court of Australia) ▲ <i>Atlasnavios Navegacao, LDA v The Ship 'Xin Tai Hai' (No 2)</i> [2012] FCA 1497 (Federal Court of Australia) ▲ <i>Programmed Total Marine Services Pty Ltd v The Ship 'Hako Fortress'</i> [2012] FCA 805 (Federal Court of Australia)
<i>Contempt</i> (ALRC Report 35, 1987)	<ul style="list-style-type: none"> ▲ <i>Letsos & Vakros</i> [2012] FamCA 771 (Family Court of Australia) ▲ <i>Ronowska v Kus (No 2)</i> [2012] NSWSC 817 (Supreme Court of NSW)
<i>Evidence</i> (ALRC Report 38, 1987)	<ul style="list-style-type: none"> ▲ <i>Dupas v The Queen</i> [2012] VSCA 328 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Australian Competition and Consumer Commission v Air New Zealand Limited (No 1)</i> [2012] FCA 1355 (Federal Court of Australia) ▲ <i>Liu v Fairfax Media Publications Pty Ltd</i> [2012] NSWSC 1352 (Supreme Court of NSW)

Table 13: Citations of ALRC reports in court and tribunal decisions 2012–13 (continued)

ALRC report	Cases
<i>Evidence</i> (ALRC Report 38, 1987) (continued)	<ul style="list-style-type: none"> ▲ <i>Lin v Tasmania</i> [2012] TASCCA 9 (Supreme Court of Tasmania, Court of Criminal Appeal) ▲ <i>Baker v The Queen</i> [2012] HCA 27 (High Court of Australia) ▲ <i>Ashby v Commonwealth of Australia (No 3)</i> [2012] FCA 788 (Federal Court of Australia) ▲ <i>DPP v Gibson</i> [2012] VSC 297 (Supreme Court of Victoria)
<i>General Insolvency</i> (ALRC Report 45, 1988)	<ul style="list-style-type: none"> ▲ <i>Saraceni v Jones</i> [2012] WASCA 59 (Supreme Court of Western Australia) ▲ <i>Re Gunns Plantations Limited (No 1)</i> [2012] VSC 655 (Supreme Court of Victoria) ▲ <i>In the matter of Octaviar Limited and Octaviar Administration Pty Limited (in liq)</i> [2012] NSWSC 1460 (Supreme Court of NSW) ▲ <i>Re S & D International Pty Ltd (in liq) (No 7)</i> [2012] VSC 551 (Supreme Court of Victoria) ▲ <i>Westpac Banking Corporation v The Bell Group Ltd (in liq)</i> [2012] WASCA 157 (Supreme Court of Western Australia, Court of Appeal)
<i>Grouped Proceedings in the Federal Court</i> (ALRC Report 46, 1988)	<ul style="list-style-type: none"> ▲ <i>Madgwick v Kelly</i> [2013] FCAFC 61 (Federal Court of Australia) ▲ <i>Hopkins v AECOM Australia Pty Ltd (No 2)</i> [2013] FCA 115 (Federal Court of Australia) ▲ <i>Matthews v SPI Electricity Pty Ltd; SPI Electricity Pty Ltd v Utility Services Corporation Ltd (Ruling No 12)</i> [2012] VSC 549 (Supreme Court of Victoria) ▲ <i>Matthews v SPI Electricity Pty Ltd; SPI Electricity Pty Ltd v United Services Corporation Limited (Ruling No 8)</i> [2012] VSC 318 (Supreme Court of Victoria)
<i>Multiculturalism and the Law</i> (ALRC Report 57, 1992)	<ul style="list-style-type: none"> ▲ <i>Cerny & Fink (No 2)</i> [2012] FMCAfam 1394 (Federal Magistrates Court of Australia)
<i>Collective Investments: Other People's Money</i> (ALRC Report 65, 1993)	<ul style="list-style-type: none"> ▲ <i>Australian Securities and Investments Commission v Wellington Capital Limited</i> [2013] FCAFC 52 (Federal Court of Australia, Full Court) ▲ <i>Westfield Management Limited v AMP Capital Property Nominees Limited</i> [2012] HCA 54 (High Court of Australia)

Table 13: Citations of ALRC reports in court and tribunal decisions 2012–13 (continued)

ALRC report	Cases
<i>Compliance with the Trade Practices Act 1974</i> (ALRC Report 68, 1994)	▲ <i>ACCC v AirAsia Berhad Company</i> [2012] FCA 1413 (Federal Court of Australia)
<i>Costs Shifting—Who Pays for Litigation</i> (ALRC Report 75, 1995)	▲ <i>Peabody West Burton Pty Ltd & Ors v Mason & Ors (No. 2)</i> [2013] QLC 12 (Land Court of Queensland) ▲ <i>Xstrata Coal Qld Pty Ltd & Ors v Friends of the Earth, Brisbane Co-Op Ltd (No. 2)</i> [2012] QLC 67 (Land Court of Queensland)
<i>Seen and Heard: Priority for Children in the Legal Process</i> (ALRC Report 84, 1997)	▲ <i>A & B v Children's Court of Victoria & Ors</i> [2012] VSC 589 (Supreme Court of Victoria)
<i>Managing Justice: A Review of the Federal Civil Justice System</i> (ALRC Report 89, 2000)	▲ <i>WTE Co-Generation & Anor v RCR Energy Pty Ltd & Anor</i> [2013] VSC 314 (Supreme Court of Victoria) ▲ <i>Armstrong Strategic Management and Marketing Pty Ltd v Expense Reduction Analysts Group Pty Ltd</i> [2012] NSWCA 430 (Supreme Court of NSW, Court of Appeal)
<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i> (ALRC Report 95, 2002)	▲ <i>Director of Fair Work Building Industry Inspectorate v Giovanni Italiano</i> [2013] FCCA 530 (Federal Circuit Court of Australia) ▲ <i>ASIC v Ingleby</i> [2013] VSCA 49 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Director of the Fair Work Building Industry Inspectorate v CFMEU & Anor</i> [2012] FMCA 916 (Federal Magistrates Court of Australia)
<i>Essentially Yours: The Protection of Human Genetic Information in Australia</i> (ALRC Report 96, 2003)	▲ <i>Re H, AE (No 2)</i> [2012] SASC 177 (Supreme Court of South Australia) ▲ <i>Ellison and Anor & Karnchanit</i> [2012] FamCA 602 (Family Court of Australia)
<i>Genes and Ingenuity: Gene Patenting and Human Health</i> (ALRC Report 99, 2004)	▲ <i>Cancer Voices Australia v Myriad Genetics Inc</i> [2013] FCA 65 (Federal Court of Australia)

Table 13: Citations of ALRC reports in court and tribunal decisions 2012–13 (continued)

