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# 2021 Year in Review

and AustLII Foundation Limited  
Annual Report

**Australasian Legal Information Institute**  
A joint facility of UTS and UNSW Faculties of Law



## 2021 AT A GLANCE

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### **FACILITATING FREE ACCESS TO LAW**

During 2021 usage of the AustLII service continued to grow. There were 261 million page accesses in 2021 (average 717,149 hits per day), a growth of nearly 10% over the 2020 figure. These came from 6.8 million distinct hosts, a rise of nearly 5% over 2020. There are now more than 900 full text databases containing over 5.2 million documents on AustLII, connected by over 150 million hypertext links.

### **EXPANSION AND EXTENSION OF CONTENT**

Two new major grant funded research infrastructure projects commenced in 2021: the Australian Research Council *Australian Royal Commissions and Public Inquiries Library* and the Australian Research Data Commons funded *National Collection of Colonial Findings, Recommendations and Responses* project. These projects will continue to widen and deepen the range of public legal information made available through AustLII.

### **CRITICAL NATIONAL RESEARCH INFRASTRUCTURE**

As a major strategic initiative, AustLII is seeking formal recognition as critical national research infrastructure. Law constitutes an entity distinct from other research domains and should be recognised as a national research infrastructure priority. Every five years, the Australian Government consolidates and renews its policy

approach to national research infrastructure (NRI) investment by engaging the research community and its stakeholders in the development of a strategic roadmap. We are seeking to have AustLII recognised within this framework.

### **DATALEX APPLICATIONS DEMONSTRATE 'RULES AS CODE'**

Rules as Code (RaC) involves representing legal rules in machine consumable form (code). RaC can make the law more accessible and more understandable by allowing anyone to see not only what laws say, but also how they operate in particular situations. AustLII's DataLex system is at the forefront of global developments in this field and significant technical advances were introduced during the year.

### **GROWTH IN PHILANTHROPIC SUPPORT**

Our financial support from the community continued to grow. In 2021 we received a record amount of donations from a record number of contributors. A highlight was the significant donation of \$100,000 from a very generous anonymous benefactor. This is the largest philanthropic donation AustLII has received and is a recognition and affirmation of the public benefit that is at the heart of our mission to make the law freely accessible to all.



#### **Australasian Legal Information Institute**

A joint facility of UTS and UNSW Faculties of Law

#### **AustLII Foundation Limited**

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# 2021 YEAR IN REVIEW

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## AUSTLII FOUNDATION LTD CHAIR'S REPORT

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I am very pleased to be able to report that despite the quite extraordinary challenges which AustLII faced during 2021 because of COVID and otherwise, the Foundation has continued to fulfill its mission very successfully and with continuing innovation.

The AustLII staff worked extraordinarily well in those difficult circumstances to ensure that the Foundation's services continued to be provided reliably and effectively.

Moreover, the financial support provided to the Foundation has continued unabated, and indeed has been re-enforced through the generosity of many individuals and organisations, including by a contribution of \$100,000 from a donor who wishes to remain anonymous. It is particularly gratifying to note the increasing level of donations made to the Foundation by individuals, members of the legal profession, businesses, and other organisations who recognise the benefits they gain from the Foundation's services which are provided freely to the entire community –services which have become even more crucial to the success of the hybrid work environment which COVID has accelerated.

Usage of AustLII's on-line service increased by nearly 10% compared with 2020: with 261 million pages being accessed in 2021, at the average rate of 717,149 page accesses daily. The number of databases increased to over 900 full text

databases which include over 5.2 million documents. Even more significant have been the developments which have been, and are continuing to be, made in the use of new and evolving technologies to improve the comprehensiveness, reliability and practical usefulness of access which is being made of those databases.

Of particular importance are the advances being made by staff and AustLII and others in deploying the capacity of the Data Lex system to create machine consumable versions of legislation and regulation. Those advances are at the forefront of a global quest to actually deploy new technologies in making the law truly accessible to the community in more comprehensible and practically useful formats.

The members of the AustLII Foundation Board have continued to exercise their governance responsibilities in respect of the Foundation over the past year. At the end of the year Professor Anita Stuhmcke joined the Board in her capacity as Dean of Law at UTS, Professor Lesley Hitchens having been appointed to a senior position at that University. It remains an honour for me to serve as Chair of the AustLII Foundation.

