

# 2013 Year In Review

## & AustLII Foundation Limited Annual Report



Australasian Legal Information Institute

[www.austlii.edu.au](http://www.austlii.edu.au)

Australia's largest provider of online free-access legal materials

AustLII is a joint facility of UTS and UNSW Faculties of Law



## 2013 AT A GLANCE

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### SUCCESSFUL COMPLETION OF THE AUSTRALASIAN LEGAL HISTORY PROJECT

In 2013, the ARC funded Australasian Legal History Project was completed. This involved the addition of over 30 new databases. Australian historical legislation and case law dating back to the founding of each colony can now be accessed online.

Bills and Explanatory Memoranda from the Commonwealth, New South Wales and Victoria have also been added. AustLII now contains the most comprehensive collection of Australian legislation and case law from the founding of the various colonies until at least 1950 and sometimes completely up to date.

All High Court judgments to 1951 can now be downloaded and printed as PDF facsimiles from the Commonwealth Law Reports. Similarly, the authorised law report series of each State (except Queensland) to 1950 are now available. Some of the guests of honour at the various launches of these databases included: Chief Justice Bathurst (New South Wales), Chief Justice Kourakis (South Australia), Chief Justice Martin (Western Australia) and Chief Justice Blow (Tasmania).

A positive outcome of the history project is that it has led to a renewed interest in the digitisation of specialised historical legal documents. For example, as a result of a collaboration between AustLII and coal industry stakeholders, AustLII has digitised and published the decisions made by the Coal Industry Tribunal during its existence from 1947 to 1995. Paper copies of these decisions are extremely rare. By combining volumes obtained from the CFMEU Mining Division, members of the NSW Minerals Council and, for some decisions, the only existing master copy from the Fair Work

Commission, AustLII was able to scan and make available the complete set of decisions of this important historical tribunal.

### INFRASTRUCTURE ENHANCEMENTS

During 2013, AustLII acquired significant new computing and other infrastructure. This included specialised equipment to enable the digitisation of legal resources held as paper records. In particular, AustLII is now resourced to make digital copies of rare and valuable legal texts in an automated and safe way. The system uses air to fan and gently turn the pages of the book yet is still able to produce a high quality digital scan at a rate of over 1,200 pages per hour.

A major advance in AustLII's ability to deliver a high speed reliable service to its user base was achieved when a direct connection to AARNET became operational. This means that AustLII's servers are now directly connected to the main national research internet backbone rather than through intermediary connections made via our host universities.

### TWO NEW MAJOR ARC RESEARCH GRANTS

AustLII was successful in securing a three-year Australian Research Council (ARC) Industry Linkage grant with partners including the High Court of Australia, the Family Court of Australia, and the Federal Circuit Court of Australia. The purpose of the project is to research the concepts of authority and integrity of primary legal sources in the context of free online access.

AustLII also received an ARC Linkage Infrastructure, Equipment and Facilities (LIEF) grant of \$284,000 with an addition of \$395,000 from industry partners to enhance WorldLII's International Law Library.



#### **Australasian Legal Information Institute (AustLII)**

##### **AustLII Research Centre**

A joint facility of UTS and UNSW Faculties of Law

##### **AustLII Foundation Limited**

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# AUSTRALASIAN LEGAL INFORMATION INSTITUTE

## 2013 YEAR IN REVIEW

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## AUSTLII FOUNDATION LTD CHAIR'S REPORT

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2013 has been a very productive year for the Foundation. It has seen a very significant increase in the historical depth and coverage of AustLII's collections as a result of the rapid development of the Australasian Legal History Library. As a consequence, AustLII is now a major resource for the study of Australian history, in addition to being Australia's most popular source of contemporary legal information. Moreover, the current ARC funded "Authority and Integrity" of legal materials project can only enhance the value and usefulness of AustLII's legal electronic library services in the next few years

The Foundation's financial situation has continued to be satisfactory in the sense that the investment returns of our accumulated surplus have continued to allow the Foundation to record a small operating surplus. While this is sustainable in the short term, for the Foundation to flourish and improve its contribution to the community, the Foundation will need to grow its sources of funding. The Board is actively considering a number of options to increase the sustainability of the funding needed for its operations. As the twentieth anniversary of AustLII in 2015 approaches, the Board will look to implement a range of strategies targeting those options.

The Board is grateful for the support received from federal and state government departments and agencies and regulators. It trusts that the governments of Australia will continue to fully recognise the value of the services the AustLII Foundation provides to the Australian community. These services involve facilitating access to justice as well as providing a resource that all government departments and agencies can and do use freely and efficiently.

The Board and all AustLII users owe a particular debt of appreciation to those who contribute to the continued maintenance of the AustLII service – from the legal profession, from general business and industry; from courts and tribunals; and from individuals and the community at large.

The Board is particularly pleased to acknowledge the very high levels of support the Foundation has received during the year from the two member universities, the University of Technology, Sydney and the University of New South Wales, as well as most other Australian university law schools.

The Board is also very pleased to report that during 2013 the management and staff of AustLII have continued to improve both the quality and timeliness of AustLII's services and quantity of accessible legal materials. Moreover the very successful implementation of a Intern Scheme has materially improved AustLII's capacity to explore a number of areas, initiatives and opportunities that would otherwise have been "out of reach" as well as contributing materially to the careers of a number of bright commencing professionals.

In 2013 the Board bid a fond farewell to Roger Allsep, who stepped down as Company Secretary, having served with distinction since 2009. We thank him for his wise counsel during the establishment and early years of the Foundation. Giovanni Crasto, the Foundation's Finance and Administration Manager, has taken his place as Company Secretary.

Early in 2014 the Board and staff of AustLII were delighted to learn that Board member Tim Bugg had been appointed a Member of the Order of Australia (AM) in the Australia Day Honours – a well-deserved recognition of his significant ongoing contribution to the Australian legal profession and to its capacity to serve the public interest.

On a personal note, I am very happy to report that AustLII's program of research and related seminars has provided both intellectual stimulation and renewed enthusiasm for meeting the challenges in providing free, forward-looking, and very effective electronic legal library services for the whole Australian community.

*Dr Jeff FitzGerald (Chair, AustLII Foundation Limited)*

## AUSTLII CO-DIRECTORS' REPORT

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2013 has been a significant year for AustLII with completion of, or progress on, key projects. We also received two new major grants from the Australian Research Council (ARC).

The Australasian Legal History Library was a 2013 highlight. This project has led to a major enhancement of the depth of legal coverage that AustLII provides. This has been of benefit to AustLII's traditional users but has also extended interest in AustLII to a wider audience such as historians and social scientists.

We have commenced the development and expansion of our Legal Scholarship resources as part of an ARC funded Linkage Infrastructure Equipment Fund (LIEF) project. AustLII already has the largest online collection of Australian law journals and other forms of legal scholarship, with over 55,000 searchable items. This project will continue into 2014 to further expand its content, and enhance the facilities for users.

The AustLII Research Centre was successful in applying for an ARC Industry Linkage grant to explore new ways in which primary legal materials (case law, legislation and treaties) can be delivered online in such a way as to ensure their authority (designation as an 'official' version, with consequences including admissibility in court) and integrity (demonstrability that they are unchanged from the version provided by the official source). Both legislation and rules of particular courts affect these issues, usually by legal presumptions concerning when copies are authoritative or authentic. The two issues intersect: provisions and procedures which make copies authoritative also provide means of demonstrating they are authentic. Our industry partners in this project include the High Court of Australia, the Family Court of Australia, the Federal Circuit Court, the Supreme Court Library of Victoria, the

Department of Foreign Affairs and Trade, the Office of the Queensland Parliamentary Counsel and the Office of the Chief Parliamentary Counsel of Victoria.

AustLII's international project work continued in 2013 with major collaborations with the Pacific Islands Legal Information Institute (PacLII) and the Southern African Legal Information Institute (SAFLII). We were also successful in obtaining a new ARC LIEF grant to redevelop and extend the International Law Library on WorldLII.

AustLII Foundation Ltd had another successful year with contributions from over 230 organisations and individuals. We are very grateful to everyone who has continued to provide support and welcome new contributors.

AustLII is also grateful to its data providers, partner universities and other partner organisations and investigators involved in AustLII's various research and research infrastructure projects.

We would like to thank our Law Deans (Prof David Dixon and Prof Lesley Hitchens), the Chair of the Foundation, Dr Jeff FitzGerald, and the members of the Foundation Board and the AustLII Research Centre Management Committee for their work and support in 2013.

As always, we are very grateful to our small team of staff. For the first time in 2013, this has included a number of interns and volunteers from our host universities. The success of AustLII relies upon the hard work and on-going commitment of everyone involved.

*Andrew Mowbray, Philip Chung and Graham Greenleaf (Co-Directors, AustLII)*

## ABOUT AUSTLII

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The Australasian Legal Information Institute (AustLII) was founded in 1995. It is the largest free-access provider of online Australian legal materials, a founding member of the Free Access to Law Movement, and one of the largest providers of world-wide free-access legal content. AustLII collaborates with other free access LIIs around the world to operate three international multi-LII systems for legal information: Asian Legal Information Institute (AsianLII); Commonwealth Legal Information Institute (CommonLII); World Legal Information Institute (WorldLII); as well as developing the LawCite international citator with the same group of collaborators. In addition, AustLII jointly operates the New Zealand Legal Information Institute (NZLII) and the LII of India, in cooperation with local partners in those countries.

AustLII comprises the AustLII Research Centre and the AustLII Foundation Limited, a not-for-profit company limited by guarantee operating as a charity. The Foundation raises donations to operate and maintain AustLII's Australian infrastructure and services. The AustLII Research Centre conducts research and is responsible for AustLII's international collaborations including AsianLII, CommonLII and WorldLII.

AustLII is part of the international Free Access to Law Movement and adheres to the following principles:

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximising access to this information promotes justice and the rule of law;
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;
- Organisations such as legal information institutes have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.

The **AustLII Foundation Limited's** objects are to:

- Be a not for profit entity to promote the sound administration and development of the law by:
  - Promoting and supporting free and effective access to public legal information in Australia by means of an electronic public library;
  - Providing, and supporting the provision by its members of, free anonymous public access in Australia to a searchable and regularly updated comprehensive and reliable internet-based electronic public library of Australian public legal materials;
- Maintain systems, programmes and databases for the effective handling of an electronic public library of information and related policy development, collaborate with other researchers and providers of such information, and develop, implement and disseminate improvements and associated technical assistance and advice;
- Advance legal education by promoting and encouraging research in the field of legal information systems and dissemination of the useful results thereof; and
- Do all other things as may be incidental or ancillary to the attainment of these objects.

The AustLII Research Centre's mission is to be a centre of excellence in the development of legal information systems through research, the operation of public free access legal research facilities, and education in legal research techniques and infrastructure. In doing so, AustLII will

advance the public interest in free access to public legal information within Australia and internationally.

By pursuing its mission, the AustLII Research Centre advances the missions of each our Law Faculties to be recognised as national leaders in research, research infrastructure provision and legal education; to contribute to broader community objectives; and to be recognised as Law Faculties of international standing with a major commitment to engagement in international legal affairs of significance to Australia.

The **AustLII Research Centre** aims to achieve its mission by pursuit of the following objectives:

1. Research and development
  - To conduct international standard research in technologies for developing legal information systems, and in the development of standards necessary to make such technologies operational.
  - To develop AustLII's own tools for building legal information systems wherever appropriate, so as to maintain AustLII's public access facilities as innovative examples of international standard systems.
  - Where consistent with AustLII's other objectives, to provide innovations developed by AustLII as open source software and standards to enable their use by others.
2. Public policy
  - Through our advocacy and example, to achieve and defend free public access via the Internet to public legal information in Australia.
  - Through our advocacy and example, our assistance to others by making available AustLII's expertise and software, and our collaborations with other parties, to assist others internationally to achieve free public access via the Internet to public legal information from all countries.
  - To uphold the Declaration on Free Access to Law adopted by AustLII and other Legal Information Institute in Montreal in 2002.
3. Public access law facilities
  - To build cost-effective free access public facilities for access to law by maximising the automated conversion and processing of legal information and minimising the necessity for hand editing.
  - To provide on AustLII's Australasian service (the 'AustLII' website) a comprehensive collection of the most important databases of Australian public legal information (legislation, case law, treaties, law reform reports and others of like importance); legal scholarship that is available for free access; and other legal databases of strategic importance in advancing the public interest, and which advance AustLII's research activities.
  - To provide on international services operated by AustLII (including WorldLII, CommonLII, AsianLII and LawCite), or through collaboration with other free access providers of legal information in the operation of those international services, free access to legal information of value to Australian legal researchers, and to legal information which contributes to AustLII achieving its other objectives.
  - To provide on all of the services operated by AustLII the most effective access mechanisms to online legal information.
  - To achieve a high level of user satisfaction for all of the services operated by AustLII.

- Through open standards, and through tools AustLII provides, to enable others to build value-added legal services which make appropriate use of data located on services operated by AustLII, but which also respect AustLII's interests in the value it adds to its source data and which also respect the interests of others in that data.

#### 4. Operational

- To advance the missions of our host Law Faculties by pursuit of consistent goals.
- To provide a stimulating and satisfying long-term work environment for AustLII staff.
- To maintain free access to services operated by AustLII, with no access charges to end-users, and with the maintenance of user's reasonable expectations of privacy and freedom from manipulation.
- To cooperate with other providers of legal information, both free access and commercial, in Australia and internationally, to maximise the public benefit in obtaining free access to as wide a range of resources as is feasible.

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## GOVERNANCE

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The AustLII Foundation Limited is an income tax exempt charitable organisation, incorporated as a company limited by guarantee. The Foundation has obtained Deductible Gift Recipient status from the Australian Taxation Office, hence donations are tax deductible. It is governed by a Board of Directors.