ALRC report	Cases
<i>Uniform Evidence Law</i> (ALRC Report 102, 2006)	<ul style="list-style-type: none"> ▲ <i>Burns v Media Options Group Pty Ltd & Ors</i> [2013] FCCA 79 (Federal Circuit Court of Australia) ▲ <i>The Queen v Tran & Ors (Ruling No 3)</i> [2013] VSC 183 (Supreme Court of Victoria) ▲ <i>Stark v The Queen</i> [2013] VSCA 34 (Supreme Court of Victoria, Court of Appeal) ▲ <i>M A v The Queen</i> [2013] VSCA 20 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Matthews v SPI Electricity Pty Ltd & Ors</i> [2013] VSC 33 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Dupas v The Queen</i> [2012] VSCA 328 (Supreme Court of Victoria, Court of Appeal) ▲ <i>Carpenter & Carpenter (No. 2)</i> [2012] FamCA 1005 (Family Court of Australia) ▲ <i>Liu v Fairfax Media Publications Pty Ltd</i> [2012] NSWSC 1352 (Supreme Court of NSW) ▲ <i>R v Michael Anthony Ryan (No. 7)</i> [2012] NSWSC 1160 (Supreme Court of NSW) ▲ <i>Azizi v The Queen</i> [2012] VSCA 205 (Supreme Court of Victoria, Court of Appeal) ▲ <i>MJ v R</i> [2012] NSWCCA 146 (NSW Court of Criminal Appeal)
<i>Same Crime, Same Time: Sentencing of Federal Offenders</i> (ALRC Report 103, 2006)	<ul style="list-style-type: none"> ▲ <i>Kumova v The Queen</i> [2012] VSCA 212 (Supreme Court of Victoria, Court of Appeal) ▲ <i>M A v The Queen</i> [2012] VSCA 214 (Supreme Court of Victoria, Court of Appeal)
<i>Managing Discovery: Discovery of Documents in Federal Courts</i> (ALRC Report 115, 2011)	<ul style="list-style-type: none"> ▲ <i>Armstrong Strategic Management and Marketing Pty Ltd v Expense Reduction Analysts Group Pty Ltd</i> [2012] NSWCA 430 (Supreme Court of NSW, Court of Appeal) ▲ <i>Re Will and Estate of Zurcas</i> [2012] VSC 441 (Supreme Court of Victoria) ▲ <i>Hodgson v Amcor Ltd; Amcor Ltd v Barnes & Ors (No 10)</i> [2012] VSC 294 (Supreme Court of Victoria)
<i>Access All Ages—Older Workers and Commonwealth Laws</i> (ALRC Report 120, 2013)	<ul style="list-style-type: none"> ▲ <i>Dunstan and Comcare</i> [2013] AATA 402 (Administrative Appeals Tribunal of Australia)

Appendix I: Presentations and articles written for external publications

Table 14: Presentations 2012–13

<i>Presenter</i>	<i>Name of Event</i>	<i>Title of Presentation</i>	<i>Date</i>	<i>Location</i>
Rosalind Croucher	ALTA Annual Conference 2012, 'Legal Education for a Global Community' Conference Dinner	How on earth did I end up here?	3 July 2012	Sydney
Jill McKeough	Digital Sampling/Remix Culture	Copyright Review: Issues for Cultural Practices	6 July 2012	Geelong
Rosalind Croucher	ALSA Conference 2012	Maurice Blackburn Women in Law Breakfast	12 July 2012	Melbourne
Jill McKeough Justine Clarke Khanh Hoang Jared Boorer	Australasian Intellectual Property Academics Conference		13–14 July 2012	Adelaide
Rosalind Croucher	20th Annual Colloquium of Superannuation Researchers: Securing Sustainable Retirement Savings	Grey Areas	13 July 2012	Sydney
Rosalind Croucher	12th Australian Institute of Family Studies Conference: Family Transitions and Trajectories, Plenary Session: Family law/family violence	Family Violence—the Law Reform Challenge	26 July 2012	Melbourne
Rosalind Croucher and Amanda Alford	Insurance Reform Advisory Group Meeting	The ALRC's Age Barriers Inquiry—Insurance Issues	2 August 2012	Sydney
Rosalind Croucher	Law Society of New South Wales, Elder Law & Succession Committee	Will Awareness Day 2012—Panel	10 August 2012	Sydney

Table 14: Presentations 2012–13 (continued)

<i>Presenter</i>	<i>Name of Event</i>	<i>Title of Presentation</i>	<i>Date</i>	<i>Location</i>
Rosalind Croucher	Australian Government and Non-Government Organisations Forum on Human Rights	Grey Areas—the ALRC’s Age Barriers Inquiry	14 August 2012	Canberra
Rosalind Croucher and Julie MacKenzie	Prime Ministerial Advisory Council on Ex-Service Matters	Grey Areas—the ALRC’s Age Barriers Inquiry and Veterans’ Issues	15 August 2012	Canberra
Rosalind Croucher	NSW Law Society: Government Solicitors Conference	A Window on Law Reform for Government Lawyers	28 August 2012	Sydney
Rosalind Croucher and Julie MacKenzie	National Employment Services Association Conference: Opportunity 2012	Grey Areas	29 August 2012	Sydney
Rosalind Croucher	Older Workers and Business Growth Forum	The Age Barriers Inquiry	3 September 2012	Sydney
Justine Clarke	Centre for Media and Communications Law Seminar: Australian Law Reform Commission Copyright and the Digital Economy Issues Paper	Overview of the ALRC’s Process	13 September 2012	Sydney
Bruce Alston and Khanh Hoang	ALRAC 2012, Conversations About Law Reform: Sharing Knowledge & Experience	Measuring effectiveness	13 September 2012	Canberra
Rosalind Croucher and Sabina Wynn	ALRAC 2012, Conversations About Law Reform: Sharing Knowledge & Experience	Memorable moments in law reform	13 September 2012	Canberra
Rosalind Croucher	Monash University, Law Faculty, Research Seminar Series	An Academic in Law Reform Land—and how you, too, can play a part	4 October 2012	Clayton

Table 14: Presentations 2012–13 (continued)

<i>Presenter</i>	<i>Name of Event</i>	<i>Title of Presentation</i>	<i>Date</i>	<i>Location</i>
Jill McKeough	Intellectual Property Committee of Law Council of Australia	Scope of the ALRC Copyright Inquiry: Discussion of Issues Paper	3 October 2012	Sydney
Jill McKeough	Internet Governance Forum Australia	Panel Session: Openness in the online age, moving towards a workable compromise after iiNet and Optus TVNow	11 October 2012	Canberra
Jill McKeough	Licensing Executives Society of Australia and New Zealand	Copyright in the Digital Economy: Challenges and Opportunities for the Future of Business and Technology	23 October 2012	Sydney
Jill McKeough	Society of University Lawyers	Staying Afloat in a Sea of Regulation: Copyright Reform	26 October 2012	Sydney
Rosalind Croucher	Griffith University, Faculty of Law, Emerging Scholars Colloquium	Your Country Needs You!—the value of academic research to law reform	31 October 2012	Nathan
Jill McKeough	Federal Court Intellectual Property User's Group	Current Challenges for Legal Practice in the Digital Economy Review	1 November 2012	Melbourne
Jill McKeough	Desperately Seeking Certainty: s 200AB of the Copyright Act	Context of current copyright reviews—here and elsewhere and practical issues relating to s 200AB	12 November 2012	Sydney
Rosalind Croucher	COTA National Meeting	Age Barriers Inquiry	14 November 2012	Canberra

Table 14: Presentations 2012–13 (continued)

<i>Presenter</i>	<i>Name of Event</i>	<i>Title of Presentation</i>	<i>Date</i>	<i>Location</i>
Jill McKeough	Annual Conference of Heads of National and State Libraries of Australia and New Zealand	Issues for Libraries and Archives in the Digital Economy	15 November 2012	Canberra
Amanda Alford	National Aboriginal Family Violence Prevention Legal Conference	The ALRC's Family Violence Inquiries and Aboriginal and Torres Strait Islander Peoples	23 November 2012	Melbourne
Amanda Alford	Justice Connections II	Family Violence and Employment Law—The Challenge for Law Reform	30 November 2012	Canberra
Rosalind Croucher	Justice Connections II	Justice Behind the Scenes	30 November 2012	Canberra
Jill McKeough	Parliamentary Library Lecture	Copyright and the Digital Economy	7 February 2013	Canberra
Jill McKeough Khanh Hoang Justine Clarke	Roundtable with GLAM Sector	Review of Copyright Inquiry and the Cultural Sector	12 April 2013	Sydney
Rosalind Croucher	Roundtable on Royal Commissions and Public Inquiries: Australian and International Trends and Issues	Royal Commissions and Public Inquiries—the ALRC's contribution	23 April 2013	Canberra
Rosalind Croucher	UTS, Faculty of Law, Graduation	Occasional Address	13 May 2013	Sydney
Rosalind Croucher	NGO Forum on Human Rights	Reducing Legal Barriers for People with Disabilities	19 June 2013	Canberra
Rosalind Croucher	CHASS National Forum 2013: Civility in Australia	Borders on Civility	20 June 2013	Canberra