*Jeff FitzGerald (Chair, AustLII Foundation Limited)*

## AUSTLII CO-DIRECTORS' REPORT

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One of the major strategic initiatives for 2021 was seeking recognition for AustLII as critical national research infrastructure. In our view, Law constitutes an entity distinct from other research domains and should be recognised separately as a national research infrastructure priority.

The legal system underpins all aspects of the Australian economy and society and improved access to the law and increased capacity to research and understand it will impact upon:

- All sectors of the economy
- The social structures and well-being of all Australians
- Australian responses to critical national and international challenges

Every five years, the Australian Government consolidates and renews its policy approach to national research infrastructure (NRI) investment by engaging the research community and its stakeholders in the development of a strategic roadmap. The development of the next NRI Roadmap took place over the last months of 2021.

We have proposed that Law in general, and AustLII in particular should be recognised within this framework. Regardless of the outcome of the current NRI process, AustLII will continue to pursue the goal of being recognised as critical national research infrastructure.

AustLII has continued to expand and develop in new and innovative ways. Two new research infrastructure projects commenced in 2021:

- *The Australian Royal Commissions and Public Inquiries Library* (ARC LIEF project). This project aims to provide comprehensive free access online to the reports of all royal commissions and other public inquiries held in Australia since Federation. It intends to support a wide understanding of the pivotal role public inquiries play in the development of Australian law and public policy.

- *Creating a National Free Access Collection of Coronial Findings with Recommendations and of Responses to Recommendations* (ARDC Public Sector Bridges project). This project will develop new national research infrastructure, providing coronial findings with recommendations from all jurisdictions in Australia, together with responses to recommendations. It has the support of all State and Territory coroners.

There has been major development work in relation to DataLex and the underlying *yscript* language and interpreter. These developments include: the development of new software to automate the creation of codebases from legislative text ranging from individual sections to entire acts; a new visualisation tool for displaying the relationships between propositions within applications; new application interfaces for systems deployment; and the creation of new codebases.

We continued to deal with the effects of the COVID-19 pandemic during the year. Staff worked from home while ensuring that the systems infrastructure was maintained at the highest level. We thank the staff for their hard work. AustLII could not exist without the dedicated and sustained commitment of all our staff.

AustLII continued to play a crucial role in providing access to legal information during the pandemic for lawyers, academics, students, government, business, the courts and the general public. Access figures indicated increased usage from the major domestic ISP services, reflecting a greater reliance on AustLII by users accessing the service from home.

We acknowledge the contribution of the AustLII Foundation Board and of our host universities UTS and UNSW. We also thank the Deans of Law at both institutions for their ongoing support.

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

## ABOUT AUSTLII

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- **AustLII was founded in 1995 and is the largest free-access provider of online Australian legal materials serving about 261 million page access requests every year.**
- **AustLII develops and maintains legal research infrastructure research to support the provision of free access legal information.**
- **AustLII is a founding member of the international Free Access to Law Movement (FALM), and one of the largest providers of worldwide free-access legal content.**

AustLII is comprised of two entities:

- The Australasian Legal Information Institute (a joint facility of the University of Technology Sydney and UNSW Australia), which develops new legal research infrastructure and conducts leading edge international research in technologies for developing legal information systems. The Australasian Legal Information Institute is governed under an MOU between the two host universities.
- The AustLII Foundation Limited (a charity operating as a public company limited by guarantee), which is responsible for maintaining the systems, programs and databases that delivers the online library of Australian legal information to the community. The AustLII Foundation is governed by an independent Board of Directors.

These two arms of AustLII operate in a symbiotic partnership – the Institute obtains academic research infrastructure grants which often involve collaboration with other Universities and industry to extend and develop free access legal resources, whilst the Foundation supports the AustLII service and its maintenance and development through stakeholder engagement activities, contracts and contributions.

## AUSTRALASIAN LEGAL INFORMATION INSTITUTE

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Our mission is to be the leader in the development of legal information systems through research, the creation of public free access legal research facilities, and education in legal research techniques and infrastructure. We will advance the public interest in free access to public legal information at the national and global level.

