

# 2012 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



## 2012 AT A GLANCE

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### A MILESTONE – AUSTLII'S 500<sup>TH</sup> DATABASE

In May AustLII marked a significant milestone when it made available its 500<sup>th</sup> database of public legal information. The database was the Victorian Government Gazette 1843-1999 – 32,942 fully indexed and searchable documents mapping the social and legal history of Victoria as a colony and state.

### LAWCITE HIGHLY COMMENDED IN 2012 ANZIA AWARDS

AustLII's free-access automated citator – LawCite, received a highly commended award for innovation at the 2012 Australia New Zealand Internet Awards (ANZIA). It now provides 4.3 million citation records of cases, articles, treaties and reports.

### LEGAL HISTORY PROJECT INCREASES DATABASES AND LIBRARIES

In 2012 we have added nearly 50 new databases including an extensive program of back-capturing Australia's legal history. Australian colonial legislation and case law dating back to the founding of each colony can now be accessed digitally online. All High Court judgments to 1951 can now be downloaded and printed as PDF facsimiles

from the Commonwealth Law Reports. Commonwealth Bills and Explanatory Memoranda are also now available. By the end of 2013 AustLII plans to make its collection of Australian legislation and case law as comprehensive and complete as possible.

The history project has also resulted in the addition of two new libraries: Colonial Legal History and Federation Legal History.

### WORLDLII ACCESS TO 1,600 DATABASES

The AustLII-operated WorldLII service now provides access to over 1,600 legal databases from across the globe, provided by AustLII and the other LIIs with which it collaborates

### AUSTLII FEATURED AS A CASE STUDY IN EXCELLENCE IN INNOVATION TRIAL

AustLII was a featured case study in the recently released ATN/Go8 Excellence in Innovation Australia (EIA) Trial Report. It was noted that the AustLII model, and its flow-on effect on public policy, has fundamentally changed the system to the point where it has been instrumental in the development of similar free access legal database systems around the world.



#### **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

## 2012 YEAR IN REVIEW

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## AUSTLII FOUNDATION LTD CHAIR'S REPORT

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It is very pleasing to report that during 2012, AustLII continued to be Australia's most accessible and utilised source of legal information. It continued to extend the breadth and the historical depth of its collections, with a significant growth in legal information concerning national health and medical regulation, aboriginality, law reform and legal scholarship.

The Board has given priority to developing a more focused and strategic approach to future enhancements which will improve the usefulness and user-friendliness of the services it provides to the various types of users. A key to this is an enhanced understanding of the patterns in the use actually being made of AustLII's electronic legal library services by identifiable types of users such as the legal profession, government agencies, courts, tribunals, universities, legal publishers and commercial businesses.

The Foundation is a charitable entity supported by tax-deductible donations from a broad spectrum of the community. This involves an appropriate "business model" to fund a free service delivering public legal information to the Australian community. The financial sustainability of that model for AustLII depends upon expanding and diversifying its contributor base, developing and expanding a prudent strategic endowment, and being flexible in adapting to changes in the operating environment.

AustLII's current contributor base is quite impressive and the Board is very grateful for the support it provides. Current contributors include a range of federal and state government departments and agencies; numerous courts, tribunals and regulators whose decisions and determinations are published through AustLII; members of the legal profession, including large and mid-range firms, local suburban and regional solicitors, barristers chambers and individual barristers; the wider general business community; and individual citizens. The

Board particularly acknowledges the generous support of the Legal Practitioners Liability Committee of Victoria, and the Australian Taxation Office over many years. It also acknowledges the tremendous support received from the member universities: the University of Technology, Sydney and the University of New South Wales.

The Board considers that sustainability entails broadening of AustLII's current contributor base in two major ways. The first involves increasing the proportion of those who make significant commercial or business use of AustLII's services contributing to the cost of its upkeep and maintenance. At present less than half of AustLII's regular commercial and business users do so. The second involves a recognition that AustLII enables all Australian Governments to fulfill their fundamental responsibility to provide their citizens with effective and reliable access to the laws and regulations governing them. While this provides a sound reason for "whole of government" to contribute towards AustLII's on-going costs, more work needs to be done to secure a substantial, regular and reliable comprehensive government contribution commensurate with that aspect of AustLII's role.

2012 again saw an impressive level of commitment and dedication by AustLII's management and staff who have worked with enhanced teamwork to improve both the quality and timeliness of the services provided and quantity of accessible legal materials.

Finally, I would like to thank Professor Jill McKeough who has recently stepped down from the Board to take up her new role as Australian Law Reform Commissioner. Jill has been with the Board since its inception and has made a major contribution to AustLII's success. I look forward to working with her successor, Professor Lesley Hitchens.

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

## AUSTLII CO-DIRECTORS' REPORT

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2012 marked a significant milestone for AustLII when it published its 500<sup>th</sup> database of public legal information. It is particularly significant that the 500<sup>th</sup> database was the publication of the complete Victorian Government Gazette from 1843. This collection contains 32,942 fully indexed and searchable documents (over 200,000 pages) mapping the social and legal history of Victoria as a colony and state for over one hundred and fifty years.

The selection of the Victorian Gazette to represent this milestone was doubly important as it marked the conclusion of the Victorian Legal Services Board funded project 'Making Victoria a model jurisdiction for free access to the law'. The work on the Gazette was a basis in the development of the successful 2012 Australian Research Council funded LIEF project to develop the 'Australasian Legal History Library', which by year end had seen the launch of the Australasian Colonial Legal History Library and the Federation Law Library.

These projects demonstrate a move to not only increase the breadth of AustLII but also to expand the historical depth of the collection. We believe it will lift AustLII to a new level of value to the wider Australian community.

A significant focus of research continued to be the ongoing development of the LawCite citator (funded from an ARC Linkage grant), the only international free access legal citator, which now includes citation records for 4.3 million cases, journal articles and treaties. It received a highly commended award for innovation at the 2012 Australia New Zealand Internet Awards (ANZIA).

AustLII was one of four case studies selected by a panel of experts in the ATN/Go-8 Excellence in Innovation

Australia Trial (EIA). The final report of the Trial recognised AustLII as an exemplar of high impact university research leading to beneficial outcomes for society.

AustLII's international project work continued in 2012, despite the contraction of avenues for new international grant funds. The ARC LIEF 'European Law on WorldLII' project significantly expanded the range and number of European resources. WorldLII now includes over 1,600 legal databases from across the globe, provided by AustLII and the other LIIs with which it collaborates.

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

AustLII Foundation Ltd completed its third successful full year of operations and has continued to maintain its contributor base with around \$1 million being received in 2012 from over 300 organisations and individuals.

We wish to thank our Law Deans (Prof David Dixon and Prof Jill McKeough), 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 2012.

AustLII management is very grateful to our small team of existing and new staff, now required to manage ever-expanding resources. Their ongoing enthusiasm, dedication to AustLII's mission and technical expertise is the key ingredient in AustLII's success.

*Andrew Mowbray, Graham Greenleaf, Philip Chung (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 four international multi-LII systems for legal information: Asian Legal Information Institute (AsianLII); Commonwealth Legal Information Institute (CommonLII); World Legal Information Institute (WorldLII); and the LawCite international citator. 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 2012 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
- **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 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)





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

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 of 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 Graham Greenleaf** (Professor, Faculty of Law, University of New South Wales; Co-Director, AustLII Research Centre)
- **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 Centre)
- **Mr Paul Holt** (Faculty Manager, Faculty of Law, University of Technology, Sydney)
- **Ms Brooke Predebon** (to July 2012) and **Ms Fei Wong** (from July 2012) (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)
- Graham Greenleaf (Professor of Law and Information Systems, Faculty of Law, UNSW) (Co-Director)
- Philip Chung (Senior Lecturer, Faculty of Law, UNSW) (Executive 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) from February 2012
- Sean Lin (Systems Developer) to June 2012
- Jones Olatunji (Systems Administrator)
- Cathy Quigley (Administrative Officer)
- Trevor Roydhouse (Systems Developer)
- Rajan Sharma (Systems Developer)
- Kent Soesanto (Project Officer)
- Armin Wittfoth (Project Officer)
- Carol Wong (Project Officer)
- Leo Yang (Systems Developer) to June 2012

### Part-time Staff

- Ben Hayes (Project Officer) to August 2012
- Chris Kenward (Systems Developer) seconded from Intersect from August 2011
- Jill Matthews (Project Officer)
- Brent Salter (Project Officer) to August 2012
- Armanda Scorrano (Project Officer) from July 2012
- Joni Sham (Project Officer) to February 2012
- David Vaile (External Relations / Training Officer)
- Reza Vatandoust (Project Officer) to February 2012
- Nina Wu (Project Officer) to June 2012
- Spencer Wu (User Interface Designer) to August 2012



## AUSTRALIAN DEVELOPMENTS

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### NEW DATABASES ON AUSTLII

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In 2012, 48 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 2012 to 533.