Table 15: Articles written for external publications 2012–13

<i>Author</i>	<i>Name of article</i>	<i>Name of publication</i>	<i>Date</i>
Sara Peel	'Mind(ing) the gap: Law reform recommendations responding to child protection in a federal system'	<i>12th Australian Institute of Family Studies Conference: Family Transitions and Trajectories</i> , Poster	26 July 2012
Jill McKeough	'Copyright and the Digital Economy'	<i>Law Institute of Victoria Journal</i>	October 2012
Rosalind Croucher	'The Seven Ages of Woman'	<i>Bar News</i>	Summer 2012–13
Jill McKeough	'Graduate Attributes – The Priestley areas of knowledge and the broader educational context'	<i>ILSAC Symposium Proceedings</i>	March 2013
Jill McKeough	'Copyright and the Digital Economy: The Next Stage'	<i>Law Institute of Victoria Journal</i>	June 2013

Appendix J: ALRC newsroom 2012–13

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

- ▲ Copyright and the Digital Economy update | Grey Literature Strategies—29 June 2013
- ▲ Ludlam reveals catch-all “fair use” copyright bill | Delimiter—29 June 2013
- ▲ Copyright and fair use: have your say | National and State Libraries Australasia—28 June 2013
- ▲ Pirate Party Supports Greens Fair Go for Fair Use Bill | Pirate Party Australia—June 27 2013
- ▲ ALRC review of the Copyright Act: what this may mean for Artists | Arts Law—26th June 2013
- ▲ Data breach disclosure bill not rushed: inquiry | Australian Financial Review—25 June 2013
- ▲ Senate urged to pass data breach notification law | SC Magazine Australia—25 June 2013
- ▲ Senate must pass mandatory data breach notification bill | Computerworld—25 June 2013
- ▲ As the law plays catch-up, digital content programs impress | Australian Financial Review—25 June 2013
- ▲ ADMA offers up new voluntary data breach code of conduct | CMO—23 June 2013
- ▲ Age of enlightenment | Sydney Morning Herald—23 June 2013
- ▲ Work by UNSW Law academics informs Australian Law Reform Commission report on copyright | UNSW Law—20 June 2013
- ▲ Momentum for reform of the Native Title Act continues to gather | Clayton Utz—20 June 2013
- ▲ Producers look to new Government | if.com.au—20 June 2013
- ▲ “Get a warrant”: Ludlam net privacy bill lands in Senate | Delimiter—19 June 2013
- ▲ How to fix Australia’s still-broken classification system. Part 3 | ABC, Technology and Games—18 June 2013
- ▲ Copyrights and Wrongs | Copyright Agency Magazine—18 June 2013
- ▲ SPAA sounds alarm on copyright proposals | if.com.au—18 June 2013
- ▲ ALRC Inquiry announced into Legal Barriers for People with Disability | Australian Network on Disability—17 June 2013
- ▲ Prism furore provokes privacy law review | The Drum—14 June 2013
- ▲ New inquiry into privacy laws | PSNews—14 June 2013
- ▲ Risks aplenty in bid to modernise punishment for privacy breaches | Sydney Morning Herald—14 June 2013
- ▲ ALRC releases its much anticipated second consultation paper on ‘Copyright and the Digital Economy’ | Lexology—13 June 2013

- ▲ Protecting privacy in the digital era | CCH Australia—13 June 2013
- ▲ Hidden Treasures for Legal Research: Law Reform Commission Reports | SLAW—13 June 2013
- ▲ Dreyfus pushes for inquiry to address privacy protection | ARN—13 June 2013
- ▲ Privacy: Data breach notification laws now on the agenda | Hunt & Hunt—13 June 2013
- ▲ Still broken: How Australia's 20yr old classification laws are in desperate need of repair | ABC, Technology and Games—13 June 2013
- ▲ ALRC review—copyright and the digital economy | Nevium—12 June 2013
- ▲ Privacy cause of action: reference redux for ALRC | Open and Shut—12 June 2013
- ▲ Australia To Mull Creating Privacy Tort Amid Spying Concerns | Law360—12 June 2013
- ▲ Australian government to review digital privacy protection | ZDNet—12 June 2013
- ▲ AG asks Law Reform Commission to conduct privacy inquiry | Computerworld—12 June 2013
- ▲ Greens 'get a warrant bill' to curb government spying | Adelaide Now—12 June 2013
- ▲ Teachers tested by proposed changes to copyright laws | artsHub Australia—11 June 2013
- ▲ ALRC Review—Copyright and the Digital Economy | Herbert Smith Freehills—11 June 2013
- ▲ Is fair use coming to Australia? | Electronic Frontiers Australia—11 June 2013
- ▲ Should digital copyright be reformed? | iTwire—11 June 2013
- ▲ Professors lead the way | The Age—10 June 2013
- ▲ Emily Hudson's work informs Australian Law Reform Commission report proposing broad fair use exception to copyright | The Lawyer—10 June 2013
- ▲ ALRC Copyright and the Digital Economy discussion paper released | The Lawyer—10 June 2013
- ▲ New Australian Law Reform Commission inquiries announced | Attorney-General—7 June 2013
- ▲ Changes to copyright laws canvassed | PS News—7 June 2013
- ▲ Inquiries to examine how systems best serve stakeholders | Byron Shire News—7 June 2013
- ▲ ALRC backs fair use copyright reform, but political hurdles remain | Computerworld—7 June 2013
- ▲ IIA welcomes discussion paper on Copyright and Digital Economy | ARN—7 June 2013
- ▲ ALRC Copyright and the Digital Economy Discussion Paper released | Mallesons—7 June 2013
- ▲ ALRC review—the next steps for Copyright and the Digital Economy | WhaTech—7 June 2013
- ▲ Law commission to review adequacy of copyright laws | Australian Financial Review—7 June 2013
- ▲ IIA welcomes Copyright and Digital discussion paper by Australian Law Reform Commission | CFO world—6 June 2013

- ▲ Australia's first shot at mandatory data breach notification | Open and Shut—6 June 2013
- ▲ ALRC Discussion Paper released | Copyright Agency—6 June 2013
- ▲ 'Fair use' to protect cloud from copyright claims | iTnews—6 June 2013
- ▲ Copyright fair use would be flexible for technology: ALRC | ZDNet—5 June 2013
- ▲ Fair use unfair: Copyright Council | artsHub Australia—5 June 2013
- ▲ Release of ALRC Copyright Discussion Paper | National Association for the Visual Arts Ltd—5 June 2013
- ▲ The Copyright and the Digital Economy Discussion Paper is now available | Australian Library and Information Association—5 June 2013
- ▲ Australia's copyright laws more #copywrong than #copyright | Australian Digital Alliance—4 June 2013
- ▲ Mandatory Data Breach Notification Coming to Australia | The National Law Review—4 June 2013
- ▲ Age Barriers to Work: ALRC releases final Report | adageblog—4 June 2013
- ▲ Older workers face legal barriers | The Law Report, ABC Radio National—4 June 2013
- ▲ Age Barriers in the Workforce Addressed | Pro Bono Australia - 3 June 2013
- ▲ ALRC sets out plan to break down age barriers | Insurance News—3 June 2013
- ▲ Privacy reform is getting serious - mandatory notification proposed for "serious data breach" | Lexology—31 May 2013
- ▲ ALRC wants new plan put in action to help senior workers | Sunshine Coast Daily—31 May 2013
- ▲ ALRC releases report into workforce barriers for older Australians | CCH HR blog—31 May 2013
- ▲ Greedy pensioners? Far from it | The Drum Opinion—31 May 2013
- ▲ ALRC urges extension of 'right to request' to boost mature age participation rates | Workplace Express—31 May 2013
- ▲ ALRC wants new plan put in action to help senior workers | Northern Star—31 May 2013
- ▲ Govt considers help for older workers | Herald Sun—30 May 2013
- ▲ Mooted ALRC privacy cause of action inquiry not officially dead yet | Open and Shut—30 May 2013
- ▲ Govt considers help for older workers | The Australian—30 May 2013
- ▲ Parliament to see draft laws on privacy | The Australian—29 May 2013
- ▲ Mandatory Data Breach Laws Face Parliament | Sydney Morning Herald—29 May 2013
- ▲ Privacy commissioner welcomes new data breach notification laws | Business Spectator—29 May 2013

