



Australian Government

Australian Law Reform Commission

# ANNUAL REPORT 2022-2023







Australian Government

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# ANNUAL REPORT 2022–2023



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ISSN 0312-6994

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The Hon Justice M Bromberg  
President

**Australian Government**

**Australian Law Reform Commission**

5 October 2023

The Hon Mark Dreyfus KC MP  
Attorney-General of Australia  
PO Box 6022  
Parliament House  
Canberra ACT 2600

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 2022 to 30 June 2023.

This Report has been prepared in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA Act). The annual performance statement in Part 2 of this report is prepared in accordance with section 39(1)(a) of the PGPA Act, and accurately presents the Commission's performance for the 2022–23 financial year in accordance with subsection 39(2) of the PGPA Act.

The report includes the Commission's audited financial statements prepared in accordance with the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (Cth) (PGPA Financial Reporting Rule).

As required by sections 10 and 17AG(2)(b) of the *Public Governance, Performance and Accountability Rule 2014* (Cth) (PGPA Rule), I certify that the ALRC has prepared fraud risk assessments and a fraud control plan; that the ALRC has appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet its specific needs; and that the ALRC has taken all reasonable measures to deal appropriately with fraud. There have been no instances of fraud identified during the period.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Bromberg'.

The Hon Justice Mordecai Bromberg

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# PRESIDENT'S FOREWORD



# PRESIDENT'S FOREWORD

On behalf of the Australian Law Reform Commission (ALRC), I am pleased to present the Annual Report for 2022–23.

The ALRC is an independent statutory agency for law reform. It performs its functions independently of government. It sits within the Attorney-General's portfolio and supports the Attorney-General, the Australian Government, and the Australian Parliament by providing evidence-based research to inform government decisions about the development, reform and harmonisation of Australian laws and related processes.

Since its inception in 1975, the ALRC has conducted 77 inquiries into law reform ranging across a wide range of subjects. The ALRC's contribution to the design of Australian law has been immense. It enjoys an excellent reputation for high quality research and scholarship in its work of designing and proposing reforms to Australian law.



This is the first Annual Report that I will present as President of the ALRC since my appointment on 10 July 2023. I am both honoured and privileged to be afforded the opportunity provided by my appointment to follow in the footsteps of prior Presidents of the ALRC – from the Honourable Michael Kirby AC CMG through to my immediate predecessor, the Honourable Justice Sarah Derrington AM. I take the benefit of their efforts in the hope that with the dedication, enthusiasm and experience I bring to the task, the ALRC will continue to enjoy its high reputation as a centre of excellence.

I am particularly indebted to my predecessor Justice Sarah Derrington. The six ALRC inquiries led by Justice Derrington are each a testament to her Honour's great scholarship and wisdom. She has also collected and bequeathed to me a team of talented colleagues who work effectively and cohesively to produce research and analysis of the highest quality. I am grateful to them for the support they have provided me as I commence this new role.

The ALRC's deep gratitude is also owed to the following people:

- the Hon John Middleton AM, who retired in December 2022 after a decade of service as part-time Commissioner;
- the Hon Justice Moshinsky, who acted as ALRC President between January and July 2023 and will continue to serve the ALRC as a part-time Commissioner;
- the Hon Justice Craig Colvin, who served as a part-time Commissioner for the Financial Services Legislation (FSL) Inquiry;
- the Hon Justice Stephen Rothman AM, who served as a part-time Commissioner for the Anti-Discrimination Laws (ADL) Inquiry;
- Matt Corrigan, former General Counsel, who joined the Queensland Law Reform Commission as Executive Director in March 2023; and
- Sarah Fulton, former Principal Legal Officer, who joined the Queensland Human Rights Commission as Principal Lawyer in September 2023.

By the end of 2023, the ALRC will have completed two inquiries. The Financial Services Legislation Inquiry, commenced in September 2020, will be completed by 30 November 2023 when the ALRC will submit its Final Report. The Anti-Discrimination Laws Inquiry, commenced in November 2022, will be completed by 31 December 2023 when the ALRC will submit its Final Report. During these inquiries, the ALRC has consulted extensively with a broad range of stakeholders as well as relevant experts. I would like to extend the ALRC's sincere thanks to all stakeholders who have made submissions and contributed in other ways to the inquiries as well as thank those experts who have voluntarily provided their invaluable assistance through numerous contributions. As with previous inquiries, the contribution of stakeholders and expert commentators has been of immeasurable assistance to the ALRC in understanding the technical, practical and social ramifications of its proposals and recommendations.

The ALRC has continued to provide internships for law students from universities around Australia and to engage extensively with universities, academics, and researchers for the purposes of its work generally. The ALRC has also continued to support the career development of its legal staff through postgraduate studies. Further, it has extensively participated in community engagement through its website, publications, and presentations at seminars and in the media.

More detail about the work of the ALRC over 2022–23 is given in the pages that follow.

Future inquiries include the forthcoming inquiry into justice responses to sexual violence. This inquiry will be an important step in the process of ensuring that victim-survivors of sexual violence receive far better access to justice across Australia. With appropriate resourcing, the ALRC has the capacity to substantially enhance its ongoing, valuable and cost-effective contribution to the reform of Australian law by designing laws that achieve their purpose. In the year ahead, the ALRC looks forward to receiving Terms of Reference for further inquiries on a broad range of topics so that well designed law reform can substantially enhance the well-being of the Australian community.

A handwritten signature in black ink, appearing to read 'MBromberg', with a stylized flourish at the end.

The Hon Justice Mordecai Bromberg



# YEAR IN REVIEW



# YEAR IN REVIEW

## ROLE AND FUNCTIONS OF THE ALRC

The ALRC undertakes research and provides recommendations to reform the law on topics selected by the Attorney-General of Australia.

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

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

At the conclusion of each inquiry, the ALRC provides a report to the Attorney-General that includes evidence-based recommendations for reform. The ALRC makes recommendations that:

- bring the law into line with current conditions and needs;
- remove defects in the law;
- simplify the law;
- adopt new or more effective methods for administering the law and dispensing justice;
- promote uniformity between states and territories; and
- provide improved access to justice.

The ALRC is structured around inquiry teams that are led by the President or a Commissioner, supported by legal officers of various levels of seniority.

## LAW REFORM INQUIRIES IN 2022–23

In the 2022–23 financial year, the ALRC's work spanned two law reform inquiries:

- A Review of the Legislative Framework for Corporations and Financial Services Regulation (the 'Financial Services Legislation Inquiry').
- A Review of Religious Educational Institutions and Anti-Discrimination Laws (the 'Religious Educational Institutions and Anti-Discrimination Laws Inquiry').

In accordance with the amended 29 August 2019 Terms of Reference, the ALRC undertook no work on the Review of Religious Exemptions in Anti-Discrimination Legislation. The Attorney-General withdrew the Terms of Reference for the Inquiry on 3 November 2022.

Summaries of the inquiries on which the ALRC worked in 2022–23 are provided below.

## Inquiry publications

In the 2022–23 financial year, the ALRC published a range of reports, consultation papers, and background papers.

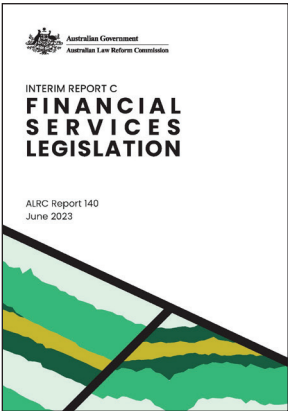
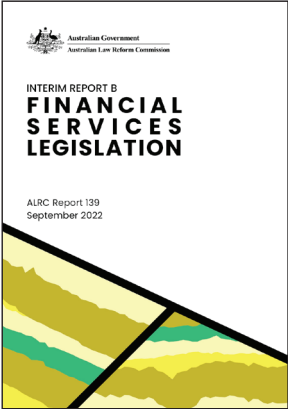
**Table 1:** Inquiry publications completed 2022–23

Area	Publication title	Date of completion
Financial Services Legislation	<i>Financial Services Legislation: Interim Report B</i> (ALRC Report 139)	30 September 2022
Financial Services Legislation	<i>New Business Models, Technologies, and Practice</i> (FSL7)	12 October 2022
Financial Services Legislation	<i>All roads lead to Rome: unconscionable and misleading or deceptive conduct in financial services law</i> (FSL9)	9 December 2022
Financial Services Legislation	<i>Reflecting on Reforms II — Submissions to Interim Report B</i> (FSL10)	25 January 2023
Anti-Discrimination Laws	<i>Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper</i>	27 January 2023
Financial Services Legislation	<i>Post-Legislative Scrutiny</i> (FSL8)	8 May 2023
Financial Services Legislation	<i>Superannuation and the Legislative Framework for Financial Services</i> (FSL11)	29 May 2023
Financial Services Legislation	<i>Financial Services Legislation: Interim Report C</i> (ALRC Report 140)	22 June 2023

# Review of the Legislative Framework for Corporations and Financial Services Regulation

## Figures

<i>Referred:</i>	11 September 2020
<i>Date due:</i>	Final Report: 30 November 2023
<i>Tabled in Parliament:</i>	Interim Report A: 30 November 2021  Interim Report B: 30 September 2022  Interim Report C: 22 June 2023
<i>Consultations held during reporting period:</i>	36
<i>Background papers and interim reports published during reporting period:</i>	7
<i>Seminars and webinars during reporting period:</i>	2
<i>Submissions received during reporting period:</i>	24



## Background

On 11 September 2020, the Attorney-General asked the ALRC to inquire into Australia’s legislative framework for corporations and financial services regulation and specifically, ‘whether, and if so what, changes to the *Corporations Act 2001* (Cth) and the *Corporations Regulations 2001* (Cth) could be made to simplify and rationalise the law’. The Terms of Reference set out three aspects of the legislative framework for the ALRC to review:

- A. the use of definitions in corporations and financial services legislation;
- B. the coherence of the regulatory design and hierarchy of laws, covering primary law provisions, regulations, class orders, and standards; and
- C. how the provisions contained in Chapter 7 of the *Corporations Act 2001* (Cth) and the *Corporations Regulations 2001* (Cth) could be reframed or restructured so that the legislative framework for financial services licensing and regulation achieves certain aims.

The Terms of Reference also provide that the ALRC must have regard to:

- the importance, within the context of existing policy settings, of having an adaptive, efficient and navigable legislative framework for corporations and financial services;
- the need to ensure there is meaningful compliance with the substance and intent of the law; and
- the continuing emergence of new business models, technologies and practices.



The ALRC was required to publish three Interim Reports during the Inquiry. Each Interim Report focused on one of the aspects of the legislative framework identified above. Each Interim Report included specific questions and proposals for public comment. All Interim Reports have now been submitted to the Attorney-General and tabled in Parliament.

The Inquiry forms part of the Australian Government's response to the Report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, published in February 2019. The Inquiry also follows the 2017 Report of Treasury's ASIC Enforcement Review Taskforce, the 2015 Final Report of the Australian Government Competition Policy Review, the 2014 Final Report of the Financial System Inquiry and the 2014 Final Report of the Productivity Commission titled, *Access to Justice Arrangements*.

## Interim Report B

Interim Report B was tabled in Parliament and published on 30 September 2022. The report contained 9 recommendations, 16 proposals, and 2 questions. Interim Report B focused on the role of legislative design and hierarchy in ensuring the law is coherent, navigable, and flexible. Key elements of the report included:

- exploration of current design issues in corporations and financial services legislation, supported by data analysis undertaken by the ALRC;
- a proposed legislative framework for corporations and financial services laws, the implementation of which was illustrated by accompanying legislative drafting in Prototype Legislation B;
- proposed principles to guide the design and use of delegated legislative powers; and
- proposed and recommended measures to maintain the proposed legislative framework, including improved processes for making delegated legislation, fixing incorrect or complex provisions, and removing redundant provisions.

Recommendation 18, relating to the replacement of notional amendments with textual amendments, would be partially implemented by the Government's Treasury Laws Amendment (2023 Law Improvement Package No. 1) Bill 2023.<sup>1</sup> The Bill would fully or partially implement 9 other recommendations made in Interim Reports A and B. The Treasury Laws Amendment (Modernising Business Communications and Other Measures) Bill 2023 would fully or partially implement a further 3 recommendations.<sup>2</sup> Both Bills propose implementation of Recommendation 9 in Interim Report A.

The ALRC sought written submissions from stakeholders on the proposals and questions put forward in Interim Report B. The ALRC received 20 submissions from a range of stakeholders, including industry participants and representatives, consumer representatives, academics, and legal practitioners. Industry and professional bodies accounted for the most significant proportion of submissions. The ALRC's proposals received widespread support from stakeholders. Submissions also highlighted areas for further consideration by the ALRC in the final report.