The AustLII Foundation Limited Board as at 31 December 2013 is comprised:

- **Dr Jeff FitzGerald (Chair)** (appointed to the Board on 22 December 2008) Former Registrar of the University of Technology, Sydney; former Deputy-Secretary of the Victorian Attorney-General's Department
- **Prof Carrick Martin (Chair, Finance Committee)** (appointed to the Board on 22 December 2008) Former Deputy Vice-Chancellor, Administration, Macquarie University
- **Mr Philip Chung (Managing Director)** (appointed to the Board on 23 June 2009) Senior Lecturer, Faculty of Law, University of New South Wales; Executive Director, AustLII Research Centre
- **Prof Graham Greenleaf (Executive Director)** (appointed to the Board on 22 December 2008) Professor, Faculty of Law, University of New South Wales; Co-Director, AustLII Research Centre
- **Prof Andrew Mowbray (Executive Director)** (appointed to the Board on 27 April 2009) Professor, Faculty of Law, University of Technology, Sydney; Co-Director, AustLII Research Centre
- **Mr Tim Bugg** (appointed to the Board on 23 June 2009) Partner, Dobson Mitchell & Allport; Chair, International Legal Services Advisory Council (ILSAC); Past president of the Law Council of Australia
- **Prof David Dixon** (appointed to the Board on 22 December 2008) Dean, Faculty of Law, University of New South Wales
- **Mr Ian Govey** (appointed to the Board on 23 June 2009) Chief Executive Officer, Australian Government Solicitor
- **Prof Lesley Hitchens** (appointed to the Board on 18 February 2013) Dean, Faculty of Law, University of Technology, Sydney

The Company Secretary until the end of 2013 was **Roger Allsep** (appointed 20 May 2009).





AustLII Foundation Limited Board of Directors - Front row (L to R): Prof Lesley Hitchens, Dr Jeff FitzGerald (Chair), Prof Carrick Martin. Back row (L to R): Prof David Dixon, Prof Graham Greenleaf (Executive Director) , Prof Andrew Mowbray (Executive Director), and Mr Philip Chung (Managing Director). Board members not in photograph: Mr Tim Bugg and Mr Ian Govey.

The AustLII Research Centre is a joint facility of the Faculties of Law at the University of Technology, Sydney and the University of New South Wales and is governed under an MOU between the two Law Schools. It is governed by a Management Committee that comprised the following:

- **Mr Philip Chung** (Executive Director, AustLII Research Centre; Senior Lecturer, Faculty of Law, University of New South Wales)
- **Prof David Dixon** (Dean, Faculty of Law, University of New South Wales)
- **Prof Lesley Hitchens** (Dean, Faculty of Law, University of Technology, Sydney)
- **Prof Andrew Mowbray** (Professor, Faculty of Law, University of Technology, Sydney; Co-Director, AustLII Research Centre)
- **Mr Paul Holt** (Faculty Manager, Faculty of Law, University of Technology, Sydney)
- **Ms Fei Wong** (Faculty General Manager, Faculty of Law, University of New South Wales)

## MANAGEMENT AND STAFF

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### Managing and Executive Directors

The AustLII Research Centre is jointly managed by three co-directors:

- Andrew Mowbray (Professor of Law and Information Technology, Faculty of Law, UTS) (Co-Director)
- Philip Chung (Senior Lecturer, Faculty of Law, UNSW) (Executive Director)
- Graham Greenleaf (Professor of Law and Information Systems, Faculty of Law, UNSW) (Co-Director)

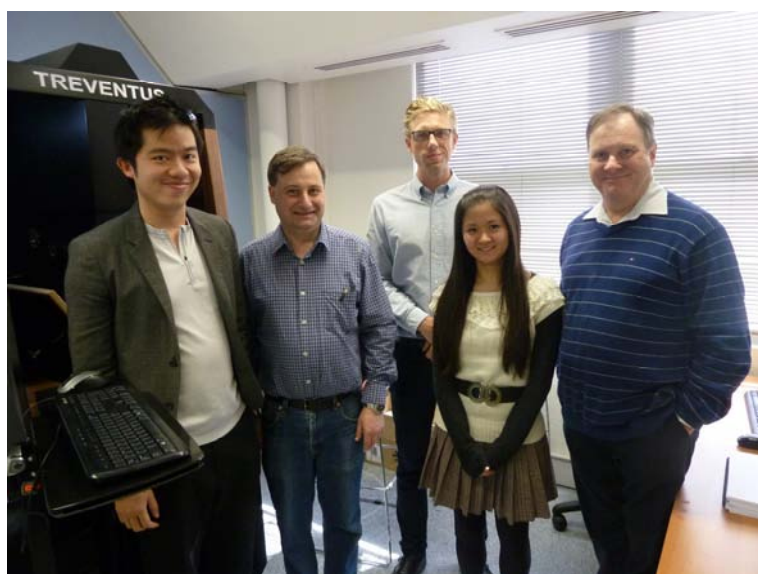
The Managing Director of the AustLII Foundation Limited is Philip Chung. Graham Greenleaf and Andrew Mowbray serve as Executive Directors of the Company.

### Full-time Staff

- Giovanni Crasto (Finance and Administration Manager)
- Richard Hunter (Development Manager)
- Chris Kenward (Australian Databases Manager) from October 2013
- Jones Olatunji (Systems Administrator)
- Cathy Quigley (Administrative Officer)
- Kent Soesanto (Project Officer)
- Armin Wittfoth (Project Officer)
- Carol Wong (Project Officer) to July 2013

### Part-time Staff

- Chris Connley (Project Officer ) from November 2013
- Jennifer Kwong ( Project Officer ) from December 2013
- Jill Matthews (Project Officer)
- Trevor Roydhouse ( Systems Developer ) from February 2013
- Armanda Scorrano (Project Officer) to October 2013
- David Vaile (External Relations / Training Officer)



L to R: Kent Soesanto, Andrew Mowbray, Chris Connley, Jennifer Kwong, and Richard Hunter

## **Interns / volunteers**

A new initiative introduced in 2013 was the AustLII intern / volunteer programme. This was available to law students from UNSW and UTS. Interns / volunteers participated in AustLII's projects including digitisation of historical legal materials in print (using both destructive and non-destructive scanning approaches), extraction of metadata, as well as stakeholder engagement activities.

The interns / volunteers in 2013 were: Chris Connley, Madeleine Harkin, Jonathan Koukoumas, Jennifer Kwong, Yan Liu, Melissa Liu, and Shetal Jas.

Chris Connley and Jennifer Kwong joined AustLII as part-time staff members after the completion of their internships.



L to R: Graham Greenleaf, Melissa Liu, Carol Wong, Madeleine Harkin, Jonathan Koukoumas, Yan Liu, Richard Hunter, and Philip Chung

## AUSTRALIAN DEVELOPMENTS

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### NEW DATABASES ON AUSTLII

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In 2013, 18 new databases as well as two new libraries (Australian Colonial Law and Federation Law) were added to AustLII. This brought the total number of databases that AustLII maintained in 2013 to 551.

In addition, 17 existing databases were significantly expanded as a result of the Australian Legal History project of back-capturing digitised data from colonial and federation periods.

The following **new Australian legal databases** were added in 2013:

- Australian Coal Industry Tribunal 1940-1995
- Australian Trade Marks Office Geographical Indication 2013-
- Fair Work Commission – Enterprise Agreement 2013-
- Fair Work Commission – Full Bench 2013-
- Fair Work Commission – General Manager and Delegates 2013-
- Fair Work Commission 2013-
- Federal Circuit Court of Australia 2013-
- Forest Practices Tribunal of Tasmania 2002-
- Law Reports (New South Wales) 1880-1900
- Queensland Historical Acts 1867-1951
- South Australian Law Reports 1863-1920
- State Reports (New South Wales) 1901-1950
- State Reports (South Australia) 1921-1950
- Superior Courts of Western Australia 1840-1849
- Tasmanian Law Reports 1897-1940
- Tasmanian State Reports 1941-1978
- Tasmanian State Reports 1979-1991
- Western Australian Law Reports 1898-1958



L to R: Prof Graham Greenleaf, Philip Chung, Miriam Stiel, the Hon Tom Bathurst, Prof Lesley Hitchens, and Prof Andrew Mowbray

The following **Australian legal databases** were updated and expanded in 2013:

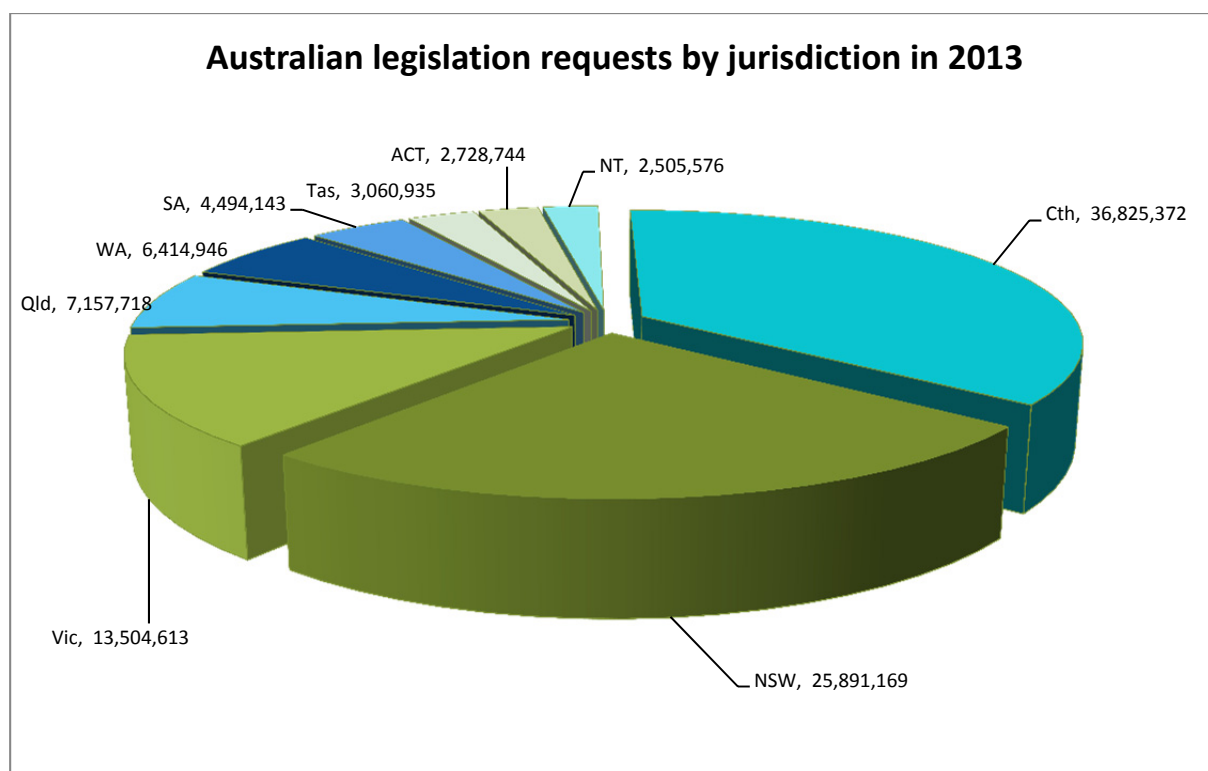
- Australian Law Reform Commission publications: Background Papers; Consultation Papers; Discussion Papers; Draft Recommendation Papers; Issues Papers
- Commonwealth Numbered Acts 1901- now complete with the addition of missing 1900s Acts and 1950-1973 Acts
- Law Journals: Australian and New Zealand Maritime Law Journal; Macquarie Law Journal; University of New South Wales Law Journal
- Northern Territory Numbered Regulations expanded to cover 1961-1988
- Queensland Law Reform Commission publications: Reports, Working Papers, Miscellaneous Papers
- Tasmanian Law Reform Institute publications: Reports, Issues Papers, Research Papers
- Tasmanian Numbered Acts expanded to cover 1826 to date

## AUSTRALIAN LEGISLATION REQUESTS BY JURISDICTION IN 2013

### AUSTRALIAN LEGISLATION REQUESTS BY JURISDICTION IN 2013

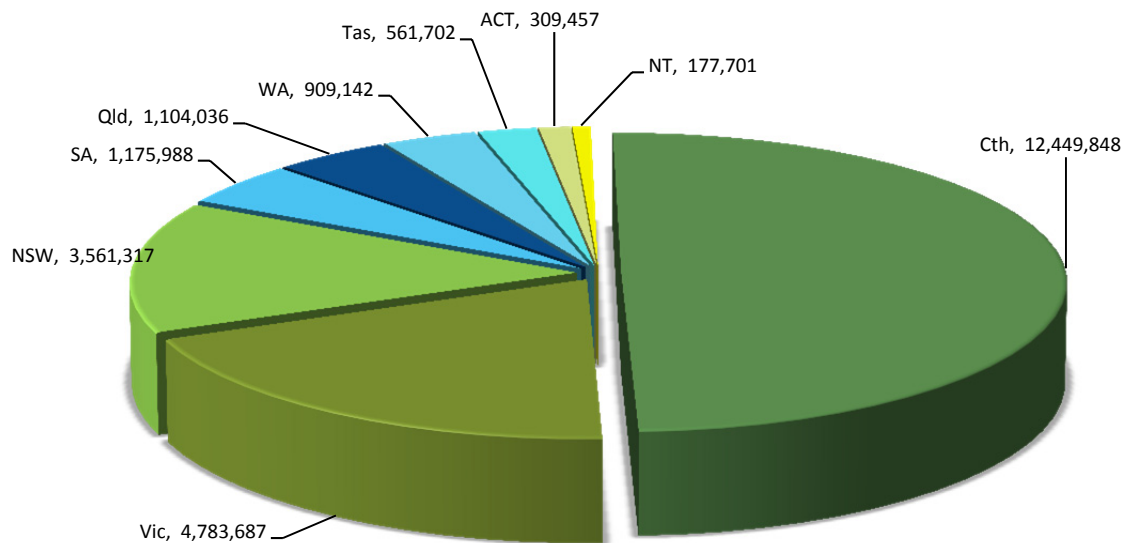
Total hits for 2013 exceeded 214 million and averaged 588,663 hits per day.