- ▲ Draft law requiring firms to reveal privacy breaches heads to parliament | The Australian—29 May 2013
- ▲ Australian government brings on mandatory data breach notification | ZDNet—28 May 2013
- ▲ Be open about cyber breaches, says Huawei | The Australian—28 May 2013
- ▲ Government lags lawyer on Royal Commission alert | Australian Financial Review—24 May 2013
- ▲ The Trans-Pacific Partnership: a knockout blow for innovation? | The Conversation—24 May 2013
- ▲ Stop charging for privacy, ACCAN tells Telstra | iTWire—23 May 2013
- ▲ A Copyright Review Bibliography | Copyhype—22 May 2013
- ▲ Coalition members stop Senate Committee from removing silent number charge for victims of crime | Herald Sun—21 May 2013
- ▲ Crime victims still paying for silent lines after Senate committee fails to stop telcos from charging | News.com.au—21 May 2013
- ▲ I am Scott Ludlam—Ask Me Anything | Reddit—14 May 2013
- ▲ Latest document summarising current state of work on ALRC 112 | Right to Know—12 May 2013
- ▲ No change for domestic violence policy | The Australian—8 May 2013
- ▲ Sausage Love: This week's hacked Canadian websites | Canada.com—8 May 2013
- ▲ Safeguarding the vulnerable | The Australian—7 May 2013
- ▲ DPP 'should decide if victims charged' | The Australian—7 May 2013
- ▲ Fair use for Australia? A report from the Kernochan Centre | Barry Sookman—6 May 2013
- ▲ Once more into the data breach: the LivingSocial hack and you | Delimiter—6 May 2013
- ▲ The fuzzy logic of Australia's data breach draft | ZDNet—3 May 2013
- ▲ Privacy laws paused | Law Institute of Victoria—May 2013
- ▲ Australia's data breach laws leaked | iTnews—2 May 2013
- ▲ Privacy Awareness Week | Open and Shut—1 May 2013
- ▲ Dreyfus backs mandatory data breach laws | SC Magazine—29 April 2013
- ▲ Attorney-General backs mandatory data breach laws | iTnews—29 April 2013
- ▲ The Corby case and copyright reform | Copyright Agency—26 April 2013
- ▲ Everything but the squeal: researchers steak claim with beef patent | Food Magazine—26 April 2013
- ▲ No secret safe in an online world | Sydney Morning Herald—26 April 2013
- ▲ Corbys' copyright conundrum ends in pulp friction | Sydney Morning Herald—26 April 2013

- ▲ Australia To Propose Copyright Reform That Includes Fair Use | Techdirt—12 April 2013
- ▲ A model approach: Kay and Hughes try artist-friendly fee structure | BRW—10 April 2013
- ▲ Classification system marked for reform | PSnews—8 April 2013
- ▲ Australia's New Classification System May Be Restricted To Mobile And Online Games (For Now) | Kotaku—8 April 2013
- ▲ Charges against journalists 'an attack on press freedom' | Brisbane Times—6 April 2013
- ▲ Government To Implement Changes To Classification, Starting With Automated Classification For Video Games | Kotaku—5 April 2013
- ▲ Reform to the National Classification System | The Hon Jason Clare MP—5 April 2013
- ▲ Australian Government prepares for further reform to the national classification system | Herald Sun—5 April 2013
- ▲ Australian Government prepares for further reform to the national classification system | News.com—5 April 2013
- ▲ Automated classification system on the way | MCV Pacific—5 April 2013
- ▲ Australian parliament approves limited automated classification | VG247—5 April 2013
- ▲ Public Accountants' last-ditch pitch for privilege | Australian Financial Review—2 April 2013
- ▲ A family in distress on the TV news, and a missing law | Crikey—28 March 2013
- ▲ Policy designed for maximum impact | The Australian—26 March 2013
- ▲ Industry 'Confident' Cultural Policy Will Live Beyond Simon Crean | theMusic.com.au—22 March 2013
- ▲ Go-to guy Mark Dreyfus aims to douse fire over free speech | The Australian—22 March 2013
- ▲ News Ltd makes up privacy rules and threats to democracy as it goes | Open and Shut—17 March 2013
- ▲ No need for tax advice privilege, says ATO's Chris Jordan | BRW—15 March 2013
- ▲ New media advocate to push public interest | PS News—15 March 2013
- ▲ Reform that wobbles like jelly: A spineless approach to privacy protection | The Conversation—14 March 2013
- ▲ Government response to Convergence Review and Finkelstein Inquiry | DBCDE Media Release—13 March 2013
- ▲ Diluted media law reforms in jeopardy | The Age—13 March 2013
- ▲ Katter backs media reforms to curb 'biased' press | Brisbane Time—13 March 2013
- ▲ Government's grab for media control termed a threat to open media | Adelaide Now—13 March 2013

- ▲ Deja vu: ALRC to look into privacy cause of action | Open and Shut—12 March 2013
- ▲ Government's media reform package plays it (very) safe | Crikey—12 March 2013
- ▲ Labor shelves privacy tort plan | The Australian—13 March 2013
- ▲ Conroy buys fight with light touch media plan | The Conversation—12 March 2013
- ▲ Australia's Telstra waives silent line fee for domestic violence victims | The Information Daily—11 March 2013
- ▲ Aaron's Army fights the Trans-Pacific Partnership | The Conversation—8 March 2013
- ▲ What Australian businesses need to know about cloud compliance | ZDNet—4 March 2013
- ▲ David Harvey calls for human rights approach to copyright law reform | BRW—1 March 2013
- ▲ Censorship standards come from a personal place | The Drum Opinion—28 February 2013
- ▲ Telstra drops unlisted number fees for battered women | News.com—27 February 2013
- ▲ Violence victims won't pay silent fee | Perth Now—26 February 2013
- ▲ Quest for better balance in copyright law | BRW—26 February 2013
- ▲ Legislation creeps up to muzzle us all | The Telegraph—26 February 2013
- ▲ Peter Bartlett: Freedom of expression is a fragile thing in Australia | Adelaide Now—25 February 2013
- ▲ Australia: The Family Violence Amendments (Cth) | Coleman Grieg Lawyers—24 February 2013
- ▲ New law fails to protect our genes status | PS News—13 February 2013
- ▲ DrupalCon Sydney: Keynote: Dries Buytaert | YouTube—7 February 2013
- ▲ Australia: Family Violence Amendments: developments by the Federal and NSW Governments | Mondaq—6 February 2013
- ▲ Fired For Having The Wrong Genes? | New Matilda—1 February 2013
- ▲ Social decisions a recruitment risk | Lawyers Weekly—29 January 2013
- ▲ Embracing the Digital Economy | Matthew Sag—22 January 2013
- ▲ 2013: A Copyright Odd-yssey | Australian Copyright Council—21 January 2013
- ▲ Rising demands around world for copyright exceptions | University World News—19 January 2013
- ▲ Reforming copyright law essential for innovation | University World News—19 January 2013
- ▲ Achieving the copyright balance | Lawyers Weekly—16 January 2013
- ▲ Copyright Wars—the Submissions | Pub Date Critical—16 January 2013
- ▲ 2013 Australian Digital Alliance Copyright Forum | ADA—14 January 2013

