



2009 Year In Review

and AustLII Foundation Limited Annual Report



Australasian Legal Information Institute

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



2009 AT A GLANCE

102 NEW AUSTLII DATABASES

In 2009, 102 new Australian and New Zealand databases were added to AustLII, bringing the total number of free-access databases to 376. Major new additions included law journals and legal scholarship, Victorian cases and tax-related databases.

NEW FOUNDATION OPERATIONAL

AustLII Foundation Limited became operational on 1 October 2009. The Foundation operates as a charity and has its own governance structure in place. The objective of the Foundation is to provide a high quality and up-to-date online public library for free access funded by donors. The AustLII Research Institute manages grant-funded research and infrastructure projects.

NUMBER ONE ONLINE LEGAL INFORMATION SITE

As in 2008, AustLII won the Hitwise 2009 Award for being the number one website in the Business and Finance – Legal industry based on market share of Australian Internet visits in 2009.

INAUGURAL ASIANLII CONFERENCE

The AustLII Research Institute operates three international online legal gateways: AsianLII, CommonLII and WorldLII. AsianLII is the newest, operating for over three years. The first conference, bringing together stakeholders of online Asian law came to Sydney in February 2009 to discuss building capacity for free access to law in Asia.



Opening of AsianLII Conference (L to R): Prof Jennie Lang, Pro-Vice Chancellor (Int'l), UNSW; Prof Jill McKeough, Dean, UTS Law Faculty; Hon Robert McClelland, Attorney General of Australia; and Prof David Dixon, Dean, UNSW Law Faculty



Australasian Legal Information Institute (AustLII)

AustLII Research Institute

A joint facility of UTS and UNSW Faculties of Law

AustLII Foundation Limited

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AUSTRALASIAN LEGAL INFORMATION INSTITUTE

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AUSTLII FOUNDATION LTD CHAIR'S REPORT

Over the past year, AustLII has continued to pursue its commitment to improve free and effective access to law both within Australia and internationally.

The scope of available databases has been significantly extended. Overall usage has increased from a wide range of users including high school and university students, judges, lawyers in government, corporations, and private practice, accountants and other professionals, legal academics, and citizens who were curious about a law or who faced any number of legal problems or issues ranging from taxation to consumer disputes.

Governance arrangements were successfully changed during 2009 to provide transparency and assurance that funding and contributions for its public electronic law library are segregated from funding for research and international legal access, and from the general funding for the Universities themselves.

AustLII's commitment to providing an electronic public law library which is comprehensive and up-to-date, reliable, and freely available can only be realised through dedicated and competent staff, excellent technology and adequate funding.

It is particularly gratifying to be able to report that federal and state government agencies, courts and tribunals, and a substantial number of legal professionals have continued to provide the latter during 2009 despite the impact of the global financial crisis. Stakeholders who provide the content of the

databases have also continued to ensure its comprehensiveness, timeliness, and reliability. The staff of AustLII has continued to work as effectively and professionally in 2009 as they have over preceding years.

The AustLII Research Institute has maintained its impressive track record in research including the development and implementation of an exciting citation system which facilitates easy access to case law and legal scholarship. It has also continued to improve online access to international legal materials, particularly those of India, South Asia and some Commonwealth countries, and decisions of international courts and tribunals. This is increasingly important for Australian users as well as those in the relevant countries because of the rapidly increasing internationalisation of Australia's trade, commercial and other relationships.

AustLII is strongly committed to the continued development and improvement of its services. The strengthening of its governance arrangements, and the consolidation and clarification of its finances have put AustLII in a very good position to focus upon further enhancing its ability to meet the needs and interests of its users and stakeholders, taking full advantage of the developments in the web and its associated technology. It is an honour and a pleasure to be a part of this exciting and valuable endeavour.

Dr Jeff Fitzgerald (Chair, AustLII Foundation Limited)

DIRECTORS' REPORT

The Australasian Legal Information Institute moved forward on many fronts in 2009, including groundwork for many future developments. This Report details a successful year in AustLII's core business of providing continually improving free access to high quality Australian and international legal information. This included expansion of the numbers and sizes of our Australian and international databases, development of major new facilities and expanding the usage of all our services. All systems were maintained with very high levels of accessibility and reliability. We continued to be rated by Hitwise as the most-accessed legal website in Australia.

AustLII Foundation Ltd, a not-for-profit company limited by guarantee with UTS and UNSW as members, commenced its role in October 2009 for the purpose of maintaining AustLII's continually expanding Australian databases. AustLII's research and international projects are now carried out by the AustLII Research Institute, a joint facility of UTS and UNSW Law Faculties. We wish to thank our Law Deans (Prof David Dixon and Prof Jill McKeough), the Chair of the AustLII Foundation Ltd Board, Dr Jeff FitzGerald, and the members of the company Board and the Research Institute committee for all their work in 2009 in helping AustLII's new governance structure work so smoothly.

During 2009, AustLII operated with an average of 10.5 equivalent full-time staff and is expected to increase in 2010. AustLII management continues to be very grateful to our small team of staff for their ongoing dedication and hard work.

AustLII has continued to expand its contributor base and retained most of its 2008 contributors, as well as adding new ones, and its funding from contributions exceeded \$1 million in 2009. Continuing success in raising funds from both contributions and competitive grants remains essential in 2010. AustLII's policy is to have

the costs of its maintenance operations shared broadly and equitably by all organisations that benefit from its service. Australia's Law Schools have responded most generously to this approach, almost all now being contributors. All Australian governments, acting collectively through the National Justice CEO's Group, provided AustLII for the first time with funding. Individual agencies and courts also provided substantial funds. Funding from the legal profession and business, while significant, remained unevenly distributed and is an area where further work needs to be done. In 2010, AustLII will need to expand its contributions from as wide a range of its users as possible, to maintain its expanding databases and its reliable services.

In 2009, the AustLII Research Institute was also very successful in obtaining new competitive grants including from the Australian Research Council (two LIEF grants, one for Australian legislation improvements, and one for the expansion of CommonLII), AusAID (for assisting free access to law in South Asia), the Commonwealth Secretariat (for Caribbean databases), and the Commonwealth Attorney-General's GAOP fund. The first year of AustLII's three-year grant from the Victorian Legal Services Board to make Victoria the 'Model Jurisdiction' for free access to law was completed successfully with major improvements to our Victorian resources. Work continued under the ARC Linkage grant for improvements to case law to further develop the LawCite citator and it now includes nearly 3 million case and journal article records. Going forward, AustLII will need continuing success in obtaining competitive and contract funding for research innovations, new services and international operations.

We all look forward to continuing to develop the world's best free access to law services.

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

ABOUT US

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 comprises of the AustLII Research Institute which is a joint facility of UTS and UNSW Faculties of Law and the AustLII Foundation Limited which is a not-for-profit company limited by guarantee. The AustLII Research Institute conducts research and is responsible for AustLII's international operations including AsianLII, CommonLII and WorldLII. The Foundation operates and maintains AustLII's Australian services.

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** became operational on 1 October 2009. Its 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 Institute** has two key objectives:

- Research and development in free access to law online;
- Operation of international legal information portals: AsianLII, CommonLII and WorldLII.

AustLII also jointly operates NZLII, and it assists with the development of other new legal information institutes.

GOVERNANCE

The **AustLII Research Institute** is a joint facility of the Faculties of Law of UTS and UNSW and is governed by a Management Committee comprised of the following members as at 31 December 2009:

- **Mr Philip Chung** (Executive Director, AustLII Research Institute; Lecturer, Faculty of Law, University of Technology, Sydney; Visiting Fellow, University of New South Wales)
- **Prof David Dixon** (Dean, Faculty of Law, University of New South Wales)
- **Prof Graham Greenleaf** (Professor, Faculty of Law, University of New South Wales; Co-Director, AustLII Research Institute)
- **Mr Paul Holt** (Faculty Manager, Faculty of Law, University of Technology, Sydney)
- **Prof Jill McKeough** (Dean, Faculty of Law, University of Technology, Sydney)
- **Prof Andrew Mowbray** (Professor, Faculty of Law, University of Technology, Sydney; Co-Director, AustLII Research Institute)
- **Ms Julie Romanowski** (Faculty General Manager, Faculty of Law, University of New South Wales)

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 2009 is comprised of:

- **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) Lecturer, Faculty of Law, University of Technology, Sydney; Visiting Fellow, 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) 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) Deputy-Secretary of the Commonwealth Attorney-General's Department
- **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) Dean, Faculty of Law, University of Technology, Sydney

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

MANAGEMENT AND STAFF

Managing and Executive Directors

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

- Andrew Mowbray (Professor, Faculty of Law, UTS)(Co-Director)
- Graham Greenleaf (Professor, Faculty of Law, UNSW)(Co-Director)
- Philip Chung (Lecturer, Faculty of Law, UTS; Visiting Fellow, UNSW)(Executive Director)

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

Full-time Staff

In 2009, AustLII had 10.5 total equivalent full-time staff (including full-time and part-time staff). This includes the Executive Director, but not the UTS and UNSW Co-Directors.