By pursuing our mission, we will advance the missions of each of our host 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 impact and engagement in national and international legal affairs. The Australasian Legal Information Institute aims to achieve its mission by pursuit of the following objectives:

### **1. Research and development**

- To develop world leading research infrastructure and to conduct applied research in technologies for building legal information systems, and to create policies and standards necessary to enable such technologies.
- To develop tools for building legal information systems wherever appropriate, so as to maintain AustLII's public access facilities as innovative examples of international standard systems.
- To collaborate with similar organisations internationally to apply these tools, policies and standards internationally.
- To advance the missions of our host Universities and Law Faculties by pursuit of consistent goals that delivers high impact and community engagement.

## **2. Public policy**

- Through our advocacy and example, to achieve and defend free public access via the Internet to public legal information.
- To assist and partner with others to achieve free public access via the Internet to public legal information from all countries.
- To uphold and promote the Declaration on Free Access to Law adopted by the Free Access to Law Movement (FALM).

## **3. Public access law facilities**

- To build free access public facilities for access to law in a cost-effective way, by maximising innovative approaches to automation and processing.
- To develop new resources based on Australian legal information (legislation, case law, legal scholarship, treaties, law reform reports and others of like importance), which can be made available for free access and other legal databases of strategic importance in advancing the public interest, and which advance AustLII's aims.
- To collaborate with other free access providers of legal information in the development of international services of value to Australian legal researchers, and to legal information which contributes to AustLII achieving its other objectives.

## **4. Operational**

- To apply for grants and other sources of funding that are consistent with AustLII's aims to ensure its sustainability.
- To develop and maintain relationships with collaborating institutions, nationally and globally.
- To provide a stimulating and satisfying long-term work environment for staff.

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## **AUSTLII FOUNDATION LIMITED**

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The AustLII Foundation Limited provides and maintains AustLII's Australian service and associated infrastructure.

The Foundation'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, programs 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 Foundation Limited is a charity and is 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.

## INTERNATIONAL ACTIVITIES

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AustLII collaborates with other free access LIIs around the world to operate international multi-LII systems for legal information:

- Asian Legal Information Institute (AsianLII);
- Commonwealth Legal Information Institute (CommonLII);
- World Legal Information Institute (WorldLII);
- 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 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.

## GOVERNANCE

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The **Australasian Legal Information Institute** 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 Universities. It is overseen by a Management/Steering Committee that comprised of the following:

- **A/Prof Philip Chung** (Co-Director and Executive Director, Australasian Legal Information Institute; Associate Professor, Faculty of Law and Justice, UNSW Sydney)
- **Prof Melissa Crouch / Prof Lyria Bennett Moses** (Associate Dean Research, Faculty of Law and Justice, UNSW Sydney)
- **Prof Shaunnagh Dorsett** (Associate Dean Research, Faculty of Law, University of Technology Sydney)
- **Mr Paul Holt** (Faculty Manager, Faculty of Law, University of Technology Sydney)
- **Prof Andrew Lynch** (Dean, Faculty of Law and Justice, UNSW Sydney)
- **Prof Andrew Mowbray** (Co-Director, Australasian Legal Information Institute; Professor, Faculty of Law, University of Technology Sydney)
- **Prof Anita Stuhmcke** (Dean, Faculty of Law, University of Technology Sydney)
- **Ms Fei Wong / Ms Marise Andrews** (Faculty Executive Director, Faculty of Law and Justice, UNSW Sydney)

The **AustLII Foundation Limited** is a charity and is 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 an independent Board of Directors.