- ▲ Sex abuse inquiry to cost \$100m | The Australian—14 January 2013
- ▲ Productivity Commission releases draft report on compulsory licensing of patents | Australian Life Scientist—10 January 2013
- ▲ Universities seek copyright law reform to enable MOOCs | The Conversation—10 January 2013
- ▲ Will big data change the 2013 election? | The Drum Opinion—9 January 2013
- ▲ Australia Says ‘Let’s Update Copyright For The Digital Economy;’ Legacy Industries Say ‘Let’s Pretend It’s Still 1968’ | Techdirt—8 January 2013
- ▲ GPS monitoring may intrude on prisoners’ privacy | The Conversation—7 January 2013
- ▲ Sexual harassment ‘invisible’ in the bush | Monitor Online: University of Canberra—4 January 2013
- ▲ iiNet blames data retention, studio intransigence for ditching piracy trials | ZDNet—17 December 2012
- ▲ Telstra denies TV Now delayed NRL deal | ZDNet—12 December 2012
- ▲ Why copyright law needs fixing | Australian Financial Review—11 December 2012
- ▲ Privacy chief defers to ACMA on prank | The Australian—11 December 2012
- ▲ New law could prevent invasions of privacy: Greens | Sydney Morning Herald—11 December 2012
- ▲ Government needs to make stand on copyright again | The Australian—10 December 2012
- ▲ Foxtel wants UK-style block on piracy websites | ZDNet—6 December 2012
- ▲ MPAA To Aussies: Obey US Created Copyright Rules! But Don’t Even Think About Importing Fair Use | Techdirt—6 December 2012
- ▲ 2012: The Year in Review | Australian Copyright Council—6 December 2012
- ▲ AFACT argues to keep copyright status quo | ZDNet—4 December 2012
- ▲ A primer to Australia’s new privacy laws | Technology Spectator—3 December 2012
- ▲ Public interest at stake in privacy law | Australian Financial Review—30 November 2012
- ▲ Families to benefit as privacy reforms pass the Parliament | Invest in Australia—30 November 2012
- ▲ (Partial) privacy reform just makes it before end of year close down | Open and Shut—29 November 2012
- ▲ Aust govt rejects delaying ACTA ratification | ZDNet—29 November 2012
- ▲ Families to benefit as privacy reforms pass the Parliament | Nicola Roxon MP—29 November 2012
- ▲ Attorney General’s media release on Privacy amendments | Peter A Clarke—29 November 2012
- ▲ Privacy reforms pass Australian Parliament | YouTube, OAIC—29 November 2012
- ▲ Feds tip ACTA analysis by year end | iTnews—29 November 2012

- ▲ Optus lobbies for change to copyright laws | Technology Spectator—28 November 2012
- ▲ Suncorp's Geoff Summerhayes supports removing super age barriers | Money Management—28 November 2012
- ▲ End voluntary contribution age limits: Suncorp | Financial Standard—28 November 2012
- ▲ Tibco pushes privacy breach laws | The Australian—28 November 2012
- ▲ Optus lobbies for copyright changes | Australian Financial Review—28 November 2012
- ▲ Optus pushes commission for updated Copyright Act | The Australian—28 November 2012
- ▲ Suncorp Group Ltd: No Age Barriers for Retirement Saving | 4-Traders—27 November 2012
- ▲ Copyright in Public Domain Art | Witty's Blog—26 November 2012
- ▲ Porn doesn't lead to rape culture | The Conversation—26 November 2012
- ▲ ACCC, eBay want cloud clarity | CRN Australia—26 November 2012
- ▲ Oz has sobered up since the 1970s | Winnipeg Free Press—23 November 2012
- ▲ ACCC, eBay seek cloud clarity | iTnews.com.au—23 November 2012
- ▲ ACCC, eBay call for technology neutral copyright law | Telecompaper—23 November 2012
- ▲ ACCC calls for liberalised copyright in Oz | The Register (UK)—22 November 2012
- ▲ eBay, ACCC back Optus on copyright in the cloud | ZDNet—22 November 2012
- ▲ An e-news update from the Age Discrimination Commissioner, Hon. Susan Ryan AO | AHRC—22 November 2012
- ▲ Watching The Footy From The Cloud | Mondaq—21 November 2012
- ▲ eBay Responds to the Australian Law Reform Commission's Copyright and the Digital Economy Issues Paper | eBay Inc, Main Street—21 November 2012
- ▲ Digital sampling/remix culture forum, workshop, film and showcase | Deakin School of Law—20 November 2012
- ▲ Mature age job seeker forum raises awareness and opportunities | DEEWR, Ministers' Media Centre—16 November 2012
- ▲ Australia consults on abolishing upper age limit for skilled migrants | Workpermit.com—17 November 2012
- ▲ Age barrier submissions closing soon | CCH Australia—16 November 2012
- ▲ ALRC inquiry into Age Barriers to Work | OSPO—16 November 2012
- ▲ 'Few take confession or reveal sex crimes' | The Australian—16 November 2012
- ▲ EA's CEO John Riccitiello Calls For A Global Classification System | Kotaku Australia—16 November 2012

- ▲ Yeah, but what actually IS a royal commission? | The Courier-Mail—13 November 2012
- ▲ ISPs get orders on child abuse | PS News—13 November 2012
- ▲ Royal commissions: how do they work? | The Conversation—13 November 2012
- ▲ The law and technology behind Australia's internet filtering | ZDNet—12 November 2012
- ▲ Internet filter backdown: Conroy announces no filter in Australia | Crikey—9 November 2012
- ▲ Ill-fated internet filter sacrificed for political expediency | ZDNet—9 November 2012
- ▲ Everyone's a winner with the scrapping of the internet filter | ABC Technology & Games—9 November 2012
- ▲ Government backs down on promise of internet filter | ABC AM—9 November 2012
- ▲ Creation and copyright law: the case of 3D printing | The Conversation—November 2012
- ▲ Change and the Copyright Modernization Act | Barry Sookman—7 November 2012
- ▲ ALRC Issues Paper | Copyright Agency—7 November 2012
- ▲ Mature employees are our working capital | AdelaideNow—1 November 2012
- ▲ The Grey Areas: Age Barriers to Work inquiry | Australian Human Rights Commission—29 October 2012
- ▲ Next stage in privacy law reforms: Discussion paper released on mandatory data breach notification laws | Mondaq—28 October 2012
- ▲ Domestic violence leave surges | Sydney Morning Herald—27 October 2012
- ▲ Safe haven with a paypacket | Sydney Morning Herald—27 October 2012
- ▲ Paid domestic violence leave setting a world standard | Sydney Morning Herald—27 October 2012
- ▲ Next stage in privacy law reforms: Discussion paper released on mandatory data breach notifications | Clayton Utz—25 October 2012
- ▲ Increase focus on mature age workers: ALRC | CCH Australia—25 October 2012
- ▲ To tell, or not to tell (about data breaches)—may no longer be the question | Middletons—24 October 2012
- ▲ Australian skilled migration age limit review | SBS—24 October 2012
- ▲ Australian Law Reform Commission issues paper on 'Copyright and the Digital Economy' | Lexology—23 October 2012
- ▲ Panel on copyright accused of bias | The Australian—23 October 2012
- ▲ SMEs face privacy burden with Federal Government moves towards mandatory notification of data breaches | SmartCompany—19 October 2012
- ▲ A Win for HathiTrust and Fair Use Pt I | Australian Digital Alliance—19 October 2012