- Mark Di Nicola (Project Officer) from October 2009
- Chris Kenward (Systems Developer) seconded from Intersect from July 2009
- Annelies Moens (External Relations Manager)
- Sean McCarthy (Systems Developer) seconded from Intersect from December 2009
- Jones Olatunji (Systems Administrator)
- Cathy Quigley (Administrative Officer)
- Trevor Roydhouse (Systems Developer)
- Rajan Sharma (Systems Developer) from September 2009
- Kent Soesanto (Project Officer) from September 2009
- Sarah Waddell (Senior Research Officer) to June 2009
- Armin Wittfoth (Project Officer)

Part-time Staff

- Joy London (Project Officer) from March to August 2009
- Jill Matthews (Project Officer)
- Alpana Modi (Project Officer) to October 2009
- Janie Ng (Project Officer)
- Michael Tan (Project Officer)
- Sharleen Tran (Project Officer)
- Reza Vatandoust (Project Officer) from February 2009
- David Vaile (External Relations Officer)
- Cherry Wong (Project Officer) from July 2009
- Liam Wyatt (Project Officer) from October 2009
- Shomaice Zowghi (Project Officer) to November 2009

For details of staff responsibilities see AustLII Personnel at <http://www.austlii.edu.au/austlii/personnel.html>.

AUSTRALIAN DEVELOPMENTS

NEW DATABASES ON AUSTLII

In 2009, 102 new databases were added to AustLII, including 12 case law databases, 8 legislation databases, 17 journal and scholarship databases, 54 tax related databases from Australia, and 11 new databases from New Zealand. This brought the total number of databases that AustLII maintained in 2009 to 376, a significant increase compared with the previous year.

The new Australian databases added in 2009 were:

Case Law and Related Materials

- High Court of Australia – Appeal Short Particulars 2009-
- Social Security Appeals Tribunal – Review of Child Support Agency Decisions 2007-
- Superannuation Complaints Tribunal 2008-
- New South Wales Pharmacy Tribunal 2009-
- New South Wales Guardianship Tribunal 2004-
- New South Wales Chiropractors Tribunal 2008-
- Queensland Land Appeal Court 2009-
- South Australian Residential Tenancies Tribunal – Residential Parks 2008-
- South Australian Liquor and Gambling Commissioner 2002-
- Victorian County Court 1993-
- Victorian Magistrates' Court 2006-
- Victorian Racing Appeals Tribunal 1984-

Determinations and Rulings

- 54 databases of Australian Taxation Office Final and Draft Determinations and Rulings

Legislation and Related Materials

- Commonwealth Repealed Acts
- South Australian Repealed Acts
- South Australian Repealed Regulations
- South Australian Bills 2002-
- South Australian Proclamations and Notices 2003-
- Victorian Bills Research Resources 2006-
- Victorian Ombudsman's Reports to Parliament 2000-
- Western Australian Numbered Acts 2000-

Law Journals and Legal Scholarship

- Commonwealth Journal of Local Governance 2008-
- Griffith Law Review 1992-
- International Journal of Social Security and Workers Compensation 2009-
- Journal of Applied Law and Policy 2008-
- Journal of the Australasian Law Teachers Association 2008-
- Journal of the Australasian Tax Teachers Association 2003-
- Law Institute Journal (Victoria) various years

- Legal Education Digest 1992-
- Legal Education Review 2003-
- Legal Issues in Business 1999-
- Monash University Law Review 1974-
- Public Space: The Journal of Law and Social Justice 2007-
- University of Melbourne Law School Research Series 2005-
- University of Notre Dame Australia Law Review 1999-
- University of Queensland Law Research Series 2000-
- Victorian Judicial Scholarship 2001-

Legal Texts and Monographs

- Australian Human Rights Commission – Federal Discrimination Law

Significant expansion was made to the following databases in 2009 (including addition of backset materials or broadening of coverage):

- NSW Bills Explanatory Notes 1990- (coverage expanded)
- Sydney Law Review 1953- (past editions added)
- University of New South Wales Law Journal 1975- (past editions added)



The President, The Hon. Catherine Branson QC, of the Human Rights Commission launched *Federal Discrimination Law* on AustLII on 18 August 2009.

Left to Right:

The Hon. Catherine Branson QC, President, Human Rights Commission; Jonathon Hunyor, Director, Legal Section, Human Rights Commission; Graeme Innes AM, Disability & Race Discrimination Commissioner; Prof Graham Greenleaf, Co-Director AustLII; Annelies Moens, External Relations Manager, AustLII.

Other Developments

- The '**Victoria: Model Jurisdiction for Free Access to Law**' Project completed its first year with 10 new databases added, and an improved interface to the 'Victoria' page.
- The **subject-oriented 'Libraries'** have been further developed. These make searchable in one location all content on AustLII relevant to a subject, and are updated daily. The *Australian Taxation Law Library* was expanded with 54 new ATO databases. The *Australian Indigenous Law Library* was also largely completed.
- The **LawCite citator** (released in December 2008), and the citation data on which it is built, have been used to very substantially increase the linking of case references from cases and other documents held by AustLII, no matter how cited. LawCite now contains almost 3M records of the citation histories of cases and law journal articles. It is the first free access citator for Australian law, and is developed under an ARC Linkage Project.
- The **Australasian Legal Scholarship Library**, funded by an ARC LIEF grant, became the second largest searchable collection of legal scholarship on the Internet.

INTERNATIONAL DEVELOPMENTS

The AustLII Research Institute is responsible for the three multi-LII projects coordinated by AustLII in cooperation with other LIIs in the Free Access to Law Movement: AsianLII, CommonLII, and WorldLII. These systems provide access to a combination of databases located on other LIIs, and to databases located on the system itself. It also jointly operates NZLII with New Zealand partners. The numbers of databases searchable from each of the portals operated by AustLII as at November 2009, and the number of databases found on each cooperating LII, is set out in the following Table:

Systems	AsianLII	CommonLII	WorldLII	Countries
AltLaw	-	-	14	-
AsianLII	98*	-	98*	24
AustLII	-	335	335	1
BAILII	-	78	78	4
CanLII	-	-	165	1
CommonLII	49*	69*	69*	22
CyLaw	-	6	6	1
GLIN	4	-	42	34
HKLII	13	13	13	1
LawPhil	16	-	16	1
LII (Cornell)	-	-	3	1
NZLII	-	35	35	1
PacLII	25	156	180	19
SAFLII	-	56	63	18
ULII	-	7	7	1
WorldLII	-	-	66*	35
TOTAL	205	755	1,190	165

Table of searchable databases in multi-LII systems (as at 19 November 2009)

In this table, the 'Countries' column indicates the number of additional countries that a particular LII adds to the total number of countries whose databases are searchable via WorldLII. Of the total 165 countries, the only databases from about 40 are the Constitution of the country. If those are deducted, the LIIs collaborating in WorldLII provide databases from 125 countries. AustLII maintains 233 of the non-Australian databases (marked *), on AsianLII, CommonLII and WorldLII, in addition to the 335 on AustLII (at that time).

In 2009, there were almost 30 million hits on AsianLII, CommonLII, NZLII and WorldLII. The most popular international country databases in 2009 continue to be from India. However, usage of databases from Sri Lanka have more than doubled compared with 2008 due to the cases no longer being available from Sri Lanka. The International Courts & Tribunals on WorldLII have received increased traffic, as have the *English Reports 1220-1873* on CommonLII.

During 2009, AustLII Co-Directors were involved in providing assistance, including technical advice, and provision of open source software developed by AustLII, to other LIIs including PacLII, SAFLII, HKLII, CyLaw and BAILII. AustLII Co-Directors are members of the managing bodies of BAILII and PacLII. AustLII has also been an active participant in the Free Access to Law Movement, and moved the nominations of two new members in 2009, the Kathmandu School of Law and the Cardiff Index to Legal Abbreviations.



The Asian Legal Information Institute (AsianLII) <<http://www.asianlii.org/>> provides access to 205 databases from 28 Asian countries and territories, including those from 5 other LIIs (HKLII, LawPhil, GLIN, PaCLII (for Papua New Guinea) and CommonLII (Commonwealth countries in Asia)), plus 98 databases located on AsianLII. AsianLII's 2009 developments include:

- Addition of 3,000 decisions from **Indonesia's** Supreme Court and High Religious Court (in Bahasa), under AustLII's MOU with the Supreme Court (Makama Agung).
- Expansion to over 200,000 full text cases from **India**.
- The Sino search engine now searches **Chinese language** databases on AsianLII (from HKLII).

AustLII hosted the 'First AsianLII Conference: Developing Capacity for Free Access to Law in Asia' in Sydney in February 2009, with attendees from a dozen Asian countries, and many LIIs.



Participants at the First AsianLII Conference (23 February 2009)

AsianLII has obtained AusAID funding for its work in developing capacity for free access to law in east Asia (China, Indonesia, Mongolia, Vietnam, Thailand, Cambodia, The Philippines, and Laos) and more recently in South Asia (India, Nepal, Sri Lanka, Maldives, Bangladesh, Pakistan, Bhutan).