In addition, 10 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 new databases added in 2012 were:

- Australian International Law Journal 1996-
- Optometry Tribunal of New South Wales 2012-
- Heritage Council of Victoria 2011-
- Canberra Law Review 2010-
- Southern Cross University Law Review 2001-
- ACT Health Professions Tribunal 2006-
- Australian Information Commissioner Case Notes 2011-
- Medical Board of the ACT - Professional Standards Panel Outcomes 2005-
- New South Wales Medical Tribunal 2010-
- New South Wales Medical Professional Standards Committee 2008-
- New South Wales Law Reform Commission - Discussion Papers 1979-2005
- Northern Territory Health Professional Review Tribunal 2010-
- Queensland Nursing Tribunal 2004-
- Law Reform Commission of Victoria 1985-1992
- Victorian Government Gazettes 1836-
- Victorian Law Reform Commissioner 1974-1982
- Victorian Law Reform Commissioner - Working Papers 1974-1984
- Victorian Repealed Acts
- Victorian Repealed Regulations
- University of Western Australia Law Review 1948-
- Australian Minor Treaty Actions - Explanatory Statements 2012-
- Australian Courts Considering Aboriginality Case Summaries 1982-
- Dental Practice Board of Victoria 2000-
- Medical Practitioners Board of Victoria - Formal Hearings 2001-
- Medical Practitioners Board of Victoria - Professional Standards Panel Hearings 2009-
- Physiotherapists Registration Board of Victoria 2008-
- Psychologists Registration Board of Victoria 1999-
- Medical Board of Western Australia 2010-
- Podiatry Board of South Australia 2007-
- Pharmacy Board of South Australia 2008-
- Medical Board of South Australia 2005-
- South Australian Psychological Board - Disciplinary Decisions 1991-
- South Australian Psychological Board - Court Prosecutions 1992-
- Chiropractic and Osteopathy Board of South Australia - Disciplinary Decisions 1992-
- Chiropractic and Osteopathy Board of South Australia - Court Prosecutions 1998-
- Dental Board of South Australia 2006-

- South Australian Dental Professional Conduct Tribunal 1998-
- Family Court of Western Australia 2011-
- Family Court of Western Australia - Magistrates Decisions 2011-
- Victorian Bills expanded to cover 1967-
- Australian Capital Territory Numbered Ordinances 1911-2006
- Magistrates Court of Tasmania 2008-
- South Australian Ombudsman FOI Determinations 2012-
- South Australian Ombudsman Reports 2011-
- NT Numbered Ordinances 1960-1978
- South Australian WorkCover Premium Review Panel 2012-
- NT Reprinted Regulations as at 1 January 1967
- NT Reprinted Ordinances as at 1 January 1961

Databases expanded during 2012 were:

- High Court decisions from 1903-1951 upgraded to include PDF facsimiles of the Commonwealth Law Reports (CLRs)
- Commonwealth Numbered Acts expanded to cover 1901-1950
- Commonwealth Bills expanded to cover 1981-
- Commonwealth Explanatory Memoranda expanded to cover 1980-
- NSW Bills database expanded to cover 1979
- NSW Bills Explanatory Notes database expanded to cover 1978
- Victorian Bills expanded to cover 1967-
- Western Australian Numbered Acts expanded to cover 1832-
- Tasmanian Numbered Acts expanded to cover 1826-, 1901-1920
- South Australian Numbered Acts expanded to cover 1837-



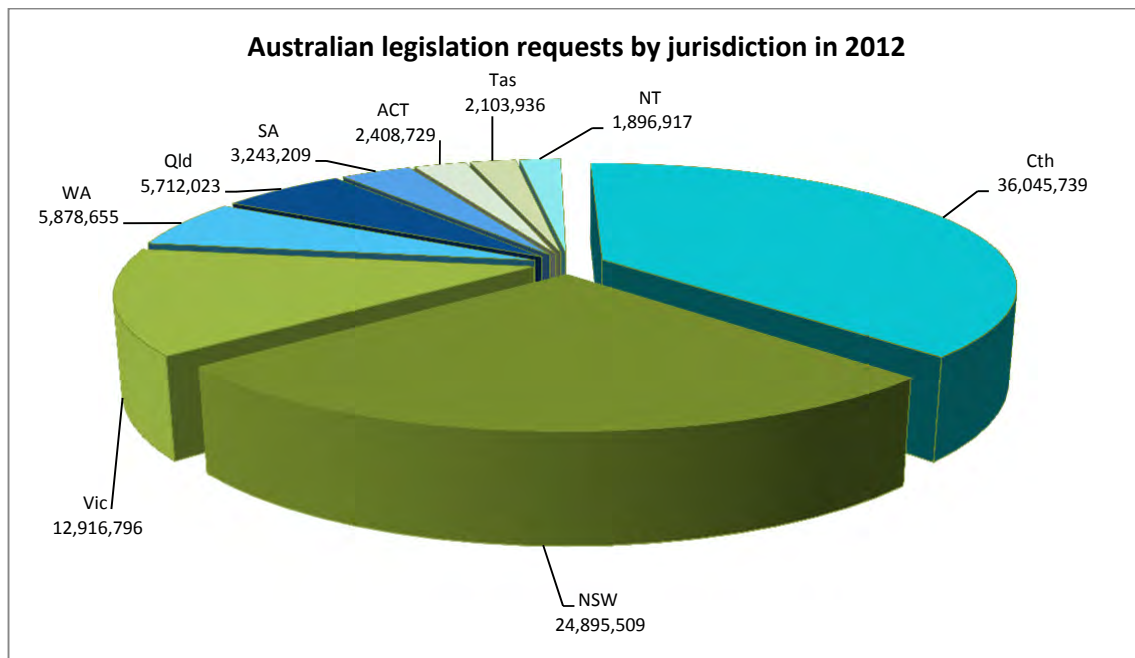
Launch of AustLII's 500<sup>th</sup> database by the Hon. Michael Kirby. L to R: Prof Andrew Mowbray, Carolyn Penfold (Head of School, Faculty of Law, UNSW), Prof Attila Brungs (DVC(Research), UTS), the Hon. Michael Kirby, Prof Graham Greenleaf, Prof Lesley Hitchens (AD(Research), Faculty of Law, UTS), and Philip Chung

## AUSTLII USAGE

### AUSTLII'S DATABASE USAGE AND MARKET SHARE

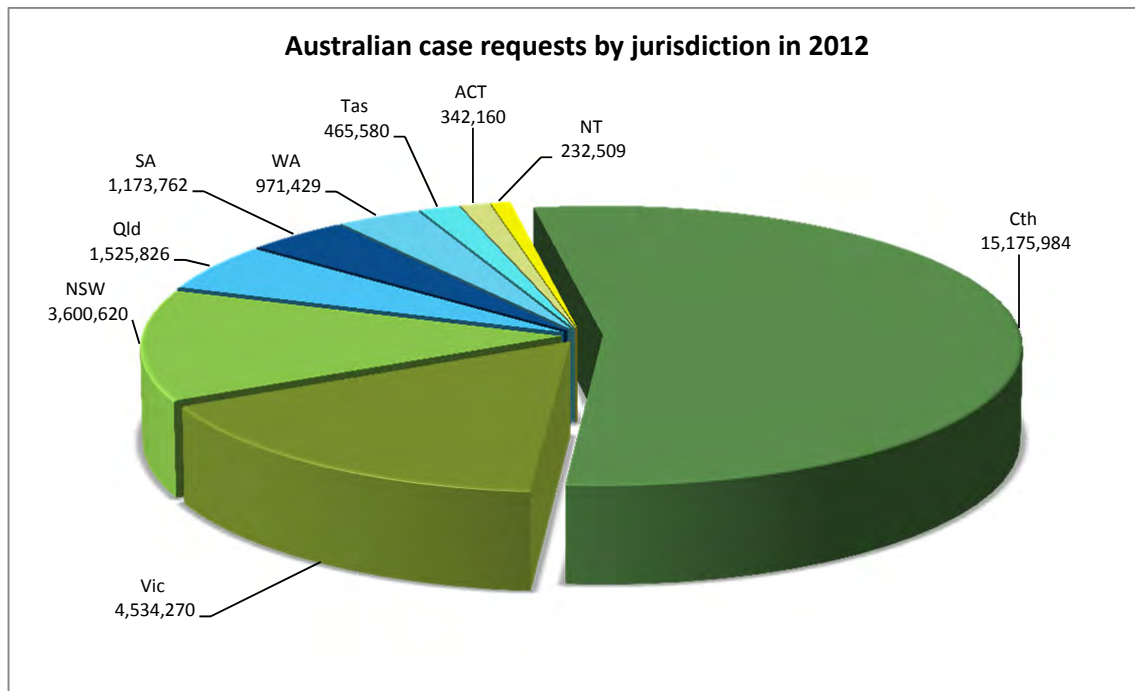
Total hits for 2012 exceeded 212 million and averaged 581,347 hits per day. This was about the same level of use as in 2011.

The most popular databases on AustLII in 2012 remain Commonwealth legislation, followed by NSW and Victorian legislation databases. Access to case law databases in most jurisdictions increased in 2012. 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.





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 2012 (according to Hitwise). This category included websites from government, publishers, courts and tribunals, law societies, legal firms and barristers. In 2012, AustLII had an average monthly market share of 23% in the online legal category. The volume of data downloaded is 15.97 terabytes which is similar to 2011.