The most popular databases on AustLII in 2013 were the Commonwealth legislation databases, followed by NSW and Victorian legislation. Overall, access to case law collections in most jurisdictions increased in 2013. The following graphs show the number of accesses to AustLII's legislation and case law databases by jurisdiction.



Legislation requests included permitted accesses by search engine web spiders and included requests to access individual sections of legislation.

## Australian case requests by jurisdiction in 2013



Case law requests did not generally include accesses by search engine web spiders which AustLII excludes from access.

AustLII maintained the number one market position in the online legal category throughout 2013 and increased its market share from about 25% to over 30% (according to Hitwise). This category included websites from government, publishers, courts and tribunals, law societies, legal firms and barristers. The volume of data downloaded was 14.92 terabytes.

## AUSTLII'S MAJOR USERS

Many of AustLII's users access AustLII through large internet service providers, as well as through University services or through other web servers that maintain multiple IP addresses. Consequently, AustLII is unable to identify a high percentage of its users because AustLII does not receive internet protocol addresses (IP addresses) specific to them.

Where we are able to identify users we can classify them into four sectors:

- commercial (mostly comprising the legal profession)
- education
- government
- general community

In 2013 of the top identified users, 44% are from the commercial sector, 29% from the government sector, 26% from the education sector and 1% from the community sector. This confirms a trend that commercial use of AustLII is increasing as a percentage of overall use compared to the other sectors.

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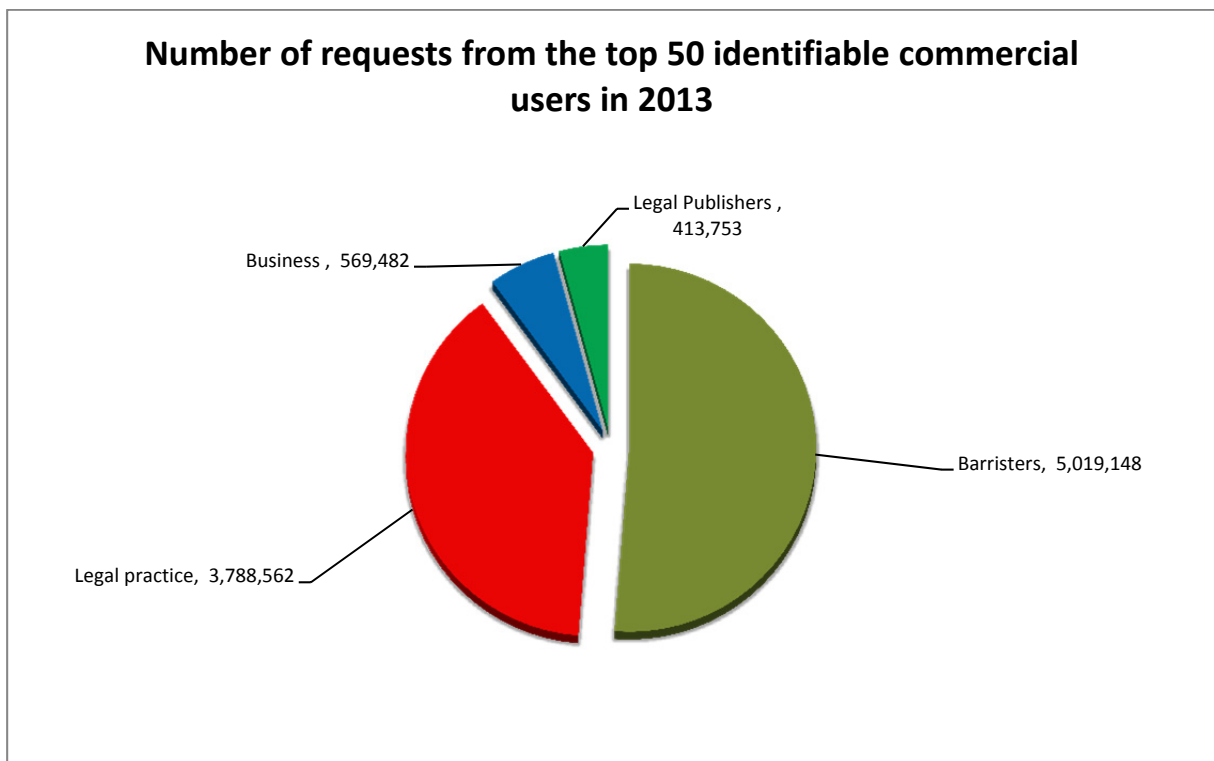
## COMMERCIAL SECTOR

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Identified users in the commercial sector fall largely into the following categories:

- barristers (identified through specific bar internet service providers and chambers)
- legal practices (including private law firms and patent and trade mark attorneys)
- legal publishers
- businesses

While usage of AustLII by the commercial sector continues to grow it is noted that the number of the top 50 identifiable commercial users (30,000 or more requests per annum) that contribute to AustLII's running costs fell from 21 to 17. Only half of the top 10 identifiable commercial users support AustLII and contributions from AustLII's largest identifiable users from the commercial sector continue to remain below their rates of usage. We continue to urge all AustLII users that can afford to do so to contribute towards keeping us online.





COMMERCIAL USAGE OF AUSTLII IN 2013

	Commercial Category	Number of requests	Contributor in 2013
1	Barrister - Vic	2,193,676	
2	Barrister - NSW	1,370,596	
3	Barrister - NSW	1,051,275	<input checked="" type="checkbox"/>
4	Legal Practice	657,254	<input checked="" type="checkbox"/>
5	Business	472,719	
6	Legal Practice	409,435	<input checked="" type="checkbox"/>
7	Legal Practice	372,919	<input checked="" type="checkbox"/>
8	Legal Publisher	312,247	
9	Legal Practice	228,703	
10	Legal Practice	198,532	<input checked="" type="checkbox"/>
11	Barrister - WA	191,405	<input checked="" type="checkbox"/>
12	Legal Practice	152,683	<input checked="" type="checkbox"/>
13	Legal Practice	136,350	<input checked="" type="checkbox"/>
14	Legal Practice	112,723	<input checked="" type="checkbox"/>
15	Legal Practice	110,608	<input checked="" type="checkbox"/>
16	Barrister - Vic	102,993	
17	Legal Publisher	101,506	
18	Legal Practice	80,174	
19	Legal Practice	76,655	
20	Legal Practice	76,058	<input checked="" type="checkbox"/>
21	Legal Practice	75,740	
22	Legal Practice	74,948	
23	Legal Practice	72,737	
24	Legal Practice	64,644	
25	Legal Practice	64,346	<input checked="" type="checkbox"/>
26	Business	57,656	
27	Legal Practice	57,146	
28	Legal Practice	55,767	<input checked="" type="checkbox"/>
29	Legal Practice	53,081	<input checked="" type="checkbox"/>
30	Legal Practice	51,378	
31	Legal Practice	48,222	<input checked="" type="checkbox"/>
32	Legal Practice	47,765	<input checked="" type="checkbox"/>
33	Legal Practice	47,762	
34	Legal Practice	47,652	
35	Barrister	40,372	
36	Legal Practice	39,477	
37	Business	39,107	
38	Legal Practice	38,034	
39	Legal Practice	36,991	
40	Barrister	36,358	<input checked="" type="checkbox"/>
41	Legal Practice	35,722	
42	Legal Practice	34,679	
43	Legal Practice	33,927	
44	Legal Practice	33,843	
45	Legal Practice	33,195	
46	Legal Practice	32,946	
47	Legal Practice	32,599	
48	Barrister - SA	32,473	
49	Legal Practice	32,025	
50	Legal Practice	31,842	

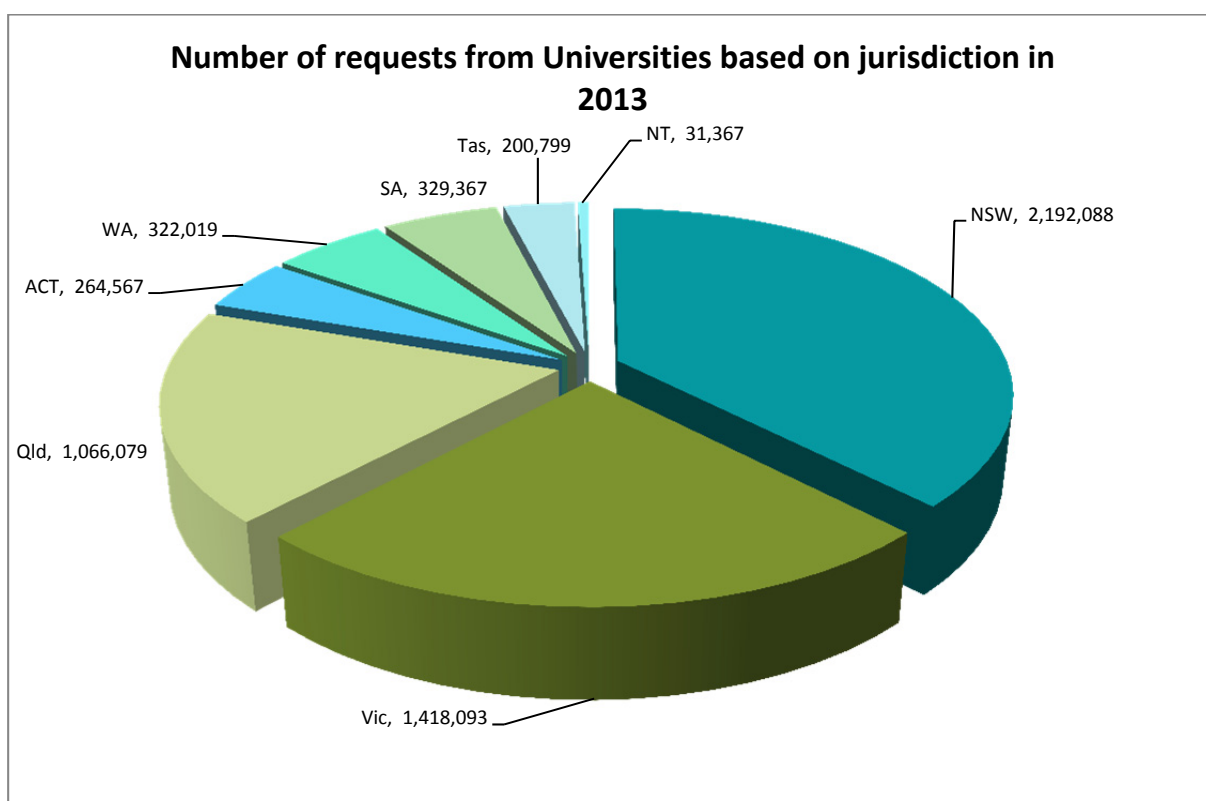
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## EDUCATION SECTOR

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The education sector in Australia represented nearly 26% of AustLII's top identified users in 2013. All Universities in Australia use AustLII and almost all of them provide a contribution towards its funding. Total usage from the University sector in 2013 was nearly seven million requests. We are also noticing increased use of AustLII resources from some international universities including the Universities of Oxford, Cambridge, Stanford, Princeton, Auckland and the National University of Singapore.

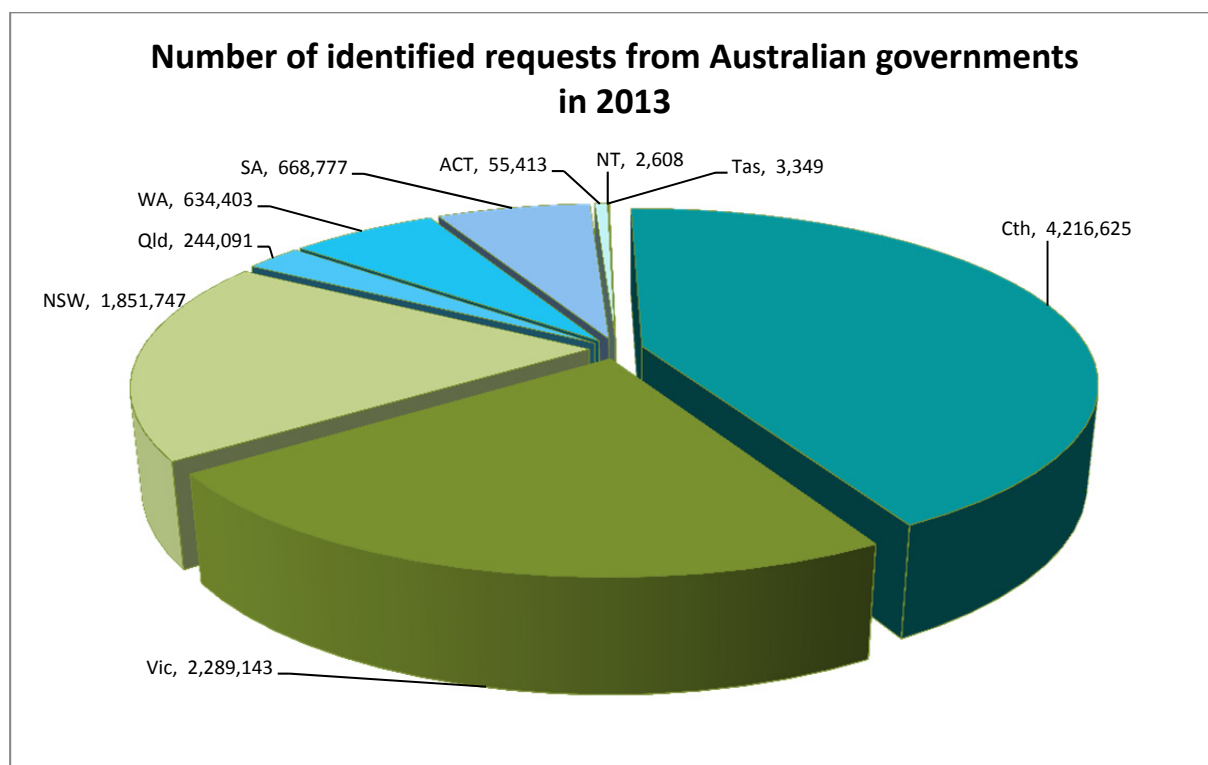
Most Australian Universities make a financial contribution to AustLII because they recognise AustLII's value to their teaching and research, and that the costs of its operation need to be widely shared. We are hopeful that in future years all Australian universities will be in a position to provide financial support.