The AustLII Foundation Limited Board as at 31 December 2021 comprised:

- **Dr Jeff FitzGerald (Chair)** (appointed to the Board on 22 December 2008) Former Registrar of the University of Technology Sydney; former Deputy-Secretary of the Victorian Attorney-General's Department
- **Mr Tim Bugg AM** (appointed to the Board on 23 June 2009) Partner, Dobson Mitchell & Allport; Former Chair, International Legal Services Advisory Council (ILSAC); Past President, Law Council of Australia
- **Mr John Cameron** (appointed to the Board on 24 April 2018) Former Deputy Vice-Chancellor (Administration and Resources) at Australian Catholic University
- **A/Prof Philip Chung (Managing Director)** (appointed to the Board on 23 June 2009) Associate Professor, Faculty of Law and Justice, UNSW Sydney; Co-Director and Executive Director, Australasian Legal Information Institute
- **Mr Ian Govey AM** (appointed to the Board on 23 June 2009) Former Australian Government Solicitor
- **Prof Andrew Lynch** (appointed to the Board on 14 August 2020) Dean, Faculty of Law and Justice, UNSW Sydney
- **Ms Miranda Milne** (appointed to the Board on 29 April 2020) Former Chief Executive Officer, Victorian Legal Practitioners Liability Committee (LPLC)
- **Prof Andrew Mowbray (Executive Director)** (appointed to the Board on 27 April 2009) Professor, Faculty of Law, University of Technology Sydney; Co-Director, Australasian Legal Information Institute
- **Prof Anita Stuhmcke** (appointed to the Board on 21 October 2021) Dean, Faculty of Law, University of Technology Sydney

Prof Lesley Hitchens (appointed to the Board on 18 February 2013) was appointed Acting Provost at the University of Technology Sydney and resigned from the Board on 20 October 2021.

The Company Secretary was Giovanni Crasto (appointed 31 January 2014).

## MANAGEMENT AND STAFF

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### **Managing and Executive Directors**

In 2021, the Australasian Legal Information Institute was jointly managed by two Co-Directors:

- Andrew Mowbray (Professor of Law and Information Technology, Faculty of Law, UTS) (Co-Director)
- Philip Chung (Associate Professor, Faculty of Law and Justice, UNSW Sydney) (Co-Director and Executive Director)

The Managing Director of the AustLII Foundation Limited is Philip Chung. Andrew Mowbray serves as Executive Director of the Company.

### **Full-time Staff**

- David Bramston (Project Officer)
- Giovanni Crasto (Finance and Administration Manager)
- Richard Hunter (Development Manager)
- Chris Kenward (Australian Databases Manager)
- Jennifer Kwong (Project Officer)
- Jones Olatunji (Systems Administrator)
- Armin Wittfoth (Project Officer)

### **Part-time Staff**

- Graham Greenleaf AM (Founding Co-Director and Senior Researcher)
- Jill Matthews (Project Officer)

### **Researchers / Interns / volunteers**

Emeritus Professor David Barker is an AustLII Senior Researcher. He makes a substantial contribution to AustLII's research work and provides valuable assistance in maintaining links with the profession and professional organisations.

The AustLII intern / volunteer programme is available to law students from UNSW and UTS. Interns / volunteers are able to participate in AustLII's projects including digitisation of historical legal materials in print (using both destructive and non-destructive scanning approaches), extraction of metadata, as well as stakeholder engagement activities. Alissa Mazzitelli from UTS was a student intern in 2021.

# AUSTRALIAN DEVELOPMENTS

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## DATABASES AND LIBRARIES

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The heart of the AustLII service is its collection of primary and secondary Australasian legal materials, including:

- Comprehensive legislation and related legislative materials from all jurisdictions
- Case law from most courts, tribunals and regulators (past and present)
- The text of all treaties to which Australia is a party
- An extensive collection of law journals, law reform reports and judicial scholarship
- Aggregated subject specific collections and virtual databases

The following **new Australian legal databases and resources** were added or expanded in 2021:

- ACT COVID-19 Government Directions
- Australian Capital Territory COVID-19 Government Directions
- Australian Cyber Law Map (AustLII Communities)
- Australian Journal of Clinical Education 2016-
- Australian State of the Environment Reports 1996-
- Federal Circuit and Family Court of Australia - Division 1 Appellate Jurisdiction 2021-
- Federal Circuit and Family Court of Australia - Division 1 First Instance 2021-
- Federal Circuit and Family Court of Australia - Division 2 Family Law 2021-
- Federal Circuit and Family Court of Australia - Division 2 General Federal Law 2021-
- New South Wales Development Control Plans 1988-
- New South Wales Environment and Planning Codes and Standards 1997-
- New South Wales Environment and Planning Policies 2003-
- New South Wales Legislative Assembly Select Committees on Environment and Planning 2001-
- New South Wales Legislative Assembly Standing Committee on Public Works 1997-
- New South Wales Legislative Assembly Standing Committees on Environment and Planning 2011-
- New South Wales Legislative Assembly Standing Committees on Natural Resource Management 2003-2011
- New South Wales Local Strategic Planning Statements 2020-
- New South Wales Parliamentary Joint Select Committees on Environment and Planning 2002-
- Northern Territory COVID-19 Government Directions
- Personal Injury Commission of New South Wales - Medical Appeal Panel 2021-
- Personal Injury Commission of New South Wales - Merit Review 2021-
- Personal Injury Commission of New South Wales - Merit Review Panel 2021-
- Personal Injury Commission of New South Wales - Presidential 2021-
- Personal Injury Commission of New South Wales 2021-
- Queensland Environment and Planning Codes and Standards 1995-
- Queensland Environment and Planning Policies 2012-
- Senate Standing Committee for the Scrutiny of Bills - Alert Digests 1982-2016
- Senate Standing Committee for the Scrutiny of Bills - Reports 1982-2016
- South Australian Environment and Planning Codes and Standards 1997-
- South Australian House of Assembly Select Committees on Environment and Planning 1999-
- South Australian House of Assembly Standing Committee on Environment, Resources and Development 1994-
- South Australian House of Assembly Standing Committee on Natural Resources 2005-
- South Australian House of Assembly Standing Committee on Public Works 1994-
- South Australian Legislative Council Select Committees on Environment and Planning 1998-
- South Australian Legislative Council Standing Committee on Aboriginal Lands 2004-

- South Australian State of the Environment Reports 2003-
- Supreme Court of South Australia - Court of Appeal 2021-
- Supreme Court of the Northern Territory - Full Court 1986-
- Tasmanian Civil and Administrative Tribunal 2021-
- Tasmanian Environment and Planning Codes and Standards 1999-
- Tasmanian Environment and Planning Policies 2017-
- Tasmanian Legislative Council Select Committees on Environment and Planning 2000-
- Tasmanian State of the Environment Reports 2009-
- The Arbitrator and the Mediator (Journal of the Resolution Institute) 2002-
- Victorian State of the Environment Reports 2008-
- Western Australian Environment and Planning Codes and Standards 2000-
- Western Australian Environment and Planning Policies 2006-
- Western Australian Environmental Protection Authority Advice on Environmental Matters 2000-
- Western Australian Region Planning Scheme Maps 2002-
- Western Australian Region Planning Scheme Policies 2002-

## AUSTLII COMMUNITIES

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AustLII Communities is a platform for innovation in the creation of free-access legal information that is provided by a wide range of 'trusted' user communities and that is fully integrated with all the legislative, case law, treaty and legal scholarship resources on AustLII. The content on AustLII Communities is easily updatable by authors and information providers and contains:

- Plain language law handbooks and other guides to the law
- Legal textbooks, annotations and case summaries
- Collaborative educational resources for the teaching of law
- Codebases for use with DataLex

The following **new resource** was added to the AustLII Communities platform in 2021:

### **Cyber Law Mapping Project**

This project was conceived and directed by Dr Kobi Leins, a Senior Research Fellow in Digital Ethics, in the School of Engineering at the University of Melbourne and a Senior Research Fellow at the Centre for AI and Digital Ethics, and Professor Lyria Bennett Moses, Director of the Allens Hub for Technology, Law and Innovation at UNSW Law & Justice.

The project partners are AustLII, the Centre for AI and Digital Ethics at the University of Melbourne, the Allens Hub for Technology, Law and Innovation at UNSW Sydney and the Defence Science Institute.

There is ample law that governs cyber in Australia, but much of it is unknown. The misunderstanding arises because, while Australia has no piece of legislation dedicated solely to cyber security, it has a range of laws with similar effect that operate in areas such as critical infrastructure protection, criminal law, telecommunications regulation, privacy and consumer law.