In December 2009 UNSW and UTS (on behalf of AustLII) signed a Memorandum of Understanding with the Korean Legislation Research Institute (KLRI), as part of which KLRI will provide for free access publication on AustLII an extensive collection of translations of Korean legislation into English in 2010.

COMMONLII (COMMONWEALTH LEGAL INFORMATION INSTITUTE)



The Commonwealth Legal Information Institute (CommonLII) <<http://www.commonlii.org/>> provides access to 755 databases from all Commonwealth and common law countries and some territories (59 jurisdictions). Most are provided by 8 LIIs in the Free Access to Law Movement, plus 69 provided by CommonLII (mainly from Asia, the Caribbean, West Africa, Europe, and Commonwealth institutions).

CommonLII's major developments in 2009 were:

- The first version of the **Commonwealth Criminal Law Library** uses virtual database methods to identify criminal law materials from all Commonwealth countries and makes them searchable in the one location.
- The new **Caribbean Law Project** is expanding CommonLII's Caribbean materials.

CommonLII has obtained in 2009 funding from the Legal and Constitutional Affairs Division of the Commonwealth Secretariat for the Commonwealth Criminal Law Library and Caribbean Law Project.

WORL DLII (WORLD LEGAL INFORMATION INSTITUTE)



The World Legal Information Institute (WorldLII - <<http://www.worldlii.org/>>) now provides access to 1,155 databases from 124 jurisdictions. All of the databases (except 31 primarily from International Courts and Tribunals) are provided by 14 other LIIs from the Free Access to Law Movement.

Developments in 2009 (not including those taking place on the other collaborating LIIs) included:

- Databases from additional LIIs (**AltLaw** - US databases) were made available through WorldLII.
- Databases in the **International Law Library** have been updated, prior to expansion of the decisions of International Courts and Tribunals, treaties, and international law scholarship.
- A 'virtual database' has been added to **every country's** page on WorldLII, an additional database of international decisions, law journal articles, treaties etc relevant to each country.
- The WorldLII **Catalog** was maintained in strategic areas, and the results interface improved.

Australian Research Council funding was obtained in 2009 for the 'International Law Library'.



The New Zealand Information Institute (NZLII - <http://www.nzlii.org/>) is jointly operated by AustLII, the University of Otago Faculty of Law and the University of Canterbury. It expanded significantly in 2009, with addition of the following 11 databases:

- Canterbury Law Review 1980-
- Employment Court of New Zealand Decisions 2007-
- New Zealand Accident Compensation Appeal Authority Decisions 2005-
- New Zealand Employment Relations Authority Decisions 2007-
- New Zealand Health and Safety in Employment Decisions 2007-
- New Zealand Legal Complaints Review Officer Decisions 2009-
- New Zealand Repealed Acts
- New Zealand Regulations
- New Zealand Repealed Regulations
- Social Security Appeal Authority of New Zealand Decisions 2003-
- Student Allowance Appeal Authority of New Zealand Decisions 2004-

NZLII databases are part of AustLII's Australasian Legal Scholarship Library, and other facilities which benefit from Trans-Tasman content.

RESEARCH AND TRAINING

PUBLICATIONS

Greenleaf G 'AustLII's Business Models: Constraints and Opportunities in Funding Free Access to Law' in G Peruginelli and M Ragano (Eds) *Free Access, Quality of Information, Effectiveness of Rights* (Proc. IX International Conference 'Law via the Internet'), European Press Academic Publishing, Florence, Italy, 2009, pp 423-436

Greenleaf G 'Subject libraries in free access law services' in Helmut Rießmann (Ed) *Festschrift für Gerhard Käfer*, pp 75-94, Juris GmbH Saarbrücken, 2009

Moens A 'Australasian Legal Information Institute' *ALTA Newsletter* Edition 2 June 2009, pp28-29

Moens A 'Is AustLII Sustainable?' (2009) 17(3) *Australian Law Librarian* Vol 17 No.3 2009, pp154-157

Moens A 'Queensland Bar – AustLII's Top 5 Commercial User' Hearsay, *The Journal of the Bar Association of Queensland* Issue 39: 2009

Mowbray A and Chung P 'Free-access case law enhancements for Australian law' in G Peruginelli and M Ragano (Eds) *Free Access, Quality of Information, Effectiveness of Rights* (Proc. IX International Conference 'Law via the Internet'), European Press Academic Publishing, Florence, Italy, 2009, pp 285-300

CONFERENCE PAPERS AND PRESENTATIONS

1st Asian Legal Information Institute Conference, 24 February 2009, presentations at conference on "Building capacity for free access to law in Asia", The University of New South Wales

- Chung P and Mowbray A 'AustLII's approach to an Asia-wide search engine'
- Greenleaf G 'Free online access to law in Asia: The state of play in 2009'
- Greenleaf G, Chung P and Mowbray A 'AsianLII as an Asia-wide comparative law facility'
- Moens A 'Business models for free-access LIIs'
- Mowbray A 'LawCite – Issues for an international free access citator for cases and legal scholarship in dealing with Asian law'

64th Annual Australasian Law Teachers' Association (ALTA) Conference, 6 July 2009, University of Western Sydney

- Mowbray A 'Publishers Plenary: Role of ERA and Publishing (paper and electronic citation indexes)'

10th Law via the Internet Conference, 26 November 2009, Durban, South Africa

- Chung P, Mowbray A and Greenleaf G 'Multi-lingual approaches to Asian law online'
- Greenleaf G 'Strategies for advancing free access to law world-wide'
- Mowbray A, Chung P and Greenleaf G 'Heuristics for legal citation recognition – LawCite and its applications'

TRAINING AND SEMINARS

AustLII training was held in Perth, Canberra, Melbourne, Darwin and Brisbane in 2009. Legal practitioners and migration agents attending received continuing professional development credits. Customised training was also held in Sydney for the Australian Attorney-General's Department.

The following seminars were held:

- **Victorian Bar Association**, two presentations to Victorian Readers Course and two presentations to members of the Victorian Bar, as part of their continuing legal education program, 11 March and 21 September 2009: 'How to use LawCite, AustLII's new International citator, plus other developments on AustLII' presented by Professor Andrew Mowbray, Director, AustLII
- **Queensland Law Society**, 31 March 2009 (continuing legal education seminar for Qld legal practitioners): 'Free-access online legal research for busy practitioners', presented by Professor Graham Greenleaf, Director, AustLII
- **NSW Supreme Court**, 21 May 2009: Judge's training on AustLII, presented by Professor Graham Greenleaf, Director, AustLII
- **Northern Territory Law Society**, 1 September 2009 (continuing legal education seminar for NT legal practitioners): 'Free-access online legal research for busy practitioners', presented by Professor Graham Greenleaf, Director, AustLII
- **Queensland Bar Association**, 5 November 2009 (continuing legal education seminar for Qld barristers): 'Free-access online legal research for busy practitioners', presented by Professor Graham Greenleaf, Director, AustLII
- **NSW Industrial Relations Commission**, 18 November 2009: Judge's training on AustLII, presented by Professor Graham Greenleaf, Director, AustLII



Prof Graham Greenleaf presents at the Queensland Bar, 5 November 2009

RESEARCH GRANTS

GRANTS FOR 2009

AustLII applies for competitive grants to develop new databases and services. 2009 grant revenue is apportioned across the following projects. For multi-year grants, only amounts allocated to 2009 are shown.

Australian Projects

- Victorian Legal Services Board for making Victoria the model jurisdiction for free access to the law online (year 1 of 3 year grant) – \$294,044
- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for the creation of an International Humanitarian Law Library – ARC: \$150,000; Partners: \$310,000
- ARC Linkage grant to improve online case law – including the development of LawCite, a free-access case citator (year 2 of 3 year grant) – ARC: \$118,845; Partner: \$47,000

International Projects

- AusAID's Public Sector Linkages Program (PSLP) for the development of free access to the law of Asian developing economies via the Asian Legal Information Institute (AsianLII) for India and countries in South Asia (year 1 of 3 year grant) – \$50,000
- Commonwealth Attorney-General's Grants to Australian Organisations Program (GAOP) funding to continue the development of the Asian Legal Information Institute (AsianLII) and the Commonwealth Legal Information Institute (CommonLII) – \$50,000
- Commonwealth Secretariat for the development of the Commonwealth Criminal Law Library – GBP20,000
- Commonwealth Secretariat for the development of the Commonwealth Caribbean Small States Project – GBP20,000

Grants are listed on AustLII's research page at: <<http://www.austlii.edu.au/austlii/research>>.