## GOVERNMENT SECTOR

The government sector in 2013 represented 29% of AustLII's top identifiable users. A significant amount of government use is identifiable at agency level, including Commonwealth, State and Territory government agencies. Also included in this figure is the substantial use of AustLII resources by the various courts, tribunals and other regulators, most of whose decisions AustLII re-publishes.

AustLII receives funding support from the federal and state governments through the National Justice CEO's group. In addition a number of courts and tribunals make significant contributions thus recognising the value of the service the AustLII Foundation provides.



Jurisdiction	Number of Requests in 2013
Federal Government Usage	4,216,625
State/Territory Government Usage	5,749,531
<b>Total Identified Government Usage</b>	<b>9,966,156</b>

## INTERNATIONAL SYSTEMS AND DEVELOPMENTS

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The AustLII Research Centre operates three multi-LII systems for international free access legal information (AsianLII, CommonLII and WorldLII) in cooperation with a group of collaborating Legal Information Institutes based in other countries (which we call the 'WorldLII Consortium'). AustLII has developed the only international free access case and journal article citator (LawCite) and operates it in conjunction with the same group of collaborating LIIs. The AustLII Research Centre has assisted other nations and regions to develop online access to their laws since 1999, using open source software and other LII tools developed by AustLII. All of AustLII's development of multi-LII systems, its joint operation of overseas LIIs, and the assistance it gives to other collaborating LIIs for maintenance and development of their systems, is funded by grants for these purposes (see next section).

### DATABASES SEARCHABLE THROUGH MULTI-LII SYSTEMS

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Seventeen LIIs now collaborate in providing the databases searchable via WorldLII. The following table sets out the approximate numbers of databases searchable from each of the portals operated by AustLII (AsianLII, CommonLII and WorldLII) as at 31 December 2013, and the number of databases found on each cooperating LII allowing their data to be searched as part of these systems. The 'Countries' column indicates the number of countries that a particular LII adds to the total number of countries whose databases are searchable via WorldLII.

**Table of searchable databases in multi-LII systems (as at 31 December 2013)**

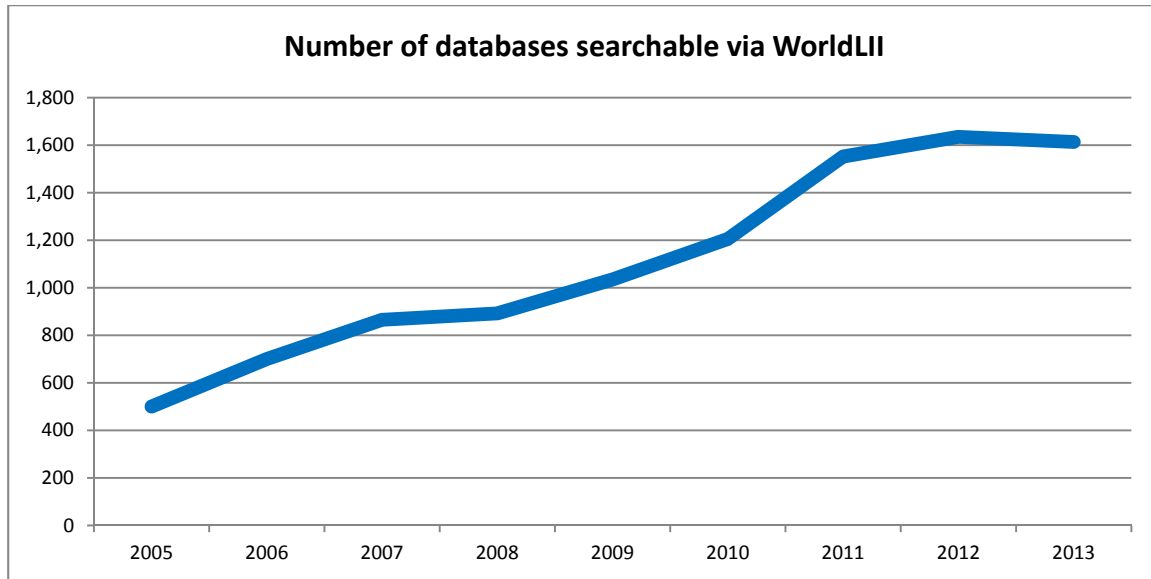
Systems	AsianLII	CommonLII	WorldLII	Countries	
<b>AsianLII</b>	166	0	166	23	*
<b>AustLII</b>	0	484	484	1	
<b>BAILII</b>	0	89	89	4	
<b>CommonLII</b>	36	73	73	22	*
<b>CyLaw</b>	0	6	6	1	
<b>Droit.org</b>	0	0	1	1	
<b>HKLII</b>	34	34	34	1	
<b>LawPhil</b>	16	0	16	1	
<b>LII Cornell</b>	0	0	3	1	
<b>LiberLII</b>	0	0	8	1	*
<b>NZLII</b>	0	80	80	1	*
<b>LII of India</b>	154	154	154	1	*
<b>PacLII</b>	25	265	265	19	
<b>SAFLII</b>	0	87	87	8	
<b>SamLII</b>	0	24	24	1	*
<b>ULII</b>	0	16	16	1	
<b>WorldLII</b>	0	0	107	55	*
<b>2013 Total</b>	<b>431</b>	<b>1312</b>	<b>1613</b>	<b>142</b>	<b>612</b>
<i>2012 Total</i>	<i>433</i>	<i>1279</i>	<i>1635</i>	<i>183</i>	<i>595</i>
<i>2011 Total</i>	<i>430</i>	<i>1204</i>	<i>1552</i>	<i>182</i>	<i>555</i>
<i>2010 Total</i>	<i>300</i>	<i>905</i>	<i>1205</i>	<i>164</i>	<i>408</i>

During 2013, the total number of databases available for searching via WorldLII went down slightly, whereas the total number available via CommonLII continued to increase. The principal reason for the change in relation to WorldLII is that the Global Legal Information Network (GLIN) at the US Library of Congress is no longer operating, so 49 databases previously

available via WorldLII are no longer available. In addition, fifty databases previously available via SAFLII are now available only on individual LIIs in African countries, but not yet searchable via WorldLII.

AustLII maintains 612 of these international databases (an increase from 595 in 2011), in addition to the 484 Australian databases on AustLII. They are on seven LIIs (marked \*).

The number of databases searchable via WorldLII was not recorded for its first few years of operation from 2002, but over the past few years (as recorded in AustLII reports to LII meetings, and in these annual reviews), the rate of expansion of searchable databases is as follows:



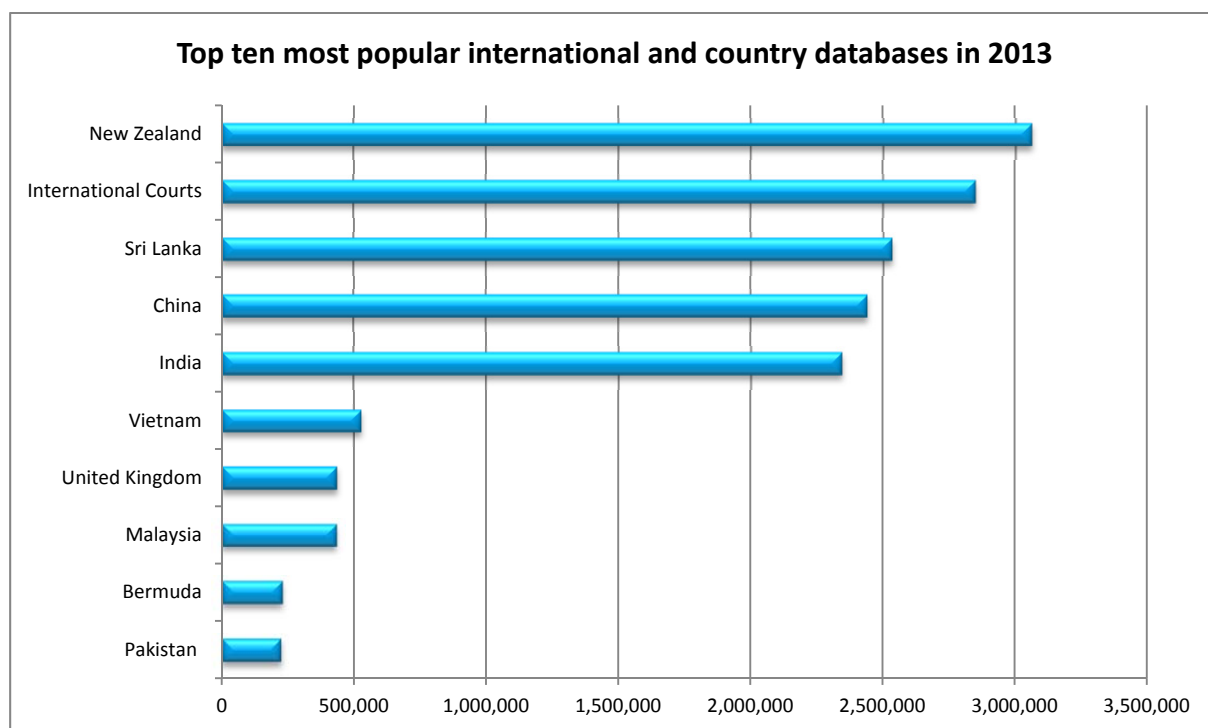
## INTERNATIONAL SYSTEMS USAGE

There are two measures of accesses to the multi-LII systems with which AustLII cooperates (WorldLII, CommonLII and AsianLII): (i) access to the databases of collaborating LIIs resulting from searches via the multi-LII systems; and (ii) accesses to databases maintained by AustLII located on the multi-LII systems. AustLII does not hold access statistics on (i), as those accesses are only recorded on the systems concerned. Because the numbers of documents on AustLII, BAILII, PaCLII etc are far larger than the numbers of documents in databases located on AsianLII, WorldLII or CommonLII, it is likely that (i) is much larger than (ii). The statistics below relate only to (ii).

In 2013, there were over 31 million accesses to the non-Australian databases maintained by AustLII and located on AsianLII, CommonLII, NZLII, LII of India, LiberLII, SamLII and WorldLII plus citator records on LawCite and Catalog pages. AustLII blocks spidering of case law on any of these services.

The following chart shows the top 10 most requested databases maintained by AustLII, by country or grouping (excluding databases on AustLII). The most popular international databases in 2013 are from New Zealand, the International Courts and Tribunals (as well as inter-government organisations), Sri Lanka, China and India. The UK accesses refer to the English Reports 1220-1873 located on CommonLII.

Because there is a high level of overlap between databases maintained by AustLII searchable via AsianLII, CommonLII and WorldLII, separate statistics are not given below for each of these multi-LII systems.



## DEVELOPMENTS IN INDIVIDUAL SYSTEMS



In addition to maintaining WorldLII, CommonLII and AsianLII, AustLII also cooperates with a number of partner institutions in individual countries by jointly managing on the AustLII infrastructure the databases of these LIIs (NZLII, SamLII, LiberLII and SamLII). During 2013, highlights of developments on some of these systems are as follows:



During 2013 the successful partnership between NZLII and AustLII continued, with thirteen new databases being added to NZLII. NZLII Director, Associate Professor Donna Buckingham also gave an AustLII Research Seminar, and NZLII staff utilised AustLII's digitisation facilities to add a number of rare materials to NZLII databases. The 13 new databases are:

- New Zealand Real Estate Agents Licensing Board 1984-
- New Zealand Pharmacy Authority 1978-
- Courts Martial Appeal Court of New Zealand 1988-
- New Zealand Legal Aid Review Panel 2001-

- New Zealand Victims' Special Claims Tribunal 2009-
- New Zealand Online Media Standards Authority 2013-
- New Zealand Advertising Standards Authority 2001-
- New Zealand Real Estate Agents Authority 2010-
- New Zealand Lost Cases 1842-1882
- New Zealand Alcohol Regulatory and Licensing Authority 2013-
- New Zealand Review Authority 2011-
- New Zealand Supreme Court Transcripts 2011-
- New Zealand Law Students' Journal 2010-



At the end of 2013, AustLII and its partner academic institutions in India agreed that AustLII would resume sole control of the Legal Information Institute of India (LII of India) <<http://www.liiofindia.org/>> with the conclusion of the current AusAID and ARC-funded phase of LII of India's development. The Indian academic institutions have indicated their intention to continue working with AustLII to develop the resources on LII of India.



The Commonwealth Legal Information Institute (CommonLII) <<http://www.commonlii.org/>> provides access to laws from 59 Commonwealth and common law jurisdictions. The 2013 highlight of CommonLII's development was the expansion of the Caribbean Law Project <<http://www.commonlii.org/caribbean/>>. With funding assistance from the Commonwealth Secretariat's Legal & Constitutional Affairs Division (ComSec LCAD), the following seven new databases were added to the Project, as well as all existing databases being updated, resulting in more than 10,000 searchable documents in the project's databases. The new databases are:

- Bermuda Consolidated Regulations
- Bermuda Numbered Legislation
- Bermuda Numbered Regulations
- Court of Appeal for Bermuda 2007-
- Supreme Court of Bermuda 2007-
- Bahamas Consolidated Regulations-
- Antigua and Barbuda Acts

AustLII also continued to develop and maintain the Commonwealth Criminal Law Library <<http://www.commonlii.org/int/special/crimlaw/>> with ComSec LCAD support.

## COLLABORATIONS WITH OTHER LEGAL INFORMATION INSTITUTES

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AustLII continues to collaborate with a number of international partners. In 2013, it worked with the Pacific Islands Information Institute (PacLII) to assist with the design, selection and purchase of replacement IT infrastructure including servers and storage. AustLII personnel travelled to Vanuatu twice during the year to participate in the PacLII Advisory Board and to provide general technical and other assistance.