The Australian Cyber Law Map aims to create an online map of Australian laws that affect cyber security and cyber resilience. Different areas of law (e.g. telecommunications, directors' duties) are organised into separate topics. Within each topic, the Map provides commentary and links to the relevant legal frameworks, regulations and policies, and materials relating to industry practices. Contributions to the Map are made by invited academics and experts working in the field of cyber law and cyber security.

The first phase of this project has created a map of Australian laws that impact on cyber security and cyber resilience in order to both (a) enhance national and international understanding of Australian law in this area, and (b) to build a community of experts and practitioners in this area appraised of developments in adjacent cyber law. Later phases of this project will identify gaps in the existing law that require rectification or further regulation and develop a matrix for other countries to similarly map their legal capabilities.

The Australian Cyber Law Map is intended as an evolving project that will continue to be extended.

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## DATALEX APPLICATIONS DEVELOPMENT SYSTEM

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DataLex is an applications development platform that can be used to create Rules as Code applications, document assembly systems and ‘chat bots’ including legal advisory services and regulatory compliance applications. DataLex interacts with the AustLII Communities platform, which enables the sustainable collaborative development of codebases.

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### ‘RULES AS CODE’

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DataLex has been developed to suit the needs of the evolving concept of ‘Rules as Code’ (RaC), the process of rendering rules in legislation, regulation and policy as code so they can be consumed and interpreted directly by computers.

There are many proposals for governments to adopt policies to implement ‘Rules as Code’. DataLex has great potential to support the development of applications that demonstrate the effectiveness of the RaC approach to dealing with making legislation and regulation more accessible for humans and machines.

Rules as Code is a field of research that is transforming law and policy making globally, and interest in its development is flourishing in both academic and policy circles.

During the year the Australasian Society for Computers and the Law (AUSCL) hosted a series of online Masterclasses, featuring some of the main technologies currently being developed to implement RaC. AustLII was invited to make a presentation on DataLex. The presentation was recorded on YouTube and can be found at <<https://www.youtube.com/watch?v=8fTqQcVyVal>>.

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### DATALEX APPLICATIONS

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Over the course of the year major technical enhancements were made to DataLex. In particular, the underlying technology was formalised into the *yscript* language which enables the use of DataLex for Rules as Code (RaC) as applied to legislation, regulations, other forms of delegated legislation (ordinances, by-laws and so forth), court rules and codes of conduct. *yscript* is a language developed for the DataLex project for representing and manipulating propositions. The features of *yscript* include:

1. Quasi-natural-language ‘English-like’ code
2. Easy to learn and use
3. Supports declarative and imperative coding
4. Produces natural English dialogs (consultations) and explanations
5. Applications are scalable

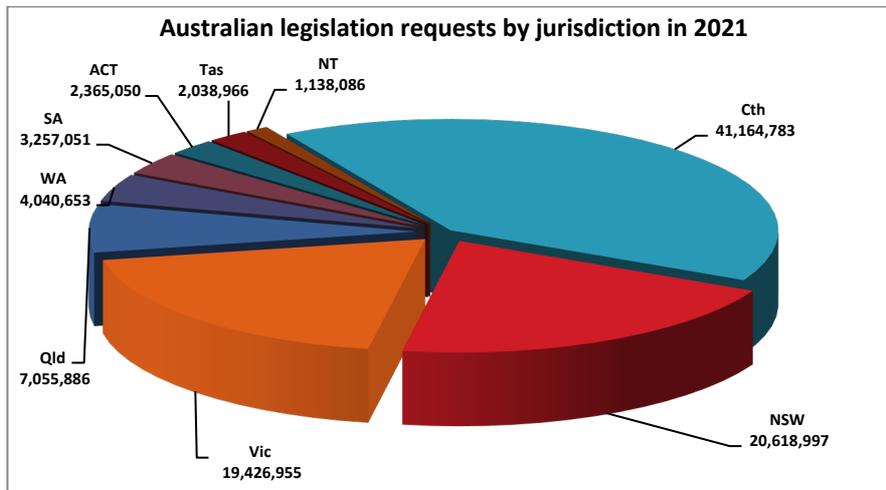
A further development was the introduction of an automated pre-processor program called *ylegis*. The development of the code for DataLex applications had been a completely manual process, with no automated assistance available. In order to make the coding process easier, *ylegis* takes a section of legislation (or multiple sections, or even a whole Act), and converts it automatically into a ‘first draft’ of DataLex code (*yscript*) for those legislative provisions. The pre-processed *yscript* code can immediately be run, to test how well the conversion to code has worked. The range of legislative forms that the *ylegis* pre-processor can deal with is being rapidly expanded to enable it to handle a broad range of legislative and other types of rules.