Donations for AustLII's International Projects

In 2009, the following organisations provided funding contributions to AustLII's international projects:

- Doogue & O'Brien Criminal Defence Lawyers (funds for CommonLII and AsianLII)
- Armstrong Legal (funds for AsianLII)
- Filament (funds for AsianLII)

GRANTS FOR 2010

The following competitive research grants were obtained in 2009 or earlier to commence or continue in 2010:

Australian Projects

- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for ‘Bringing Australian free-access legislation to international best practice standards’ – ARC: \$164,002; Partner: \$180,000
- Australian National Data Service (ANDS) – ‘Increasing the availability and discoverability of Australasian legal research data’ - \$300,000
- Victorian Legal Services Board for making Victoria the model jurisdiction for free access to the law online (year 2 of 3 year grant) – \$269,845
- ARC Linkage grant to improve online case law – including the development of LawCite a free-access case citator (year 3 of 3 year grant) – ARC: \$150,000; Partner: \$47,000

International Projects

- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for ‘Free access legal research infrastructure for the whole of the common law: Completing CommonLII’ – ARC: \$189,410; Partner: \$200,000
- AusAID’s Public Sector Linkages Program (PSLP) for the development of free access to the law in India and countries in South Asia via the Asian Legal Information Institute (AsianLII) (year 2 of 3 year grant) – \$100,000
- Commonwealth Attorney-General’s Grants to Australian Organisations Program (GAOP) funding to continue the development of AsianLII, CommonLII and WorldLII – \$20,000

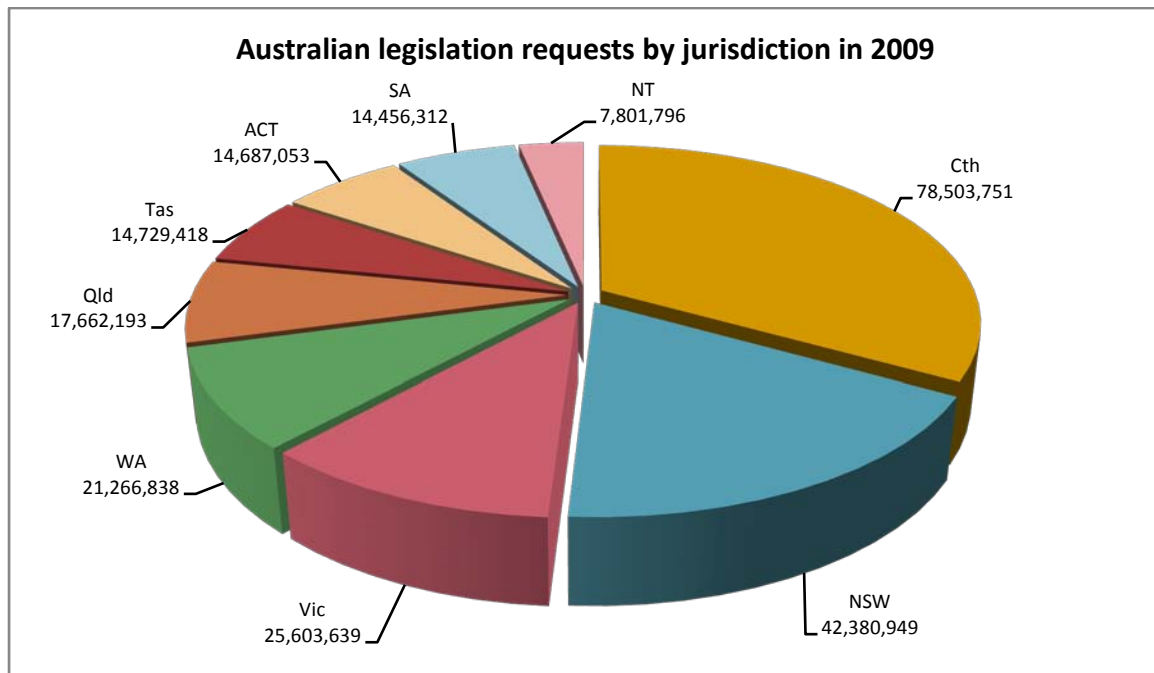
USAGE

AUSTLII'S DATABASE USAGE AND MARKET SHARE

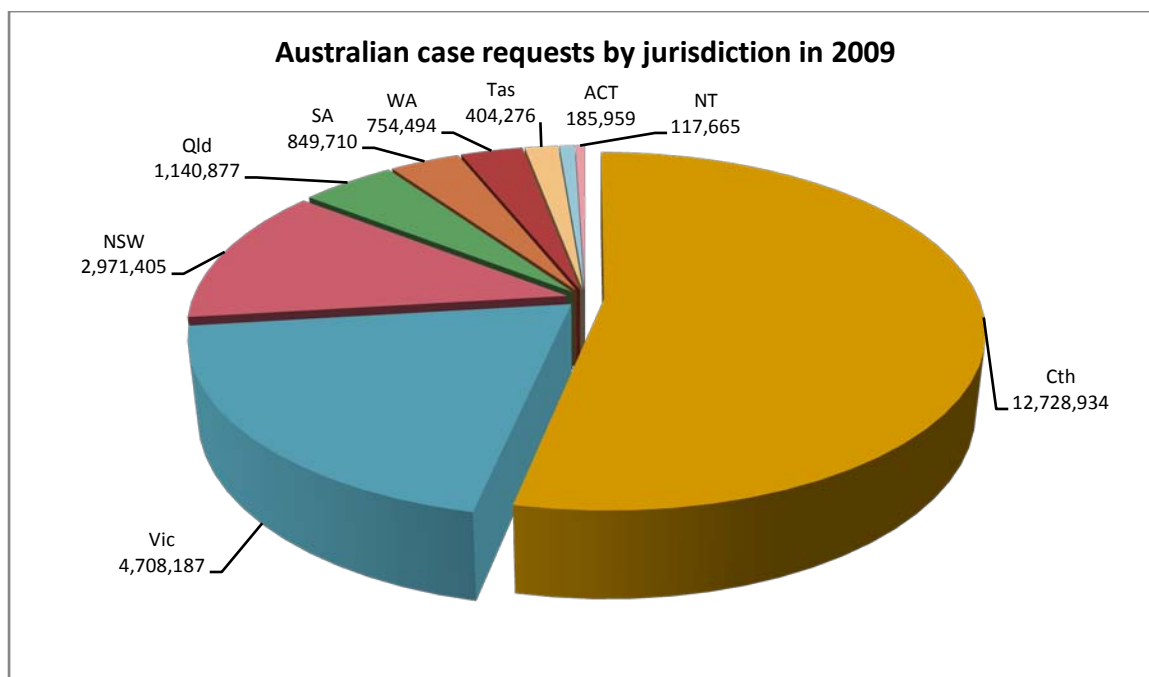
Total hits for the year exceeded 305 million. AustLII averaged 852,535 hits per day in 2009 and has been steadily increasing since 2005 as can be seen by the table below.

Year	Average number of hits per day
2009	852,535
2008	709,975
2007	622,624
2006	430,402
2005	310,988

The most popular databases on AustLII continue to be the Commonwealth legislation and case law databases. The following graphs show the number of accesses to AustLII's legislation and case law databases by jurisdiction.



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



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

There was a significant increase in the volume of data downloaded. In 2009, 13.94 terabytes were downloaded from AustLII.

AustLII has the number one market position in the online legal category, which includes websites from government, publishers, courts & tribunals, law societies, legal firms and barristers, according to Hitwise (an online competitive intelligence service).

For the second year in a row, AustLII won the Hitwise Award for being the number one website in the Business and Finance - Legal industry based on market share of Australian Internet visits during 2009.

AustLII had an average monthly market share of 27.7% in the online legal category in 2009.

AUSTLII'S MAJOR USERS AND CONTRIBUTORS

The following table shows the geographic location of our users in 2009, based on information from Hitwise. This is compared with population percentages in June 2009 provided by the Australian Bureau of Statistics. As can be seen from the following table, use of AustLII from each jurisdiction is largely equivalent to the percentage of the population in each jurisdiction.

Jurisdiction	AustLII access from each jurisdiction (%)	Population in June 2009 (%)
New South Wales	35.69%	32.46%
Victoria	23.57%	24.81%
Queensland	18.07%	20.16%
Western Australia	10.54%	10.23%
South Australia	7.58%	7.41%
Tasmania	2.15%	2.30%
Australian Capital Territory	1.81%	1.61%
Northern Territory	0.57%	1.03%

Most of AustLII's users access AustLII through internet service providers. Consequently, AustLII is unable to identify most of its users unless it receives specific internet protocol information from the user.