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1 The Treasury Laws Amendment (2023 Law Improvement Package No. 1) Bill 2023 was passed by both Houses on 7 September 2023.

2 The Treasury Laws Amendment (Modernising Business Communications and Other Measures) Bill 2023 was passed by both Houses on 14 September 2023.

## Interim Report C

Interim Report C was tabled in Parliament and published on 22 June 2023. It is the third and last Interim Report. The report contained 4 recommendations, 14 proposals and 1 question. Interim Report C focused on how the structuring and framing of legislation can make it easier to navigate and understand, and therefore comply with. Key elements of the Interim Report included:

- a proposal to enact a 'Financial Services Law' as a schedule to the *Corporations Act 2001* (Cth), containing the financial services-related provisions of Chapter 7 of the *Corporations Act* and Part 2 Div 2 of the *Australian Securities and Investments Commission Act 2001* (Cth);
- proposals to thematically group and consolidate provisions to improve legislative coherence, covering provisions relating to consumer protection, financial products and services disclosure, financial advice, and general regulatory obligations;
- a high-level roadmap, comprising six reform pillars, for implementing the ALRC's reforms;
- proposed principles for structuring and framing legislation so as to communicate with users of the legislation more effectively; and
- recommendations to improve the clarity and transparency of offence and penalty provisions.

The ALRC sought written submissions from stakeholders by 26 July 2023 in respect of the proposals and questions. One submission was received during the reporting period.

## Data Analysis

The ALRC has continued to use data generated earlier in the Inquiry, and to create new data sources. The ALRC's data analysis provides unique insights into the legislative framework for corporations and financial services legislation. This data informed Interim Reports B and C, particularly the ALRC's problem analysis, the design of legislative hierarchies, and offences and penalties. For example, the ALRC undertook the following analyses for Interim Reports B and C:

- the first stocktake of all 'notional amendments' (or 'modifications') affecting the *Corporations Act 2001* (Cth) and *Corporations Regulations 2001* (Cth), which identified over 1,200 distinct notional amendments currently in force;
- a computational analysis to identify potentially redundant provisions in corporations and financial services legislation, which uncovered over 100 redundant provisions covering thousands of words and over 300 unused regulation-making powers; and
- the first historical analysis of the number of penalty provisions in the *Corporations Act 2001* (Cth), covering the period between 2002 and 2022 and identifying a 62% increase in offence provisions and a 500% increase in civil penalty provisions.

In September 2022, the ALRC published the methodology underpinning the ALRC's data collection and analysis for Interim Report B. The ALRC also published a number of thematic databases and notes that provide additional detail in support of specific recommendations.

## Consultation

As the ALRC continues to progress toward the final report it has sought out the views of interested stakeholders in several ways, including by holding individual consultations and roundtable sessions, hosting public webinars, and attending industry and professional events.

During the reporting period, the ALRC held 36 consultations, including with key participants in the financial services industry, government agencies, the legal profession, consumer groups, and academics.

## Webinars and events

The ALRC hosted two webinars during the reporting period.

‘Legislation Renovation: What Interim Report B means for you’ was hosted on 16 November 2022. The webinar was chaired by Dr Andrew Godwin (Special Counsel, ALRC), with a panel comprised of ALRC staff. Principal Legal Officer Christopher Ash unpacked the ALRC’s proposed legislative model and provided examples of how the proposed model would work in practice. Senior Legal Officer William Isdale discussed how the proposed legislative model could alleviate current complexities in the legislative framework, and the benefits of ongoing care and maintenance of statutory law. Legal Officer Cindy Davies concluded the webinar with a discussion on the structure and framing of legislation, the focus of Interim Report C. The webinar had 305 registrations and 142 attendees. The attendance rate for the webinar was 47%.

‘Crypto Assets and Decentralised Autonomous Organisations’ was held in association with the University of Melbourne Corporate Law and Financial Regulation Research Program on 15 February 2023. The webinar discussed the ALRC’s Financial Services Legislation Inquiry, developments in the regulation of crypto assets in Australia and overseas, and the direction of future reform. Professor Rosemary Langford (Melbourne Law School) chaired the webinar, which featured a panel consisting of Dr Andrew Godwin (Special Counsel, ALRC), Laurence White (Barrister), Joni Pirovich (Principal, Blockchain & Digital Assets) and Emeritus Professor Myles McGregor-Lowndes OAM (Queensland University of Technology). The webinar had 143 attendees.

## Background papers

The ALRC published five background papers during the reporting period.

*New Business Models, Technologies, and Practices*, October 2022, examined how the growth of technological innovation has presented challenges for regulators and possible directions for reform in Australia. The paper examined issues around the regulation of crypto assets and decentralised autonomous organisations, and identified reform considerations for regulation in Australia, namely the potential benefits of the proposed legislative model put forward by the ALRC in Interim Report B.

*All roads lead to Rome: unconscionable and misleading or deceptive conduct in financial services law*, December 2022, expanded on the initial work undertaken in Interim Report A in relation to how simplification of provisions concerning misleading, deceptive, or unconscionable conduct may be achieved. The paper highlighted the existing proliferation and overlap of provisions in this field of regulation and the undue burden these complexities place on stakeholders. The paper outlined how simplification can be achieved through consolidation and amendment of problem provisions. The paper concluded that such measures would promote efficiency, reduce costs, and give effect to the underlying policy intentions of the existing law. The ALRC received 3 submissions in response to this Background Paper.

*Reflecting on Reforms II — Submissions to Interim Report B*, January 2023, broadly outlined the feedback received by the ALRC through written submissions. The ALRC received 20 submissions, which provided feedback in response to the proposals, questions, and recommendations in Interim Report B. The majority of proposals were supported by stakeholders. The submissions were useful in highlighting issues for the ALRC to consider further when developing recommendations for the final report. While the ALRC did not

specifically request stakeholder feedback on the recommendations, a number of nonetheless expressed support, or qualified support, for the recommendations.

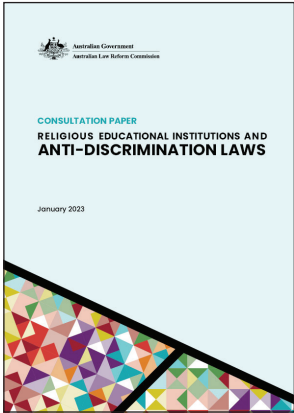
*Post-Legislative Scrutiny*, May 2023, examined current post-legislative procedures put in place by the Commonwealth Parliament and whether they may be enhanced to improve Commonwealth law-making more generally. This involved a discussion of the scope of post-legislative scrutiny and its purpose, the current scrutiny of primary and delegated legislation, and an exploration of the risks, benefits, and opportunities for increased post-legislative scrutiny in Australia.

*Superannuation and the Legislative Framework for Financial Services*, May 2023, provided a general overview of the key legal and regulatory issues concerning superannuation that are relevant to this Inquiry. This involved a discussion of the historical context for superannuation funds, an outline of the complex legal and regulatory framework that governs the superannuation industry, and an examination of the relationship between superannuation and the Corporations Act. The paper concluded that a more adaptive, efficient, and navigable financial services legislative framework generally would assist in reducing the significant complexity in the regulation of superannuation.

# Review into the Framework of Religious Educational Institutions and Anti-Discrimination Laws

## Figures

<i>Referred:</i>	4 November 2022
<i>Date due:</i>	31 December 2023
<i>Submissions received during reporting period</i>	428
<i>Survey responses during reporting period</i>	41,057
<i>Consultations held during reporting period</i>	49
<i>(Individuals consulted)</i>	(102 consultees)



## Background

On 4 November 2022, the Attorney-General asked the ALRC to consider what reform was necessary to reflect the Government’s commitments to amend the *Sex Discrimination Act 1984* (Cth) and other Federal anti-discrimination laws, including the *Fair Work Act 2009* (Cth), in order to ensure that an educational institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed:

- must not discriminate against a student on the basis of sexual orientation, gender identity, marital or relationship status or pregnancy;
- must not discriminate against a member of staff on the basis of sex, sexual orientation, gender identity, marital or relationship status or pregnancy;
- can continue to build a community of faith by giving preference, in good faith, to persons of the same religion as the educational institution in the selection of staff.

The ALRC was also asked to ensure that any recommended reform was ‘consistent with the rights and freedoms recognised in the international agreements to which Australia is a party including the International Covenant on Civil and Political Rights’.

The Terms of Reference also required that the ALRC:

- consider existing reports and inquiries, including state and territory inquiries or reviews;
- have regard to the Government’s commitment to introduce legislation that prohibits discrimination on the basis of religious belief or activity, subject to appropriate exemptions; and
- consider whether some or all of the ALRC’s recommended reforms could be included in any future legislation to prohibit discrimination on the basis of religious belief or activity.

The Terms of Reference also requested the ALRC to have regard to previous consultations undertaken on the issues covered by the Inquiry. These consultations were undertaken in the previous Review of the Framework of Religious Exemptions in Anti-Discrimination Legislation referred to the ALRC on 10 April 2019. The Terms of Reference for the earlier Inquiry were withdrawn by the Attorney-General on 3 November 2022.

## ***Reporting timeframe***

The original timeframe required that a complete report be provided to the Attorney-General by 21 April 2023. On 20 April 2023, the Attorney-General announced an extension of the reporting deadline to 31 December 2023. This extension came after the ALRC received 428 submissions and 41,057 survey responses.

## ***Consultation***

On 27 January 2023, the Inquiry released a Consultation Paper with proposals for changing the way Commonwealth anti-discrimination law applies to religious schools and other educational institutions. The Consultation Paper contained four general propositions and 14 technical proposals and requested written submissions responding to the Consultation Paper by 24 February 2023. The Consultation Paper also invited members of the public to confidentially share views and experiences through an ALRC online survey. Survey responses were also requested by 24 February 2023. The Inquiry received 428 submissions and 41,057 survey results in response.

In this reporting period, the ALRC has conducted 49 consultations with individuals and organisations across domestic and international jurisdictions. The consultations heard a range of perspectives on how anti-discrimination legislation applies to religious educational institutions. These consultations included conversations with religious educational institutions (including universities, schools, education peak bodies, principals, and teachers), religious leaders, religious advocacy groups, parents, state and territory government bodies (including community justice departments, human rights commissions, anti-discrimination and equal opportunity commissions), legal bodies and law societies, legal practitioners, unions, academics, LGBTQI+ advocacy groups, and international anti-discrimination and religious freedom experts.

# REPORT ON PERFORMANCE





# REPORT ON PERFORMANCE

## ANNUAL PERFORMANCE STATEMENTS

### Introductory statement

The ALRC annual performance statement is prepared for paragraphs 39(1)(a) and (b) of the PGPA Act for the 2022–23 financial year and, in the opinion of the President as the Accountable Authority, complies with subsection 39(2) of the PGPA Act.

### Our purpose

This annual performance statement provides information about the ALRC's performance in achieving its purpose. The purpose as set out in the Portfolio Budget Statement 2022–23 is to contribute to informed government decisions about law reform that will lead to a fair, equitable and accessible system of federal justice that contributes to a just and secure society.

### Our outcome

The intended outcome of the ALRC's activities 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 (Outcome 1).

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 (Program 1). It is through the inquiry process that the ALRC undertakes rigorous research and analysis that underpin recommendations for law reform.

### Environment

The ALRC strives to be a law reform agency at the leading edge of internationally recognised best practice. The ALRC maintains an average staffing level of 12 and generally has the capacity to work on two inquiries at any one time — provided sufficient resources are made available.

In 2022–23, the ALRC worked on two Inquiries — commencing the Religious Educational Institution and Anti-Discrimination Laws Inquiry and continuing with the Financial Services Legislation Inquiry. On 3 November 2022, the Attorney-General withdrew the terms of reference for the Review into the Framework of Religious Exemptions in Anti-Discrimination Legislation, which had commenced 29 August 2019. Accordingly, that Inquiry is now closed and will not be completed. No work was conducted on that Inquiry in 2022 before its withdrawal.

The ALRC expects to work on at least three inquiries in 2023–24. The ALRC will continue its inquiries into financial services legislation and religious educational institutions and anti-discrimination laws. It will also commence an inquiry into justice responses to sexual violence. The ALRC will deliver the Final Report of the Financial Services Legislation Inquiry by 30 November 2023 and the Final Report for the Religious Educational Institution and Anti-Discrimination Laws Inquiry by 31 December 2023.

In light of this, the ALRC will continue to work closely with the Attorney-General's Department to ensure appropriate lead time for planning and managing resources when new inquiries are referred to the ALRC.