### 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 2012 of the top identified users, 45% are from the commercial sector, 28% 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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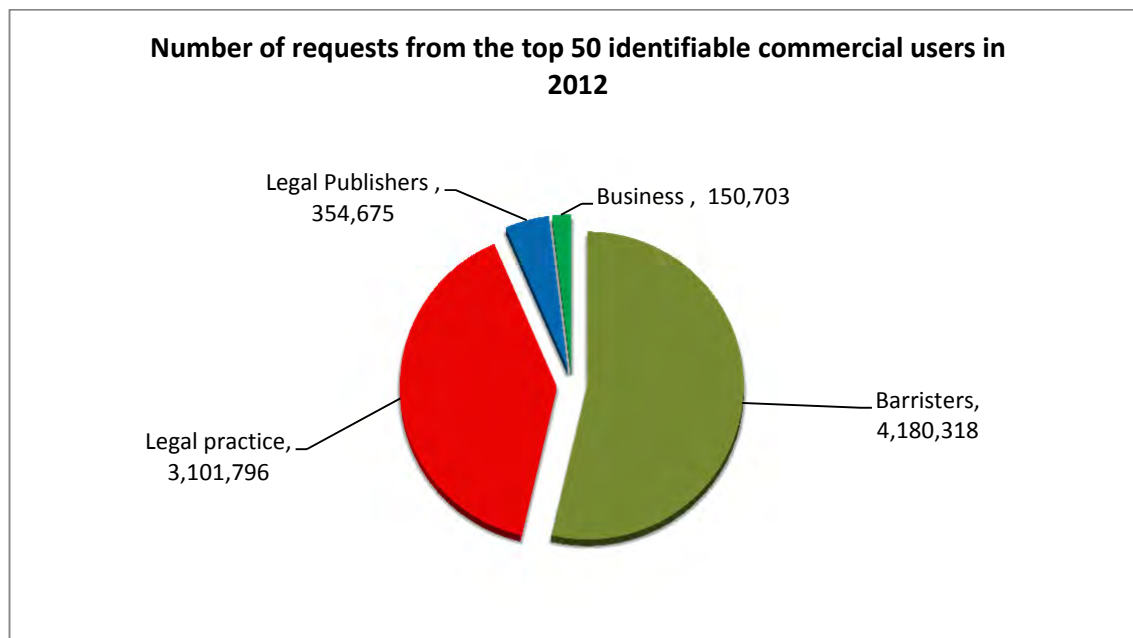
## COMMERCIAL SECTOR

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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 pleasing to note that 21 of the top 50 identifiable commercial users (25,000 or more requests per annum) contribute to AustLII's running costs. 60% of the top 10 identifiable commercial users support AustLII through contributions. However, contributions from AustLII's largest identifiable users from the commercial sector continue to remain below their rates of usage.





## COMMERCIAL USAGE OF AUSTLII IN 2012

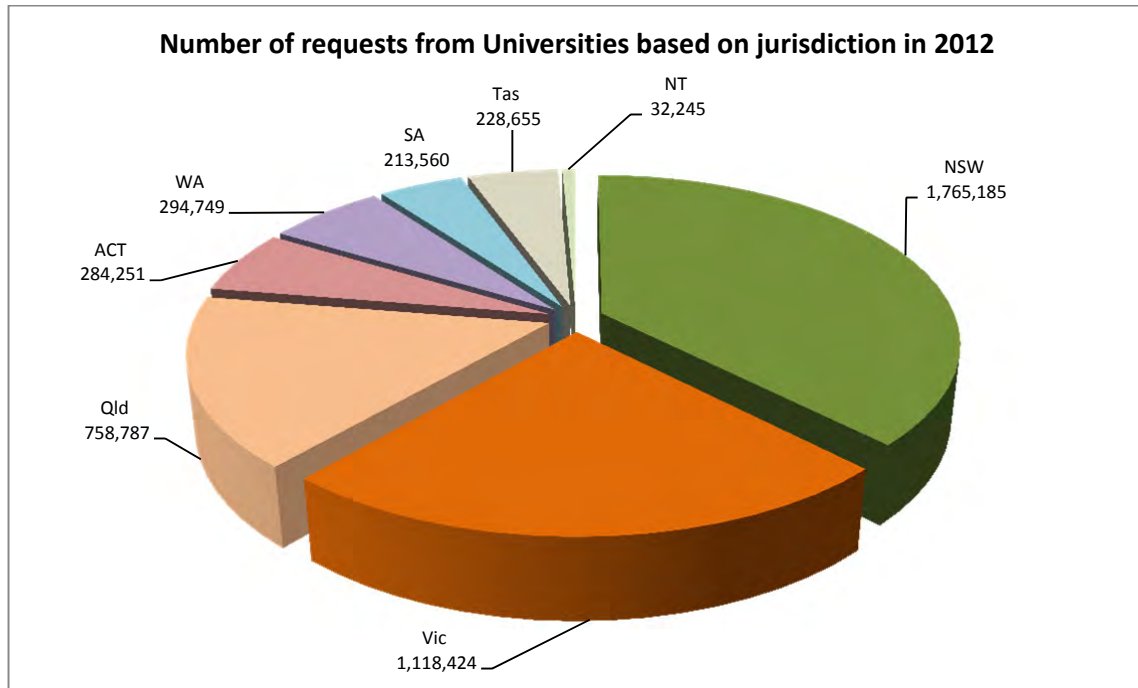
	Commercial Category	Number of requests	Contributor in 2012
1	Barrister - VIC	1,798,221	<input checked="" type="checkbox"/>
2	Barrister - NSW	1,149,483	
3	Barrister - NSW	945,552	<input checked="" type="checkbox"/>
4	Legal Practice	560,048	<input checked="" type="checkbox"/>
5	Legal Practice	414,725	<input checked="" type="checkbox"/>
6	Legal Practice	283,916	
7	Legal Publisher	279,430	
8	Legal Practice	191,027	<input checked="" type="checkbox"/>
9	Barrister - WA	179,307	<input checked="" type="checkbox"/>
10	Legal Practice	166,850	
11	Legal Practice	122,303	<input checked="" type="checkbox"/>
12	Legal Practice	120,610	<input checked="" type="checkbox"/>
13	Legal Practice	115,338	
14	Legal Practice	104,020	<input checked="" type="checkbox"/>
15	Legal Practice	102,449	<input checked="" type="checkbox"/>
16	Legal Publisher	75,245	
17	Legal Practice	74,752	
18	Barrister - VIC	72,447	
19	Legal Practice	65,737	<input checked="" type="checkbox"/>
20	Legal Practice	60,244	<input checked="" type="checkbox"/>
21	Legal Practice	53,178	<input checked="" type="checkbox"/>
22	Legal Practice	50,138	
23	Legal Practice	44,998	<input checked="" type="checkbox"/>
24	Legal Practice	44,550	<input checked="" type="checkbox"/>
25	Legal Practice	43,705	
26	Legal Practice	43,496	
27	Legal Practice	43,192	
28	Business	43,190	
29	Barrister - SA	36,342	<input checked="" type="checkbox"/>
30	Legal Practice	35,308	
31	Business	35,030	
32	Legal Practice	34,201	
33	Legal Practice	33,786	
34	Legal Practice	33,237	<input checked="" type="checkbox"/>
35	Legal Practice	32,865	
36	Legal Practice	32,831	
37	Legal Practice	32,819	
38	Legal Practice	30,875	
39	Legal Practice	30,635	
40	Legal Practice	29,393	
41	Legal Practice	29,321	<input checked="" type="checkbox"/>
42	Legal Practice	29,224	<input checked="" type="checkbox"/>
43	Legal Practice	28,375	<input checked="" type="checkbox"/>
44	Business	28,117	
45	Business	28,093	
46	Legal Practice	26,562	<input checked="" type="checkbox"/>
47	Legal Practice	25,929	
48	Legal Practice	25,718	
49	Business	25,672	
50	Legal Practice	25,505	

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## EDUCATION SECTOR

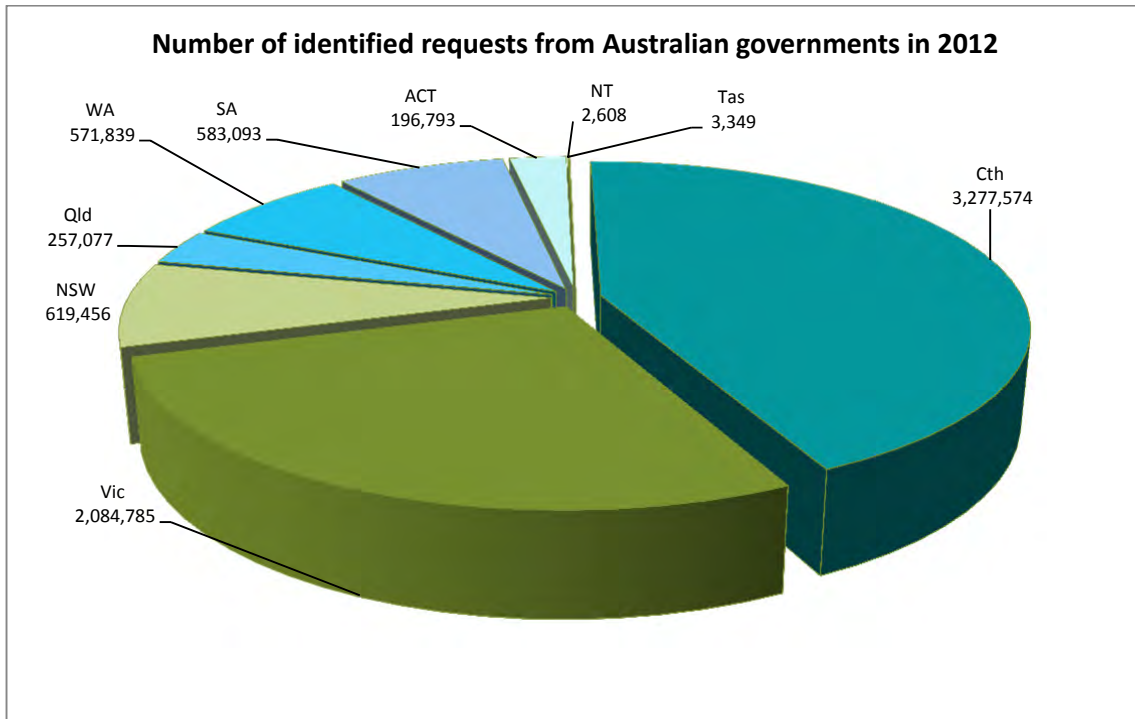
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The education sector in Australia represented nearly 26% of AustLII's top identified users in 2012. All Universities in Australia use AustLII and almost all of them provide a contribution towards its funding. Total usage from the University sector in 2012 was over six million requests. 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.