The users AustLII is able to identify fall into three main sectors:

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

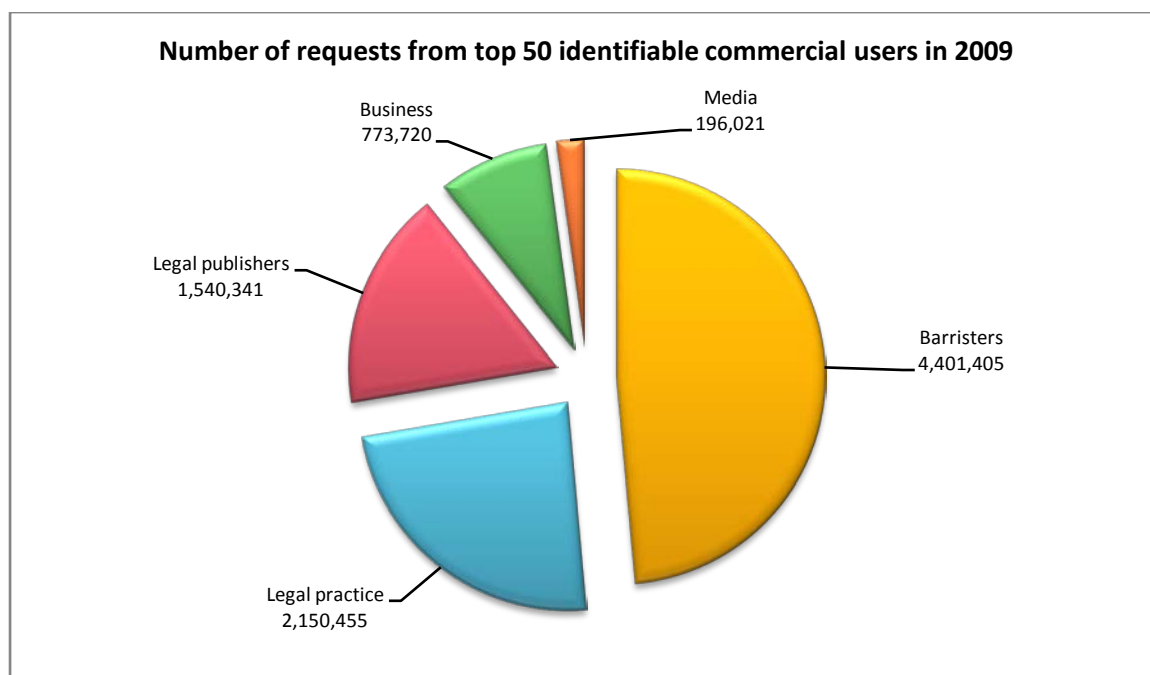
Almost half of identified users fall into the commercial category. Government use remains similar to 2008, representing a quarter of identified users and the education sector represents almost a third of identified users.

COMMERCIAL SECTOR

Identified users in the commercial sector fall largely into the following five 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
- media

Only 21 out of the top 50 (30,000 or more requests per annum) and 10 out of the top 20 (60,000 or more requests per annum) identifiable commercial users are contributors. The largest category of identifiable commercial users is the Bar. Some barristers contribute individually or as part of a chamber. Of the five barrister ISPs in the top 10, only one from Victoria and one from NSW are contributors.

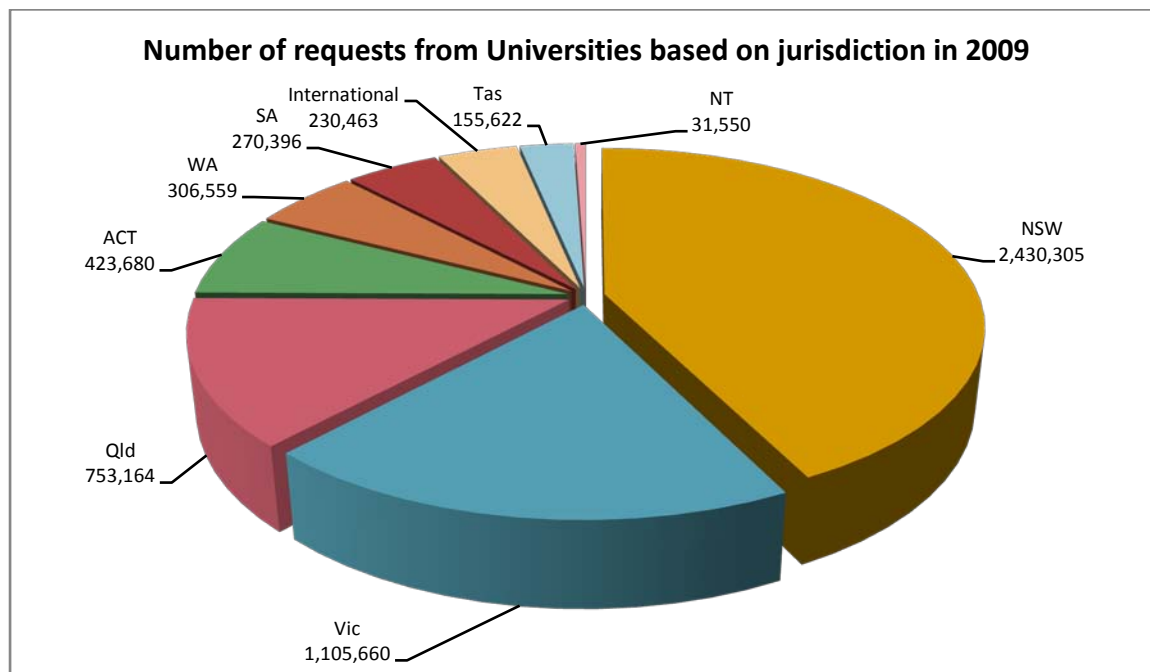


COMMERCIAL USAGE OF AUSTLII IN 2009

	Commercial Category	Number of requests	Contributor in 2009
1	Legal publisher	1,467,826	
2	Barristers – Vic	1,395,608	<input checked="" type="checkbox"/>
3	Barristers – NSW	1,261,069	
4	Barristers – NSW	870,102	<input checked="" type="checkbox"/>
5	Barristers – Qld	510,627	
6	Business	476,143	
7	Legal practice	247,434	<input checked="" type="checkbox"/>
8	Legal practice	224,742	<input checked="" type="checkbox"/>
9	Barristers – WA	195,182	
10	Business	175,662	
11	Legal practice	151,539	
12	Legal practice	115,345	<input checked="" type="checkbox"/>
13	Legal practice	114,666	<input checked="" type="checkbox"/>
14	Legal practice	105,638	<input checked="" type="checkbox"/>
15	Media	104,766	
16	Legal practice	81,923	<input checked="" type="checkbox"/>
17	Business	79,844	
18	Legal practice	77,449	<input checked="" type="checkbox"/>
19	Legal practice	66,551	<input checked="" type="checkbox"/>
20	Barristers – Vic	60,851	
21	Legal practice	60,307	<input checked="" type="checkbox"/>
22	Barristers – Vic	56,246	
23	Barristers – Vic	51,720	
24	Legal practice	50,254	
25	Media	50,182	
26	Legal practice	49,004	<input checked="" type="checkbox"/>
27	Legal practice	48,463	
28	Legal practice	48,195	<input checked="" type="checkbox"/>
29	Legal practice	47,757	<input checked="" type="checkbox"/>
30	Legal practice	46,431	
31	Legal practice	45,896	
32	Legal practice	44,197	<input checked="" type="checkbox"/>
33	Legal practice	43,890	
34	Legal practice	43,567	<input checked="" type="checkbox"/>
35	Business	42,071	
36	Legal practice	41,592	
37	Legal practice	41,407	<input checked="" type="checkbox"/>
38	Media	41,073	
39	Legal publisher	41,028	
40	Legal practice	41,028	
41	Legal practice	39,867	
42	Legal practice	38,275	<input checked="" type="checkbox"/>
43	Legal practice	37,021	
44	Legal practice	35,450	
45	Legal practice	34,213	
46	Legal practice	33,922	<input checked="" type="checkbox"/>
47	Legal practice	32,641	<input checked="" type="checkbox"/>
48	Legal practice	31,879	<input checked="" type="checkbox"/>
49	Legal publisher	31,487	
50	Legal practice	29,912	