## Performance criteria for 2022–23

The ALRC measures its success through the following key performance indicators (KPIs):

- the number of consultation papers and the number of reports to government;
- the percentage of inquiries completed on time in accordance with the terms of reference set by the Attorney-General;
- the number of citations or references to ALRC consultation documents, reports and recommendations in Parliamentary debates and committee reports, in court citations and decisions, and in academic publications and other publications;
- the number of submissions received for each inquiry;
- the number of consultations held for each inquiry;
- the breadth of community engagement in the work of the ALRC through the number of subscribers to the ALRC's E-news, visitors to the website, and public attendees at ALRC seminars; and
- the number of publications, presentations, and speaking engagements of ALRC staff.

The ALRC Performance Criteria are sourced from the ALRC Corporate Plan 2022–26.

## Result against performance criteria

**Table 2:** KPI performance 2022–23

Performance measure	2022–23 target	2022–23 Actual	
Number of reports	4	8	<p><i>Financial Services Legislation: Interim Report B</i> (ALRC Report 139); and</p> <p><i>Financial Services Legislation: Interim Report C</i> (ALRC Report 140).</p> <p>Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper (2023);</p> <p>New Business Models, Technologies, and Practices (FSL7);</p> <p>Post-Legislative Scrutiny (FSL8);</p> <p>All roads lead to Rome: unconscionable and misleading or deceptive conduct in financial services law (FSL9);</p> <p>Reflecting on Reforms II – Submissions to Interim Report B (FSL10);</p> <p>Superannuation and the Legislative Framework for Financial Services (FSL11).</p>
Timeliness of reports	100%	100%	<p><i>Financial Services Legislation: Interim Report B</i> (ALRC Report 139) was delivered to the Attorney-General on 30 September 2022 as required by the Terms of Reference.</p> <p><i>Financial Services Legislation: Interim Report C</i> (ALRC Report 140) was delivered to the Attorney-General on 22 June 2023. The report was due by 25 August 2023 under the Terms of Reference.</p>
Citations or references	100	331	<ul style="list-style-type: none"> <li>▪ 67 – court and tribunal decisions</li> <li>▪ 211 – academic publications</li> <li>▪ 53 – Parliamentary debates and committee reports</li> </ul>
Submissions received per inquiry	50	<p>24 – Financial Services (in response to Interim Report B)</p> <p>428 – Anti-Discrimination Laws</p>	
Consultations held per inquiry	25	<p>35 – Financial Services</p> <p>49 – Anti-Discrimination Laws</p>	

Performance measure	2022–23 target	2022–23 Actual	
Presentations, articles and speaking engagements	25	51	
Broader Community Engagement			
E-news subscribers	1350	5,505 <sup>3</sup>	ALRC Brief – 3,255 Financial Services – 1,596 Anti-Discrimination Laws – 654
Visitors to website	500,000	Visits: 1,372,547 Page views: 2,039,688 Unique visitors: 1,244,130	
Public Attendance at ALRC seminars	250	285 attendees / 444 recording views	<ul style="list-style-type: none"><li>Legislation Renovation: What Interim Report B Means for You (142 online attendees and 119 recording views)</li><li>Crypto Assets and Decentralised Autonomous Organisations (143 attendees and 325 recording views)</li></ul>

<sup>3</sup> This figure aggregates the number of subscribers for each E-news feed. As such, it may include a slight over-count as some people may be subscribed to multiple E-news feeds.

# ANALYSIS OF PERFORMANCE

## Number of reports

The core output of the ALRC comprises consultation papers and reports to government with recommendations for law reform.

The ALRC published two reports in 2022–23:

- *Financial Services Legislation: Interim Report B* (ALRC Report 139, 2022); and
- *Financial Services Legislation: Interim Report C* (ALRC Report 140, 2023).

The ALRC also published one consultation paper:

- *Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper* (2023)

As part of the Financial Services Legislation Inquiry, the ALRC also published five background papers<sup>4</sup> in 2022–23:

- *New Business Models, Technologies, and Practices* (FSL7);
- *Post-Legislative Scrutiny* (FSL8);
- *All roads lead to Rome: unconscionable and misleading or deceptive conduct in financial services law* (FSL9);
- *Reflecting on Reforms II – Submissions to Interim Report B* (FSL10); and
- *Superannuation and the Legislative Framework for Financial Services* (FSL11).

## Timeliness of reports

The timeliness of reports is an indicator of the effectiveness of the ALRC in meeting the terms of reference for inquiries established by the Attorney-General, which include a reporting date. The ALRC met its reporting timing requirements for *Financial Services Legislation: Interim Report B* and *Financial Services Legislation: Interim Report C*.

## Court citations

Past ALRC reports are a source of accurate and informative material on the law that is the subject of each inquiry.

The ALRC identified 67 judgments of Australian courts and tribunals that referred to ALRC work, such as reports and background papers, during 2022–23. This included six citations by the High Court of Australia and 13 citations by the Federal Court of Australia. A total of 21 different ALRC reports were cited in court judgments. In all jurisdictions, frequently cited reports include:

- *Evidence* (Interim) (ALRC Report 26, 1985);
- *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133, 2018);
- *Uniform Evidence Law* (ALRC Report 102, 2006); and
- *General Insolvency Inquiry* (ALRC Report 45, 1988).

<sup>4</sup> Background papers were first introduced in 2020–21 as part of a revamped consultation process. They have previously not been counted as reports. However, this has been reconsidered given their substantive content and their critical role as part of stakeholder engagement and consultation.

In addition to ALRC reports, ALRC discussion papers and background papers such as the *Judicial Impartiality: The Fair-Minded Observer and its Critics* have been cited in court judgments.<sup>5</sup>

## Mentions in Parliament

The number of mentions of ALRC reports in Parliament provides an indication of Parliament's engagement with the ALRC's work and the esteem in which it is held.

There were 53 references to ALRC reports and recommendations in second reading speeches, committee reports, and other Parliamentary proceedings during 2022–23. Examples include references to:

- *Financial Services Legislation: Interim Report A* (ALRC Report 137, 2021) and *Financial Services Legislation: Interim Report B* (ALRC Report 139, 2022) in relation to the Treasury Laws Amendment (2023 Law Improvement Package No. 1) Bill 2023 and Treasury Laws Amendment (Modernising Business Communications and Other Measures) Bill 2022.
- *Family Law for the Future: An Inquiry into the Family Law System* (ALRC Report 135, 2019) in relation to the Family Law Amendment Bill 2023.
- *For Your Information: Australian Privacy Law and Practice* (ALRC Report 108, 2008) in relation to Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022.

## References in academic publications

The work of the ALRC has long been a resource for academics studying law as well as social policy. The ALRC strives for its published reports to be authoritative and accurate. In 2022–23, the ALRC was cited in at least 243 academic publications, including journal articles, research papers and textbooks.

Cited reports include:

- *Elder Abuse—A National Legal Response* (ALRC Report 131, 2017)
- *Corporate Criminal Responsibility* (ALRC Report 136, 2020)
- *Grouped Proceedings in the Federal Court* (ALRC Report 46, 1988)

## Submissions

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

The ALRC received 452 submissions in 2022–23. Twenty-four of the submissions related to the Financial Services Inquiry. A total of 428 related to the Religious Educational Institution and Anti-Discrimination Laws Inquiry. These submissions were received in response to the Inquiry's Consultation Paper.

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<sup>5</sup> See, eg, *QYFM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] HCA 15 (17 May 2023).

The ALRC did not call for submissions in relation to the review of the Framework of Religious Exemptions in Anti-Discrimination Legislation before the Terms of Reference were withdrawn. Accordingly, no submissions were received.

## Consultations

For each inquiry 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. The number of consultations held is one indicator of the breadth of the evidence base that underpins the ALRC's recommendations and of community engagement with the ALRC's law reform process. In 2022–23, the ALRC conducted 84 consultations with stakeholders and experts across Australia and overseas. No consultations were held for the Religious Exemptions in Anti-Discrimination Legislation Inquiry before its Terms of Reference were withdrawn by the Attorney-General.

## Presentations, articles and speaking engagements

Presenting at public conferences, seminars and Parliamentary inquiries, and contributing articles to journals and publications ensures that the work of the ALRC is publicly debated and discussed. In total there were 51 presentations, articles, and speaking engagements by ALRC Commissioners and staff in 2022–23.

Highlights of ALRC presentations and speaking engagements in 2022–23 included:

- Private Briefing to the Parliamentary Joint Committee on Corporations and Financial Services by Justice SC Derrington, Andrew Godwin, Matt Corrigan, and Christopher Ash.
- The publication of a series of articles on the ALRC's judicial impartiality report, including an AUSPUBLAW article by William Isdale and Sarah Fulton titled 'Without Fear or Favour: The ALRC's Report on Judicial Impartiality'.
- Private Briefing to the Senate Standing Committee for the Scrutiny of Delegated Legislation by Andrew Godwin, Christopher Ash, Nicholas Simoes da Silva, Ellie Filkin, and Vanessa Ho.

## E-news subscribers

The ALRC maintains a general mailing list — the ALRC Brief — to provide regular updates on the ALRC's work, as well as Inquiry specific mailing lists. Subscriptions to the E-news reflect sustained engagement with a specific Inquiry or the ALRC's work generally.

**Table 3:** E-news subscribers at 30 June 2023

Audience	Number of subscribers
ALRC Brief	3,255
Financial Services	1,596
Anti-Discrimination Laws	654

## 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 for stakeholders and researchers, and utilising its functionality as an online consultation tool.

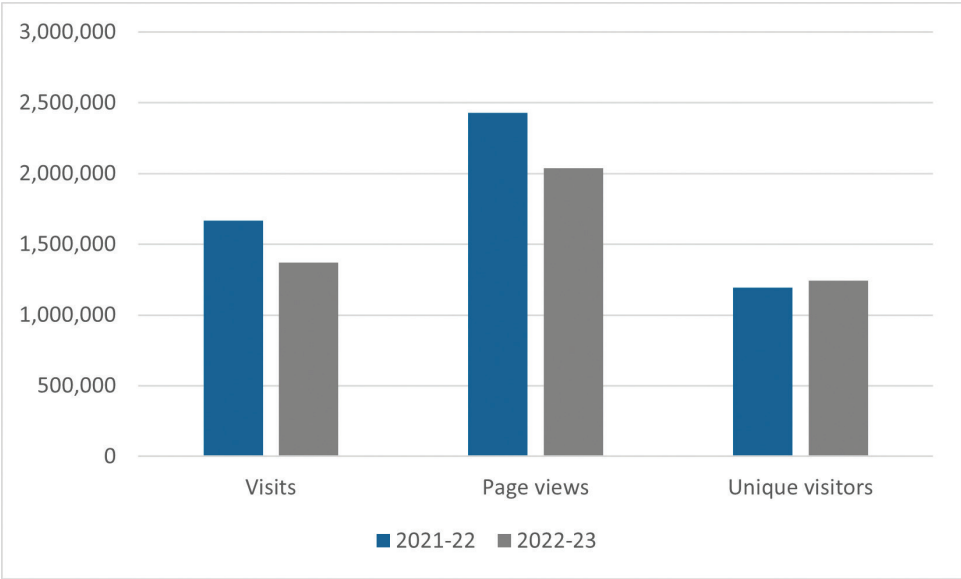
Key website metrics from Google Analytics for 2022–23 include:

- Visits: 1,372,547
- Page views: 2,039,688
- Unique visitors: 1,244,130

These metrics represent, compared to the 2021–22 reporting period, a:

- 17.7% decrease in visits;
- 16% decrease in page views; and
- 4.1% increase in unique visitors.

**Figure 1:** Comparison of website traffic: 2021–22 and 2022–23



ALRC website statistics indicate that it is not just through implementation of its recommendations that the ALRC makes a significant contribution to the discussion of laws and legal frameworks in Australia.

In 2022–23, the top four ALRC reports downloaded via the website were as follows:

- *Pathways to Justice — Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133, 2018);
- *Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper* (2023);
- *Without Fear of Favour: Judicial Impartiality and the Law on Bias* (ALRC Report 138, 2021); and
- *Recognition of Aboriginal Customary Laws* (ALRC Report 31, 1986).

Older reports are also accessed via html pages which are not included in the download report. In 2022–23, the top four ALRC reports accessed through the website were as follows:

- *Recognition of Aboriginal Customary Laws* (ALRC Report 31, 1986);
- *Essentially Yours: The Protection of Human Genetic Information in Australia* (ALRC Report 96, 2010);
- *Traditional Rights and Freedoms — Encroachments by Commonwealth Laws* (ALRC Report 129, 2016); and
- *Pathways to Justice — Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133, 2018).

The continued engagement with older reports, such as the 1986 report *Recognition of Aboriginal Customary Laws* and the 2010 report *Essentially Yours: The Protection of Human Genetic Information in Australia*, demonstrate the enduring value of the ideas, discussion and research contained in ALRC reports.