L to R: Ross Ray QC (Chair, South Pacific Lawyers Assoc), John Davidson (Minister-Counsellor, AusAID), Tuiloma Neroni Slade (Secretary General, Pacific Islands Forum Secretariat), Prof Rajesh Chandra (Vice-Chancellor, USP), Karen Collier (Cth AGs Dept), Lenore Hamilton (Director, PacLII), Jandra Karan (USP), Prof Andrew Mowbray (AustLII), Prof Eric Colvin (Head of Law, USP)

AustLII also worked closely with the Southern African Legal Information Institute (SAFLII) to provide general technical assistance and in particular, to help plan for the migration of the SAFLII system from the Constitutional Court in Johannesburg to the University of Cape Town.



L to R: Roger Gachago (CEO, SAFLII), Shirley Gilmore (Uni of Pretoria), Andrew Mowbray (AustLII)



## AUSTLII INVOLVEMENT IN THE FREE ACCESS TO LAW MOVEMENT

AustLII is one of the founders, and a very active participant in the global Free Access to Law Movement (FALM), which had 54 members at the end of 2013, having added five new members during the year. A list of members is at the FALM website <<http://www.fatlm.org>>, as is the Declaration of Free Access to Law (2002, as amended) to which AustLII and other members subscribe. The logos of the members of FALM are shown below.



AustLII presented papers at the 2013 'Law via Internet' Conference, hosted by the Jersey Legal Information Board. Before and during the Conference, AustLII Directors assisted in developing the terms of reference for a new Secretariat for FALM, which was established by the FALM Meeting held on the day prior to the Law via Internet Conference. AustLII continues to host and maintain the FALM members page for the Secretariat. AustLII's proposal to host the 2015 Law via Internet Conference has been welcomed by the FALM membership, and will be the subject of a formal hosting proposal during 2014. AustLII Foundation Ltd supports the AustLII Research Centre in hosting the 2015 Conference. The Law via Internet Conferences originated with AustLII, and were hosted by AustLII in 1997, 1999, 2001 and 2003.



FALM members at the *Law via the Internet Conference 2013* in Jersey, Channel Islands including AustLII Co-Directors Prof Graham Greenleaf, Prof Andrew Mowbray and Philip Chung

## RESEARCH

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One of the two main functions of the AustLII Research Centre is to carry out research in the field of legal information systems, which can usually be characterised as ‘applied research’. Funding for this research comes from various sources, including conventional research grants (such as Australian Research Council Linkage grants), but research is also very often generated by research infrastructure grants (ARC LIEF or otherwise) or international development grants (including AusAID, ComSec) where the goals of infrastructure development pose research issues which must be resolved. AustLII is a ‘research in action’ organisation.

### RESEARCH AND RESEARCH INFRASTRUCTURE GRANTS

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AustLII applies for competitive grants for research and research infrastructure development of new databases and services. In 2013, AustLII worked on two existing Australian Research Council (ARC) research grants and received funding for two new ARC grants.

### THE AUSTRALASIAN LEGAL SCHOLARSHIP LIBRARY

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In 2013, AustLII completed the work in Year 1 of the Australasian Legal Scholarship Library project. This work is funded under an ARC Linkage Infrastructure, Equipment Facilities (LIEF) grant entitled “The Australasian Legal Scholarship Library: New content and sophistication for a world-leading legal scholarship repository and citator”. The grant from the ARC is for \$290,000 with 10 partner contributions totaling an additional \$400,000.

The Investigators of this project are: Prof Graham Greenleaf (UNSW), Prof Andrew Mowbray (UTS), Prof Andrew Kenyon (Melbourne), Prof Brian Fitzgerald (ACU), Prof Michael Blakeney (UWA), Prof Anne Twomey (Sydney), Prof Peter Cane (ANU), Prof Dan Svantesson (Bond), Prof Arie Freiberg (Monash), A/Prof Leighton McDonald (ANU), A/Prof David Rolph (Sydney), Mr Andrew Wells (UNSW), Prof Andrew Byrnes (UNSW), Prof Ross Grantham (UQ), Prof Anita Stuhmcke (UTS), and Prof Janet Chan (UNSW).

Work completed in 2013 included updating of existing Australian law journals; updating the law reform collections; addition of new secondary materials databases; and conducting negotiations for new content.



Participants at the *Meeting of the Chief Investigators of the ARC LIEF grant entitled ‘The Australasian Legal Scholarship Library’ project* including AustLII’s Co-Directors Prof Graham Greenleaf, Prof Andrew Mowbray, and Philip Chung.

## AUSTRALASIAN LEGAL HISTORY LIBRARY

In 2011, AustLII (via its host universities UTS and UNSW) collaborated with ten Universities to obtain an Australian Research Council (ARC) LIEF (Linkage, Infrastructure, Equipment and Facilities) grant (commenced in 2012) to build the Australasian Legal History Library. The ARC provided \$330,000, with the partner institutions providing the balance of the total project budget of \$751,000.

The object of the Library is to benefit the research of specialist legal historians; researchers in all aspects of the humanities because of the extent to which law and legal institutions permeate their work; family and local history researchers; and all practising lawyers because of the continuing relevance of historical case law and legislation to current legal problems.

The Australasian Legal History Library provides comprehensive legislation from all colonies (subsequently Australian States, Territories or New Zealand) up to

1950 and in most instances beyond this date such that the collection for most jurisdictions is now complete. The Library also contains substantial colonial case law collections as well as the authorised series of reports from all States (except Queensland) to 1950 and in some cases beyond this. These materials are included as part of the standard AustLII collection. Using AustLII's automated citator LawCite, it is possible to show how these materials have been used by courts historically and how they are still being used in current legal decisions.

Investigator	Organisation
Prof Andrew Mowbray	UTS
Prof Graham Greenleaf	UNSW
Dr Lisa Ford	UNSW
Prof Amanda Nettelbeck	University of Adelaide
Prof Ross Grantham	University of Queensland
A/Prof Anne Twomey	University of Sydney
Prof Mark Finnane	Griffith University
Prof John Williams	University of Adelaide
Prof Andrew Buck	Macquarie University
Em/Prof Bruce Kercher	Macquarie University
Prof Michael Adams	University of Western Sydney
A/Prof Robert Foster	University of Adelaide
A/Prof Stefan Petrow	University of Tasmania
Dr Catherine Bond	UNSW
Prof Shaunnagh Dorsett	UTS
Prof Mark Lunney	Australian National University
A/Prof Peter McDermott	University of Queensland
Em/Prof Wilfrid Prest	University of Adelaide
Ms Judith Jones	Australian National University
Prof Helen Irving	University of Sydney
Prof Margaret Otlowski	University of Tasmania
Mr Naish Peterson	Australian Law Librarians Association



*"It is difficult for me to overstate the importance of this project, both as a whole and in relation to what we are celebrating tonight, namely the publication of the NSW State Reports ... making this information freely accessible will be of immense assistance to practitioners, as well as to all those involved in legal or historical research ... The free and open dissemination of information is always important, and all the more so when it relates to the administration of justice."*

The Honourable Tom Bathurst, Chief Justice of New South Wales, 17 June 2013

In order to undertake this project AustLII invested a significant amount of the ARC grant funding to acquire new resources to enable the digitisation of legal resources held as paper records. This equipment included:

- Treventus ScanRobot for non-destructive high quality scanning of rare books and manuscripts; and
- An additional high speed Canon Image Formula double sided scanner for the destructive scanning of standard paper texts.

AustLII is now resourced to make digital copies of rare and valuable legal texts in an automated but entirely safe process that does no damage to the item. The Treventus ScanRobot was designed in Austria specifically to handle precious ancient manuscripts. The process uses air to fan and gently turn the pages of the book yet is still able to produce a high quality digital scan at a rate of approximately 1200 pages per hour. AustLII's scanner is currently one of only three in Australia.



*"[T]he digitalisation of, and greater accessibility to, historical reports is of great importance. It is important first of all as a historical record of the changing legal and social conditions of life in South Australia. However, the reports are also of great importance in providing an understanding of the development of the law."*

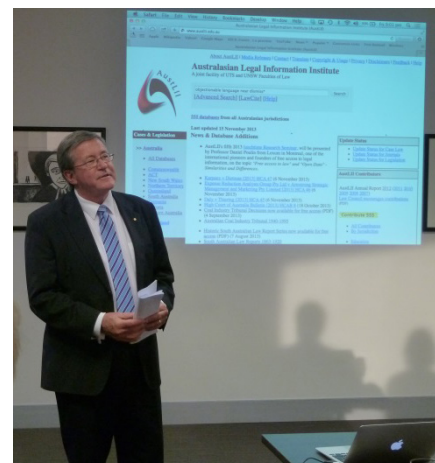
The Honourable Chris Kourakis, Chief Justice of South Australia, 7 August 2013

L to R: Prof Andrew Mowbray, the Hon Chris Kourakis, Prof John Williams, and Philip Chung

As the scanning and processing of the historic law report series for each state were completed AustLII launched each series with an event at which the relevant state Chief Justice was the guest of honour. Launches were held in New South Wales, South Australia, Western Australia and Tasmania. The Victorian Reports and the Victorian Law Reports were launched in 2012.

*"The launch of the Western Australian Law Reports database is to be welcomed not only as a significant advance in the provision of free access to Western Australia's legal history, but also as a further step in improving the accessibility and transparency of our legal system to the broader community ... the online facilities of the kind which we commemorate today provide an extremely valuable weapon in the armoury which is available to combat the various barriers to improving access to justice for all."*

The Honourable Wayne Martin, Chief Justice of Western Australia, 15 November 2013.



On 18 December the Chief Justice of Tasmania, the Honourable Alan Blow launched the upload of the Tasmanian Law Reports 1897-1940. In addition, with the support of the Supreme Court of Tasmania, the Council of Law Reporting for Tasmania and Thomson Reuters, AustLII was also able to make available Supreme Court decisions contained in the State Reports of Tasmania from 1941-1978 and the Tasmanian Reports from 1979-1991. This means that in the jurisdictions of Victoria and Tasmania there is now a complete sequential record of Supreme Court decisions from the earliest times to the present day.



*"[I]t is a major achievement to have the authorised reports of our Supreme Court for the years 1897 to 1991 available online... AustLII is an Australian success story. It is a triumph of common sense. Since its establishment in 1995, it has performed an excellent service in making legal information freely available to all. Its concept has been copied in other countries."*

The Honourable Alan Blow, Chief Justice of Tasmania,  
18 December 2013.

A beneficial spin-off of the history project is that AustLII now has the infrastructure available to undertake specific projects for many of our key stakeholder groups to support their particular needs. The following are two examples of recently completed projects that utilised our new digitisation infrastructure and have stakeholder funding support.

The Australian Law Librarians' Association, together with major law firms Allens, Mallesons, Freehills, and Arnold Bloch Leibler have provided funding and the paper copy data to add to AustLII's holdings of Bills and Explanatory Memoranda for the Commonwealth, New South Wales and Victoria for the period from the mid 1970's to the start of the online record for these materials.

The coal industry, as represented by the Construction Forestry Mining and Engineering Union (Mining Division) and the NSW Minerals Council, still relies heavily on decisions made by the Coal Industry Tribunal during its existence from 1947 to 1995. However the paper record of these decisions is extremely rare. To improve general industry access to these decisions the industry agreed to fund the cost of the digitisation and upload onto AustLII of the complete decisions of the Australian Coal Industry Tribunal. This turned out to be a more complex task than first thought as it was necessary to combine volumes obtained from the CFMEU Mining Division and employer members of the NSW Minerals Council. Indeed, for some decisions the only existing master copy from the Fair Work Commission had to be non-destructively scanned in order to make available the complete set of decisions of this important historical tribunal.

Over the coming years AustLII will actively seek relevant industry support to make freely available more historical and other legal resources of interest and relevance to the community.

## AUSTRALASIAN LEGAL HISTORY LIBRARY DATABASES

### **Commonwealth**

- Commonwealth of Australia Numbered Acts 1901-
- Commonwealth Bills 1981-
- Commonwealth Bills Explanatory Memoranda 1980-
- Commonwealth Law Reports 1903-1950 (3422 decisions)
- Australian Coal Industry Tribunal 1940-1995 (4860 decisions)

### **New South Wales**

- New South Wales Acts As Made 1824-
- NSW Bills 1979-
- NSW Bills Explanatory Notes 1978-
- Superior Courts of New South Wales 1788-1899 (2329 decisions)
- Law Reports (New South Wales) 1880-1900 (1977 decisions)
- State Reports (New South Wales) 1901-1950 (4304 decisions)

### **Victoria**

- Victorian Historical Acts 1851-1995
- Victorian Bills 1967-
- Victorian Bills Explanatory Memoranda 1967-
- Victorian Law Reports 1874-1956 (9157 decisions)
- Victorian Reports 1953-1996 (3792 decisions)
- Supreme Court of Victoria (Unreported Judgments) 1953-1998 (19202 decisions)
- Victorian Government Gazettes 1851-1999 (32942 documents)
- Victorian Statute Law Revision Committee 1949-1965 (120 documents)

### **Queensland**

- Queensland Historical Acts 1867-1951
- Superior Courts of New South Wales - Moreton Bay 1851-1859 (287 decisions)

### **Western Australia**

- Western Australian Numbered Acts 1832-
- Superior Courts of Western Australia 1840-1849 (332 decisions)
- Western Australian Law Reports 1898-1958 (1857 decisions)

### **South Australia**

- South Australian Numbered Acts 1837-
- Superior Courts of South Australia 1837-1864 (1925 decisions)
- South Australian Law Reports 1863-1920 (1210 decisions)
- South Australian State Reports 1921-1950 (1794 decisions)

### **Tasmania**

- Tasmanian Numbered Acts 1826-
- Superior Courts of Tasmania 1824-1843 (563 decisions)
- Tasmanian Law Reports 1897-1940 (926 decisions)
- Tasmanian State Reports 1941-1978 (639 decisions)
- Tasmanian Reports 1979-1991 (310 decisions)

### **Australian Capital Territory**

- Australian Capital Territory Numbered Ordinances 1911-

### **Northern Territory**

- Northern Territory Numbered Ordinances 1960-1978
- Northern Territory Reprinted Ordinances as at 1 January 1961
- Northern Territory Numbered Regulations 1961-1988
- Northern Territory Reprinted Regulations as at 1 January 1967

### **New Zealand (found at NZLII)**

- New Zealand Acts As Enacted 1841-1907
- New Zealand Lost Decisions Project 1841-1882 (4403 decisions)

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## AUTHORITY AND INTEGRITY OF PRIMARY LEGAL MATERIALS

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In 2013, AustLII (via its host universities UTS and UNSW) and seven collaborating partner institutions were successful in obtaining an ARC Linkage grant entitled “Re-inventing authority and integrity of primary legal sources for the online world, using free access to make the legal system more efficient and just”. This is a three year grant for \$150,000 from the ARC with an additional \$114,000 from partner institutions. Our industry partners in this project include the High Court of Australia, the Family Court of Australia, the Federal Circuit Court, the Supreme Court Library of Victoria, the Department of Foreign Affairs and Trade, the Office of the Queensland Parliamentary Counsel and the Office of the Chief Parliamentary Counsel of Victoria.