- ▲ Banks seek to hide privacy breaches from customers | The Australian—19 October 2012
- ▲ Why you should oppose a data breach notification law | iTnews—19 October 2012
- ▲ Outrunning the laws of creation | The Australian—19 October 2012
- ▲ Australian privacy breach notification laws proposed | Lexology—18 October 2012
- ▲ Australia polled on data breach-notification laws | ZDNet—17 October 2012
- ▲ Attorney-General moves on data breach notification laws | Australian Financial Review—17 October 2012
- ▲ Australia mulls data breach notification laws | The Register—17 October 2012
- ▲ Law council backs flexi work for all | Workplace Insight—16 October 2012
- ▲ Kirby addresses High Court's paper trail | Lawyers Weekly—9 October 2012
- ▲ Kate Middleton obtains injunction in relation to topless photos | Corrs Chambers Westgarth—5 October 2012
- ▲ Dismantling begins on barriers for older workers | Sydney Morning Herald—3 October 2012
- ▲ Call to clear hurdles to a longer working life | Canberra Times—3 October 2012
- ▲ Copyright bureaucrat weighs into US cloud case | iTnews—2 October 2012
- ▲ It's clear FOI simply isn't working properly | Australian Financial Review—27 September 2012
- ▲ Copyright law: does it really need fixing? | Australian Financial Review—23 September 2012
- ▲ New discussion of a statutory tort of privacy | Peter A Clarke—23 September 2012
- ▲ Pilgrim warns of technical glitches in proposed overhaul | The Australian—21 September 2012
- ▲ Push for a tort is misguided and wrong | The Australian—21 September 2012
- ▲ ABC embroiled in copyright debate over iView | The Conversation—19 September 2012
- ▲ Privacy reforms pass through lower House | ZDNet—18 September 2012
- ▲ Committee recommends bill containing new penalties after serious privacy breaches | The Australian—18 September 2012
- ▲ Privacy push in media review | Australian Financial Review—18 September 2012
- ▲ ALRC Copyright and the Digital Economy Update | Baker & McKenzie—17 September 2012
- ▲ TV Now ruling provides 'clarity' for cloud providers: Telstra | ZDNet—13 September 2012
- ▲ Optus and TV Now: Will copyright law catch up to the cloud? | Delimiter—8 September 2012
- ▲ TV Now's cloud complications | Business Spectator—8 September 2012
- ▲ Optus and TV Now: will copyright law catch up to the cloud? | The Conversation—8 September 2012

- ▲ Optus loses bid to screen footy | The Australian—8 September 2012
- ▲ High Court sends Optus web appeal back to MPs | The Age—8 September 2012
- ▲ No TVNow: Optus Denied High Ct Appeal | Smart Office—7 September 2012
- ▲ Court rejects Optus's bid for TV Now appeal | Australian Financial Review—7 September 2012
- ▲ Optus to shut down TV Now after losing appeal | WA Today—7 September 2012
- ▲ Optus unable to appeal NRL, AFL ban | The Age—7 September 2012
- ▲ Australian Law Reform Commission to be next battleground for Optus TV Now | Techworld—7 September 2012
- ▲ High Court dismisses Optus TV Now appeal | ABC News—7 September 2012
- ▲ Optus seeks law reform after High Court kills off TV Now appeal | The Conversation—7 September 2012
- ▲ Optus turns to Copyright review for TV Now | ZDNet—7 September 2012
- ▲ Optus TV Now special leave application denied | Australian Digital Alliance—7 September 2012
- ▲ Optus to shut down TV Now after losing appeal | Sydney Morning Herald—7 September 2012
- ▲ Advances in technology raises issues for copyright law change | The Australian—7 September 2012
- ▲ Optus-NRL Decision Has Huge Implications For Cloud Computing | Idealaw—7 September 2012
- ▲ Australian Law Reform Commission to be next battleground for Optus TV Now | CIO—7 September 2012
- ▲ Court rejects Optus's bid for TV Now appeal | Australian Financial Review—7 September 2012
- ▲ High Court throws out Optus TV Now appeal | The Australian—7 September 2012
- ▲ Data retention laws risky, Canberra told | The Australian—6 September 2012
- ▲ Copyright Infringement could Twinge Cloud Computing | CloudTimes—4 September 2012
- ▲ ICA details seniors' cover to Law Reform Commission | Insurance News—3 September 2012
- ▲ ALRC issues paper: Indigenous IP and copyright exceptions | Australian Digital Alliance—31 August 2012
- ▲ Copyright and the Digital Economy | Mills Oakley Lawyers—31 August 2012
- ▲ Australian Law Reform Commission: Copyright and Digital Economy Issues Paper | Infojustive.org—31 August 2012
- ▲ This Sporting Life: Copyright Law and Consumer Rights | Matthew Rimmer—August 2012
- ▲ Australian Law Reform Commission opens public consultation about copyright and the digital economy | Future of Copyright—28 August 2012

- ▲ Want privacy? You can have it for a monthly fee | Hi Tech Blog—27 August 2012
- ▲ Reform plan to right copyright wrongs | PS News—27 August 2012
- ▲ Telstra charges crime victims for privacy | Herald Sun—27 August 2012
- ▲ Copyright Reform Process Begins Down Under... And They're Actually Asking Good Questions | Techdirt—27 August 2012
- ▲ TPM exceptions review | ipwars.com—27 August 2012
- ▲ ISP safe harbour review takes glacial route | iTnews.com.au—24 August 2012
- ▲ yARN: Time to have your say ... on copyright and the digital economy | ARN—24 August 2012
- ▲ ALRC releases Issues Paper on 'Copyright and the Digital Economy' | Mallesons—24 August 2012
- ▲ Fair use for Australia? | Barry Sookman—23 August 2012
- ▲ Does copyright law spell trouble for the cloud? | Cloud Tech News—21 August 2012
- ▲ How well does copyright operate in the digital world, asks ALRC issues paper | Clayton Utz—22 August 2012
- ▲ Online Music Lockers, Sampling & Mash-Ups Could Be Illegal In Australia | Tone Deaf—22 August 2012
- ▲ The Australian Law Reform Commission to probe search engine copyright breaches | The Australian—22 August 2012
- ▲ Does copyright law spell trouble for the cloud? | Cloud Tech News—21 August 2012
- ▲ Copyright stuck in horse and buggy era | Sydney Morning Herald—21 August 2012
- ▲ Copyright could cramp cloud computing | iTnews—21 August 2012
- ▲ Copyright and the digital economy | Australian Policy Online—21 August 2012
- ▲ ALRC seeks comment on copyright inquiry | Computerworld—21 August 2012
- ▲ ALRC's Copyright and Digital Economy Issues Paper | IPwars—21 August 2012
- ▲ Copyright law review paper delves into cloud | ZDNet—20 August 2012
- ▲ Copyright and the Digital Economy: Huge Review Underway | Pub Date Critical—20 August 2012
- ▲ ALRC releases Copyright and the Digital Economy Issues Paper | Australian Copyright Council—20 August 2012
- ▲ 'Perfect storm' hits copyright | The Australian—15 August 2012
- ▲ Innovation outrunning IP law | Lawyers Weekly—13 August 2012
- ▲ Rumble Down Under: Australian Greens Senator Scott Ludlam Slams Government Over TPP | GamePolitics—9 August 2012