### **Launch of ALRC DataHub**

On 19 December 2022, the ALRC launched the 'DataHub' on the ALRC website. The DataHub comprises a series of webpages and 18 publicly available datasets. The DataHub offers insights into the operation of the Australian legal system and includes the first comprehensive collection of data on all Commonwealth legislation. This includes information on the more than 13,200 Acts made since 1901, along with over 87,500 legislative instruments. The DataHub brings together and analyses many sources of data. In total, well over one million webpages have, to date, been scraped by the ALRC to create the DataHub.

The DataHub reflects the ALRC's commitment to identifying, analysing, and understanding complexity in legislation and across the Australian legal system. Data provides an essential foundation for ensuring proactive identification of potential areas of law reform, and for managing and reducing legal complexity. Proactive law reform and simpler legislation can assist all Australians in understanding and complying with Commonwealth law as efficiently as possible. The DataHub should also help Australians better understand the laws that govern them.

## **ALRC Seminars**

The ALRC held two webinars in the reporting period which were attended by a total of 285 people. The recordings for all of these events are available for online viewing via the ALRC website. The events were:

Legislation Renovation: What Interim Report B Means for You	Financial Services Legislation Inquiry
Crypto Assets and Decentralised Autonomous Organisations	Financial Services Legislation Inquiry



## IMPLEMENTATION OF REPORTS AND IMPACT OF WORK

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

On 29 September 2022, the Attorney-General accepted in principle all three recommendations from *Without Fear or Favour: Judicial Impartiality and the Law on Bias* (Report 138, 2021) that were directed at the Australian Government. Additionally, four Government Bills were introduced during 2022–23 that would implement ALRC recommendations made in *Family Law for the Future: An Inquiry into the Family Law System* (ALRC Report 135, 2019), *Financial Services Legislation: Interim Report A* (ALRC Report 137, 2021), and *Financial Services Legislation: Interim Report B* (ALRC Report 139, 2022).

## SUMMARY AND ANALYSIS OF FINANCIAL PERFORMANCE

### Financial Outcomes

#### ***Operating outcome***

The 2022–23 financial statements show an operating surplus of \$268,085.

#### ***Operating revenue***

The ALRC's operating revenue of \$2,796,317, comprised of revenue from government of \$2,648,000, revenue from sale of goods (publications) of \$118,317, and other revenue (audit remuneration) of \$30,000.

#### ***Operating expenses***

The total operating expenses of \$2,528,232 in 2022–23 were \$302,962 less than 2021–22.

The ALRC's depreciation and amortisation expense increased by \$37,740.

#### ***Equity***

The ALRC's total equity is \$1,123,751. This includes contributed equity of \$364,000.

#### ***Total assets***

The ALRC's total assets decreased by \$70,791.

#### ***Total liabilities***

The ALRC's total liabilities decreased by \$353,876.

## **Entity resource statement**

The ALRC's Entity Resource Statement and Expenses for Outcomes 2022–23, which summarises the total resources available to the ALRC and the total payments made by the ALRC during 2022–23, can be found in the Financial Statements.

## **Compliance**

The ALRC has not had any significant non-compliance with financial requirements and has therefore not made any report to its Minister, the Attorney-General.

# MANAGEMENT AND ACCOUNTABILITY



# MANAGEMENT AND ACCOUNTABILITY

## CORPORATE GOVERNANCE

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

### Ministerial powers

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

The ALRC is a statutory agency under the PGPA Act and an employer subject to the *Public Service Act 1999* (Cth).

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

### Accountable Authority

The Hon Justice SC Derrington, was President of the ALRC and Accountable Authority from 9 January 2018 to 9 January 2023. From 10 January 2023 to 9 July 2023, the Hon Justice Mark Moshinsky served as Acting ALRC President and Accountable Authority. The Hon Justice Mordecai Bromberg commenced as President of the ALRC and Accountable Authority from 10 July 2023.

### Members of the Commission

Table 4 lists members of the ALRC during 2022–23 and their terms of appointment. On 30 June 2023, there were four members of the ALRC — one full-time member and three part-time members.

**Table 4: Members 2022–23**

Commissioner	Term of appointment
<b>Full-time Commissioner</b>	
The Hon Justice SC Derrington	Appointed as President 10 January 2018–9 January 2023
<b>Part-time Commissioners</b>	
Standing Part-time Commissioner	
The Hon Justice Mark Moshinsky	9 January 2023–8 January 2028
Part-time Commissioner for the Legislative Framework for Corporations and Financial Services Regulation	
The Hon Justice Craig Grierson Colvin	18 February 2021–30 November 2023
Part-time Commissioner for the Religious Educational Institutions and Anti-Discrimination Laws Inquiry	
The Hon Justice Stephen Rothman AM	3 November 2022–31 December 2023

## Remuneration

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

### Key management personnel

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission. The Commission has determined the key management personnel to be the President and the General Counsel. Key management personnel remuneration is reported in the table below.

**Table 5:** Remuneration of key management personnel 2022–23

Name	Position title	Short-term benefits			Post-employment benefits	Other long-term benefits		Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits	
DERRINGTON, Sarah	President (to 9 January 2023)	245,822	-	-	-	-	-	245,822
MOSHINSKY, Mark	Acting President (from 10 January 2023)	-	-	-	-	-	-	-
CORRIGAN, Matthew	General Counsel (to 17 March 2023)	176,649	-	3,498	23,429	3,211	-	206,787
GODWIN, Andrew	Acting General Counsel (from 14 March 2023)	47,359	-	-	7,676	345	-	55,380
<b>Total</b>		<b>469,830</b>	<b>-</b>	<b>3,498</b>	<b>31,105</b>	<b>3,556</b>	<b>-</b>	<b>507,989</b>

The ALRC has one Senior Executive Service Officer: the Acting General Counsel, who is included in the key management personnel disclosures. The ALRC has no staff falling within the categories required to be reported under subsection 17CC(4) (other highly paid staff) of the PGPA Rule.

## Policies

The Accountable Authority Policy and the ALRC Policy Register contain current ALRC policies, guidelines and procedures on a range of administrative matters. ALRC policies are reviewed and revised as required. All new and revised policies are approved by the President.

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

## Corporate planning

The ALRC Corporate Plan 2022–26 is available on the ALRC website.

## Financial management and audit

The audit of the 2022–23 financial statements was performed by the Australian National Audit Office ('ANAO'). The Auditor's opinion was that the financial statements of the ALRC were prepared in accordance with all relevant legislation and Finance Minister's Orders, and give a true and fair view of the ALRC's financial position and performance. The ANAO conducted an interim audit of the ALRC 2022–23 financial accounts and provided an interim report to the Audit and Risk Committee in June 2023.

## 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's Accountable Authority certifies that the ALRC has a *Risk Management and Fraud Control Policy*. The objective of the ALRC risk management framework is to ensure that risk management (including the identification, deterrence, detection, investigation and reporting of fraud) is regularly monitored and embedded in all business activities at the ALRC, at both an enterprise and operational level.

Risk assessments including fraud risk assessments are undertaken every two years and are an integral part of the ALRC risk management framework. Identified risks, contributing factors, and controls and mitigating practices, are included in the ALRC's Enterprise Risk Management Register and the Operational and Fraud Risk Register.

The ALRC Audit and Risk Committee is responsible for ongoing monitoring and review of the risk management framework, including the actions agreed to in the *Risk Management and Fraud Control Policy*. The President is the Fraud Control Officer and is responsible for ensuring that the appropriate processes are in place to manage the risk of fraud.

During 2022–23, the ALRC has taken all reasonable measures to minimise the incidence of fraud and has raised awareness of fraud control among employees to foster an environment that encourages employee involvement in the strategies to prevent fraud.

The ALRC has assessed that it has a low to negligible residual fraud risk profile, with an effective control environment. In accordance with Part 4 of the *Risk Management and Fraud Control Policy*, the ALRC collects any information relating to fraudulent matters and reports it to the Australian Institute of Criminology annually. No fraudulent activity was detected in 2022–23.

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

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

## Ethics

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

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

Any suspected or actual 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 section 15(3) of the *Public Service Act 1999* (Cth). During 2022–23, there were no suspected or actual breaches of the APS Code of Conduct.

The ALRC has a Public Interest Disclosure Policy in accordance with the *Public Interest Disclosure Act 2013* (Cth). This Policy is available on the ALRC website and staff server. During 2022–23, there were no public interest disclosures.

The Audit and Risk Committee annually reviews the effectiveness of the systems processes for monitoring compliance with legislation and regulations.

## Conflict of interest

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

Section 29 of the PGPA Act requires members to disclose any material personal interest in a matter under consideration by the Commission. Section 13(7) of the *Public Service Act 1999* (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, section 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 President 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 2022–23, there were no conflict of interest disclosures.

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

## Related party disclosures

Australian Accounting Standards Board ('AASB') 124 sets out the related party disclosures required by reporting entities including those producing General Government Sector financial statements.

The ALRC is committed to complying with applicable Accounting Standards and associated disclosures in the annual financial statements in compliance with AASB 124 and has developed a policy and reporting procedure that meets both the requirements of the AASB



and the Department of Finance. This policy requires that ALRC financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related party relationships and by transactions and outstanding balances, including commitments.

## Indemnity

The ALRC carries directors' liability insurance for all Commissioners of the ALRC and members of the Audit Committee.

### *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.

## AUDIT AND RISK COMMITTEE

The ALRC Audit and Risk Committee is established in compliance with section 45 of the PGPA Act and section 17 of the PGPA Rule. The objective of the Audit and Risk Committee is to provide independent advice to the President on the appropriateness of ALRC's system of risk oversight and management, its system of internal control, and its financial and performance reporting responsibilities.

The charter setting out the functions of the Audit and Risk Committee is available at: [www.alrc.gov.au/about/corporate-information/alrc-audit-and-risk-committee-charter-as-at-june2022/](http://www.alrc.gov.au/about/corporate-information/alrc-audit-and-risk-committee-charter-as-at-june2022/).

The Audit and Risk Committee is made up of three members, appointed by the President. From 1 July 2021, PGPA Rule section 17(4) requires that all of the members of the Audit and Risk Committee must be persons who are not officials of the Commission, and a majority of the members must be persons who are not officials of any Commonwealth entity, in order to strengthen the independence of the Audit and Risk Committee and broaden its membership.

The ALRC Audit and Risk Committee Work Program sets a meeting schedule and outlines the activities of the Audit and Risk Committee over the next financial year. The Audit and Risk Committee met four times in the 2022–23 financial year on 12 September and 16 September 2022, and on 21 March and 13 June 2023. On 13 March 2023, Ms Loretta Di Mento was appointed as Chair following conclusion of Ms Jennifer Clark's appointment at the end of October 2022. A representative of the ANAO is invited to attend meetings of the Audit and Risk Committee and in 2022–23 attended each Audit and Risk Committee meeting.

The details of remuneration and meeting attendance for each member of the Audit and Risk Committee during the reporting period are as follows:

**Table 6:** ALRC Audit and Risk Committee membership 2022–23

<b>Committee Member</b>	<b>Qualifications, knowledge, skills and experience</b>	<b>Number of meetings attended</b>	<b>Total annual remuneration (\$) (including GST)</b>
Jennifer Clark (Chair until October 2022)	Ms Clark has an extensive background in business, finance and governance through a career as an Investment Banker and as a Non-Executive Director. She has been the chair or member of over 20 audit, risk and finance committees in the Commonwealth and private sectors over the past 30 years. Ms Clark is a Fellow of the Australian Institute of Company Directors and has substantial experience in financial and performance reporting, audit, and risk management.	2 of 4	\$11,000
Loretta Di Mento (Chair from 13 March 2023)	Ms Di Mento is a non-executive director and advisor holding board and audit committee roles with NSW and Commonwealth government entities, and in the private sector. She is a Chartered Accountant and formerly an audit partner with EY Sydney with extensive experience in risk management, governance, finance and both internal and external auditing. Ms Di Mento is a graduate member of the Institute of Company Directors and a member of the Institute of Chartered Accountants Australia and New Zealand.	2 of 4	\$11,000
Tim Kelly (Independent Member from June 2021)	Mr Kelly is a Partner at EY and the Oceania EY Enterprise Risk leader and the leader of the EY Federal Government Internal Audit Practice with over 20 years' experience specialising in the Australian Government sector. His experience includes Internal Audit; probity; project management; program review; operational audits; performance improvement; compliance and contract management. Mr Kelly is a Certified Internal Auditor and Government Audit Professional and a Professional Member of the Institute of Internal Auditors.	4 of 4	Nil

Committee Member	Qualifications, knowledge, skills and experience	Number of meetings attended	Total annual remuneration (\$) (including GST)
Zoe Hutchinson (Independent Member from March 2022)	Ms Hutchinson is a lawyer and public servant with extensive experience advising on compliance with legal and regulatory frameworks, law reform and public policy. She heads up a team of legal policy officers at the ACT Justice and Community Safety Directorate. Ms Hutchinson holds a Bachelor of Arts and Bachelor of Laws Degree with first class honours from Macquarie University, Sydney and a Master of Laws Degree from Columbia University, New York where she was a James Kent Scholar.	4 of 4	Nil *

\*Australian public servants are not paid as committee members.