The principal aims of this project are:

- To determine the role of the historical system of authorised reports of case law in the context of the ubiquitous internet availability of all case law and how this can be reconciled with the advantage of free-access internet distribution;
- To test and validate alternative methods of preparing and distributing authorised reports;
- To determine how courts and tribunals outside the existing system of authorised reports can best ensure that their decisions published via the internet have authority and integrity; and
- To determine the best practice by which treaties can be provided online with authority and integrity.

The Investigators of this project are: Prof Andrew Mowbray (UTS), Prof Graham Greenleaf (UNSW), Prof Dan Svantesson (Bond), Prof Anita Stuhmcke (UTS), Prof Jill Hunter (UNSW), Mr David Mason (Department of Foreign Affairs and Trade), Mr John Butera (Office of the Chief Parliamentary Counsel of Victoria), Ms Lyn Newlands (Family Court of Australia), Ms Laurie Atkinson (Supreme Court of Victoria), Mr Andrew Phelan (High Court of Australia), Judge Grant Riethmuller (Federal Circuit Court), and Ms Stacey Talbot (Office of the Queensland Parliamentary Counsel).

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## INTERNATIONAL LAW LIBRARY

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At the end of 2013, AustLII (via its host universities UTS and UNSW) and 10 partner institutions were successful in obtaining another ARC grant entitled “The international law library on WorldLII: New content and facilities for the leading repository and citator for international law”. This is a LIEF research infrastructure grant for \$284,000 with an additional \$395,000 contribution from partner institutions.

The Investigators of this project are: Prof Andrew Mowbray (UTS), Prof Graham Greenleaf (UNSW), Prof Andrew Byrnes (UNSW), Prof Erika Techera (UWA), Prof Donald Rothwell (Sydney), Prof Chester Brown (Sydney), A/Prof Anthony Cassimatis (UQ), Prof Dan Svantesson (Bond), Prof Jane McAdam (UNSW), Prof Ross Buckley (UNSW), Prof Ana Vrdoljak (UYS), A/Prof Julie Debeljak (Monash), Prof Dianne Otto (Melbourne), Prof Michael Blakeney (UWA), A/Prof Timothy Stephens (Sydney), Prof Michael Adams (UWA), Dr Hitoshi Nasu (ANU), A/Prof Kevin Heller (Melbourne), Prof Vai Io Lo (Bond), Mr Andrew Wells (UNSW), Prof Holly Cullen (UWA), and Dr Richard Joyce (Monash).

The aim of this project is to update and expand the International Law Library on WorldLII. It will be carried out during 2014 and 2015.

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## OTHER GRANTS FOR INTERNATIONAL PROJECTS

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During 2013, AustLII also received a number of smaller grants for international projects. These include:

- Commonwealth Secretariat grant for the Commonwealth Criminal Law Library and Caribbean Law on CommonLII: GBP20,000
- Justis Publishing Limited (UK): AUD30,000
- New Zealand Ministry of Foreign Affairs and Trade: AUD7,500

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## RESEARCH PUBLICATIONS AND PRESENTATIONS

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AustLII Co-Directors published the following papers and made the following presentations in 2013:

Greenleaf G, Mowbray, A and Chung P, "The meaning of 'free access to legal information': A twenty year evolution" (on SSRN/LSN) (2013) Journal of Open Access to Law (JOAL), Vol 1, No 1

Greenleaf G, Mowbray, A and Chung P, 'Free Scholarship: Developing a National Legal Scholarship Library' – Law via Internet Conference, Jersey, September 2013, [2013] UNSWLRS 60

Chung P, Mowbray, A and Greenleaf G, 'Linking legal thesauri to enable semi-automated multilingual searching' – Law via Internet Conference, Jersey, September 2013

Mowbray, A, Chung P and Greenleaf G, 'Ten years after: What WorldLII offers users, and collaborating LIIs' – Law via Internet Conference, Jersey, September 2013

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## AUSTLII RESEARCH SEMINAR SERIES

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AustLII offers a series of lunchtime seminars on aspects of legal information systems by both external presenters and AustLII presenters.



AustLII Research Seminar Series - Michael Rubacki



The 2013 seminars were as follows:

- Michael Rubacki, “Legislation online from Australian governments: Achievements and issues” – 7 May 2013
- Graham Greenleaf, Professor of Law & Information Systems at UNSW and AustLII Co-Director, “Policy foundations of AustLII: One approach to free access to law” – 4 June 2013
- Andrew Mowbray, Professor of Law at UTS and AustLII Co-Director, “The LawCite citator – Its potential uses, and some heuristics behind it” – 11 July 2013
- Paul Maharg, Professor of Law at ANU, “Convergent literacies – legal research, legal informatics and legal education” – 13 August 2013
- Daniel Poulin, Professor of Law at University of Montreal, “‘Free Access to Law’ and ‘Open Data’ – Similarities and Differences” – 19 November 2013
- Donna Buckingham, Associate Professor of Law at University of Otago, “Oily rags and online resolve: NZLII and free access to law in New Zealand” – 2 December 2013



L to R: Armin Wittfoth, Chris Kenward, Andrew Mowbray, Daniel Poulin (LexUM), Graham Greenleaf

## FOUNDATION INCOME

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The AustLII Foundation Limited raises donations to maintain AustLII's Australian infrastructure and services. In 2013, the Foundation revenue was \$ 998,645 (including \$915,145 in donations and \$83,500 in interest).

AustLII thanks all donors for their support in 2013. These donations play a major part in making AustLII's services sustainable and keeping databases up to date.

## LIST OF DONORS AND RESEARCH PARTNERS

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Contributors fall into two categories, those that provide donations to maintain AustLII's Australian infrastructure and services and those that are research partners to grants for research and development. Research partners are denoted with \*.

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AustLII thanks all its 2013 contributors, which are listed below by sector.

### GOVERNMENT

#### GOVERNMENT AGENCIES

Administration of Norfolk Island
Australian Government Solicitor
Australian Taxation Office
Commonwealth Ombudsman
Department of Commerce

Department of Foreign Affairs and Trade *
National Competition Council
National Justice CEO's Group
National Legal Aid Commission
National Library of Australia

#### COURTS, TRIBUNALS & REGULATORS

ACT Civil and Administrative Tribunal
Administrative Appeals Tribunal
Australian Health Practitioner Regulation Agency
Australian Human Rights Commission
Consumer & Trader Tenancy Tribunal of NSW
Council of Australasian Tribunals
Planning Panels Victoria
Fair Work Australia
Fair Work Ombudsman
Family Court of Australia *
Federal Court of Australia

Migration Review Tribunal - Refugee Review Tribunal
WA Information Commissioner
SA Industrial Relations Court and Commission
Superannuation Complaints Tribunal
Takeovers Panel ( Dept of Treasury )
Victorian Civil & Administrative Tribunal
WA Industrial Relations Commission
The High Court of Australia *
Supreme Court Library ( Vic ) *
Federal Circuit Court *
NSW Workers Compensation Commission

## EDUCATION

Australian Catholic University *
Australian National University *
Bond University *
College of Law
Charles Darwin University
Curtin University
Edith Cowan University
James Cook University
La Trobe University
Monash University *
Murdoch University
Queensland University of Technology
Southern Cross University

The University of Melbourne *
The University of New South Wales * ***
The University of Sydney *
University of Adelaide
University of New England
University of Notre Dame
University of Queensland *
University of South Australia
University of Southern Queensland
University of Tasmania*
University of Technology, Sydney * **
University of Western Australia *
Victoria University

\*\* In addition to its financial contribution, UTS provides physical premises from which AustLII staff operates.

\*\*\* In addition to its financial contribution, UNSW provides physical premises for some AustLII staff members and for backup server equipment.

## COMMERCIAL

### LEGAL PROFESSION

(includes law firms, barristers' chambers, individual solicitors and barristers, patent & trademark attorneys and migration agents)

Aboriginal Legal Service (NSW/ACT) Limited
Adrian Batterby Lawyer
Aitken Partners
Alec Leopold SC
Alistair Pound
Allen & Overy
Allens
Anchor Legal
Andrew Sinclair
Armstrong Legal
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Aviation Law Assoc of Australia and New Zealand
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Lipman Karas
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Peter Vitale
Peter Willis
Philip Solomon SC
Phillips Ormonde & Fitzpatrick
Piper Alderman
Provey Legal
R P Emery & Associates
Rickards Legal
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Rothstein Lawyer
Russell Kennedy
SanLing Chan
Schweizer Kobras
Sixth Floor St James Hall Chambers
Spruson & Ferguson
Standley Legal
Stephen White
Streeterlaw Sydney Lawyers
Stuart Wood
Teece Hodgson & Ward, Solicitors
Tress Cox Lawyers
Turner Freeman
Twelfth Floor Chambers Pty Limited
University Chambers
Valerie Heath
Walker Kissane & Plummer
Wellners Lawyers
Anonymous (3 )

## BUSINESS & INDUSTRY

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Austax Accountants
Australian Manufacturing Workers' Union
Cartridges Direct
CCH Australia Publishing
CFMEU
Coal Mining Industry (LSL Funding) Corporation

Counsel's Chambers Limited
CPD Interactive
Cumpston Sarjeant Pty Ltd
Filament Pty Ltd
IMF (Australia) Ltd
Legal Practitioners Liability Committee
Magistrates Cases

Mercer (Australia) Pty Ltd
Meriton Group
NSW Minerals Council
Quicksales

Singapore Academy of Law
The Commercial Law Association of Australia Ltd
Zurich Financial Services Aust Ltd

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Commercial Bar Association of Victoria
Law Council of Australia
Law Institute of Victoria
Law Society Northern Territory

Law Society of New South Wales
Queensland Bar Association
The Law Society of Tasmania
Western Australian Bar Association

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Louise and John Southalan

Marcus Coleman
Mark Dreyfus QC MP
Nick Cheok
Paul Bugler
Russell Byard
Anonymous (7)

### CONTRIBUTIONS FOR AUSTLII'S INTERNATIONAL PROJECTS

Commonwealth Secretariat (funds for CommonLII)
Justis Publishing Ltd (UK)
New Zealand Ministry of Foreign Affairs and Trade (funds for New Zealand Treaties)

**AustLII Foundation Ltd**

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ABN 41 134 717 972

Annual Report  
For the year end 31 December 2013

## AustLII Foundation Ltd

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### **Directors' Report for the year end 31 December 2013**

Your directors present their report on the company for the year end 31 December 2013.

The names of the directors in office during the financial year and at the date of the report were:

#### **Dr Jeff FitzGerald (Chair) (appointed to the Board on 22 December 2008)**

Former Registrar of the University of Technology, Sydney; former Deputy-Secretary of the Victorian Attorney-General's Department

#### **Mr Philip Chung (Managing Director) (appointed to the Board on 23 June 2009)**

Senior Lecturer, Faculty of Law, University of New South Wales; Executive Director, AustLII Research Institute

#### **Prof Graham Greenleaf (Executive Director) (appointed to the Board on 22 December 2008)**

Professor, Faculty of Law, University of New South Wales; Co-Director, AustLII Research Institute

#### **Prof Andrew Mowbray (Executive Director) (appointed to the Board on 27 April 2009)**

Professor, Faculty of Law, University of Technology, Sydney; Co-Director, AustLII Research Institute

#### **Mr Tim Bugg (appointed to the Board on 23 June 2009)**

Chair, International Legal Services Advisory Council (ILSAC); Past president of the Law Council of Australia

#### **Prof David Dixon (appointed to the Board on 22 December 2008)**

Dean, Faculty of Law, University of New South Wales

#### **Mr Ian Govey (appointed to the Board on 23 June 2009)**

Chief Executive Officer, Australian Government Solicitor

#### **Prof Carrick Martin (appointed to the Board on 22 December 2008)**

Former Deputy Vice-Chancellor, Administration, Macquarie University

#### **Prof Jill McKeough (appointed to the Board on 27 April 2009 and resigned on 4 February 2013)**

Dean, Faculty of Law, University of Technology, Sydney

#### **Prof Lesley Hitchens (appointed to the Board on 4 February 2013)**

Dean, Faculty of Law, University of Technology, Sydney

The Company Secretary was: **Roger Allsep** (appointed 20 May 2009)

## AustLII Foundation Ltd

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### **Principal Activity**

AustLII Foundation Limited is a public company limited by guarantee that is incorporated and domiciled in New South Wales, Australia. The registered office is at Level 12, 235 Jones St, Ultimo, New South Wales 2007.

The principal activities of the company during the financial year were to provide an online free-access public library of Australian legal materials. Previously the library was jointly provided by the University of Technology, Sydney (UTS) and the University of New South Wales (UNSW). AustLII Foundation Limited began operations on 1 October 2009.