EDUCATION SECTOR

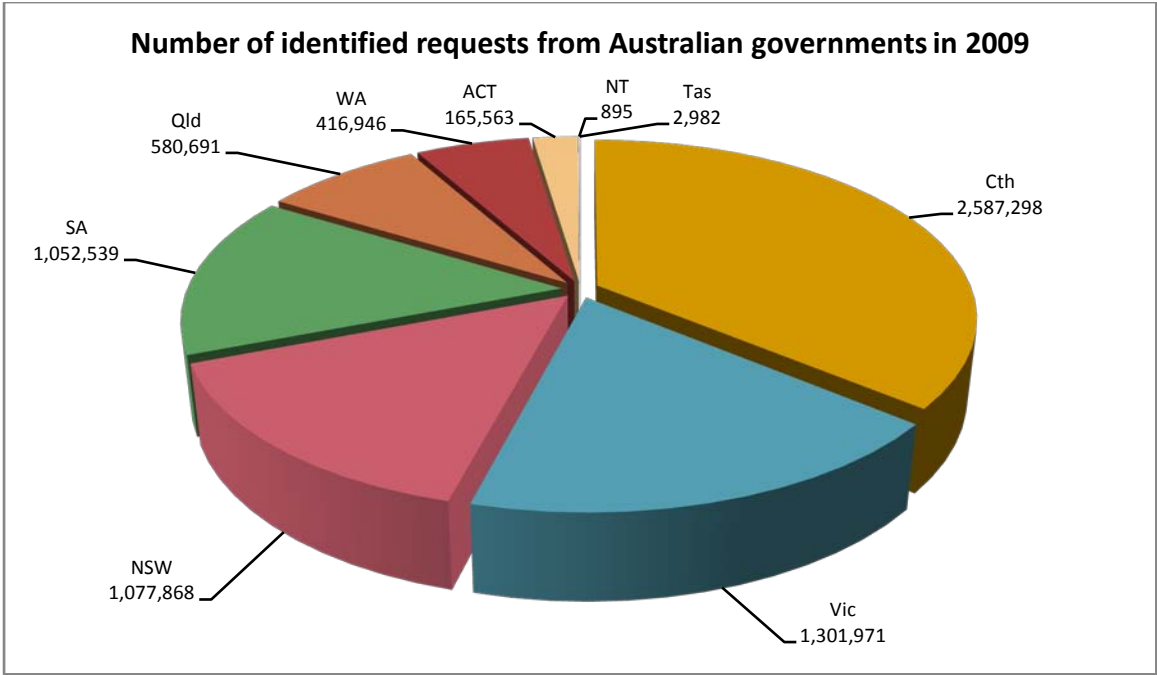
All Universities in Australia and many from overseas use AustLII. The Universities in the Eastern states of Australia are the biggest users of AustLII. The following graph shows the usage from Australian Universities based on their jurisdiction and identifiable usage from international Universities. Almost all Law Schools in Australia provide funding contributions to AustLII.



GOVERNMENT SECTOR

The government sector in 2009 represented a quarter of AustLII's identifiable users. A significant amount of government use is identifiable at agency level, including Commonwealth, State and Territory government agencies. Overall, identifiable use of AustLII from government has increased 25% compared with 2008. Most notable increases occurred in South Australia, whose government agencies doubled their identifiable usage of AustLII in 2009 compared with 2008. Queensland and the Commonwealth government also had substantial increases in use of AustLII. Below is the total number of requests in 2009 from government across all Australian jurisdictions.

For the first time, AustLII received government financial contributions in 2009 from Australian governments through the National Justice CEO's Group.



Jurisdiction	Number of Requests in 2009
Federal Government Usage	2,587,298
State/Territory Government Usage	4,599,455
Total Identified Government Usage	7,186,753

DONATION FUNDING

The AustLII Foundation Limited raises donations to maintain AustLII's Australian infrastructure and services. Despite the economic downturn in 2009, the Foundation raised \$865,575 in donations with an additional \$137,600 of pledges that were subsequently received in 2010. Of this amount approximately 80% of revenue from 2008 contributors was retained and 20% of donation revenue was from new contributors that had not donated in 2008.

The largest new contributor was the Commonwealth, State and Territory governments which funded government usage through the National Justice CEO's Group in circumstances where individual agencies could not be identified. Through this approach, \$100,000 was donated in 2009.

In 2009, there was a slight decrease in funding from the commercial sector compared with 2008 due to the economic downturn. AustLII will continue to seek donations from its top identifiable commercial users.

The education sector continues to show strong support of AustLII with the donation component of education sector revenue increasing 10%.

AustLII's major contributors in 2009 donating \$50,000 or more were:

- National Justice CEO's Group
- Legal Practitioners' Liability Committee
- Australian Taxation Office

AustLII thanks all contributors for their support in 2009. These donations play a major part in making AustLII's services sustainable and keeping databases up to date.

LIST OF DONORS AND RESEARCH PARTNERS

In addition to research grant funding to the AustLII Research Institute, the AustLII Foundation has been supported by donor funding. Contributors are publicly acknowledged for their contribution on AustLII sponsors' page (unless anonymity is requested):
<<http://www.austlii.edu.au/austlii/sponsors>>

AustLII thanks all its 2009 contributors, which are listed below by sector, in order of size of contribution (from top to bottom). Details of contributions are available on the AustLII sponsors' page. Where marked '*' this means that an organisation's contribution for 2009 was by way of a partner contribution to an ARC grant.

GOVERNMENT

GOVERNMENT AGENCIES

National Justice CEO's Group
Australian Taxation Office
Department of Foreign Affairs and Trade*
Department of Defence
Australian Law Reform Commission
Comcare
Department of Families, Housing, Community Services and Indigenous Affairs

National Competition Council
State Library of New South Wales
Commonwealth Ombudsman
National Library of Australia
Queensland Crime and Misconduct Commission
Administration of Norfolk Island

COURTS, TRIBUNALS & REGULATORS

Federal Magistrates Court of Australia
Administrative Appeals Tribunal
Federal Court of Australia*
Family Court of Australia (part research contribution)
Migration Agents Registration Authority
Fair Work Australia
Victorian Civil and Administrative Tribunal*
Western Australian Industrial Relations Commission
NSW Workers Compensation Commission
Migration Review Tribunal
Refugee Review Tribunal
Council of Australasian Tribunals Inc
Australian Human Rights Commission
High Court of Australia*

Health Professionals Registration Boards
NSW Consumer, Trader and Tenancy Tribunal
Pharmacy Board of New South Wales
Queensland Industrial Relations Commission
South Australian Industrial Relations Tribunals
Supreme Court of Tasmania
Planning Panels Victoria
Takeovers Panel (Dept of Treasury)
ACT Civil and Administrative Tribunal
Superannuation Complaints Tribunal
Mental Health Review Board
Workers & Rehabilitation & Compensation Tribunal Tasmania

EDUCATION

The University of New South Wales*
University of Technology, Sydney* **
Australian National University*
The University of Queensland
The University of Melbourne
The University of Sydney*
University of New England
University of Western Sydney*
The College of Law (NSW)
Monash University
Murdoch University
Queensland University of Technology
Bond University
La Trobe University
James Cook University

University of Adelaide
University of Newcastle
University of South Australia
University of Southern Queensland
University of Tasmania
University of Wollongong
Southern Cross University
Australasian Institute of Judicial Administration*
University of Western Australia
Deakin University
Edith Cowan University
Notre Dame University
University of Victoria
Australian Institute of Public Safety

** UTS also provides physical premises from which AustLII staff operate.

COMMERCIAL

LEGAL PROFESSION

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

National Legal Aid
Clayton Utz
Baker & McKenzie
Allens Arthur Robinson
Corrs Chambers Westgarth Lawyers
Freehills
Minter Ellison Lawyers
Florin Burhala & Associates Lawyers
Arnold Bloch Leibler Lawyers & Advisers
Bartier Perry
Blake Dawson

Colin Biggers & Paisley
Dibbs Barker
Middletons
Gadens Lawyers
Greenwoods & Freehills
Russell Kennedy
Selborne & Wentworth Chambers – 12th floor
Turner Freeman Lawyers
Henry Davis York Lawyers
Maurice Blackburn Lawyers
Australian Government Solicitor

DLA Phillips Fox
Eakin McCaffery Cox Solicitors
Hicksons Lawyers
Kemp Strang
Johnson Winter & Slattery Lawyers
List A Barristers
Piper Alderman
Phillips Ormonde Fitzpatrick Lawyers
Griffith Hack
Hunt & Hunt
Julian W K Burnside QC
Makinson D'Apice Lawyers
McCullough Robertson Lawyers
Norman Waterhouse Lawyers
Maurice Byers Chambers
Harwood Andrews Lawyers
New South Wales Society for Computers and the Law
W. G. McNally Jones Staff Lawyers
Simpsons
Jeffcott Chambers
Kingston Chambers
Archer Bushby Lawyers
Australian Law Librarians' Association (Vic) Inc
Brian Bartley & Associates Litigation Lawyers
Cowell Clarke Commercial Lawyers
Dever's List
DSA Legal Cost Consultants Pty Ltd
Forte Family Lawyers
Gary Testro (individual)
Geoff Hancy (individual)
Hanson Chambers
Harry Dixon SC (individual)
Hegarty & Elmgreen
HopgoodGanim Lawyers
Hynes Lawyers
John Sheahan SC (individual)
John White (individual)
Kate Eastman (individual)
Ken Barlow (individual)
Lynch Meyer
Macpherson + Kelley Lawyers
Mitchell Chambers
Patterson Houen & Commins Solicitors and Attorneys
Spruson & Ferguson
Adrian Batterby (individual)
Daniels Bengtsson Pty Ltd
David Owen (individual)
Ellison Tillyard Callanan Solicitors
Jacob Horowitz (individual)