## EXTERNAL SCRUTINY AND CONTROLS

There have been no significant developments affecting the ALRC's external scrutiny in the 2022–23 financial year.

### Parliamentary scrutiny

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

The ALRC General Counsel appeared at Senate Estimates in 2022–23 and the Acting General Counsel at Budget Estimates in 2023–24.

## HUMAN RESOURCE MANAGEMENT

### Staffing

The ALRC has one office in Brisbane. On 30 June 2023, the ALRC employed 11 APS staff with a fulltime equivalent staffing level of 10 FTE. These figures do not include Commissioners. All staff are based in Brisbane, with the exception of two staff members who are based in Melbourne. The ALRC has one non-APS staff member.

**Table 7:** Staffing profile as at 30 June 2023

APS/ALRC classification	Men	Women	Full-time	Part-time	Total
EL2/PLO (\$149,082–\$158,160)	2	1	2	1	3
EL1/SLO (\$110,931–\$128,602)	1		1		1
APS 5–6/LO (\$83,402–\$105,648)		5	5		5
APS 3–4 (\$63,918–\$80,972)		2	2		2
Total	3	8	10	1	11

## Indigenous employment / internship

During the 2022–23 financial year, there were no employees who identified as Indigenous.

In 2023 the ALRC did not have the opportunity to host interns under the Aurora Project. The Internship provides participating students and graduates with an opportunity to learn and contribute to the law reform process in Australia.

## Staff retention and turnover

During 2022–23, four staff members resigned from the ALRC.

## Employment conditions

Non-SES employees engaged directly by the ALRC are covered by the ALRC Enterprise Agreement 2016–19, which was extended for three years by agreement in October 2019, subject to a determination under subsection 24(1) of the *Public Service Act 1999* (Cth) as to remuneration. The Enterprise Agreement sets out terms and conditions of employment. One employee is currently working with individual flexibility arrangements. The only non-salary benefits provided during the period were paid as a health and well-being allowance.

## Performance rewards and bonuses

The ALRC Enterprise Agreement makes provision for performance appraisal and allows for performance to be rewarded through a mixture of movement up the salary scale and one-off performance bonuses for those at the top of their pay point salary band, as summarised in Table 8.

**Table 8:** Performance rewards

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

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

During 2022–23, nil employees were awarded a performance bonus.

Further details of total remuneration expenditure in 2022–23 are provided in the financial statements.

## Staff development

The ALRC identifies and responds to the professional development needs of its employees as identified during the performance appraisal process to ensure that they are able to meet the ALRC's objectives. The ALRC also considers requests for education and training as they arise. The ALRC budgets for professional development at a whole-of-organisation level as well as for individual employees. In addition, the ALRC considers attendance at relevant conferences and professional seminars to contribute to the professional development of staff.

## 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. Four employees applied for study leave during 2022–23.

## Law student engagement

The ALRC offers students the opportunity to gain practical skills by contributing to ALRC research and report writing.

The ALRC has a clinical legal education program with the Faculty of Law at Monash University and an internship program with Melbourne Law School, the University of Melbourne. Participants contribute to current ALRC inquiries by completing a range of research tasks under the supervision of an ALRC staff member. Participants receive course credit for their work with the ALRC.

During 2022–23, fifteen students from the Faculty of Law at Monash University participated in the ALRC clinical education program and six students from Melbourne Law School at the University of Melbourne participated in the internship program. The students undertook research on topics related to the ALRC's Financial Services Legislation inquiry and the Anti-Discrimination Laws inquiry.

## 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 and the PGPA Act. As an agency expending public money, the ALRC must be accountable for its resources and expenditure.

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

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

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

### Contracting

The ALRC had no contracts in excess of \$10,000 that were exempted by the Accountable Authority from being published on AusTender because it would disclose exempt matters under the *Freedom of Information Act 1982* (Cth) ('FOI Act').

All ALRC contracts of \$100,000 or more provide for the Auditor-General to have access to the contractor's premises.

### Procurement initiatives to support small business

The ALRC supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises ('SME') and Small Enterprise participation statistics are available on the Department of Finance's website.

Due to the nature of the operations of the ALRC and its small size, the ALRC's procurement is small in scale and under the \$200,000 threshold. Much of the ALRC's procurement is either through Whole-of-Government panels or from SMEs. The ALRC's Procurement and Purchasing Policy facilitates the involvement of SMEs in procurement by:

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

## Indigenous procurement

During 2022–23, the ALRC did not contract with any Indigenous SME.

## Consultancies

Annual Reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website.

From time to time, the ALRC may engage consultants. 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.

During 2022–23, one new consultancy contract was entered into. In addition, two ongoing consultancy contracts were active during the period.

## Advertising and market research

As required under section 311A of the *Commonwealth Electoral Act 1918* (Cth), the ALRC reports that, during 2022–23, 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.

## Disability strategy

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

Disability reporting is published in the Australian Public Service Commission's State of the Service Report and the APS Statistical Bulletin. These reports are available at [apsc.gov.au](https://apsc.gov.au).

## Freedom of information

Agencies subject to the FOI Act are required to publish information to the public as part of the Information Publication Scheme. 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 Scheme is published on the ALRC website at <https://www.alrc.gov.au/about/access-information/information-publication-scheme/>

During the 2022–23 financial year, the ALRC did not receive any FOI requests.

## Legal services expenditure

As per the *Legal Services Directions 2017* (Cth), the ALRC reports that during the 2022–23 financial year the ALRC was compliant with these Directions. The ALRC had no legal expenditure for the 2022–23 financial year.

## Work health and safety

The ALRC is committed to providing and maintaining the highest degree of work health and safety for all employees and other persons who engage with the ALRC's work by aiming to prevent all injury and illness potentially caused by working conditions. The ALRC recognises



its responsibility to provide a healthy and safe workplace for employees and to provide them with easily accessible information on work health and safety matters.

The ALRC Health and Safety Management Arrangements and Work Health and Safety Policy ('WH&S Policy') provide the framework for ensuring the health, safety and welfare of all its employees. The ALRC has a commitment to consult with employees and their representatives on health and safety issues and to work together to ensure a safe work environment.

The ALRC's Workplace Discrimination, Harassment and Bullying Policy is designed to make ALRC personnel (including Commissioners, staff, contractors, consultants, and interns) aware of, among other things, what constitutes unlawful discrimination, harassment, sexual harassment, and bullying and their obligations in relation to it, along with the procedures the ALRC has in place to deal with complaints of such conduct, including provision of an external confidential reporting service. The policy is available on the ALRC's website.

Under the ALRC's Home-Based Work Policy, all staff are required to complete a Work From Home Occupational Health and Safety Checklist prior to working from a home-based office.

There were no accidents or any dangerous occurrences during the 2022–23 financial year that required giving of notice under the WH&S Act.

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

As a workplace health initiative under its Enterprise Agreement, the ALRC provides free and voluntary influenza vaccinations to staff each year. In the 2022–23 financial year, two employees took advantage of a free vaccination.

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

## Environmental performance

The ALRC maintains efficient and effective environmental office practices that comply with relevant government policy and environmental legislation.

In line with the principles of ecologically sustainable development, and in line with section 516A of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), the ALRC makes the following report for 2022–23.

### Energy efficiency

The ALRC is located in the Commonwealth Law Courts Building at Level 4, 119 North Quay, Brisbane. Motion Sensor lighting controls were installed in the public and foyer areas of the Commonwealth Law Courts and also in the ALRC office. The light switches on when someone enters a room and are dimmed or switched off after a certain amount of inactivity. This new system has improved the quality of lighting and will also reduce energy consumption which can reduce the environmental impact as well as the cost of electricity consumption. Employees are requested to turn off computers, printers and photocopiers over weekends to minimise energy use. A National Australian Built Environment Rating System (NABERS) Energy rating is not available for the Commonwealth Law Courts building.

## ***Waste and recycling***

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

## ***Water***

The ALRC office is located at the Brisbane Commonwealth Law Courts and it is not possible to rate the ALRC water usage separately. A NABERS Water Rating is not available for the Commonwealth Law Courts building.

## ***Air travel***

ALRC employees are encouraged to undertake air travel only where there is a demonstrated business need and other communication methods, such as videoconferencing, are not available or not appropriate in the circumstances.

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. ALRC employees use public transport and share vehicles as far as possible.

## ***Printing***

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

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

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

# FINANCIAL STATEMENTS





## **INDEPENDENT AUDITOR'S REPORT**

### **To the Attorney-General**

#### **Opinion**

In my opinion, the financial statements of the Australian Law Reform Commission (the Entity) for the year ended 30 June 2023:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2023 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2023 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

#### **Basis for opinion**

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### **Accountable Authority's responsibility for the financial statements**

As the Accountable Authority of the Entity, the President is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The President is also responsible for such internal control as the President determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the President is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an

administrative restructure or for any other reason. The President is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

### **Auditor's responsibilities for the audit of the financial statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Lesla Craswell  
Acting Group Executive Director

Delegate of the Auditor-General

Canberra  
28 September 2023

**Australian Law Reform Commission**  
**Financial Statements 2022-23**



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**STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER**

In my opinion, the attached financial statements for the year ended 30 June 2023 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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



Justice Mordecai Bromberg  
President  
28th day of September 2023



Dr Andrew Godwin  
Acting General Counsel and Chief Financial Officer  
28<sup>th</sup> day of September 2023



**AUSTRALIAN LAW REFORM COMMISSION**  
**STATEMENT OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2023*

	Notes	2023 \$	2022 \$	Original Budget \$
<b>NET COST OF SERVICES</b>				
<b>EXPENSES</b>				
Employee benefits	1.1A	1,775,665	2,151,659	2,129,000
Suppliers	1.1B	553,426	469,656	357,000
Finance costs	1.1C	20,640	23,656	21,000
Write-down and impairment of other assets	1.1D	529	-	-
Depreciation and amortisation	2.2A	177,972	186,223	175,000
<b>Total expenses</b>		<b>2,528,232</b>	<b>2,831,194</b>	<b>2,682,000</b>
<b>OWN-SOURCE INCOME</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	118,317	177,749	1,000
Other gains	1.2B	30,000	26,300	41,000
<b>Total own-source revenue</b>		<b>148,317</b>	<b>204,049</b>	<b>42,000</b>
<b>Total own-source income</b>		<b>148,317</b>	<b>204,049</b>	<b>42,000</b>
<b>Net (cost of)/contribution by services</b>		<b>2,379,915</b>	<b>2,627,145</b>	<b>2,640,000</b>
Revenue from Government	1.2C	2,648,000	2,625,000	2,614,000
<b>Surplus (Deficit) before income tax on continuing operations</b>		<b>268,085</b>	<b>(2,145)</b>	<b>(26,000)</b>
<b>Total comprehensive income</b>		<b>268,085</b>	<b>(2,145)</b>	<b>(26,000)</b>

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

**Budget Variance Commentary** (per the October 2022 Portfolio Budget Statements)

**Statement of Comprehensive Income**

Explanations of major variances are provided below:

Employee benefits: \$353,335 decrease in expenses, primarily due to replacement delays following staff turnover.

Suppliers: \$196,426 increase in expenses, primarily due to professional services funded under the Financial Services Legislation Review (FSLR) and travel due to increased stakeholder engagement.

Revenue from contracts: \$117,317 increase primarily due to progression of the FSLR.