- ▲ Infamous hacker's grim warning for Australia | The Guardian—9 August 2012
- ▲ Ludlam slams government over TPP | Computerworld—8 August 2012
- ▲ ALP and Liberals bent on another destructive US copyright agreement | Blogotariat—7 August 2012
- ▲ What's our trade minister up to? What's he signing in our name? | Peter Martin—7 August 2012
- ▲ Emerson chasing deals that look like sellouts | Sydney Morning Herald—7 August 2012
- ▲ Time to come clean on US bedfellow, minister | Sydney Morning Herald—7 August 2012
- ▲ Privacy law reforms must not undermine doctor-patient relationship | Australian Medicine—6 August 2012
- ▲ Are we still America's deputy IP sheriff in the Asia-Pacific? | Crikey—6 August 2012
- ▲ UK adopts PEGI scheme | T Flew—31 July 2012
- ▲ Privacy amendments weaken consumer protections | iTnews.com—31 July 2012
- ▲ Award is crowning achievement for winning student | Lawyers Weekly—30 July 2012
- ▲ Roxon to tackle law on family violence | The Australian—27 July 2012
- ▲ Schools' use of internet content | Copyright Agency—23 July 2012
- ▲ Schools pay millions for material free on net | Sydney Morning Herald—23 July 2012
- ▲ Michael Kirby: Law, Love & Life—My career in the balance | Sydney Morning Herald—22 July 2012
- ▲ Grey areas a turn-off for older workers | The Australian—21 July 2012
- ▲ ACTA ratification faces NZ hurdles | PC Advisor—17 July 2012
- ▲ Is it time to unlock biotech patents? | Science Alert—12 July 2012
- ▲ Australia rejects ACTA | No Right Turn—10 July 2012
- ▲ Call to help victims of marriage visa abuse | SBS World News—6 July 2012
- ▲ SMEs find that maturity pays | Australian Financial Review—6 July 2012
- ▲ A big week in copyright (and acronyms); ALRC, TPMs, ACTA, and TPPA | Australian Digital Alliance—5 July 2012
- ▲ A dangerous investment: Australia, New Zealand and the Trans-Pacific Partnership | The Conversation—2 July 2012
- ▲ Parliament considering proposed amendments to the Privacy Act 1988 | Reading Room, Maddocks —2 July 2012
- ▲ Copyright Act gets digital upgrade | The Register—2 July 2012

- ▲ EFA welcomes inclusion of 'fair use' in Copyright Review | Electronic Frontiers Australia—2 July 2012
- ▲ Terms of reference for Copyright Act inquiry released | Computerworld—2 July 2012
- ▲ Australia and UK modernise copyright laws to be effective in the digital age | Future of Copyright—2 July 2012
- ▲ ALRC terms of reference finalised | IP Wars—2 July 2012

Appendix K: Submissions made to external inquiries 2012–13

Table 16: Submissions made by the ALRC to other inquiries 2012–2013

<i>Agency conducting inquiry</i>	<i>Date of submission</i>	<i>Subject matter</i>	<i>Related ALRC Report/Inquiry</i>
NSW Parliament, Select Committee on the Partial Defence of Provocation	10 August 2012	Inquiry into the partial defence of provocation	<i>Family Violence: A National Legal Response</i> (ALRC Report 114, 2010)
House Standing Committee on Social Policy and Legal Affairs	20 August 2012	Privacy Amendment (Enhancing Privacy Protection) Bill 2012	<i>For Your Information: Australian Privacy Law and Practice</i> (ALRC Report 108, 2008)
Parliamentary Joint Committee on Law Enforcement	6 November 2012	Consistency, in relation to penalties, across the various Commonwealth regulatory schemes.	<i>Principled Regulation: Federal Civil and Administrative Penalties in Australia</i> (ALRC Report 95, 2002)
Senate Standing Committees on Environment and Communications	3 June 2013	Inquiry into the effectiveness of current regulatory arrangements in dealing with radio simulcasts: Question on Notice	Copyright and the Digital Economy
Senate Legal and Constitutional Affairs Committee	20 June 2013	Inquiry into the Privacy Amendment (Privacy Alerts) Bill 2013	<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 (Supplementary Report)</i> , 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 (Interim)</i> , 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 (Interim)</i> , 1985
ALRC 27	<i>Standing in Public Interest Litigation</i> , 1985
ALRC 28	<i>Community Law Reform for the Australian Capital Territory: First Report: The Community Law Reform Program. Contributory Negligence in Fatal Accident Cases and Breach of Statutory Duty Cases and Funeral Costs in Fatal Accident Cases</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	<i>Equality Before the Law: Justice for Women</i> , 1994

ALRC 70	<i>Child Care for Kids: Review of Legislation Administered By Department of Human Services and Health, (Interim) 1994</i>
ALRC 72	<i>The Coming of Age: New Aged Care Legislation for the Commonwealth, 1995</i>
ALRC 73	<i>For the Sake of the Kids: Complex Contact Cases and the Family Court, 1995</i>
ALRC 74	<i>Designs, 1995</i>
ALRC 75	<i>Costs Shifting: Who Pays for Litigation, 1995</i>
ALRC 77	<i>Open Government: A Review of the Federal Freedom of Information Act 1982, 1995</i>
ALRC 78	<i>Beyond the Door-Keeper: Standing to Sue for Public Remedies, 1996</i>
ALRC 79	<i>Making Rights Count: Services for People With a Disability, 1996</i>
ALRC 80	<i>Legal Risk in International Transactions, 1996</i>
ALRC 82	<i>Integrity: But Not By Trust Alone: AFP & NCA Complaints and Disciplinary Systems, 1996</i>
ALRC 84	<i>Seen and Heard: Priority for Children in the Legal Process, 1997</i>
ALRC 85	<i>Australia's Federal Record: A Review of Archives Act 1983, 1998</i>
ALRC 87	<i>Confiscation That Counts: A Review of the Proceeds of Crime Act 1987, 1999</i>
ALRC 89	<i>Managing Justice: A Review of the Federal Civil Justice System, 2000</i>
ALRC 91	<i>Review of the Marine Insurance Act 1909, 2001</i>
ALRC 92	<i>The Judicial Power of the Commonwealth: A Review of the Judiciary Act 1903 and Related Legislation, 2001</i>
ALRC 95	<i>Principled Regulation: Federal Civil & Administrative Penalties in Australia, 2002</i>
ALRC 96	<i>Essentially Yours: The Protection of Human Genetic Information in Australia, 2003</i>
ALRC 98	<i>Keeping Secrets: The Protection of Classified and Security Sensitive Information, 2004</i>
ALRC 99	<i>Genes and Ingenuity: Gene Patenting and Human Health, 2004</i>
ALRC 102	<i>Uniform Evidence Law, 2005</i>
ALRC 103	<i>Same Crime, Same Time: Sentencing of Federal Offenders, 2006</i>
ALRC 104	<i>Fighting Words: A Review of Sedition Laws in Australia, 2006</i>
ALRC 107	<i>Privilege in Perspective: Client Legal Privilege in Federal Investigations, 2008</i>
ALRC 108	<i>For Your Information: Australian Privacy Law and Practice, 2008</i>
ALRC 111	<i>Making Inquiries: A New Statutory Framework, 2010</i>