## GOVERNMENT SECTOR

The government sector in 2012 represented 28% of AustLII's top identifiable users. A significant amount of government use is identifiable at agency level, including Commonwealth, State and Territory government agencies.



Jurisdiction	Number of Requests in 2012
Federal Government Usage	3,277,574
State/Territory Government Usage	4,319,000
<b>Total Identified Government Usage</b>	<b>7,596,574</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. 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. AustLII also jointly operates the New Zealand Legal Information Institute (NZLII), in partnership with the University of Otago Law School.

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. In 2012, the AustLII Research Centre developed the Samoa Legal Information Institute (SamLII) <<http://www.samlii.org/>> in conjunction with PaCLII and public institutions in Samoa, and it was launched on 8 June 2012 by the Prime Minister of Samoa. AustLII and PaCLII are providing the technical operation of the service at present. The Liberia Legal Information Institute (LiberLII) <<http://www.liberlii.org/>>, and the Legal Information Institute of India <<http://www.liiofindia.org/>>, both originally developed by AustLII, were maintained by AustLII in 2012 while our local partners sought to consolidate funding so that the process of technology transfer could be completed.

All of AustLII’s development of multi-LII systems, and joint operation of overseas LIIs, is funded by grants for these purposes (see next section).

AustLII and the LIIs with which it collaborates are all members participating in the global Free Access to Law Movement (FALM), which had 48 members at the end of 2012. A list of members is at the FALM website <<http://www.fatlm.org/>>, as is the Declaration of Free Access to Law (2002) to which AustLII and other members subscribe. The logos of the members of FALM are shown below.



## DATABASES SEARCHABLE THROUGH MULTI-LII SYSTEMS

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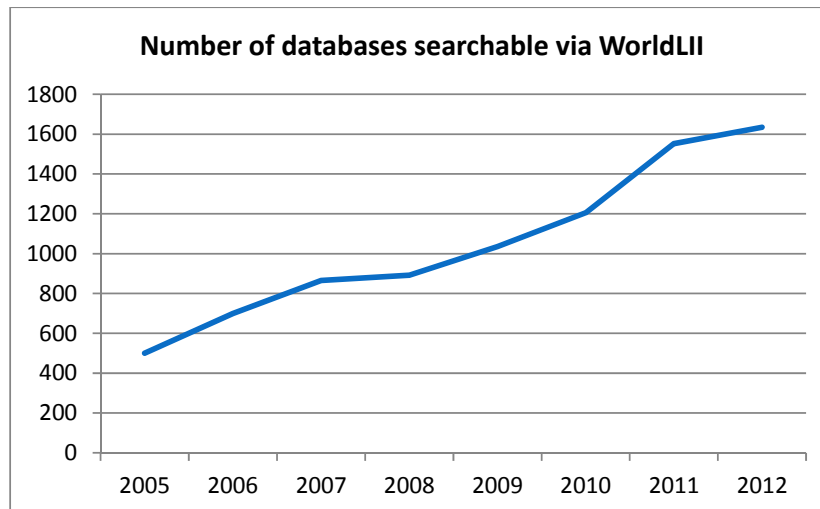
Eighteen LIIs now collaborate in providing the databases searchable via WorldLII. The following table sets out the approximate numbers of databases searchable from each of the portals operated by AustLII (AsianLII, CommonLII and WorldLII) as at 31 December 2012, and the number of databases found on each 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. The increase is due to substantial increases in the number of databases provided by almost all collaborating LIIs, plus addition of one new LII (SamLII).

**Table of searchable databases in multi-LII systems (as at 31 December 2012)**

Systems	AsianLII	CommonLII	WorldLII	Countries	
<b>AsianLII</b>	166	0	166	23	*
<b>AustLII</b>	0	460	460	1	
<b>BAILII</b>	0	86	86	4	
<b>CommonLII</b>	36	66	66	22	*
<b>CyLaw</b>	0	6	6	1	
<b>Droit.org</b>	0	0	1	1	
<b>GLIN</b>	4	0	49	34	
<b>HKLII</b>	32	32	32	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	74	74	1	*
<b>LII of India</b>	154	154	154	1	*
<b>PacLII</b>	25	251	251	19	
<b>SAFLII</b>	0	120	120	15	
<b>SamLII</b>	0	20	20	1	*
<b>ULII</b>	0	16	16	1	
<b>WorldLII</b>	0	0	107	55	*
<b>2012 Total</b>	<b>433</b>	<b>1279</b>	<b>1635</b>	<b>183</b>	<b>595</b>
<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>

AustLII maintains 595 of these international databases (an increase from 555 in 2011), in addition to the 460 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:



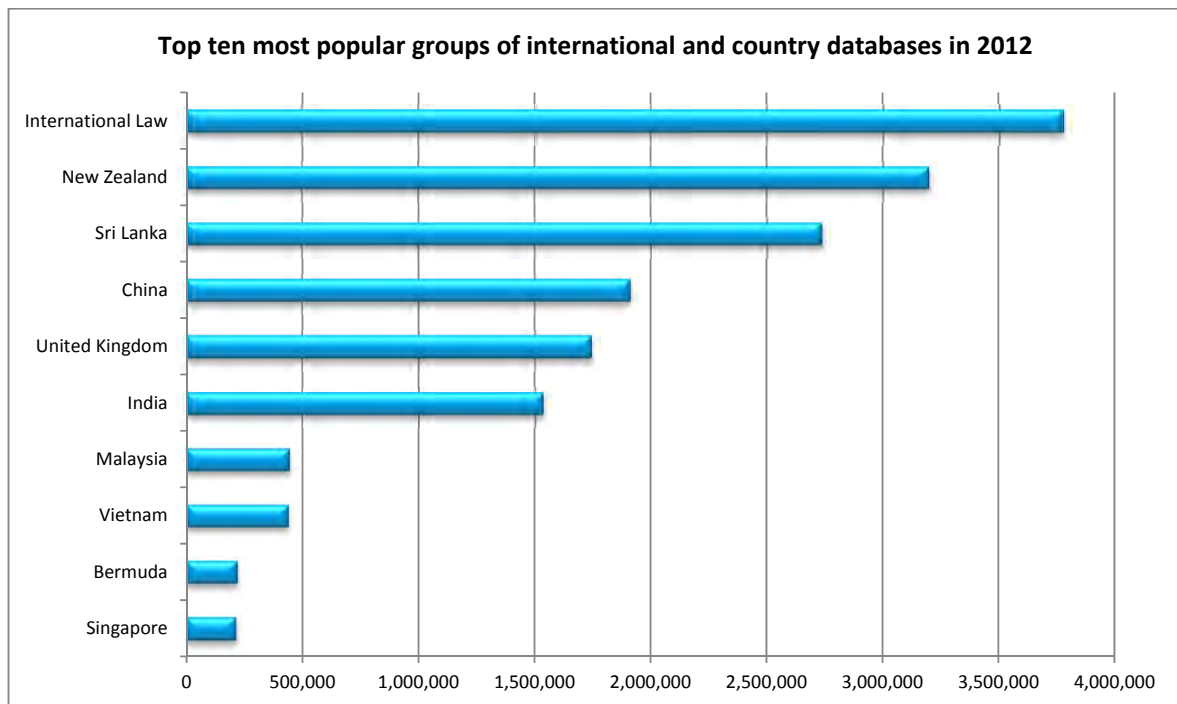
## INTERNATIONAL SYSTEMS USAGE

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 2012, there were over 33 million accesses (an increase from 31 million in 2011) 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 2012 are from the International Courts and Tribunals as well as inter-government organisations. 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



### SAMLII (SAMOA LEGAL INFORMATION INSTITUTE)



The Samoa Legal Information Institute (SamLII) <<http://www.samlii.org/>> was officially launched on 8 June by the Prime Minister of Samoa, Tuilaepa Aiono Sailele Malielegaoi. The website provides free access to Samoan legal information, including legislation and judgments of the Supreme Court, District Court, and Land and Titles Court. This system has been developed by AustLII in conjunction with PacLII. The SamLII system is hosted on AustLII's servers as part of the initial phase of the project. The longer-term aim of the project is to develop local capacity in Samoa and will involve a gradual transition of the operations of the SamLII system to Samoa. The development of SamLII has been funded under the Samoa Law and Justice Sector Programme which is funded by AusAid.