**AUSTRALIAN LAW REFORM COMMISSION**  
**STATEMENT OF FINANCIAL POSITION**  
*as at 30 June 2023*

	Notes	2023 \$	2022 \$	Original Budget \$
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	2.1A	1,448,168	1,347,618	1,347,000
Trade and other receivables	2.1B	38,887	32,256	32,000
<b>Total financial assets</b>		<b>1,487,055</b>	<b>1,379,874</b>	<b>1,379,000</b>
<b>Non-financial assets</b>				
Property, plant and equipment	2.2A	914,916	1,088,405	928,000
Intangibles – software	2.2A	5,230	9,713	10,000
<b>Total non-financial assets</b>		<b>920,146</b>	<b>1,098,118</b>	<b>938,000</b>
<b>Total assets</b>		<b>2,407,201</b>	<b>2,477,992</b>	<b>2,317,000</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	2.3A	93,283	33,874	34,000
Other payables	2.3B	2,483	637	-
Unearned income	2.3C	107,981	223,526	224,000
<b>Total payables</b>		<b>203,747</b>	<b>258,037</b>	<b>258,000</b>
<b>Interest bearing liabilities</b>				
Leases	2.4A	923,450	1,072,130	923,000
<b>Total interest bearing liabilities</b>		<b>923,450</b>	<b>1,072,130</b>	<b>923,000</b>
<b>Provisions</b>				
Employee provisions	4.1A	156,253	307,159	505,000
<b>Total provisions</b>		<b>156,253</b>	<b>307,159</b>	<b>505,000</b>
<b>Total liabilities</b>		<b>1,283,450</b>	<b>1,637,326</b>	<b>1,686,000</b>
<b>Net assets</b>		<b>1,123,751</b>	<b>840,666</b>	<b>631,000</b>
<b>EQUITY</b>				
Contributed equity		364,000	349,000	364,000
Reserves		137,761	137,761	137,000
Retained surplus/(Accumulated deficit)		621,990	353,905	130,000
<b>Total parent equity interest</b>		<b>1,123,751</b>	<b>840,666</b>	<b>631,000</b>
<b>Total equity</b>		<b>1,123,751</b>	<b>840,666</b>	<b>631,000</b>

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

**Budget Variance Commentary** (per the October 2022 Portfolio Budget Statements)

**Statement of Financial Position**

Explanations of major variances are provided below:

Suppliers: \$59,283 increase primarily due to accruals.

Unearned income: \$116,019 decrease due to the utilisation of funding for the FSLR.

Employee provisions: \$348,747 decrease due to staff movements.

**AUSTRALIAN LAW REFORM COMMISSION**  
**STATEMENT OF CHANGES IN EQUITY**  
*as at 30 June 2023*

	2023 \$	2022 \$	Original Budget \$
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	349,000	334,000	349,000
Adjustment for errors	-	-	-
<b>Adjusted opening balance</b>	<b>349,000</b>	<b>334,000</b>	<b>349,000</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental Capital Budget	15,000	15,000	15,000
<b>Total transactions with owners</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>Closing balance as at 30 June</b>	<b>364,000</b>	<b>349,000</b>	<b>364,000</b>
<b>RETAINED EARNINGS</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	353,905	200,433	156,000
Adjustment for errors	-	155,616	-
<b>Adjusted opening balance</b>	<b>353,905</b>	<b>356,049</b>	<b>156,000</b>
<b>Comprehensive income</b>			
Surplus/(Deficit) for the period	268,085	(2,145)	(26,000)
<b>Total comprehensive income</b>	<b>268,085</b>	<b>(2,145)</b>	<b>(26,000)</b>
<b>Closing balance as 30 June</b>	<b>621,990</b>	<b>353,905</b>	<b>130,000</b>
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	137,761	137,761	137,000
<b>Adjusted opening balance</b>	<b>137,761</b>	<b>137,761</b>	<b>137,000</b>
<b>Comprehensive income</b>			
Other comprehensive income	-	-	-
<b>Total comprehensive income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Closing balance as 30 June</b>	<b>137,761</b>	<b>137,761</b>	<b>137,000</b>
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	840,666	827,810	642,000
<b>Adjusted opening balance</b>	<b>840,666</b>	<b>827,810</b>	<b>642,000</b>
<b>Comprehensive income</b>			
Surplus/(Deficit) for the period	268,085	(2,145)	(26,000)
Other comprehensive income	-	-	-
<b>Total comprehensive income</b>	<b>268,085</b>	<b>(2,145)</b>	<b>(26,000)</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental Capital Budget	15,000	15,000	15,000
<b>Total transactions with owners</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>Closing balance as at 30 June</b>	<b>1,123,751</b>	<b>840,666</b>	<b>631,000</b>

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

**Accounting Policy****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.

**Budget Variance Commentary** (per the October 2022 Portfolio Budget Statements)**Statement of Changes in Equity**

Explanations of major variances are as noted in the budget variance commentary in the statement of comprehensive income and statement of financial position.

**AUSTRALIAN LAW REFORM COMMISSION**  
**CASH FLOW STATEMENT**  
*for the period ended 30 June 2023*

Notes	2023 \$	2022 \$	Original Budget \$
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sale of goods and rendering of services	13,077	410,693	1,000
Appropriations	2,648,000	2,625,000	2,614,000
Net GST received	44,027	52,030	-
Other	-	-	-
<b>Total cash received</b>	<b>2,705,104</b>	<b>3,087,723</b>	<b>2,615,000</b>
<b>Cash used</b>			
Employees	1,924,724	2,042,580	2,129,000
Suppliers	525,510	525,548	316,000
Interest payments on lease liabilities	20,640	23,656	21,000
<b>Total cash used</b>	<b>2,470,874</b>	<b>2,591,784</b>	<b>2,466,000</b>
<b>Net cash from operating activities</b>	<b>234,230</b>	<b>495,939</b>	<b>149,000</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash used</b>			
Purchase of property, plant and equipment	-	5,142	15,000
<b>Total cash used</b>	<b>-</b>	<b>5,142</b>	<b>15,000</b>
<b>Net cash used by investing activities</b>	<b>-</b>	<b>(5,142)</b>	<b>(15,000)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity	15,000	15,000	15,000
<b>Total cash received</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>Cash used</b>			
Principal payments of lease liabilities	148,680	140,732	149,000
<b>Total cash used</b>	<b>148,680</b>	<b>140,732</b>	<b>149,000</b>
<b>Net cash from financing activities</b>	<b>(133,680)</b>	<b>(125,732)</b>	<b>(134,000)</b>
<b>Net increase/(decrease) in cash held</b>	<b>100,550</b>	<b>365,065</b>	<b>-</b>
Cash and cash equivalents at the beginning of the reporting period	1,347,618	982,553	1,347,000
<b>Cash and cash equivalents at the end of the reporting period</b>	<b>1,448,168</b>	<b>1,347,618</b>	<b>1,347,000</b>

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

**Budget Variance Commentary** (per the October 2022 Portfolio Budget Statements)

**Cash Flow Statement**

Explanations of major variances are as noted in the budget variance commentary in the statement of comprehensive income and statement of financial position.

## Overview

### 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 Commission supports the Attorney-General and the Australian Government to maintain and improve Australia's system of law and justice by contributing to the process of law reform.

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 Activities. 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 ALRC Act), requires that money appropriated by the Parliament be transferred to the Law Reform Special Account (refer to note 3.2).

### Basis of preparation of the financial statements

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

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosure for Tier 2 Entities under AASB 1060 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.

### New Australian Accounting Standards

#### *Adoption of New Australian Accounting Standard Requirements*

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. These amending standards have been adopted for the 2022-23 reporting period.

The following amending standards were issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period and did not have a material effect on the entity's financial statements:

Standard/Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
<i>AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates</i> (AASB 2021-2) and	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate.
<i>AASB 2021-6 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards</i> (AASB 2021-6)	AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2.  The details of the changes in accounting policies and adjustments are disclosed below and in the relevant notes to the financial statements. This amending standard is not expected to have a material impact on the entity's financial statements for the current reporting period or future reporting periods.

### Taxation

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

### Events after the reporting period

There have been no subsequent events that have the potential to significantly affect the ongoing structure and the financial activities of the Commission. The former President's term ceased on the 7th January 2023, with a new President appointed on the 10th July 2023.

**Prior Period error**

Certain comparative amounts have been reclassified to conform with the current year's reporting presentation. There has been no impact on the net operating result or net assets as a result of these adjustments, other than as noted below.

During the 2022–23 year, the Commission discovered that the leave entitlements of the previous President had been erroneously recorded in its financial statements since 2018. As a consequence, short-term employee benefits have been overstated. The errors have been corrected by restating the affected financial statements items for prior period. This resulting in the following changes to the prior period comparative financial information: decrease to short-term employee benefits of \$197,968 with a corresponding increase to retained earnings.

	Restated 2022 \$	Published 2022 \$
Employee provisions	307,159	505,127
Closing retained earnings	840,666	642,698

## Note 1: Financial Performance

This section analyses the financial performance of Australian Law Reform Commission for the year ended 30 June 2023.

### 1.1 Expenses

	2023 \$	2022 \$
<b>1.1A: Employee benefits</b>		
Wages and salaries	1,506,125	1,766,213
Superannuation		
Defined benefit plans	7,457	-
Defined contribution plans	188,461	214,656
Leave and other entitlements	73,622	170,790
<b>Total employee benefits</b>	<b>1,775,665</b>	<b>2,151,659</b>

#### Accounting Policy

Accounting policies for employee related expenses is contained in Note 4.1 – People and Relationships

### 1.1B: Suppliers

#### Goods and services supplied or rendered

Library	27,909	7,154
Professional services	219,648	247,954
Printing and office requisites	19,984	26,657
Freight and removals	3,520	1,874
Telephone and postage	5,883	9,261
Incidentals	10,087	6,379
Minor assets	14,012	22,693
Staff training	9,297	8,812
Maintenance	49,037	26,695
Accommodation	1,219	-
Travel	93,700	24,099
IT services	95,104	79,300
<b>Total goods and services supplied or rendered</b>	<b>549,400</b>	<b>460,878</b>
Goods supplied	30,489	44,573
Services rendered	518,911	416,305
<b>Total goods and services supplied or rendered</b>	<b>549,400</b>	<b>460,878</b>

#### Other suppliers

External parties		
Workers compensation expenses	4,026	8,778
<b>Total other suppliers</b>	<b>4,026</b>	<b>8,778</b>
<b>Total suppliers</b>	<b>553,426</b>	<b>469,656</b>

The Commission has no short-term lease commitments as at 30 June 2023.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 2.2 and 2.4A.

#### Accounting Policy

##### Short-term leases and leases of low-value assets

The Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The Commission recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

### 1.1C: Finance costs

Interest on lease liabilities	20,640	23,656
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#### Accounting Policy

All borrowing costs are expensed as incurred.



**1.2 Own-source revenue and gains**

	2023	2022
	\$	\$
<b>1.2A: Revenue from contracts with customers <sup>1</sup></b>	<b>118,317</b>	<b>177,749</b>

**Accounting Policy**

Revenue from the sale of goods and rendering of services is recognised when the goods and services have been provided.

**1.2B: Other revenue**

Resources received free of charge – ANAO	<b>30,000</b>	<b>26,300</b>
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**Accounting Policy****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.

**1.2C: Revenue from Government****Appropriations**

Departmental appropriations	<b>2,648,000</b>	<b>2,625,000</b>
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**Accounting Policy****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 entity gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

<sup>1</sup> This includes an amount of \$116,000 provided by the Department of the Treasury to fund activities associated with the Financial Services Legislation Review undertaken by the Commission.

## Note 2: Financial Position

This section analyses the Australian Law Reform Commission's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section

### 2.1 Financial assets

	2023	2022
	\$	\$
<b>2.1A: Cash and cash equivalents</b>		
Cash on hand or on deposit	36,731	163,179
Cash in special accounts	1,411,437	1,184,439
<b>Total cash and cash equivalents</b>	<b>1,448,168</b>	<b>1,347,618</b>

The closing balance of Cash in special accounts does not include amounts held in trust.

#### Accounting Policy

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

- 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; and
- c) cash in special accounts.

### 2.1B: Trade and other receivables

#### Goods and services receivables

Goods and services	656	526
<b>Total goods and services receivables</b>	<b>656</b>	<b>526</b>

#### Other receivables

Statutory receivables (GST)	38,760	31,730
<b>Total other receivables</b>	<b>38,760</b>	<b>31,730</b>
<b>Total trade and other receivables (gross)</b>	<b>39,416</b>	<b>32,256</b>

#### Less impairment allowance

Goods and services	(529)	-
<b>Total impairment allowance</b>	<b>(529)</b>	<b>-</b>
<b>Total trade and other receivables (net)</b>	<b>38,887</b>	<b>32,256</b>

#### Trade and other receivables (net) expected to be recovered in

No more than 12 months	38,887	32,256
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>38,887</b>	<b>32,256</b>

#### Accounting Policy

##### Receivables

Trade and other receivables that have fixed or determinable payments and that are not quoted in an active market are classified as receivables. Receivables are measured at amortised cost using the effective interest method less impairment. Trade and other receivables are assessed for impairment at the end of each reporting period. Credit terms for goods and services were within 30 days (2022: 30 days).