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

Glossary and indexes

Glossary

AASB	Australian Accounting Standards Board
AC	Companion of the Order of Australia Award
ACT	Australian Capital Territory
AHRC	Australian Human Rights Commission
ALRAC	Australasian Law Reform Agencies Conference
ALRC	Australian Law Reform Commission
ALRC Act	Australian Law Reform Commission Act 1996 (Cth)
AMP	Agency Multicultural Plan
ANAO	Australian National Audit Office
ANU	Australian National University
AO	Order of Australia Award
APS	Australian Public Service
ARIA	Australian
CALD	Culturally and Linguistically Diverse
CEI	Chief Executive Instructions
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CPR	Commonwealth Procurement Rules
CMG	Companion Order of St Michael and St George Award
CPSU	Community & Public Sector Union
Cth	Commonwealth of Australia
DCB	Departmental Capital Budget
DP	Discussion Paper
EEO	Equal Employment Opportunity
EL	Executive Level
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
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
IPS	Information Publication Scheme
KPI	Key Performance Indicator
LO	Legal Officer
MLALC	Metropolitan Local Aboriginal Land Council
MP	Member of Parliament
N/A	Not applicable
NABERS	National Australian Built Environment Rating System
NAIDOC	National Aborigines and Islanders Day Observance Committee
NSW	New South Wales
NT	Northern Territory
OHS	Occupational Health & Safety
PDF	Portable Document Format
PLO	Principal Legal Officer
PS Act	Public Service Act 1999 (Cth)
PSPF	Protective Security Policy Framework
P/T	Part-time
QC	Queen's Counsel
QLD	Queensland
QUT	Queensland University of Technology
RAP	Reconciliation Action Plan
SA	South Australia
SC	Senior Counsel
SES	Senior Executive Service
SLO	Senior Legal Officer
TAS	Tasmania
TOR	Terms of Reference
UN	United Nations

UNSW	University of New South Wales
USA	United States of America
USyd	University of Sydney
UTS	University of Technology, Sydney
Vic	Victoria
WA	Western Australia
WCAG	Web Content Accessibility Guidelines
WHS	Work Health and Safety
WHASC	Work Health and Safety Committee

List of requirements

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

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
	Letter of transmittal	iii
	Table of contents	1
	Index	182
	Glossary	174
	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 *	10, 46
	Outlook for following year *	40
	Significant issues and developments—portfolio *	not applicable
Departmental Overview		
	Role and functions	12
	Organisational structure	11
	Outcome and program structure	14

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
	Where outcome and program structures differ from PB Statements/ PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	no difference
	Portfolio structure	not applicable
Report on Performance		
	Review of performance during the year in relation to programs and contribution to outcomes	16
	Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	23
	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	40
	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
	Social inclusion outcomes	not applicable
	Performance against service charter customer service standards, complaints data, and the department's response to complaints	not applicable
	Discussion and analysis of the department's financial performance	46
	Discussion of any significant changes from the prior year, from budget or anticipated to have a significant impact on future operations.	30
	Agency resource statement and summary resource tables by outcomes	124

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
Management and Accountability		
Corporate Governance		
	Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines.	38
	Statement of the main corporate governance practices in place	33
	Names of the senior executive and their responsibilities *	33
	Senior management committees and their roles *	37
	Corporate and operational planning and associated performance reporting and review *	112
	Approach adopted to identifying areas of significant financial or operational risk *	38
	Policy and practices on the establishment and maintenance of appropriate ethical standards *	39
	How nature and amount of remuneration for SES officers is determined *	36
External Scrutiny		
	Significant developments in external scrutiny	40
	Judicial decisions and decisions of administrative tribunals	40
	Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	40
Management of Human Resources		
	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	41
	Workforce planning, staff turnover and retention *	41
	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and AWAs *	42

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
	Training and development undertaken and its impact *	44
	Work health and safety performance *	45
	Productivity gains *	not reported
	Statistics on staffing	41
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	42
	Performance pay	43
Assets management		
	Assessment of effectiveness of assets management	not applicable
Purchasing		
	Assessment of purchasing against core policies and principles	47
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.	48
Australian National Audit Office Access Clauses		
	Absence of provisions in contracts allowing access by the Auditor-General	none to report
Exempt contracts		
	Contracts exempt from the AusTender	none to report

<i>Part of Report</i>	<i>Description</i>	<i>Page no.</i>
Financial Statements		
	Financial Statements	53
Other Mandatory Information		
	Work health and safety (Schedule 2, Part 4 of the Work Health and Safety Act 2011)	45
	Advertising and Market Research (Section 311A of the Commonwealth Electoral Act 1918) and statement on advertising campaigns	48
	Ecologically sustainable development and environmental performance (Section 516A of the Environment Protection and Biodiversity Conservation Act 1999)	48
	Compliance with the agency's obligations under the Carer Recognition Act 2010	not applicable
	Grant programs	none to report
	Disability reporting – explicit and transparent reference to agency level information available through other reporting mechanisms	50
	Information Publication Scheme statement	51
	Spatial reporting – expenditure by program between regional and non regional Australia	not applicable
	Correction of material errors in previous annual report	none to report
	Agency Resource Statements and Resources for Outcomes	124
	List of Requirements	177

Index

A

Accountability	32–52
Advisory committees	122–123
Advertising & market research	48
Age barriers to work	5, 10, 18–19, 21
Agency Multicultural Plan	104
Agency resource statement	124
ALRC Act	12, 15, 32, 33
ALRC reports	169–171
Appointments	10
Articles written for external publications	153
Attorney-General	iii, iv, 5, 8, 10, 15, 18, 20, 33
Audit Report	37–38
Australasian Law Reform Agencies Conference (ALRAC)	109

C

Citations	25, 144–148
Code of conduct	39
Collier, The Hon Justice Berna	7, 35
Commissioners	33–36
Compliance index	177–181
Conflict of interest	39
Consultancies	48
Consultations	20
Consultation papers	22
Copyright and the digital economy	5, 10, 20, 21
Corporate governance framework	32
Corporate planning	37, 112–114
Courts & tribunal decisions	40
Croucher, Prof Rosalind	iii, 5–8, 17, 18, 21, 34

D

Disability, reducing legal barriers for people with	5, 10, 33
Disability strategy	50
Diversity	104–105
Diversity consultation strategy	22

E

Employment conditions	42–43
E-newsletters	28–29
Enterprise agreement	42
Environmental performance	48–50
Equal employment opportunity	45

Ethics	39
External inquiries	28
External scrutiny and controls	40

F

Facebook	29
Financial performance summary	46–47
Financial statements	53–100
FMA Act	32, 33
Fraud control	38
Freedom of information	51

G

Glossary	174–176
Governance	33–40

H

Human resource management	41
---------------------------	----

I

Implementation of reports	5–6, 23–24, 126–143
Indemnity	39–40
Inquiries	18–20
International outreach	108–109
Internship program	106–107

K

Kenny, The Hon Justice Susan	7, 10
Kirby, The Hon Michael	109, 110
Kirby cup	110
KPIs	14, 23, 113–114

L

Law reform process	17, 102–103
--------------------	-------------

M

Management & accountability	31–52
McKeough, Prof Jill	5, 20, 34
Media	27, 154–167
Members	33–36
Middleton, The Hon Justice John	7, 10, 36
Ministerial powers	33

N

Native title	5, 10, 33
Newsroom	154–167

O

Ombudsman, Commonwealth	40
Online communications	28
Online forums	29
Organisational structure	11
Outcome report	15
Outcome and program structure	14
Outcome statement	iv, 112

P

Parliamentary mentions	28
Parliamentary scrutiny	40
Performance awards & bonuses	43
Perram, The Hon Justice Nye	7, 10, 35
Performance report	11, 13–30
Policies	36, 115–116
Presentations	26, 149–152
President's overview	5–8
Privacy, serious invasions in the digital era	5, 8, 20, 33
Procurement and purchasing	47–48
Program 1	16
Protective Security	51–52
Public Service Act	32, 33
Publications	10

Q

Questions on notice	40
---------------------	----

R

Reconciliation Action Plan	104–105
Remuneration	36
Resource for outcomes	125
Risk management	38–39
Role and functions of the ALRC	12
Ryan, The Hon Susan	5, 10, 18, 35

S

Significant developments	40
Significant events	10
Speaking engagements	26, 149–152

Staff	41–42
Staff development	44–45
Study leave	45
Submissions made to the ALRC	25
Submissions made to external inquiries	15, 28, 168

T

Terms of reference	117–121
Transmittal letter	iii
Twitter	29

V

Vision statement	iv, 112
------------------	---------

W

Website	25–26
Work health & safety	45–46
Workplace diversity	45

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