Launch of the Samoa Legal Information Institute (SamLII) by the Prime Minister of Samoa. Other attendees included the Chief Justice of Samoa, Patu Tiava'asu'e Falefatu Sapouland, Kym Freriks (SAFLII) and AustLII's Co-Directors Prof Andrew Mowbray and Philip Chung

### NZLII (NEW ZEALAND LEGAL INFORMATION INSTITUTE)



During 2012 the successful partnership between NZLII and AustLII continued, with ten new databases being added to NZLII. AustLII jointly operates the New Zealand Legal Information Institute (NZLII - <<http://www.nzlii.org/>>) in conjunction with the University of Otago Faculty of Law and the University of Canterbury, New Zealand. Associate Professor Donna Buckingham, University of Otago, is Director of NZLII. Expansion of NZLII in 2011-12, from 55 to 74 databases, was aided significantly by a grant to AustLII from the Australian National Data Service (ANDS). During 2012, the 10 new databases added to NZLII were:

- New Zealand Legal Aid Tribunal 2011-
- New Zealand Coroners Court 2010-



- New Zealand Planning Tribunal 1978-
- 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-

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## WORLDLII (WORLD LEGAL INFORMATION INSTITUTE)

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WorldLII

WorldLII turned 10 years old in 2012, having been formally launched at the 2002 Law via Internet Conference, following a trial launch the previous year. The World Legal Information Institute (WorldLII - <http://www.worldlii.org/>) provides access to databases from 18 collaborating LIIs, members of the Free Access to Law Movement (see above Table for details), plus about 100 databases maintained on WorldLII by AustLII. At the end of 2012, WorldLII provided searchable access to 1635 databases from all collaborating LIIs.

Of the 107 databases maintained by AustLII on WorldLII, the majority are from two main projects, both funded by ARC LIEF grants. The International Law Library on WorldLII <http://www.worldlii.org/int/special/ihl> is the most comprehensive online free-access library of international law materials available on the Internet. The Library includes over 25,000 decisions of International Courts and Tribunals, over 50,000 treaties and international agreements, plus law journals and law reform materials.

An ARC LIEF (Linkage, Infrastructure, Equipment and Facilities) project for 2011/12, the European Law Project on WorldLII <http://www.worldlii.org/int/special/europe/> involved the development, within WorldLII, of a systematic set of databases, primarily in English, of European-wide legislation, cases, and treaties, and national legislation, cases and treaties from up to 50 European countries, as well as European legal scholarship. The Project's interface facilitates pan-European comparative searching of both multinational and national legal sources. The primary aim is to make European legal information more accessible to Australian researchers, but it is also intended that the project may encourage and assist the development of more LII-like initiatives in Europe. The LIEF project involved collaboration between nine Australian Universities (UTS, UNSW, Melbourne, UQ, ANU, Bond, UWS, Sydney and Macquarie), with UTS as the lead institution, and a budget of approximately \$400,000. Twenty five databases were added to the European Law Project in 2011, and in 2012, the following seven new databases were added:

- Portuguese Constitutional Court Summary
- Vatican City Laws
- Portuguese Constitution 2005
- Bulgarian Laws, Regulations, Directives and Codes
- Albanian Constitutional Court (ALCC)
- Azerbaijan laws, order and decree (AZ-laws)
- French Constitutional Council Decisions (FRCC)

The following databases in other European languages were also built, but will not be added to the system until the final phase of system development in early 2013, prior to the formal launch of the European Law Library:

- Albanian Constitutional Court – Albanian Language
- Armenian Laws – Armenian Language
- Azerbaijan Constitutional Court – Azerbaijani Language
- French Constitutional Council Decisions – French Language
- German Federal Constitutional Court Decisions – German Language
- French Supreme Court/Court of Cassation – French Language

These databases will be used for research and demonstration purposes in relation to multi-lingual searching of European legal databases by the use of multi-lingual and linked legal thesauri.

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### LEGAL INFORMATION INSTITUTE OF INDIA

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LII of India

The Legal Information Institute of India (LII of India) <<http://www.liiofindia.org/>> is developed by AustLII in conjunction with eight of the leading National Law Schools in India, was described in detail in AustLII's 2011 *Year in Review*. AustLII's funding to develop LII of India was from project funding from AusAID's Public Sector Linkages Program (PSLP), and from the Australian Research Council under a LIEF grant concerning CommonLII, and these funded projects are now completed, resulting in 154 databases on LII of India by the end of 2012. AustLII's Indian partners are still establishing staff and equipment in India, and in the meantime AustLII is maintaining the system but not with active development. Three new databases were added to LII of India in 2012, expanding its coverage of legal commentary:

- NLUD Law Research Series 2010-
- NALSAR Law Research Series 2012-
- NLUD Student Law Journal 2012-

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### COMMONLII (COMMONWEALTH LEGAL INFORMATION INSTITUTE)

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CommonLII

The Commonwealth Legal Information Institute (CommonLII) <<http://www.commonlii.org/>> provides access to laws from 59 Commonwealth and common law jurisdictions. Following the completion of expansion funding in 2010/11 provided by an ARC LIEF grant, CommonLII was not expanded further in 2012 through databases added by AustLII, but the scope of data that its searches cover continued to grow because of the expansion of the number of databases the LIIs collaborating in CommonLII make available.

AustLII put a lot of effort in 2012 into providing support for other multi-country systems in Commonwealth countries, namely, PacLII and SAFLII.



L to R: Kevin Daly (Constitutional Court Trust), Prof Andrew Mowbray (UTS), Justice Edwin Cameron (Constitutional Court of South Africa), Philip Chung (Executive Director, AustLII) and Roger Gachago (CEO, SAFLII)

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### ASIANLII (ASIAN LEGAL INFORMATION INSTITUTE)

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The Asian Legal Information Institute (AsianLII) <<http://www.asianlii.org/>> provides access to Asian law from 28 countries in Asia. It was funded primarily by two AusAID Public Sector Linkages Project (PSLP) grants, plus Australian Research Council LIEF funds, all of which projects were completed in 2011. While no new databases were made searchable on AsianLII in 2012, numerous databases were updated, and a number of new databases created in Asian languages which will not be added to the system until early 2013. They will be used for research and demonstration purposes in relation to multi-lingual searching of European legal databases by the use of linked legal thesaurii. They are:

- KRSC (Korean Supreme Court - Korean Language)
- KRCC (Korean Constitutional Court Judgment - Korean Language)
- JP-laws (Laws of Japan - Japanese Language)



Participants at the *International Conference on Legal Information and East Asian Law* including AustLII's Co-Directors Prof Graham Greenleaf and Philip Chung

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## LIBERLII (LIBERIA LEGAL INFORMATION INSTITUTE)

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LiberLII, the Liberia Legal Information Institute <<http://www.liberlii.org>> was developed jointly by AustLII and LiberLII, a non-profit organization based in Liberia, and launched in September 2011. Its initial development was funded by USAID through the American Bar Association's [ABA Rule of Law Initiative](#) (ABA ROLI). Despite the very considerable success of LiberLII in helping restore the rule of law in Liberia, USAID did not provide a second year of funding for 2012. AustLII is now maintaining the system on its servers while the Liberian partners look for alternative sources of funding.

## 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 PROJECTS

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Some of the main aspects of AustLII’s research activities in 2012 are listed below, and the presentations and publications referred to are listed in the following parts of this report.

- *Research on the digitisation of Australian legal history.* This multi-faceted project, carried out in conjunction with Chief Investigators on AustLII’s ARC LIEF project on Australian legal history, includes research on the semi-automated construction of series of colonial law reports constructed from online newspaper archives. The overall project, which utilises AustLII’s methods of automating construction of subject-oriented libraries, has resulted in the Australasian Colonial History Library (launched at the 2012 Australian History Conference), and the Federation Law Library (launched at the 2012 Australian Legal History Conference). Further presentations were given in the AustLII Research Series (by project CIs), and to the Forbes Society. An article concerning the research was published in the Australian Law Librarians Journal. (Funding: ARC LIEF; Research led by Prof Mowbray).
- *Research on models for sustainable free access to legal information, and its authority and integrity.* This research concerns the assumptions and models underlying the provision of free access to legal information, how they are distinguished from other models, and the implications for sustainability of free access systems. This research resulted in 2012 presentations in the AustLII Research Series, in Taiwan, at the Law via Internet Conference at Cornell University, and at the JURISIN Conference in Miyazaki, Japan. The paper on the meaning of free access to legal information presented at the Law via Internet Conference is published on SSRN/LSN, and journal publication is expected in 2013. This research is now being extended into work on the authority and integrity of legal documents, and how this can be maintained in free-access systems. This aspect resulted in presentations to the Forbes Society and the Consultative Council of Australian Law Reporting, and the submission of an ARC Linkage grant application in 2012. (Research led by Prof Greenleaf)
- *Research on multi-lingual searching, including in double-byte Asian languages.* This research resulted in continuing development of AustLII’s open source Sino search engine to search Chinese, Vietnamese and Korean and Thai, using AustLII ‘u16a’ data format. The research has been implemented to search databases in these languages on AsianLII, and as the sole search engine for both Chinese and English language searching on the Hong Kong Legal Information Institute (HKLII). Details of this approach were presented in the AustLII Research Series, and at a conference in Taiwan, and published in the journal *Legal Information Management* in 2012. A research planning seminar was held with HKLII at the 2<sup>nd</sup> UNSW/HKU Research Conference in December 2012, concentrating on the extension of the research by use of bilingual Chinese/English legal thesauri to

partly automate bilingual searching. This research will continue in 2013. It is proposed it will be extended to use of legal thesauri for European languages, and using the legal databases in the ARC LIEF project 'European law on WorldLII'. (Funding: ARC grant concerning European law on WorldLII; AusAID PSLP grants concerning AsianLII; Research led by Mr Chung)

- *Research on citation recognition heuristics for data mining of case, journal article and treaty citations.* Research under this ARC Linkage project in 2012 resulted in improvements to the heuristics on which the LawCite citator is based, leading to the expansion of the citator's coverage to over 4, 300,000 cases, law reform documents and journal articles by the end of 2011. Publications based on this research will be completed in 2013. It is proposed the uses made of the research will be expanded in 2013 to include publication of metrics for specific databases on AustLII. (Funding: ARC Linkage; Research led by Prof Mowbray).