# AUSTLII USAGE

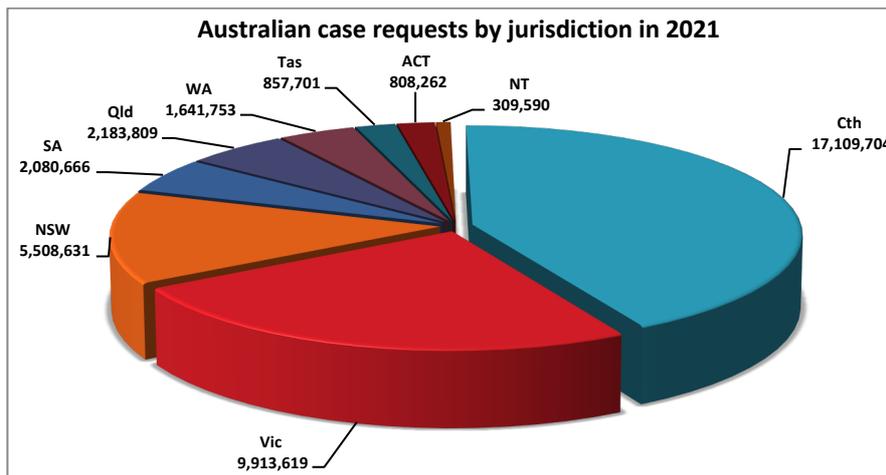
## AUSTLII'S DATABASE USAGE

- **Total hits for 2021 exceeded 261 million and averaged 717,149 hits per day.**
- **Over 6.8 million distinct hosts were served.**
- **Data downloaded in 2021 was nearly 23 terabytes.**
- **AustLII continues to be ranked within the top 1,000 most accessed websites in Australia.**

The most popular databases on the AustLII service in 2021 were the Commonwealth legislation databases, followed by NSW and Victorian legislation. The following graph 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.

The AustLII service is consistently ranked within the top 1,000 most accessed websites in Australia and maintained the number one market position in the 'business and finance – legal' category throughout 2021 (SimilarWeb data). This category included websites from government, publishers, courts and tribunals, law societies, legal firms and barristers.

## AUSTLII'S MAJOR USERS

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Because AustLII operates as a free and anonymous service, no log-in or user identification is required. Consequently, AustLII is unable to identify a high percentage of its users because it does not receive Internet protocol addresses (IP addresses) specific to them.

About 45% of all accesses cannot be precisely identified. Around 42% of requests are from large national and international commercial internet service providers (ISPs) serving millions of individual clients, which will include most of the general community accesses, as well as from large organisations that maintain multiple unidentifiable IP addresses. Of those IP addresses that can be identified the major users of the AustLII service fall into the following categories:

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

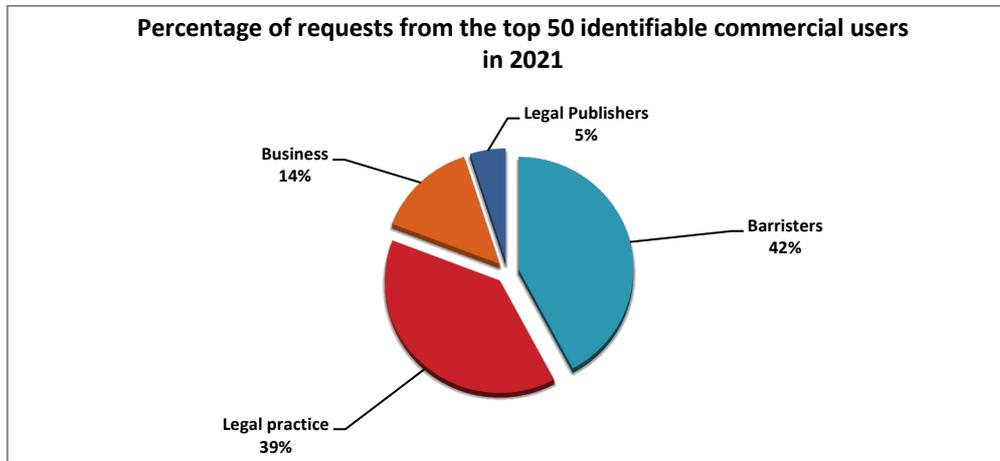
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### COMMERCIAL SECTOR