## 2.2A: Reconciliation of the opening and closing balances of property, plant and equipment and intangibles

	Land and buildings \$	Plant and equipment \$	Intangibles - Software \$	Total \$
<b>As at 1 July 2022</b>				
Gross book value	1,537,976	50,373	22,415	1,610,764
Accumulated depreciation	(486,774)	(13,170)	(12,702)	(512,646)
<b>Total as at 1 July 2022</b>	<b>1,051,202</b>	<b>37,203</b>	<b>9,713</b>	<b>1,098,118</b>
<b>Additions</b>				
Purchase	-	-	-	-
Depreciation and amortisation	(8,816)	(5,571)	(4,483)	(18,870)
Depreciation on right-of-use assets	(159,102)	-	-	(159,102)
<b>Total as at 30 June 2023</b>	<b>883,284</b>	<b>31,632</b>	<b>5,230</b>	<b>920,146</b>
<b>Total as at 30 June 2023 represented by</b>				
Gross book value	1,537,976	50,373	22,415	1,610,764
Accumulated depreciation and impairment	(654,692)	(18,741)	(17,185)	(690,618)
<b>Total as at 30 June 2023</b>	<b>883,284</b>	<b>31,632</b>	<b>5,230</b>	<b>920,146</b>
<b>Carrying amount of right-of-use assets</b>	<b>835,287</b>	<b>-</b>	<b>-</b>	<b>835,287</b>

Plant and equipment are not expected to be disposed of within the next 12 months.

### Revaluations of non-financial assets

#### Land and buildings

All revaluations were undertaken in accordance with the revaluation policy stated below. In 2023, there was a nil decrement (2023: nil decrement) for leasehold improvements that was debited to the asset revaluation surplus by asset class and included in the equity section of the statement of financial position.

#### Plant and equipment

All revaluations were undertaken in accordance with the revaluation policy stated below. In 2023 there was a nil increment (2022: nil increment) for plant and equipment that was credited against the asset revaluation surplus by asset class and included in the equity section of the statement of financial position.

No indicators of impairment were found for land and buildings, plant and equipment and intangibles – software.

### Accounting Policy

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

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

#### Asset Recognition Threshold

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

#### Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

On initial adoption of AASB 16 the Commission has adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

#### Revaluations

Following initial recognition at cost, plant and equipment (excluding ROU assets) are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not 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 are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

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

**Depreciation**

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

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

Depreciation rates applying at present are 3–10 years.

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

**Intangibles**

The Commission's intangibles comprise internally developed software and purchased software for internal use which cost more than \$20,000. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Commission's intangibles are 3 to 5 years.

All software assets were assessed for indications of impairment at 30 June 2023.

## 2.3 Payables

	2023 \$	2022 \$
<b>2.3A: Suppliers</b>		
Trade creditors and accruals	93,283	33,874
<b>Total suppliers</b>	<b>93,283</b>	<b>33,874</b>
Settlement is usually made net 30 days.		
<b>2.3B: Other payables</b>	<b>2,483</b>	<b>637</b>
<b>Total other payables</b>	<b>-</b>	<b>-</b>
<b>2.3C: Unearned income <sup>1</sup></b>	<b>107,981</b>	<b>223,526</b>

<sup>1</sup> This balance represents the undrawn funding provided by the Department of the Treasury to fund activities associated with the Financial Services Legislation Review being undertaken by the Commission.

## 2.4 Interest bearing liabilities

<b>2.4A: Leases</b>		
Lease liabilities	923,450	1,072,130
Total cash outflow for leases for the year ended 30 June 2023 was \$169,320 (2022: \$164,388).		
<b>Maturity analysis - contractual undiscounted cash flows</b>		
Within 1 year	174,399	169,320
Between 1 to 5 years	800,943	729,622
More than 5 years	-	245,720
<b>Total leases</b>	<b>975,342</b>	<b>1,144,662</b>

The Commission in its capacity as lessee has the following significant leasing arrangement: part of Level 4, 119 North Quay, Brisbane.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C and 2.2.

### Accounting Policy

For all new contracts entered into, the Commission considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

## Note 3: Funding

This section identifies the Australian Law Reform Commission's funding structure.

### 3.1 Appropriations

#### 3.1A: Annual appropriations ('recoverable GST exclusive')

##### Annual appropriations for 2023

	Annual appropriation	Adjustments to appropriation <sup>1</sup>	Total appropriation	Appropriation applied in 2023 (current and prior years)	Variance <sup>2</sup>
	\$	\$	\$	\$	\$
<b>DEPARTMENTAL</b>					
Ordinary annual services	2,648,000	-	2,648,000	2,648,000	-
Capital budget <sup>3</sup>	15,000	-	15,000	15,000	-
<b>Total departmental</b>	<b>2,663,000</b>	<b>-</b>	<b>2,663,000</b>	<b>2,663,000</b>	<b>-</b>

1. No amount was received from the PGPA Act Section 74 receipts.

2. In 2022–23, there was no variance.

3. Departmental Capital Budgets are appropriated through Appropriation Act (No. 1). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

##### Annual appropriations for 2022

	Annual appropriation	Adjustments to appropriation <sup>1</sup>	Total appropriation	Appropriation applied in 2022 (current and prior years)	Variance <sup>2</sup>
	\$	\$	\$	\$	\$
<b>DEPARTMENTAL</b>					
Ordinary annual services	2,625,000	-	2,625,000	2,625,000	-
Capital budget <sup>3</sup>	15,000	-	15,000	15,000	-
<b>Total departmental</b>	<b>2,640,000</b>	<b>-</b>	<b>2,640,000</b>	<b>2,640,000</b>	<b>-</b>

1. No amount was received from the PGPA Act Section 74 receipts.

2. In 2021–22, there was no variance.

3. Departmental Capital Budgets are appropriated through Appropriation Act (No. 1). They form part of ordinary annual services, and are not separately identified in the Appropriation Act.

#### 3.1B: Unspent annual appropriations ('recoverable GST exclusive')

	2023 \$	2022 \$
<b>Departmental</b>		
2022-23 Appropriation Act 1	-	-
2022-23 Appropriation Act 1 - Departmental Capital Budget (DCB)	-	-
<b>Total departmental</b>	<b>-</b>	<b>-</b>

### 3.2 Special accounts

	Law Reform Special Account (Departmental)	
	2023	2022
	\$	\$
<b>Balance brought forward from previous period</b>	<b>1,347,618</b>	<b>982,553</b>
<b>Increases</b>		
Appropriation credited to special account	2,663,000	2,640,000
Other receipts	57,104	462,723
<b>Total increases</b>	<b>2,720,104</b>	<b>3,102,723</b>
<b>Available for payments</b>	<b>4,067,722</b>	<b>4,085,276</b>
<b>Decreases</b>		
Payments made to suppliers	(694,830)	(695,078)
Payments made to employees	(1,924,724)	(2,042,580)
<b>Total decreases</b>	<b>(2,619,554)</b>	<b>(2,737,658)</b>
<b>Total balance carried to the next period</b>	<b>1,448,168</b>	<b>1,347,618</b>
<b>Balance represented by:</b>		
Cash held in Commission bank accounts	36,731	163,179
Cash held in the Official Public Account	1,411,437	1,184,439
<b>Total balance carried to the next period</b>	<b>1,448,168</b>	<b>1,347,618</b>

1. Appropriation: *Public Governance, Performance and Accountability Act 2013* section 80; Establishing Instrument: *Australian Law Reform Commission Act 1996*, section 45.

2. 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 the *Australian Law Reform Commission Act 1996*;
- (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.

## Note 4: People and Relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

### 4.1 Employee provisions

	2023 \$	2022 \$
<b>4.1A: Employee provisions</b>		
Leave	156,253	307,159
<b>Total employee provisions</b>	<b>156,253</b>	<b>307,159</b>
<b>Employee provisions expected to be settled</b>		
No more than 12 months	117,802	265,078
More than 12 months	38,451	42,081
<b>Total employee provisions</b>	<b>156,253</b>	<b>307,159</b>

#### Accounting Policy

Liabilities for 'short-term' employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

#### Leave

The liability for employee benefits includes provision for annual leave and long service leave.

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

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

#### Separation

Provision is made for separation and redundancy benefit payments. The Commission recognises a provision for termination 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 staff are members of the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government.

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

The Commission makes employer contributions to the employees' defined benefit 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 2023 represents outstanding contributions for the final fortnight of the year.

#### Accounting judgements and estimates

The employee benefits provisions have been estimated in accordance with AASB 119 *Employee Benefits* and reflect the expected value of those benefits.



## 4.2 Key management personnel remuneration

Key Management Personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission, directly or indirectly, including any director (whether executive or otherwise) of the Commission. The Commission has determined the Key Management Personnel to be the Attorney-General, President and General Counsel.

Key Management Personnel remuneration is reported in the table below.

	2023 \$	2022 \$
<b>Short-term employee benefits</b>		
Salary	469,830	711,439
Other	3,498	450
<b>Total short-term employee benefits</b>	<b>473,328</b>	<b>711,889</b>
<b>Post-employment benefits - superannuation</b>	<b>31,105</b>	<b>30,429</b>
<b>Other long-term employee benefits</b>		
Long service leave	3,556	19,499
<b>Total other long-term employee benefits</b>	<b>3,556</b>	<b>19,499</b>
<b>Total key management personnel remuneration expenses <sup>1</sup></b>	<b>507,989</b>	<b>761,817</b>

The total number of key management personnel that are included in the above table are 3 (2022: 2).

<sup>1</sup> The above key management personnel remuneration excludes the remuneration and other benefits of the Attorney-General whose remuneration and other benefits are set by the Remuneration Tribunal and are not paid by this Commission.

## 4.3 Related party disclosures

### Related party relationships:

The Commission is an Australian Government controlled entity. Related parties to the Commission are key management personnel, Commissioners and other Australian Government entities.

### Transactions with related parties:

Given the breadth of government activities, related parties may transact with the government sector in the same capacity as ordinary citizens.

Transactions with related parties of the Commission have occurred within normal customer or supplier relationship on terms and conditions no more favourable than those which it is reasonable to expect the Commission would have entered into on an arm's-length basis. These transactions have not been separately disclosed.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the Commission, it has been determined that there are no related party transactions to be separately disclosed.

## Note 5: Managing Uncertainties

This section analyses how the Australian Law Reform Commission manages financial risks within its operating environment.

### 5.1 Financial instruments

	2023 \$	2022 \$
<b>5.1A: Categories of financial instruments</b>		
<b>Financial assets at amortised cost</b>		
Cash and cash equivalents	1,448,168	1,347,618
Trade receivables (net)	127	526
<b>Total financial assets at amortised cost</b>	<b>1,448,295</b>	<b>1,348,144</b>
<b>Total financial assets</b>	<b>1,448,295</b>	<b>1,348,144</b>
<b>Financial liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Trade creditors	93,283	33,874
Unearned income	107,981	223,526
<b>Total financial liabilities measured at amortised cost</b>	<b>201,264</b>	<b>257,400</b>
<b>Total financial liabilities</b>	<b>201,264</b>	<b>257,400</b>

A net loss of \$529 was recognised on financial assets in 2022–23 (2022: nil). There have been no net gains or losses on financial liabilities in 2022–23 (2022: nil).

No financial assets have been reclassified in 2022–23 (2022: nil).

## Accounting Policy

### Financial assets

In accordance with AASB 9 *Financial Instruments*, the entity classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

### Financial assets at amortised cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

### Effective interest method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

### Financial assets at fair value through other comprehensive income (FVOCI)

Financial assets measured at fair value through other comprehensive income are held with the objective of both collecting contractual cash flows and selling the financial assets and the cash flows meet the SPPI test.

Any gains or losses as a result of fair value measurement or the recognition of an impairment loss allowance is recognised in other comprehensive income.

### Impairment of financial assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

### 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'.

### Financial liabilities at amortised cost

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

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).

## 5.2 Fair value measurement

### Accounting Policy

The Commission tests the procedures of the valuation model as an asset materiality review at least once every 12 months (with a formal revaluation undertaken once every three years). If a particular asset class experiences significant and volatile changes in fair value (i.e. where indicators suggest that the value of the class has changed materially since the previous reporting period), that class is subject to specific valuation in the reporting period, where practicable, regardless of the timing of the last specific valuation.

### 5.2A Financial Instruments

	Fair value measurements at the end of the reporting period	
	2023	2022
	\$	\$
<b>Non-financial assets</b>		
Property, plant and equipment	79,629	94,015
<b>Total</b>	<b>79,629</b>	<b>94,015</b>

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

No non-financial assets were measured at fair value on a non-recurring basis as at 30 June 2023 (2022: nil).

The last formal fair valuation was completed in June 2021.

There were no transfers between levels during the year.

The remaining assets and liabilities reported by the Commission are not measured at fair value in the Statement of Financial Position.