AustLII's objectives are to:

- Promote the sound administration and development of the law by providing free, effective and anonymous access to public legal information in Australia by means of an electronic public library;
- Maintain systems, programmes and databases for the effective handling of an electronic public library of legal information; and
- Advance legal education by promoting and encouraging research in the field of legal information systems.

AustLII's strategies to achieve these objectives are:

- Timely addition of new primary materials databases from all jurisdictions as they become available;
- Continuing development of technical features; and
- Undertake stakeholder engagement activities to ensure financial sustainability.

AustLII Foundation Limited is a company limited by guarantee and has no authorised or paid up capital. Each Member of the company, whilst a Member, or within one year after ceasing to be a Member, undertakes to contribute to the assets of the company in the event of it being wound up. If the company is wound up the Constitution states that each member is required to contribute a \$100 each towards meeting any outstanding obligations of the company. At 31 December 2013 the number of Members was two.

### **Review of operations**

AustLII Foundation Limited commenced operations on 1 October 2009. Initial equity consisted of net income received and held on behalf of the Foundation by the University of Technology, Sydney prior to the Foundation's commencement of operations. The net amount of surplus for the year end 31 December 2013 was \$2,641.

### **Significant changes in the State of Affairs**

No significant change in the state of affairs of the company occurred during or after the period that would render any amount stated in the accounts misleading.

### **Events Subsequent to Balance Date**

No matter or circumstance has arisen since the end of the year which significantly affected or may significantly affect the operations of the company, the results of these operations, or the state of affairs of the company in subsequent financial years.

### **Future Developments**

There are no extraordinary developments foreseen for the coming financial year.

### **Environmental Issues**

The organisation's operations are not regulated by any significant environmental regulations under a law of the Commonwealth or of a State or Territory.



## AustLII Foundation Ltd

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### Directors' Meetings

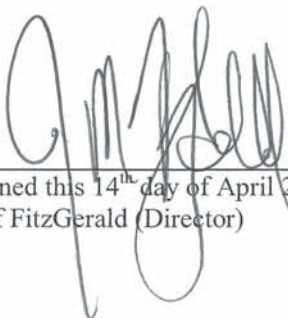
The number of meetings of directors held during the year and the number of meetings attended by each director were as follows:

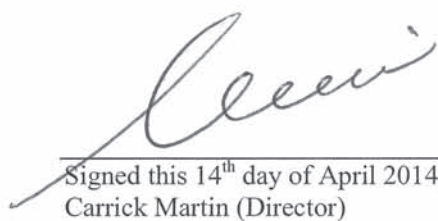
Directors' Meetings		
	Eligible to attend	Number attended
Dr Jeff FitzGerald	4	4
Mr Philip Chung	4	4
Prof Graham Greenleaf	4	4
Prof Andrew Mowbray	4	4
Mr Tim Bugg	4	3
Prof David Dixon	4	2
Mr Ian Govey	4	2
Prof Carrick Martin	4	4
Prof Lesley Hitchens	4	3

### Auditor Independence

A copy of the auditor's independence declaration as required under section 307C of the Corporations Act 2001 is set out on page 5.

Signed in accordance with a resolution of directors.

  
Signed this 14<sup>th</sup> day of April 2014, in Sydney.  
Jeff FitzGerald (Director)

  
Signed this 14<sup>th</sup> day of April 2014, in Sydney.  
Carrick Martin (Director)



To the Directors  
AustLII Foundation Limited

### **Auditor's Independence Declaration**

As auditor for the audit of the financial statements of AustLII Foundation Limited for the year ended 31 December 2013, I declare, to the best of my knowledge and belief, there have been no contraventions of:

- the auditor independence requirements of the *Corporations Act 2001* in relation to the audit
- any applicable code of professional conduct in relation to the audit.

Caroline Karakatsanis  
Director, Financial Audit Services

14 April 2014  
SYDNEY

## AustLII Foundation Ltd

### Statement of Comprehensive Income For the year end 31 December 2013

	Note	2013 \$	2012 \$
<b>Revenue from Continuing Operations</b>			
Donations & Contributions	1j, 2	915,145	919,026
Interest & Other Income	2	83,499	104,812
<b>Total Income</b>		<b>998,645</b>	<b>1,023,838</b>
<b>Expenses</b>			
Employment Costs	1f, 3, 12	785,158	798,883
Equipment Charges	1d, 3	59,475	61,973
Accounting and Audit Fees	3, 6	15,498	16,215
Consultancy Costs	3	8,663	23,018
Occupancy Costs	3,13	49,200	49,200
Insurance	3	5,648	5,950
Conference Costs	3	655	632
Travel and Accommodation	3	12,008	7,721
Other Operating Costs	3	59,700	50,477
<b>Total Expenses</b>		<b>996,004</b>	<b>1,014,068</b>
<b>Surplus for the year</b>		<b>2,641</b>	<b>9,770</b>
Other Comprehensive Income		-	-
<b>Total Comprehensive Income</b>		<b>2,641</b>	<b>9,770</b>

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

## AustLII Foundation Ltd

### Statement of Financial Position As at 31 December 2013

	Note	2013 \$	2012 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash at Bank	7	1,954,300	2,099,236
Trade and other Receivables	4	249,902	230,806
<b>TOTAL ASSETS</b>		<b>2,204,202</b>	<b>2,330,042</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Trade and Other Payables	5	149,627	278,107
<b>TOTAL LIABILITIES</b>		<b>149,627</b>	<b>278,107</b>
<b>NET ASSETS</b>		<b>2,054,575</b>	<b>2,051,934</b>
<b>EQUITY</b>			
Retained Surplus	1h,8	2,054,575	2,051,934
<b>TOTAL EQUITY</b>		<b>2,054,575</b>	<b>2,051,934</b>

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

### Statement of Changes in Equity for the year end 31 December 2013

	Note	Reserve \$	Retained Surplus \$	Total Equity \$
<b>Balance as at 1 January 2012</b>		<b>1,194,068</b>	<b>848,096</b>	<b>2,042,164</b>
Total comprehensive income for the year		-	9,770	9,770
Transferred to Retained Surplus		(1,194,068)	1,194,068	-
<b>Balance as at 31 December 2012</b>		<b>-</b>	<b>2,051,934</b>	<b>2,051,934</b>
<b>Balance as at 1 January 2013</b>		<b>-</b>	<b>2,051,934</b>	<b>2,051,934</b>
Total comprehensive income for the year		-	2,641	2,641
<b>Balance as at 31 December 2013</b>		<b>-</b>	<b>2,054,575</b>	<b>2,054,575</b>

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

## AustLII Foundation Ltd

### Statement of Cash Flows

For the year end 31 December 2013

	Note	2013 \$	2012 \$
<b>Cash flows from operating activities</b>			
Cash receipts in the course of operations		875,268	959,209
Payments to suppliers and employees ( inclusive of Goods and Services Tax )		(1,129,485)	(1,201,070)
Net interest received/(paid)		109,281	62,730
Net cash provided by operating activities	7	<u>(144,936)</u>	<u>(179,131)</u>
Net increase/(decrease) in cash held		(144,936)	(179,131)
Cash and cash equivalents at the beginning of the year		2,099,236	2,278,367
Cash and cash equivalents at the end of the year	7	<u>1,954,300</u>	<u>2,099,236</u>

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

## AustLII Foundation Ltd

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### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR END 31 DECEMBER 2013

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of this general purpose financial report are set out below.

The financial report is presented in Australian currency.

##### a. Basis of preparation

This general purpose financial report has been prepared in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations and other authoritative pronouncements of the Australian Accounting Standards Board) and Corporations Act 2001 and Corporations Regulations 2001, the Public Finance & Audit Act 1983 and the Public Finance & Audit Regulation 2010, the Charitable Fundraising Act 1991 and the Charitable Fundraising Regulation 2008.

These financial statements have been prepared on an accrual basis and are based on the historical cost convention. Amounts have been rounded off to the nearest dollar.

##### b. Cash and cash equivalents

Cash on hand and in banks is stated at its nominal value. For the purposes of the statement of cash flows, cash includes cash on hand and in banks.

##### c. Trade and other receivables

Trade receivables are recognised and carried at original invoice amount less any allowance for impairment. An allowance for impairment of receivables is recognised when collection of the full amount is no longer probable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy or financial reorganisation, and default or delinquency in payments (more than 90 days overdue) are considered indicators that the trade receivable is impaired.

The amount of the provision is recognised in the statement of comprehensive income. When a trade receivable for which an impairment allowance had been recognised becomes uncollectible in a subsequent period, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the income statement. Bad debts are written off as incurred.

##### d. Property, Plant & Equipment

No property, plant or equipment is owned by the Foundation at 31 December 2013. All plant and equipment used by the Foundation in its operations is wholly owned and maintained by the University of Technology, Sydney. The Foundation pays the University for the use of this equipment on a quarterly basis. The amounts are unsecured and are usually paid within 30 days of recognition.

##### e. Trade and Other Payables

Liabilities for trade creditors and other amounts are carried at cost, which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the entity.

## AustLII Foundation Ltd

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### f. **Employment Costs**

AustLII Foundation Limited's management and operational staff are employed under contract with the Member Universities. Employment costs for these staff are charged to the Foundation by the respective Universities on a quarterly basis. As such, no provisions for employee benefits are maintained by the Foundation.

### g. **Income Tax**

The company is exempt from income tax under Div 50 of the Income Tax Assessment Act 1997.

### h. **Equity**

The entity is a company limited by guarantee and has no authorised or paid up capital. The initial equity of \$ 1,194,068 (denoted as Retained Surplus) consists of amounts paid to AustLII Foundation Limited from the University of Technology, Sydney which represents net income earned by the Foundation as an office within the University prior to commencement of independent operations on 1 October 2009.

AustLII Foundation Limited made a surplus of \$2,641 for the year. The Accumulated balance in Retained Surplus as at 31 December 2013 was \$2,054,575. The Board resolved to designate \$650,000 of the Retained Surplus as available for AustLII Sustainable Initiatives.

The purpose of the AustLII Sustainable Initiatives designation is to achieve AustLII's objective of advancing and promoting "free access to legal information". In a rapidly evolving technological and regulatory environment this requires an ongoing need for capital and infrastructure outlays into the future. A prudent risk management strategy recognises the need to differentiate the accumulated equity between amounts available for meeting operating expenses for at least one year and those available to meet those challenges which will enable AustLII to sustain into the future its core mission of providing free and effective electronic access to public legal information in Australia.

Each member of the company, whilst a member, or within one year after ceasing to be a member, undertakes to contribute to the assets of the company in the event of it being wound up. If the company is wound up the Constitution states that each member is required to contribute a maximum of one hundred dollars (\$100) each towards meeting any outstanding obligations of the company. At balance date, there were two eligible members.

### i. **Comparative figures**

Comparative data has been reclassified where necessary to enhance the comparability in respect of changes in current year.

### j. **Revenue recognition**

Donations & Contributions are recorded as revenue either when tax invoices are raised at the request of the donor/contributor or otherwise when donations/contributions are received through cheques or credit cards or directly deposited in our bank account. Donations received for specific purposes are matched against expenditure as incurred. As per *AASB 118 Revenue*, interest is recognised using the effective interest rate method as set out in *AASB 139 Financial Instruments: Recognition and Measurement*.

### k. **Going concern**

The company has generated a surplus for the year end 31 December 2013. The ability of the company to continue as a going concern is dependent on the ongoing support of its donors and the success of its fundraising program. The Directors believe that the company will be successful and accordingly have prepared the accounts on a going concern basis.

## AustLII Foundation Ltd

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### **l. Goods and Services Tax (GST)**

Revenue, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of expense. Receivables and payables in the statement of financial position are shown inclusive of GST. Cash flows are presented in the statement of cash flows on a gross basis, except for the GST components of investing and financing activities, which are disclosed as operating cash flows.

### **m. Fundraising**

According to Constitution of AustLII Foundation Limited 3.4, funds raised by means of a collection within the meaning of the Charitable Fundraising Act 1991 (NSW) and corresponding legislation in other jurisdictions must be maintained in accordance with those Acts.

### **n. Lease Commitments**

In the Year 2013, AustLII Foundation Limited subleased part of office space from Brain Resource Limited. The operating lease is for the period from 1 August 2011 to 28 February 2013 and has been extended till the end of the financial year. A new lease has been signed from 1 January 2014 till 31 December 2015. The lease can be terminated at any time upon 3 months written notice. The minimum commitments for the notice period are \$17,829.

### **o. Significant accounting judgments, estimates and assumptions**

The directors evaluate estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume an expectation of future events and other factors considered to be reasonable.