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## 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. For multi-year grants, only amounts allocated to 2012 are shown.

### Grants for Australian Projects

- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for “The Australasian Legal History Library: Creating historical depth in legal data on AustLII, to improve all legal research” – ARC: \$330,000; Partner contributions: \$421,000 (12 collaborating institutions)
- UNSW provided a major research equipment and infrastructure grant for equipment including a storage appliance: \$97,675



Participants at the *Meeting of the Chief Investigators of the ARC LIEF grant entitled 'The Australasian Legal History Library' project* including AustLII's Co-Directors Prof Graham Greenleaf, Prof Andrew Mowbray, Philip Chung and other AustLII staff members



## Grants for International Projects

- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for “European Law on WorldLII” – ARC: \$200,000; Partner contributions: \$240,000 (11 collaborating institutions) (second year of project commencing in 2011)
- Commonwealth Secretariat grant for the Commonwealth Criminal Law Library on CommonLII: GBP5,000

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## RESEARCH PUBLICATIONS

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AustLII Co-Directors and staff published the following papers in 2012:

Chung P, Greenleaf G, and Mowbray A, ‘Searching Legal Information in Multiple Asian Languages’, *Legal Information Management*, Vol. 12, No 3 2012, pgs 173-184; UNSW Law Research Paper No. 2012-22;

Greenleaf G, Chung P, Mowbray A, and Salter B, ‘Digitising and searching Australasian colonial legal history’ (Part 1), (2012) 20(3) *Australian Law Librarian*, 133-146

Greenleaf G, Chung P, Mowbray A, and Salter B, ‘Digitising and searching Australasian colonial legal history’ (Part 2), (2012) 20(4) *Australian Law Librarian*, 223-238

Greenleaf G, Mowbray, A and Chung P, ‘The meaning of “free access to legal information”: A twenty year evolution’ (on LSN) *Law via Internet Conference 2012*, Cornell University, Ithaca, USA, October 2012

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## PRESENTATIONS

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AustLII Co-Directors made the following presentations in 2012:

- **Queensland Law Society**, Brisbane, 6 March 2012 by Andrew Mowbray
- **6<sup>th</sup> Annual Government Lawyers’ Conference**, Brisbane, 3 May 2012 by Andrew Mowbray
- **AustLII Research Seminar**, Sydney, 5 June 2012 – “Searching Law in Multiple Asian Languages” by Philip Chung
- **International Conference on Legal Information and East Asian Law**, Taiwan, June 2012 – “The Meaning and Future of Free Access to Legal Information” by Graham Greenleaf
- **International Conference on Legal Information and East Asian Law**, Taiwan, June 2012 – “An Approach to Searching Legal Information in Multiple Asian Languages” by Philip Chung
- **Australian Law Teachers’ Association (ALTA) Annual Conference**, 1-4 July 2012
- **‘Connections’: Australian Historical Association 31<sup>st</sup> Annual Conference**, Adelaide, 9-13 July 2012 – “Digitising and searching Australasian colonial legal history” by Graham Greenleaf and Catherine Bond
- **DFAT Treaties Seminar**, 24 July 2012, Canberra
- **Forbes Society**, Sydney, 25 July 2012 by Graham Greenleaf
- **Consultative Council of Australian Law Reporting**, Brisbane, 2 August 2012 by Graham Greenleaf



- **AustLII Research Seminar**, Sydney, 7 August 2012 – “Reconsidering the meaning of ‘free access to legal information’” by Graham Greenleaf
- **Law via the Internet 2012**, Ithaca, New York - “Searching without Search Terms: Mapping Concepts to Authorities in Law” by Philip Chung, Andrew Mowbray and Graham Greenleaf
- **Law via the Internet 2012**, Ithaca, New York - “Digitising Australasian Legal History” by Andrew Mowbray, Graham Greenleaf, Philip Chung and Brent Salter
- **Law via the Internet 2012**, Ithaca, New York - “Reconsidering the Meaning of ‘Free Access to Legal Information’: After the Hague ‘Guiding Principles’” by Graham Greenleaf, Andrew Mowbray and Philip Chung
- **Australian Law Librarians’ Association (ALLA) Annual Conference**, Brisbane, 12-13 September 2012 by Andrew Mowbray
- **ATN/Go8 Excellence in Innovation for Australia Trial**, Canberra, 28 November 2012 by Andrew Mowbray
- **JURISIN 2012**, Sixth International Workshop on Juris-informatics, Miyazaki, Japan, 29-30 November 2012 – “Policies and technologies in development of free access to legal information: AustLII’s experience, 1992-2012” by Graham Greenleaf and Philip Chung
- **HKU-UNSW Symposium**, Hong Kong, December 2012 – “Enabling multi-lingual legal research and cross-lingual searches” by Philip Chung and Graham Greenleaf
- **31<sup>st</sup> Annual Australia and New Zealand Law and History Society Conference**, Sydney, 10-12 December 2012 - “Digitising and Searching Australasian Colonial Legal History” by Graham Greenleaf, Philip Chung, Andrew Mowbray, and Brent Salter



Participants at the *Law via the Internet Conference 2012* in Ithaca including AustLII Co-Directors Prof Graham Greenleaf, Prof Andrew Mowbray and Philip Chung

## AUSTLII RESEARCH SEMINAR SERIES

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An innovation in 2012 was a series of lunchtime seminars on aspects of legal information systems by both external presenters and AustLII presenters. The series will be continued in 2013. The 2012 seminars were as follows:

- Harry Surden, Associate Professor of Law, University of Colorado, “Computable Legal Contracts” – 30 April 2012
- Philip Chung, Executive Director, AustLII, “Searching Law in Multiple Asian Languages” - 5 June 2012
- Filippo Galgani, School of Computer Science and Engineering, UNSW, “Combining Different Summarization Techniques for Legal Text” - 3 July 2012
- Graham Greenleaf, Professor of Law & Information Systems at UNSW and AustLII Co-Director, on the topic *Reconsidering the meaning of 'free access to legal information'* - 7 August 2012
- Lisa Ford, UNSW and Bruce Kercher, Macquarie University, “Recovering Cases from Before Australian Law Reporting” - 11 September 2012

## AWARDS AND RECOGNITION

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- AustLII’s LawCite was awarded a high commendation in the Innovation category at the 2012 ANZIA awards.
- AustLII was one of four case studies selected to present at the ATN/Go8 seminar, ‘Excellence in Innovation for Australia Trial’. The Final Report ‘Excellence in Innovation: Research Impacting our Nation's Future- assessing the benefits’ featured the impact on society of AustLII’s innovations (extract overleaf).



## CASE STUDY

### AUSTRALASIAN LEGAL INFORMATION INSTITUTE (AUSTLII) UTS & UNSW

Information is the currency of any legal system, whether in the verbal form of arguments before a court, or negotiations, or in the written form of legislation, court decisions, international treaties, or learned commentary (called both scholarship and jurisprudence).

Prior to widespread access to the Internet from the mid-1990s, such online access to legal information as did exist (from the late 1970s) was provided almost exclusively by commercial publishers, and was extremely expensive. In Australia it was very little used, either for research or practice. The advent of wider Internet usage did

not appear as if it would change this, because both commercial publishers and governments sought to monetise and monopolise all provision of online legal information.

Free Internet access to the key documents of a legal jurisdiction (legislation, court decisions, treaties etc) is creating

revolutionary changes to legal research and legal practice across the world.

Since 1995, the Australasian Legal Information Institute (AustLII), a joint UNSW/UTS research facility, has been and is the global leader in creating and internationalising these startling impacts on research and practice, through a combination of policy research, development and advocacy for sustainable free access, and research and development into the key technologies underpinning legal information systems. AustLII is the now the dominant online legal information system in Australia, and the leader of a global consortium of free access legal information institutes.

## DONATION FUNDING

The AustLII Foundation Limited raises donations to maintain AustLII's Australian infrastructure and services. In 2012, the Foundation raised \$ 925,026 in donation revenue.

AustLII thanks all donors for their support in 2012. These donations play a major part in making AustLII's services sustainable and keeping databases up to date.

## LIST OF DONORS AND RESEARCH PARTNERS

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 \*.

Contributors are publicly acknowledged for their contribution on AustLII sponsors' page (unless anonymity is requested) with the amounts of contribution recorded:  
<<http://www.austlii.edu.au/austlii/sponsors>>

AustLII thanks all its 2012 contributors, which are listed below by sector.