Anchor Legal Commercial Lawyers
Arlene Macdonald (individual)
Armstrong Legal
Bannermans Lawyers
Bell Lawyers
Buller McLeod Lawyers
Connolly Suthers Lawyers
David Hooke (individual)
Doogue & O'Brien Criminal Defence Lawyers
Fenwick Elliott Grace Construction and Engineering Lawyers
Francis Commercial Lawyers
Greens List
Harris Wheeler Lawyers
Harry Rigney (individual)
James Allsop J. (individual)
James Isles (individual)
Janine Gleeson (individual)
JMA Legal Business Lawyers
Kevin Burges (individual)
Legal Compensation
Melanie Sloss SC (individual)
Merthyr Law
Michael Pearce SC (individual)
Monahan + Rowell Lawyers
Nevett Ford
Nunzio Lucarelli QC (individual)
Paul Bard Lawyers
Paul Batley (individual)
Peter Brindal (individual)
Peter Fox (individual)
Peter Lewis (individual)
Robert Crowe SC (individual)
Russell Cocks (individual)
Schweizer Kobras Lawyers & Notaries
Spencer Gulf Law
The Builder's Lawyer
Thomson Playford Cutlers
Thornton Immigration
Walker Kissane & Plummer Solicitors
Von Doussas
Nicholas Seddon (individual)
Australian Workplace Lawyers
E&A Lawyers
Harris Legal
Judith Bornstein (individual)
Noel Davis (individual)
Barry Northfield (individual)
Duncan Kerr SC MP
Ingmar Taylor (individual)

Mackenzie Mitchell Solicitors
Martin Willoughby-Thomas (individual)
Omond & Co.
Peter Bollard (individual)
Rickards Legal
Robert K Chelliah (migration agent)
Sean Barry (individual)
Malcolm Robinson (individual)
Andrew Sinclair (individual)
Bill Piper (individual)
Bob Locke (individual)
Chan SanLing (migration agent)
Donovan Oates Hannaford Lawyers
Douglas Barry (individual)

M. Rothstein & Co. Lawyers & Migration Agents
Michael Coe (individual)
Michael Hennessy (individual)
Northside Law Solicitors and Attorneys
Philippe Doyle Gray (individual)
Wallmans Lawyers
Wellners Lawyers
Stuart Wood (individual)
E W Gray (individual)
Andrew Monisse (individual)
Centre for Offshore Energy Law & Policy
CGC Migration
Steven Hogg (individual)
Anonymous (10)

BUSINESS & INDUSTRY

Legal Practitioners' Liability Committee
Thomson Reuters
IMF (Australia) Ltd
Counsel's Chambers Limited
National Australia Bank
Television Education Network
ACTEWAGL
Zurich Financial Services
Meriton Premier Apartments
Mercer P/L
Australian Industry Group

Street Partners
Australian Exporters
Choice Home Loans
Cumpston Sarjeant
Filament
Forex Trading Systems
Infoactive Media
newlawyer.com
Rushmore Forensic
AGL Energy Limited
Getalawyer.com.au

LAW SOCIETIES & BAR ASSOCIATIONS

Law Institute of Victoria
Bar Council of Victoria
Queensland Law Society
Central Queensland Law Association
Law Council of Australia
Law Society of Tasmania

Western Australian Bar Association
Law Society of South Australia
Criminal Lawyers Association of WA
Law Society Northern Territory
Northern Territory Bar Association

OTHER COMMUNITY

Antony Comanos
Jane Stephens
Jill McKeough, Professor
Michael Cordover

R E Byard
Louise & John Southalan
Mark Pickhaver
Tenants Advice Service

AustLII Foundation Ltd

ABN 41 134 717 972

**Annual Report
For the period ended 31 December 2009**

The financial report was authorised for issue by the directors on 23 April 2010.
The company has the power to amend and reissue the financial report.

AustLII Foundation Ltd

Directors' Report for the period ended 31 December 2009

Your directors present their report on the company for the period ended 31 December 2009. The names of the directors in office during the financial period 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)

Lecturer, Faculty of Law, University of Technology, Sydney; Visiting Fellow, 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)

Deputy-Secretary of the Commonwealth Attorney-General's Department

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)

Dean, Faculty of Law, University of Technology, Sydney

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

AustLII Foundation Ltd

Principal Activity

AustLII Foundation 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 Ltd began operations on 1 October 2009.

Review of operations

AustLII Foundation Ltd commenced operations on 1 October 2009. Starting reserve 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 (\$1,194,068). Transfers of equity happened both prior to and following the commencement of operations. The net amount of surplus for the period ended 31 December 2009 was \$73,594 (no comparative figures exist).

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 period 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

Directors' Meetings

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

	Directors' Meetings	
	Number of meetings attended	Meetings held while in office
Dr Jeff FitzGerald	4	4
Mr Philip Chung	2	2
Prof Graham Greenleaf	4	4
Prof Andrew Mowbray	3	3
Mr Tim Bugg	2	2
Prof David Dixon	1	4
Mr Ian Govey	1	2
Prof Carrick Martin	4	4
Prof Jill McKeough	3	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.



Director

Signed this 23 day of April 2010, in Sydney.



Director

Signed this 23 day of April 2010, in Sydney.



GPO BOX 12
Sydney NSW 2001

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 period ended 31 December 2009, I declare that, 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, and
- any applicable code of professional conduct in relation to the audit.

A handwritten signature in black ink, appearing to read "A Oyetunji".

A Oyetunji
Director, Financial Audit Services

19 April 2010
SYDNEY

AustLII Foundation Ltd

Statement of Comprehensive Income For the period ended 31 December 2009

	Note	2009 \$
Income		
Donations	1j, 2	242,550
Interest	2	5,628
Total Income		248,178
Expenses		
Employment Costs	1f, 3, 11	130,659
Equipment Charges	1d, 3	25,000
Accounting and Audit Fees	3, 6	15,075
Other Operating Costs	3	3,490
Total Expenses		174,224
Total Comprehensive Income		<u>73,954</u>

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 2009**

	Note	2009
ASSETS		\$
Current Assets		
Cash at Bank	10	1,258,399
Trade and Other Receivables	4	18,138
TOTAL ASSETS		<u>1,276,537</u>
LIABILITIES		
Current Liabilities		
Trade and Other Payables	5	8,515
TOTAL LIABILITIES		<u>8,515</u>
NET ASSETS		<u>1,268,022</u>
EQUITY		
Reserve		1,194,068
Retained Surplus		73,954
TOTAL EQUITY		<u>1,268,022</u>

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

**Statement of Changes in Equity
for the period ended 31 December 2009**

	Note	Reserve	Retained Earnings	Total Equity
		\$	\$	\$
Unspent donations transferred		1,194,068		1,194,068
Total comprehensive income for the period			73,954	73,954
Balance at 31 December 2009		<u>1,194,068</u>	<u>73,954</u>	<u>1,268,022</u>

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 period ended 31 December 2009

	Note	2009 \$
Cash flows from operating activities		
Cash receipts in the course of operations		241,487
Payments to suppliers and employees		(181,712)
Net interest received/(paid)		4,556
Net cash from operating activities	7	<u>64,331</u>
Cash flows from financing activities		
Reserve transferred		<u>1,194,068</u>
Net cash from financing activities		<u>1,194,068</u>
Net increase/(decrease) in cash held		1,258,399
Cash and cash equivalents at the beginning of the period		<u>-</u>
Cash and cash equivalents at the end of the period		<u>1,258,399</u>

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

NOTES TO THE FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2009

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 of the Australian Accounting Standards Board) and Corporations Act 2001, as well as *The Public Finance & Audit Act 1983* and *The Public Finance & Audit Regulation 2005* and the Australian equivalents to International Financial Reporting Standards (AIFRS).

These financial statements have been prepared on an accrual basis and are based on the historical cost convention, however income from donations is recognised only when payment is received.

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, net of outstanding bank overdrafts.

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 income statement. 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 & equipment is owned by the Foundation at 31 December 2009. 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.

AustLII Foundation Ltd

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.

f. Employee Benefits

AustLII Foundation Ltd's management and operational staff are employed under contract with the University of Technology, Sydney. Employment costs for these staff are charged to the Foundation by the University 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 starting reserve consists of amounts paid to AustLII Foundation from the University of Technology, Sydney which represent net income earned by the Foundation as an office within the University prior to commencement of independent operations on 1 October 2009. Beginning equity consisted of cash (\$631,705) and equity receivable from the University of Technology, Sydney (\$562,363), which was transferred during the period.