## **2. REVENUE FROM CONTINUING OPERATIONS**

	<b>2013</b>	<b>2012</b>
	\$	\$
<b>Donations &amp; Contributions (by sector)</b>		
Education	90,000	121,550
Legal Profession	230,488	311,736
Law Societies & Bar Associations	68,000	69,770
Business & Industry	161,764	134,570
Government Agencies	206,500	93,500
Courts, Tribunals & Regulators	152,500	180,750
Community & Other	5,894	7,150
<b>Total Donations &amp; Contributions</b>	<b>915,145</b>	<b>919,026</b>
<b>Interest &amp; Other Income</b>	83,499	104,812
<b>Total Income</b>	<b>998,645</b>	<b>1,023,838</b>



## AustLII Foundation Ltd

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### 3. EXPENSES

	2013	2012
	\$	\$
Employment costs	785,158	798,883
Equipment charges	59,475	61,973
Accounting Fees	7,898	9,600
Audit Fees	7,600	6,615
Company Secretarial Services	8,000	8,000
Consultancy Costs	8,663	23,018
Occupancy Costs	49,200	49,200
Insurance	5,648	5,950
Conference Costs	655	632
Travel and Accommodation	12,008	7,721
Other Operating Costs	51,700	42,477
	<u>996,004</u>	<u>1,014,068</u>

### 4. TRADE AND OTHER RECEIVABLES

	2013	2012
	\$	\$
Goods and Services Tax	57,782	46,804
Accrued Interest	43,120	68,902
Trade Debtors	149,000	115,100
Allowance for Impairment of Receivables	-	-
	<u>249,902</u>	<u>230,806</u>

### 5. TRADE AND OTHER PAYABLES

	2013	2012
	\$	\$
Trade Creditors	120,778	254,116
Prepaid Income	20,000	15,000
Accrued expenses	8,849	8,991
	<u>149,627</u>	<u>278,107</u>

### 6. AUDITOR'S REMUNERATION

	2013	2012
	\$	\$
Audit Fees to Audit Office of NSW	<u>7,600</u>	<u>6,615</u>

## AustLII Foundation Ltd

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### 7. CASH

	2013	2012
a. <u>Cash and Cash Equivalents</u>	\$	\$
Cash at Bank	151,141	544,737
Term Deposit	1,803,159	1,554,499
	<b>1,954,300</b>	<b>2,099,236</b>
b. <u>Reconciliation of Cash from Operations</u>	2013	2012
Reconciliation of surplus for the year to net cash flows from operating activities	\$	\$
Surplus	2,641	9,770
Changes in Assets and Liabilities: (Increase)/Decrease in Trade Debtors and Prepayments (Operating)	(19,096)	(124,743)
Increase/(Decrease) in Payables	(128,481)	(64,159)
<b>Net Cash Provided by Operating Activities</b>	<b>(144,936)</b>	<b>(179,131)</b>

### 8. RETAINED SURPLUS

	2013	2012
	\$	\$
Retained Surplus at the beginning of the year	2,051,934	848,096
Net Profit	2,641	9,770
<b>Retained Surplus at the end of the year</b>	<b>2,054,575</b>	<b>857,866</b>
Transferred from Reserve	-	1,194,068
<b>Retained Surplus at the end of the year</b>	<b>2,054,575</b>	<b>2,051,934</b>

### 9. EVENTS SUBSEQUENT TO REPORTING DATE

The directors are not aware of any item, transaction or event of a material and unusual nature not otherwise dealt with in the report or financial statements that has significantly affected, or may effect the operations of the company, the results of those operations or the state of affairs of the company in subsequent years.

### 10. FINANCIAL INSTRUMENTS

#### (a) Net Fair Values

All financial assets and financial liabilities (cash, trade debtors, and trade creditors), and their net carrying amounts are equal to their fair value.

#### (b) General objectives, policies and processes

In common with all other businesses, the company is exposed to risks that arise from its use of financial instruments. This note describes the company's objectives, policies and processes for managing those risks and the methods used to measure them. Further quantitative information in respect of these risks is presented throughout these financial statements.

## AustLII Foundation Ltd

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The Board has overall responsibility for the determination of the company's risk management objectives and policies and, whilst retaining ultimate responsibility for them, it has delegated the authority for designing and operating processes that ensure the effective implementation of the objectives and policies to the company's finance function. The company's risk management policies and objectives are therefore designed to minimise the potential impacts of these risks on the results of the company where such impacts may be material. The Board received quarterly reports, with which it reviews the effectiveness of the processes put in place and the appropriateness of the objectives and policies it sets.

The overall objective of the Board is to set policies that seek to reduce risk as far as possible without unduly affecting the company's competitiveness and flexibility. Further details regarding these policies are set out below.

### 11. FINANCIAL RISK MANAGEMENT

The company's activities expose it to market risk (including interest rate risk), credit risk and liquidity risk. The company's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the company.

Risk management is carried out under policies approved by the Board of Directors.

#### (a) Credit risk

Credit risk is the risk that the other party to a financial instrument will fail to discharge their obligation resulting in the company incurring a financial loss. This usually occurs when debtors fail to settle their obligations owing to the company.

There is minimal credit risk with respect to current receivables. The company's policy is that services are only provided to clients that are credit worthy.

	2013	2012
	\$	\$
<b>Financial Assets</b>		
<u>Cash</u>	1,954,300	2,099,236
<u>Others</u>		
Accrued Income	43,120	68,902
Accounts Receivable	149,000	115,100
	<u>2,146,420</u>	<u>2,283,238</u>

## AustLII Foundation Ltd

### (b) Liquidity risk

Liquidity risk is the risk that the company may encounter difficulties raising funds to meet commitments associated with financial instruments, e.g. borrowing repayments. The company manages liquidity risk by monitoring cash flows and ensuring that adequate cash reserves are maintained.

		Carrying Amount	Contractual Cash Flows	No Maturity	< 6 months
<b>Financial Assets</b>					
2013	Cash	1,954,300	-	1,954,300	-
	Receivables	192,120	192,120	-	192,120
		<b>2,146,420</b>	<b>192,120</b>	<b>1,954,300</b>	<b>192,120</b>
<b>Financial Liabilities Measured at Amortised Cost</b>					
2013	Trade Payables	149,627	149,627	-	149,627
		<b>149,627</b>	<b>149,627</b>	<b>-</b>	<b>149,627</b>
2012	Trade Payables	278,107	278,107	-	278,107
		<b>278,107</b>	<b>278,107</b>	<b>-</b>	<b>278,107</b>

### (c) Market risk

The organisation has exposure to market risk for changes in interest rate due to investments in Term Deposits.

### (d) Sensitivity Risk

		Carrying Amount	+1% interest change Profit and Equity	- 1% interest change Profit and Equity
<b>Financial Assets</b>				
2013	Cash	1,954,300	19,543	(19,543)
	<b>Total</b>	<b>1,954,300</b>	<b>19,543</b>	<b>(19,543)</b>
2012	Cash	2,099,236	20,992	(20,992)
	<b>Total</b>	<b>2,099,236</b>	<b>20,992</b>	<b>(20,992)</b>

This analysis assumes a change in interest rate of +/-1%, which in the Directors' opinion is the largest expected movement over the next 12 months, assuming all other variables remain constant.

## AustLII Foundation Ltd

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### 12. RELATED PARTY DISCLOSURES

#### (a) Directors' Compensation

Three executive directors were remunerated by the Member Universities and then on-charged to the Foundation for the management of AustLII Foundation Limited during 2013. A Company Secretary was also remunerated for work performed. The Executive Directors' remuneration is included in the Key Management Personnel disclosure below.

#### (b) Key Management Personnel Compensation

The remuneration of Key Management Personnel is as follows:

	2013	2012
	\$	\$
Short-term benefits	203,010	201,803
Post-employment benefits	-	-
<b>Total benefits</b>	<b>203,010</b>	<b>201,803</b>

### 13. COMMITMENTS

In the Year 2013, AustLII Foundation Limited subleased part of office space from Brain Resource Limited. The operating lease is for the period from 1 August 2011 to 28 February 2013 and has been extended till the end of the financial year. A new lease has been signed from 1 January 2014 till 31 December 2015. The lease can be terminated at any time upon 3 months written notice. The minimum commitments for the notice period are \$17,829.

### 14. CONTINGENT ASSETS

AustLII Foundation does not have any material contingent assets as at balance sheet date.

### 15. CONTINGENT LIABILITIES

AustLII Foundation Limited is not subject to any material contingent liabilities at balance date.

### 16. MEMBERS' GUARANTEE

AustLII Foundation Limited is a company limited by guarantee and has no authorised or paid up capital. Each Member of the company, whilst a Member, or within one year after ceasing to be a Member, undertakes to contribute to the assets of the company in the event of it being wound up. If the company is wound up the Constitution states that each member is required to contribute a \$100 each towards meeting any outstanding obligations of the company. At 31 December 2013 the number of Members was two.

### 17. CORPORATE DETAILS

AustLII Foundation Limited is a company limited by guarantee, incorporated and domiciled in Australia. Its registered office and principal place of business is at Level 12, 235 Jones St, Ultimo, NSW, 2007. The principal activities are to provide an online free-access public library of Australian legal materials.



## INDEPENDENT AUDITOR'S REPORT

### AustLII Foundation Limited

To Members of the New South Wales Parliament

### Report on the Financial Statements

I have audited the accompanying financial statements of AustLII Foundation Limited (the Company), which comprise the statement of financial position as at 31 December 2013, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information and the directors' declaration.

### Opinion

In my opinion, the financial statements:

- are in accordance with the *Corporations Act 2001*, including:
  - giving a true and fair view of the Company's financial position as at 31 December 2013 and its performance for the year ended on that date
  - complying with Australian Accounting Standards and the Corporations Regulations 2001
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2010
- are in accordance with the *Charitable Fundraising Act 1991* (CF Act) and the Charitable Fundraising Regulation 2008 (CF Regulation), including showing a true and fair view of the Company's financial result of fundraising appeals for the year ended 31 December 2013

My opinion should be read in conjunction with the rest of this report on the financial statements.

### Director's Responsibility for the Financial Statements

The directors are responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards, the PF&A Act and the CF Act, and for such internal control as the directors determine is necessary to enable the preparation of the financial statements that give a true and fair view and that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

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

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

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

My opinion does *not* provide assurance:

- about the future viability of the Company
- that it has carried out its activities effectively, efficiently and economically
- about the effectiveness of its internal control
- that the Company has complied with requirements of the CF Act and CF Regulation other than those specified
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information that may have been hyperlinked to/from the financial statements.

### **Report on Other Aspects of the *Charitable Fundraising Act 1991***

In addition, I have audited the Company's operations in order to express an opinion on the matters specified at sections 24(2)(b), 24(2)(c) and 24(2)(d) of the CF Act for the year ended 31 December 2013.

### **Opinion**

In my opinion:

- the Company has properly kept the accounts and associated records during the year ended 31 December 2013 in accordance with the CF Act and CF Regulation (section 24(2)(b) of the CF Act)
- the Company has, in all material respects, properly accounted for and applied money received as a result of fundraising appeals conducted during the year ended 31 December 2013 in accordance with the CF Act and the CF Regulation (section 24(2)(c) of the CF Act)
- there are reasonable grounds to believe that the Company will be able to pay its debts as and when they fall due over the 12 month period from the date of this report (section 24(2)(d) of the CF Act).

My opinion should be read in conjunction with the rest of this report, including the inherent limitations.

### **Directors' Responsibility under the CF Act**

The Directors are responsible for complying with the requirements and conditions of the CF Act and CF Regulation. This responsibility includes establishing and maintaining internal control over the conduct of all fundraising appeals; ensuring all assets obtained during, or as a result of, a fundraising appeal are safeguarded and properly accounted for; and maintaining proper books of account and records.

The directors are also responsible for ensuring the Company will be able to pay its debts as and when they fall due.

## **Auditor's Responsibility**

My responsibility is to express an opinion on the matters specified at sections 24 (2)(b), 24 (2)(c), and 24 (2)(d) of the CF Act. I conducted my audit in accordance with applicable Australian Auditing Standards and Standards on Assurance Engagements to obtain reasonable assurance whether the Company has, in all material respects, complied with specific requirements of the CF Act and CF Regulation, and whether there are reasonable grounds to believe the Company will be able to pay its debts as and when they fall due over the 12 month period from the date of this independent auditor's report (future debts).

This audit involved performing procedures to obtain audit evidence about the Company's compliance with the CF Act and CF Regulation and its ability to pay future debts. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material breaches of compliance and inability to pay future debts. In making those risk assessments, the auditor considers relevant internal control 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 Company's internal control.

My procedures included obtaining an understanding of the internal control structure for fundraising appeal activities and examination, on a test basis, of evidence supporting the Company's compliance with specific requirements of the CF Act and CF Regulation, and assessing the reasonableness and appropriateness of the Directors' assessment regarding the Company's ability to pay future debts.

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

## **Inherent Limitations**

Because of inherent limitations of any compliance procedure, it is possible that fraud, error or non-compliance with the CF Act may occur and not be detected. My procedures have not been performed continuously throughout the period, were not designed to detect all instances of non-compliance, and have not covered all requirements of the CF Act and CF Regulation.

Any projection of the evaluation of compliance with the CF Act to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

Whilst evidence is available to support the Company's ability to pay future debts, such evidence is future orientated and speculative in nature. As a consequence, actual results are likely to be different from the information on which the opinion is based, since anticipated events frequently do not occur as expected or assumed and the variations between the prospective opinion and the actual outcome may be significant.

## **Independence**

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards, the *Corporations Act 2001* and relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



I confirm that the independence declaration required by the *Corporations Act 2001*, provided to the directors of AustLII Foundation Limited on 14 April 2014, would be in the same terms if provided to the directors as at the time of this auditor's report.

A handwritten signature in black ink, appearing to read 'C. Karakatsanis', written in a cursive style.

Caroline Karakatsanis  
Director Financial Audit Services

15 April 2014  
SYDNEY

## AustLII Foundation Ltd

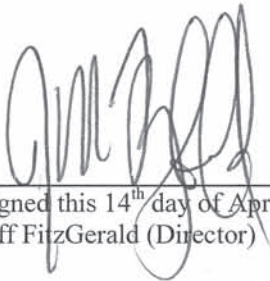
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### DIRECTORS' DECLARATION

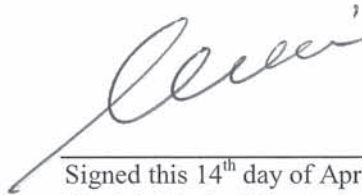
In the opinion of Directors:

1. The financial statements and notes of the company are in accordance with the Corporations Act 2001, including:
  - a) Giving a true and fair view of the financial position as at 31 December 2013 and the performance for the year end on that date of the company; and
  - b) Complying with Accounting Standards and the Corporations Regulations 2001; and
  - c) The Charitable Fundraising Act 1991 and Charitable Fundraising Regulation 2008; and
  - d) The internal controls are appropriate and effective in accounting for all income received and applied by the organisation from its fundraising appeals; and
  - e) The Public Finance and Audit Act 1983 and Public Finance and Audit Regulation 2010.
  
2. There are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

On behalf of the board



Signed this 14<sup>th</sup> day of April 2014, in Sydney.  
Jeff FitzGerald (Director)



Signed this 14<sup>th</sup> day of April 2014, in Sydney.  
Carrick Martin (Director)



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