### GOVERNMENT

#### GOVERNMENT AGENCIES

Administration of Norfolk Island
Australian Government Solicitor
Australian Taxation Office
Comcare Australia
Council of Law Reporting in Victoria

Department of Foreign Affairs and Trade *
National Justice CEOs 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
Fair Work Australia
Fair Work Ombudsman
Family Court of Australia
Federal Court of Australia
Federal Magistrates Court of Australia
Land & Environment Court NSW

Migration Review Tribunal - Refugee Review Tribunal
NT Supreme Court and Magistrates Court
NSW Workers Compensation Commission
Planning Panels Victoria
SA Industrial Relations Court and Commission
Superannuation Complaints Tribunal
Supreme Court of Tasmania
Takeovers Panel ( Dept of Treasury )
WA Information Commissioner
Western Australia Industrial Relations Commission
Workers Rehabilitation & Compensation Tribunal

## EDUCATION

Australian Catholic University *
Australian National University *
Bond University
College of Law
Curtin University
Deakin University
Edith Cowan University
Griffith University *
James Cook University
La Trobe University
Monash University
Murdoch University
Navitas College of Public Safety
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 Canberra
University of New England
University of Newcastle
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 Library
University of Western Sydney *
University of Wollongong
University of Wollongong, Library
Victoria University

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

## 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 )
Alec Leopold SC
Alistair Pound
Allens Arthur Robinson Operation Pty Ltd
Anchor Legal
Andrew Downie
Andrew Monisse
Andrew Sinclair
Anthony Mason Chambers
Arlene Macdonald
Armstrong Legal
Arnold Bloch Leibler Lawyers and Advisors
Ashurst
Australian Law Librarian's Association *
Australian Workplace Lawyers
Aviation Law Association of Australia and New Zealand Limited
Baker & McKenzie
Bar Chambers
Bartier Perry
Bartley Cohen
Bell Lawyers
Bennett & Philp Lawyers
Bennett + Co
Bill Piper
Bob Locke
Bransgroves Lawyers

Buller McLeod Lawyers
Campbell Chambers
Christopher Legoe Chambers
CKB Partners
Clare Thompson
Clayton Utz
Cogill Woods Legal Services
Colin Biggers & Paisley
Connolly Suthers Lawyers
Corrs Chambers Westgarth Lawyers
Cowell Clarke Commercial Lawyers
Craig Colvin
Curwoods Lawyers
Daniels Bengtsson Pty Limited
David Bennett
David Howard
David Maddox
David Owen
Davies Collison Cave
Denman Chambers
Dever's List Barristers' Clerk and Barristers
Dibbs Barker
DLA Piper
Dobson Mitchell & Allport
Donaldson Walsh
Doogue & O'Brien Criminal Defence Lawyers
Dr Nick Seddon ( Lawyer )

DSA Legal Cost Consultants Pty Ltd
E & A Lawyers
E W Gray
Edmund Barton Chambers
Ellison Tillyard Callanan
Family Law Practitioner's Association of WA ( Inc )
Fenwick Elliott Grace
Forbes Chambers
Forte Family Lawyers
Fox Tucker Lawyers
Francis Burt Chambers
Francis Commercial Lawyers Pty Ltd
Freehills
Gadens Lawyers
Gary Testro ( Lawyer )
Geoff Hancy ( Barrister )
George Lombard Consultancy
Gilbert & Tobin Lawyers
Grace Lawyers
Grahame Young
Grahams Solicitors
Grant Donaldson SC
Greenwoods & Freehills
Griffith Hack
Harris Wheeler
Harry Dixon SC
Hegarty & Elmgreen
Henry Davis York
Hicksons Lawyers
Hon Duncan Kerr
Hon Justice James Allsop
Hon Peter Dowding
Hopgood Ganim
Hunt & Hunt
Ingmar Taylor
James J Isles
Janine Gleeson
Jeffcott Chambers
Jeffrey Loewenstein
JMA Legal Pty Ltd
John Sheahan SC
John Thompson
John Toohey Chambers
John White
Johnson Winter & Slattery Lawyers
Johnston Withers
Judge Richard Cogswell SC
Judith Bornstein
Julian Burnside AO QC
Kate Eastman ( Barrister )
Ken Barlow SC
King & Wood Mallesons
Kristine Hanscombe

Kyle McDonald
List A Barristers Pty Ltd
Lynch Meyer Lawyers
Mackenzie Mitchell Solicitors
Makinson & d'Apice Lawyers
Marcus Clarke
Margaret Critchlow
Margaret Riley
Mark Brabazon
Marque Lawyers
Martin Willoughby-Thomas Barrister & Solicitor
Matthew Howard SC
Maurice Blackburn Lawyers
McCullough Robertson Lawyers
MDS Legal Pty Ltd
Michael Coe
Michael Hennessy
Michael Simon
Middletons
Minter Ellison Lawyers
Mitchell Chambers
Moores Legal
Murray & Lyons Solicitors
Newcastle Chambers Pty Ltd
Noel Davis
Norman Waterhouse Lawyers
Northside Law
Omond & Co Pty Ltd
Owen Hodge Laywers
Patterson Houen & Commins
Paul Bard Lawyers
Peter Bobbin
Peter Fox
Peter Hanks QC
Peter Hannan
Peter Vitale
Peter Willis
Philip Solomon SC
Philippe Doyle Gray
Phillip Hamilton RFD
Phillips Ormonde & Fitzpatrick
Piper Alderman
Queensland Public Interest Law Clearing House Inc
Richard Lancaster SC
Rickards Legal
Robert Crowe SC
Robert Gordon
Robinson Locke Litigation Lawyers
Rogers & Gaylard Lawyers
Rothstein Lawyers
Russell Cocks
Russell Kennedy Solicitors
Sandy Horneman-Wren SC

SanLing Chan
Schweizer Kobras
Simpsons Solicitors
Sparke Helmore lawyers
Spruson & Ferguson
Stephen Guttridge
Streeterlaw Sydney Lawyers
Stuart Wood
Sydney Criminal Lawyers
Teece Hodgson & Ward
The Criminal Lawyers' Association
Thomas Rymill & Co
Thomsons Lawyers
Tom Lyons
Torrens Chambers

Tress Cox Lawyers
Turner Freeman Lawyers
Twelfth Floor, Selborne & Wentworth Chambers
University Chambers
Valerie Heath ( Barrister )
Vintage Lawyers
W G McNally Jones Staff Lawyers
Walker Kissane & Plummer
Wallmans Lawyers
Watermark Intellectual Asset Management
Wellners Lawyers
Wright Chambers
Anonymous ( 16 )

### BUSINESS & INDUSTRY

AMA Victoria
Austax Accountants
Australian Manufacturing Workers' Union
CCH Australia Publishing
Counsel's Chambers Limited
Cumpston Sarjeant Pty Ltd
Filament Pty Ltd
Godui.org
IMF (Australia) Ltd

IP in Australia
LawCPD
Legal Practitioners Liability Committee
Legalwise Seminars Pty Ltd
Mercer (Australia) Pty Ltd
Meriton Group
Singapore Academy of Law
Street Partner
Zurich Financial Services Aust Ltd

### LAW SOCIETIES & BAR ASSOCIATION

Commercial Bar Association of Victoria
Law Council of Australia
Law Institute of Victoria
Law Society of New South Wales
Law Society of the Northern Territory
Queensland Law Society

Tasmanian Independent Bar Inc
The Law Society of South Australia
The Law Society of Tasmania
Victorian Bar Inc
Western Australian Bar Association

### COMMUNITY

Antony Comanos
Chris Kuan
Ken Shiu
Kevin Burges
Louise and John Southalan
Mark Dreyfus QC

Michael Cordover
Paul Bugler
Phil Schubert
Proportional Representation Society of Australia
Russell Byard
Anonymous ( 6 )

### CONTRIBUTIONS FOR AUSTLII'S INTERNATIONAL PROJECTS

Commonwealth Secretariat (funds for CommonLII)
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 2012**

The financial report was reviewed by the directors on 8 February 2013.

## AustLII Foundation Ltd

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### **Directors' Report for the year end 31 December 2012**

Your directors present their report on the company for the year end 31 December 2012.

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.

### **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 2012 was \$9,770.

The Board would like to sincerely thank Prof Jill McKeough for her valuable contributions to AustLII Foundation Limited during her term as a Director since inception. The Board wishes her the very best in her future endeavours.

### **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	Attended by Alternate
Dr Jeff FitzGerald	4	4	-
Mr Philip Chung	4	4	-
Prof Graham Greenleaf	4	4	-
Prof Andrew Mowbray	4	4	-
Mr Tim Bugg	4	2	-
Prof David Dixon	4	3	-
Mr Ian Govey	4	4	-
Prof Carrick Martin	4	4	-
Prof Jill McKeough / Prof Lesley Hitchens	4	3	1

### 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.



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Signed this 10<sup>th</sup> day of April 2013, in Sydney.



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Signed this 10<sup>th</sup> day of April 2013, in Sydney.



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 2012, 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, and
- any applicable code of professional conduct in relation to the audit.