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

As the organisation commenced operations on 1 October 2009, no comparative figures exist.

j. Revenue recognition

Donations are recorded as revenue only when payment has been received. Donations received for specific purposes are matched against expenditure as incurred. Revenue is recognised as interest accrues using the effective interest rate method.

k. Going concern

The company has generated a surplus for the period ended 31 December 2009. 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.

l. GST

Revenues, 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

AustLII Foundation Ltd

basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

m. Fundraising

According to Constitution of AustLII Foundation Ltd 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. Significant accounting judgments, estimates and assumptions

The directors evaluate estimates and judgements 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

	2009 \$
Donations (by sector)	
Education	31,500
Legal Profession	17,500
Law Societies & Bar Associations	34,000
Business & Industry	52,000
Government Agencies	32,600
Courts, Tribunals & Regulators	6,250
Community & Other	68,700
Interest	5,628
	<hr/> 248,178 <hr/>

3. EXPENSES

	2009 \$
Employment costs (paid and on-charged by UTS)	130,659
Equipment charges (incurred and on-charged by UTS)	25,000
Accounting Fees	9,075
Audit Fees	6,000
Company Secretarial Services	2,000
Other	1,490
	<hr/> 174,224 <hr/>

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4. TRADE AND OTHER RECEIVABLES

	2009
	\$
GST Receivable	15,566
Receivable from UTS	1,500
Accrued Interest	1,072
Allowance for Impairment of Receivables	-
	<u>18,138</u>

5. TRADE AND OTHER PAYABLES

	2009
	\$
Accrued expenses (accounting, audit and ASIC fees)	8,515

6. AUDITOR'S REMUNERATION

	2009
	\$
Audit Fees payable to: Audit Office of NSW	6,000

7. CASH FLOW STATEMENT

	2009
a. Reconciliation of Cash	\$
Cash at Bank	1,248,399
Term Deposit	10,000
	<u>1,258,399</u>
b. Reconciliation of Cash from Operations with Surplus for the Period	2009
	\$
Surplus	73,954
Changes in Assets and Liabilities: (Increase)/Decrease in Trade Debtors and Prepayments (Operating)	(18,138)
Increase/(Decrease) in Payables	8,515
Net Cash Flow Used in Operating Activities	<u>64,331</u>

8. 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.

9. FINANCIAL INSTRUMENTS

(a) Net Fair Values

All financial assets and financial liabilities (cash, trade debtors, and trade payables), 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.

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 receives monthly reports from the company's outsourced financial information provider, 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.

10. 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 minimize potential adverse effects on the financial performance of the company.

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

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(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 as the company has only one receivable due from the Australian Taxation Office. The company's policy is that services are only provided to clients that are credit worthy.

	2009
	\$
Financial Assets	
Cash	1,258,399
Trade Debtors	18,138
	1,273,965
By type of customer:	
Government	15,566
Other	2,572

(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.

2009	Carrying Amount	Contractual Cash Flows	No Maturity	< 6 months
Financial Assets				
Cash	1,258,399		1,258,399	
Trade Debtors	18,138	18,138		18,138
	1,276,537	18,138	1,258,399	18,138
Financial Liabilities Measured at Amortised Cost				
Trade Payables	8,515	8,515	-	8,515
	8,515	8,515	-	8,515

(c) Market risk

The organisation has exposure to market risk for changes in interest rate due to an investment in Term Deposit.

AustLII Foundation Ltd

(d) **Sensitivity Risk**

	Carrying Amount	2009 + 1% interest change Profit and Equity	- 1% interest change Profit and Equity
Financial Assets			
Cash	1,258,399	12,584	(12,584)
Total	1,258,399	12,584	(12,584)

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.

11. RELATED PARTY DISCLOSURES

a) Directors' Compensation

Two executive directors were employed and remunerated by the University of Technology, Sydney for the management of AustLII Foundation Ltd during 2009. A company secretary was also remunerated for work performed. These amounts were then on-charged to the Foundation. 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:

	2009
	\$
Short-term benefits	30,345
Post-employment benefits	-
Total benefits	30,345

12. COMMITMENTS

No operating leases or other commitments exist at 31 December 2009.

13. CONTINGENT LIABILITIES

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

AustLII Foundation Ltd

14. MEMBERS' GUARANTEE

AustLII Foundation Ltd 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 2009 the number of members was two.

15. CORPORATE DETAILS

AustLII Foundation Ltd 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.



GPO BOX 12
Sydney NSW 2001

INDEPENDENT AUDITOR'S REPORT

AustLII Foundation Limited

To Members of the New South Wales Parliament and Members of AustLII Foundation Limited

I have audited the accompanying financial statements of AustLII Foundation Limited (the Company), which comprises the statement of financial position as at 31 December 2009, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the period ended on that date, a summary of significant accounting policies, other explanatory notes and the directors' declaration.

Auditor's 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 2009 and its performance for the period ended on that date; and
 - complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Regulations 2001
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2005.

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

Directors' Responsibility for the Financial Statements

The directors of the Company are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the PF&A Act and the *Corporations Act 2001*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

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. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance 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 controls relevant to the Company's preparation and fair presentation of the financial statements 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 controls. 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, or
- about the effectiveness of its internal controls.

Independence

In conducting this audit, the Audit Office of New South Wales has complied with the independence requirements of the Australian Auditing Standards, *Corporations Act 2001* and other relevant ethical requirements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- 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 19 April 2010, would be in the same terms if provided to the directors as at the date of this auditor's report.



A Oyetunji
Director, Financial Audit Services

23 April 2010
SYDNEY

AustLII Foundation Ltd

DIRECTORS' DECLARATION

In accordance with a resolution of the directors of AustLII Foundation Ltd, we state that:

In the opinion of Directors:

1. The financial statements and notes of the company are in accordance with the Corporations Act 2001, The Public Finance and Audit Act 1983 and Public Finance and Audit Regulation 2005 including:
 - a) Giving a true and fair view of the financial position as at 31 December 2009 and the performance for the period ended on that date of the company; and
 - b) Complying with Accounting Standards and the Corporations Regulations 2001
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



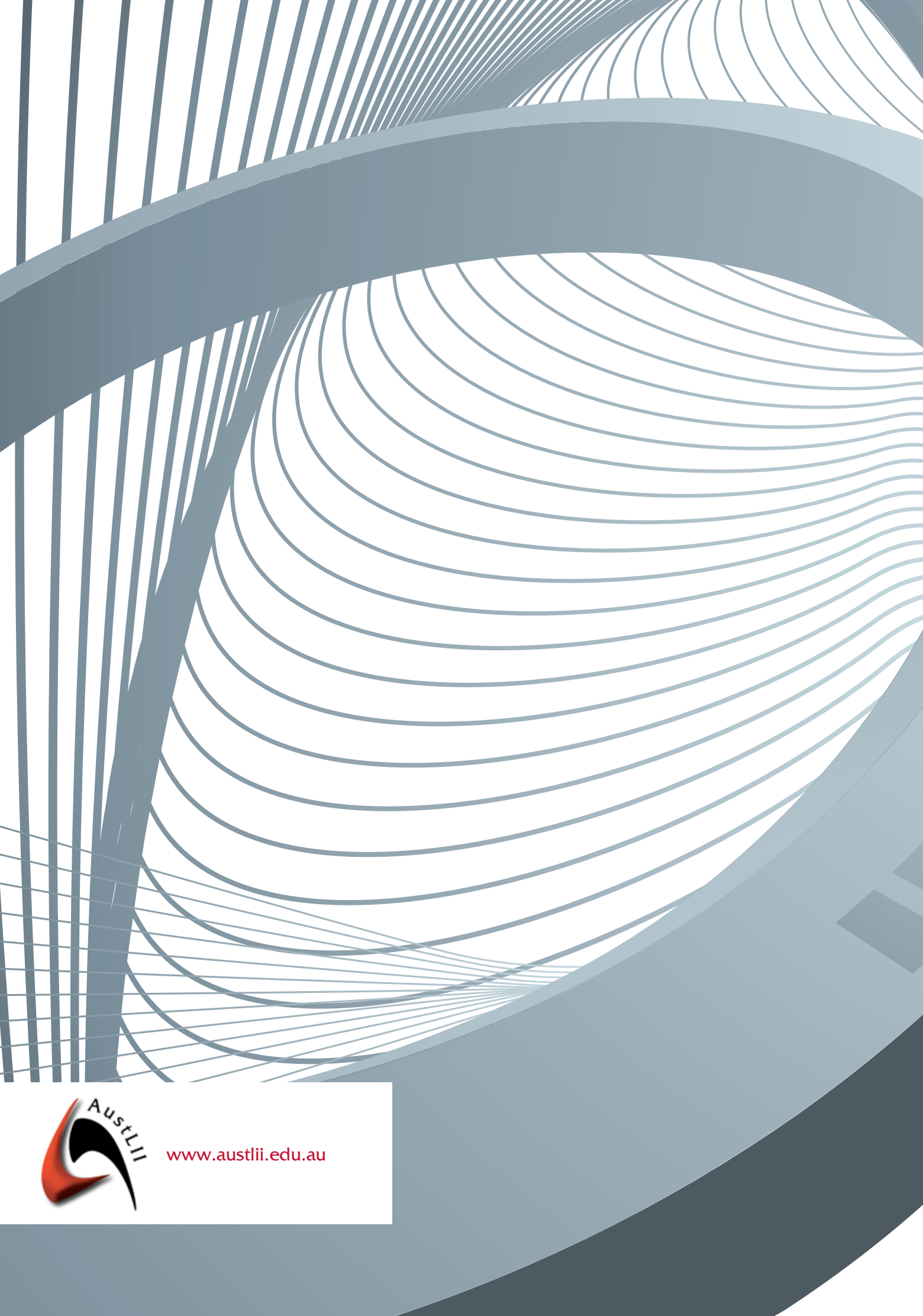
Director

Signed this 23 day of April 2010, in Sydney.



Director

Signed this 23 day of April 2010, in Sydney.



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