## Note 6: Other information

### 6.1 Current/non-current distinction for assets and liabilities

	2023 \$	2022 \$
<b>6.1A: Current/non-current distinction for assets and liabilities</b>		
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	1,448,168	1,347,618
Trade and other receivables	38,887	32,256
<b>Total no more than 12 months</b>	<b>1,487,055</b>	<b>1,379,874</b>
<b>More than 12 months</b>		
Land and buildings	883,284	1,051,202
Plant and equipment	31,632	37,203
Intangibles – software	5,230	9,713
<b>Total more than 12 months</b>	<b>920,146</b>	<b>1,098,118</b>
<b>Total assets</b>	<b>2,407,201</b>	<b>2,477,992</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	93,283	33,874
Other payables	2,483	637
Unearned income	107,981	223,526
Leases	156,945	148,680
Employee provisions	117,802	265,078
<b>Total no more than 12 months</b>	<b>478,494</b>	<b>671,795</b>
<b>More than 12 months</b>		
Leases	766,505	923,450
Employee provisions	38,451	42,081
<b>Total more than 12 months</b>	<b>804,956</b>	<b>965,531</b>
<b>Total liabilities</b>	<b>1,283,450</b>	<b>1,637,326</b>

# ENTITY RESOURCE STATEMENT AND EXPENSES FOR OUTCOMES 2022–23

## Entity Resource Statement 2022–23

	Actual available appropriation for 2022–23* (a)	Payments made 2022–23 (b)	Balance remaining 2022–23 (a) – (b)
	\$'000	\$'000	\$'000
<b>Departmental</b>			
Annual appropriations – ordinary annual services <sup>6,7</sup>	2,629	2,663	(34)
Annual appropriations – other services – non-operating	-	-	-
<b>Total departmental annual appropriations</b>	<b>2,629</b>	<b>2,663</b>	<b>(34)</b>
Departmental special appropriations	-	-	-
<b>Total special appropriations</b>	<b>-</b>	<b>-</b>	<b>-</b>
Special accounts	3,691	2,620	1,071
<b>Total special accounts</b>	<b>3,691</b>	<b>2,620</b>	<b>1,071</b>
<i>less departmental appropriations drawn from annual/special appropriations and credited to special accounts</i>	<i>(2,629)</i>	<i>(2,663)</i>	<i>34</i>
<b>Total resourcing and payments</b>	<b>3,691</b>	<b>2,620</b>	<b>1,071</b>

\* Full year budget, including any subsequent adjustment made to the 2022–23 October Budget.

6 Supply Act (No. 1) 2022–23 and Supply Act (No. 3) 2022–23.

7 Departmental capital budgets are not separately identified in Supply Bill (No. 1 and 3) and form part of ordinary annual services items. For accounting purposes, this amount has been designated as a 'contribution by owner'.

# Expenses for Outcome 1

Outcome 1:	Budget*	Actual expenses	Variation
Informed government decisions about the development, reform and harmonisation of Australian laws and related processes through research, analysis, reports and community consultation and education	2022–23	2022–23	2022–23
	\$'000	\$'000	\$'000
	(a)	(b)	(a) – (b)
<b>Program 1.1:</b> Conducting inquiries into aspects of Australian laws and related processes for the purposes of law reform.			
Departmental expenses			
Special Accounts	2,625	2,319	306
Expenses not requiring appropriation in the Budget year <sup>8</sup>	57	209	(152)
<b>Total for expenses for Outcome 1</b>	<b>2,682</b>	<b>2,528</b>	<b>154</b>
	2022–23	2022–23	
<b>Average Staffing Level</b>	10	13	

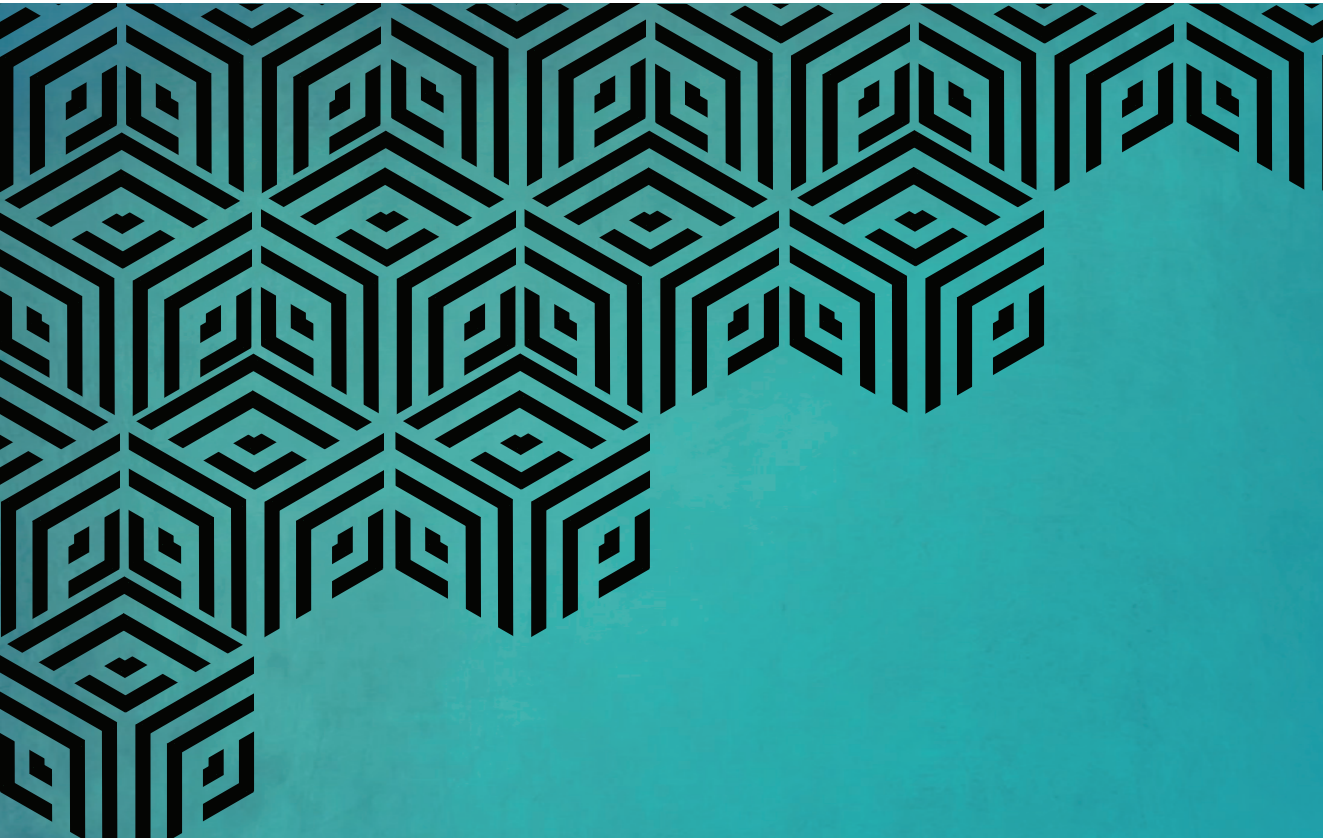
\* Full year budget, including any subsequent adjustment made to the 2022–23 October Budget.

8 Expenses not requiring appropriation in the Budget year are made up of depreciation expenses, amortisation expenses and audit fees.





# GLOSSARY AND INDEXES



## GLOSSARY

AASB	Australian Accounting Standards Board
AC	Companion of the Order of Australia
ALRC	Australian Law Reform Commission
ALRC Act	<i>Australian Law Reform Commission Act 1996 (Cth)</i>
ANAO	Australian National Audit Office
ANU	Australian National University
APS	Australian Public Service
ASIC	Australian Securities and Investments Commission
CAG	Council of Attorneys-General
CMG	Companion of the Order of St Michael and St George
Criminal Code	<i>Schedule to the Criminal Code Act 1995 (Cth)</i>
CPR	Commonwealth Procurement Rules
Cth	Commonwealth of Australia
DP	Discussion Paper
EL	Executive Level
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1982 (Cth)</i>
FTE	Full-Time Equivalent
KC	King's Counsel
KPI	Key Performance Indicator
LO	Legal Officer
MP	Member of Parliament
NABERS	National Australian Built Environment Rating System
PDF	Portable Document Format
PGPA Act	Public Governance, Performance and Accountability Act
2013 (Cth)	<i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>
PGPA Financial Reporting Rule	<i>Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (Cth)</i>
PGPA Rule	<i>Public Governance, Performance and Accountability Rule 2014 (Cth)</i>
PLO	Principal Legal Officer

RMFCP	Risk Management and Fraud Control Policy
SES	Senior Executive Service
SLO	Senior Legal Officer
SME	Small and Medium Enterprises
UNSW	University of New South Wales
WH&S	Work Health and Safety

## LIST OF REQUIREMENTS

PGPA Rule Reference	Part of Report	Description	Requirement
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	iii	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	iv	Table of contents (print only).	Mandatory
17AJ(b)	84	Alphabetical index (print only).	Mandatory
17AJ(c)	74	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	76	List of requirements.	Mandatory
17AJ(e)	ii	Details of contact officer.	Mandatory
17AJ(f)	ii	Entity's website address.	Mandatory
17AJ(g)	ii	Electronic address of report.	Mandatory
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	2	A review by the accountable authority of the entity.	Mandatory
<b>17AD(b)</b>	<b>Overview of the entity</b>		
17AE(1)(a)(i)	6	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	6	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	16	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	16	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	28	Name of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(ii)	28	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	28	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory

<b>PGPA Rule Reference</b>	<b>Part of Report</b>	<b>Description</b>	<b>Requirement</b>
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments mandatory
17AE(2)	N/A	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory
<b>17AD(c)</b>	<b>Report on the Performance of the entity</b>		
	<b><i>Annual performance Statements</i></b>		
17AD(c)(i); 16F	16	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
<b>17AD(c)(ii)</b>	<b><i>Report on Financial Performance</i></b>		
17AF(1)(a)	25	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	70–71	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	N/A	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.
<b>17AD(d)</b>	<b>Management and Accountability</b>		
	<b><i>Corporate Governance</i></b>		
17AG(2)(a)	31	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	iii	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(2)(b)(ii)	iii	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	iii	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	28	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d)–(e)	N/A	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to noncompliance with Finance law and action taken to remedy noncompliance.	If applicable, Mandatory
<b>Audit Committee</b>			
17AG(2A)(a)	33	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	34–35	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	34–35	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	34–35	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	34–35	The remuneration of each member of the entity's audit committee.	Mandatory
<b>External Scrutiny</b>			
17AG(3)	36	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	N/A	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(3)(b)	N/A	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	N/A	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
<b>Management of Human Resources</b>			
17AG(4)(a)	38	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	36	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following:  (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender (d) statistics on staff location	Mandatory
17AG(4)(b)	36	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:  <ul style="list-style-type: none"> <li>Statistics on staffing classification level;</li> <li>Statistics on full-time employees;</li> <li>Statistics on part-time employees;</li> <li>Statistics on gender;</li> <li>Statistics on staff location;</li> <li>Statistics on employees who identify as Indigenous.</li> </ul>	Mandatory
17AG(4)(c)	37	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	37	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	36	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	37	A description of non-salary benefits provided to employees.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(4)(d)(i)	37	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	37	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	37	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	37	Information on aggregate amount of performance payments.	If applicable, Mandatory
<b>Assets Management</b>			
17AG(5)	N/A	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory
<b>Purchasing</b>			
17AG(6)	39	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	N/A	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	40	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]</i> ”.	Mandatory



PGPA Rule Reference	Part of Report	Description	Requirement
17AG(7)(c)	40	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	40	A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	Mandatory
	<b>Reportable non-consultancy contracts</b>		
17AG(7A)(a)	39	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7A)(b)	39	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory
<b>17AD(daa)</b>	<b>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>		
17AGA	N/A	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
	<b>Australian National Audit Office Access Clauses</b>		
17AG(8)	N/A	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory
	<b>Exempt contracts</b>		
17AG(9)	N/A	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
	<b>Small business</b>		
17AG(10)(a)	39	A statement that "[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website."	Mandatory
17AG(10)(b)	39	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	N/A	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that "[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website."	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
	<b>Financial Statements</b>		
17AD(e)	43	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
	<b>Executive Remuneration</b>		
17AD(da)	30	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 23 of the Rule.	Mandatory
<b>17AD(f)</b>	<b>Other Mandatory Information</b>		
17AH(1)(a)(i)	N/A	If the entity conducted advertising campaigns, a statement that <i>"During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website."</i>	If applicable, Mandatory
17AH(1)(a)(ii)	40	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	N/A	A statement that <i>"Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]."</i>	If applicable, Mandatory
17AH(1)(c)	40	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	40	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	N/A	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)	39	Information required by other legislation	Mandatory

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