S Bond

Sally Bond  
Director, Financial Audit Services

10 April 2013  
SYDNEY

## AustLII Foundation Ltd

### Statement of Comprehensive Income For the year end 31 December 2012

	Note	2012 \$	2011 \$
<b>Revenue from Continuing Operations</b>			
Donations & Contributions	1j, 2	919,026	1,045,924
Interest & Other Income	2	104,812	96,301
<b>Total Income</b>		<b><u>1,023,838</u></b>	<b><u>1,142,225</u></b>
<b>Expenses</b>			
Employment Costs	1f, 3, 12	798,883	720,210
Equipment Charges	1d, 3	61,973	77,224
Accounting and Audit Fees	3, 6	16,215	17,380
Consultancy Costs	3	23,018	36,730
Occupancy Costs	3,13	49,200	20,500
Insurance	3	5,950	5,950
Conference Costs	3	632	2,135
Travel and Accommodation	3	7,721	7,275
Other Operating Costs	3	50,477	41,699
<b>Total Expenses</b>		<b><u>1,014,068</u></b>	<b><u>929,103</u></b>
<b>Surplus for the year</b>		<b><u>9,770</u></b>	<b><u>213,122</u></b>
Other Comprehensive Income		-	-
<b>Total Comprehensive Income</b>		<b><u>9,770</u></b>	<b><u>213,122</u></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 2012

	Note	2012 \$	2011 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash at Bank	7	2,099,236	2,278,367
Trade and other Receivables	4	230,806	106,063
<b>TOTAL ASSETS</b>		<b>2,330,042</b>	<b>2,384,430</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Trade and Other Payables	5	278,107	342,266
<b>TOTAL LIABILITIES</b>		<b>278,107</b>	<b>342,266</b>
<b>NET ASSETS</b>		<b>2051,934</b>	<b>2,042,164</b>
<b>EQUITY</b>			
Reserve	1h	-	1,194,068
Retained Surplus	1h,8	2,051,934	848,096
<b>TOTAL EQUITY</b>		<b>2,051,934</b>	<b>2,042,164</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 2012

	Note	Reserve \$	Retained Surplus \$	Total Equity \$
<b>Balance as at 1 January 2011</b>		1,194,068	634,974	1,829,042
Total comprehensive income for the year		-	213,122	213,122
<b>Balance as at 31 December 2011</b>		<b>1,194,068</b>	<b>848,096</b>	<b>2,042,164</b>
<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>

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 2012**

	Note	2012 \$	2011 \$
<b>Cash flows from operating activities</b>			
Cash receipts in the course of operations		959,209	1,139,227
Payments to suppliers and employees ( inclusive of Goods and Services Tax )		(1,201,070)	(812,083)
Net interest received/(paid)		62,730	87,337
Net cash provided by operating activities	7	<u>(179,131)</u>	<u>414,481</u>
<b>Cash flows from financing activities</b>			
Equity transfer		-	-
Net cash provided by financing activities		<u>-</u>	<u>-</u>
Net increase/(decrease) in cash held		(179,131)	414,481
Cash and cash equivalents at the beginning of the year		2,278,367	1,863,886
Cash and cash equivalents at the end of the year	7	<u>2,099,236</u>	<u>2,278,367</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 2012

#### 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, the Public Finance & Audit Act 1983 and the Public Finance & Audit Regulation 2010

These financial statements have been prepared on an accrual basis and are based on the historical cost convention.

##### 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 recognized 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 are owned by the Foundation at 31 December 2012. 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. Employee Benefits**

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 \$ 9,770 for the year. The Accumulated balance in Retained Surplus as at 31 December 2012 was \$ 2,051,934. 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 118.30, interest is recognised using the effective interest rate method as set out in AASB 139.

### **k. Going concern**

The company has generated a surplus for the year end 31 December 2012. 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 2012, 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.

### 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

	2012	2011
	\$	\$
<b>Donations &amp; Contributions (by sector)</b>		
Education	121,550	130,650
Legal Profession	311,736	322,293
Law Societies & Bar Associations	69,770	69,020
Business & Industry	134,570	147,771
Government Agencies	93,500	176,140
Courts, Tribunals & Regulators	180,750	195,066
Community & Other	7,150	4,984
<b>Interest &amp; Other Income</b>	104,812	96,301
	<b>1,023,838</b>	<b>1,142,225</b>

## AustLII Foundation Ltd

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### 3. EXPENSES

	2012	2011
	\$	\$
Employment costs	798,883	720,210
Equipment charges	61,973	77,224
Accounting Fees	9,600	11,030
Audit Fees	6,615	6,350
Company Secretarial Services	8,000	8,000
Consultancy Costs	23,018	36,730
Occupancy Costs	49,200	20,500
Insurance	5,950	5,950
Conference Costs	632	2,135
Travel and Accommodation	7,721	7,275
Other Operating Costs	42,477	33,699
	<u>1,014,068</u>	<u>929,103</u>

### 4. TRADE AND OTHER RECEIVABLES

	2012	2011
	\$	\$
Goods and Services Tax	46,804	41,646
Accrued Interest	68,902	26,817
Trade Debtors	115,100	37,600
Allowance for Impairment of Receivables	-	-
	<u>230,806</u>	<u>106,063</u>

### 5. TRADE AND OTHER PAYABLES

	2012	2011
	\$	\$
Trade Creditors	254,116	267,260
Prepaid Income	15,000	-
Accrued expenses	8,991	75,006
	<u>278,107</u>	<u>342,266</u>

### 6. AUDITOR'S REMUNERATION

	2012	2011
	\$	\$
Audit Fees payable to: Audit Office of NSW	<u>6,615</u>	<u>6,300</u>



## AustLII Foundation Ltd

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### 7. CASH

	2012	2011
<b>a. <u>Cash and Cash Equivalents</u></b>	<b>\$</b>	<b>\$</b>
Cash at Bank	544,737	1,755,682
Term Deposit	1,554,499	522,685
	<b>2,099,236</b>	<b>2,278,367</b>
<b>b. <u>Reconciliation of Cash from Operations</u></b>	<b>2012</b>	<b>2011</b>
Reconciliation of surplus for the year to net cash flows from operating activities	<b>\$</b>	<b>\$</b>
Surplus	9,770	213,122
Changes in Assets and Liabilities:		
(Increase)/Decrease in Trade Debtors and Prepayments (Operating)	(124,743)	(723)
Increase/(Decrease) in Payables	(64,159)	202,082
<b>Net Cash Provided by Operating Activities</b>	<b>(179,131)</b>	<b>414,481</b>

### 8. RETAINED SURPLUS

	2012	2011
	<b>\$</b>	<b>\$</b>
Retained Surplus at the beginning of the year	848,096	634,974
Net Profit	9,770	213,122
<b>Retained Surplus at the end of the year</b>	<b>857,866</b>	<b>848,096</b>
Transferred from Reserve	1,194,068	-
<b>Retained Surplus at the end of the year</b>	<b>2,051,934</b>	<b>848,096</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.

The Board has overall responsibility for the determination of the company's risk management

## AustLII Foundation Ltd

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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 minimize 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.

	<b>2012</b>	<b>2011</b>
	\$	\$
<b>Financial Assets</b>		
<u>Cash</u>	2,099,236	2,278,367
<u>Others</u>		
Accrued Income	68,902	26,817
Accounts Receivable	115,100	37,600
	<u>2,283,238</u>	<u>2,342,784</u>

## AustLII Foundation Ltd

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### (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>					
2012	Cash	2,099,236	-	2,099,236	-
	Receivables	184,002	184,002	-	184,002
		<b>2,283,238</b>	<b>184,002</b>	<b>2,099,236</b>	<b>184,002</b>
2011	Cash	2,278,367	-	2,278,367	-
	Receivables	64,417	64,417	-	64,417
		<b>2,342,784</b>	<b>64,417</b>	<b>2,278,367</b>	<b>64,417</b>
<b>Financial Liabilities Measured at Amortised Cost</b>					
2012	Trade Payables	278,107	278,107	-	278,107
		<b>278,107</b>	<b>278,107</b>	-	<b>278,107</b>
2011	Trade Payables	342,266	342,266	-	342,266
		<b>342,266</b>	<b>342,266</b>	-	<b>342,266</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>				
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>
2011	Cash	2,278,367	22,784	(22,784)
	<b>Total</b>	<b>2,278,367</b>	<b>22,784</b>	<b>(22,784)</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 2012. 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:

	2012	2011
	\$	\$
Short-term benefits	201,803	195,138
Post-employment benefits	-	-
<b>Total benefits</b>	<b>201,803</b>	<b>195,138</b>

### 13. COMMITMENTS

In the Year 2011, 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.

### 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 2012 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 and Members of AustLII Foundation Limited

I have audited the accompanying financial statements of AustLII Foundation Limited (the Company), which comprise the statement of financial position as at 31 December 2012, 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 2012 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* (the PF&A Act) and the Public Finance and Audit Regulation 2010

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 of the financial statements that give a true and fair view in accordance with Australian Accounting Standards, the PF&A Act and the *Corporations Act 2001* 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 Company'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 company'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
- 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.

## **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 10 April 2013, would be in the same terms if provided to the directors as at the time of this auditor's report.

S Bond

Sally Bond  
Director, Financial Audit Services

17 April 2013  
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 2012 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
  - d) 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 10<sup>th</sup> day of April 2013, in Sydney.  
Director



Signed this 10<sup>th</sup> day of April 2013, in Sydney  
Director

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