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

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



While usage of AustLII by the commercial sector continues to grow it is noted that only 11 of the top 50 identifiable commercial users (11,000 or more requests per annum) contribute to AustLII's running costs, and only half of the top 10 identifiable commercial users support AustLII.

Contributions from AustLII's largest identifiable users from the commercial sector continue to remain below their rates of usage. We continue to urge all AustLII users that can afford to do so to contribute towards the maintenance of the AustLII service.

COMMERCIAL USAGE OF AUSTLII IN 2021

|    | Commercial Category | Number of requests | Contributor in 2021                 |
|----|---------------------|--------------------|-------------------------------------|
| 1  | Barristers          | 723,749            | <input checked="" type="checkbox"/> |
| 2  | Barristers          | 582,756            |                                     |
| 3  | Legal Practice      | 561,854            | <input checked="" type="checkbox"/> |
| 4  | Publishers          | 127,119            |                                     |
| 5  | Barristers          | 125,110            | <input checked="" type="checkbox"/> |
| 6  | Commercial          | 116,679            |                                     |
| 7  | Commercial          | 86,039             |                                     |
| 8  | Commercial          | 79,800             |                                     |
| 9  | Commercial          | 78,008             |                                     |
| 10 | Legal Practice      | 54,551             | <input checked="" type="checkbox"/> |
| 11 | Legal Practice      | 53,901             |                                     |
| 12 | Commercial          | 47,971             |                                     |
| 13 | Publishers          | 47,952             |                                     |
| 14 | Barristers          | 45,387             | <input checked="" type="checkbox"/> |
| 15 | Legal Practice      | 43,732             | <input checked="" type="checkbox"/> |
| 16 | Legal Practice      | 42,216             | <input checked="" type="checkbox"/> |
| 17 | Legal Practice      | 38,868             | <input checked="" type="checkbox"/> |
| 18 | Legal Practice      | 35,676             |                                     |
| 19 | Legal Practice      | 34,239             |                                     |
| 20 | Legal Practice      | 29,104             |                                     |
| 21 | Legal Practice      | 26,635             |                                     |
| 22 | Legal Practice      | 26,215             |                                     |
| 23 | Legal Practice      | 26,041             |                                     |
| 24 | Commercial          | 25,285             |                                     |
| 25 | Legal Practice      | 24,726             |                                     |
| 26 | Legal Practice      | 22,723             |                                     |
| 27 | Legal Practice      | 22,390             |                                     |
| 28 | Legal Practice      | 22,245             |                                     |
| 29 | Legal Practice      | 22,074             |                                     |
| 30 | Commercial          | 20,063             |                                     |
| 31 | Legal Practice      | 19,833             |                                     |
| 32 | Legal Practice      | 19,823             | <input checked="" type="checkbox"/> |
| 33 | Legal Practice      | 18,874             |                                     |
| 34 | Legal Practice      | 18,746             |                                     |
| 35 | Legal Practice      | 18,303             |                                     |
| 36 | Legal Practice      | 18,180             | <input checked="" type="checkbox"/> |
| 37 | Commercial          | 16,409             |                                     |
| 38 | Commercial          | 14,083             |                                     |
| 39 | Legal Practice      | 14,048             | <input checked="" type="checkbox"/> |
| 40 | Legal Practice      | 14,006             |                                     |
| 41 | Legal Practice      | 13,782             |                                     |
| 42 | Commercial          | 13,260             |                                     |
| 43 | Legal Practice      | 13,153             |                                     |
| 44 | Legal Practice      | 13,152             |                                     |
| 45 | Legal Practice      | 13,100             |                                     |
| 46 | Legal Practice      | 12,401             |                                     |
| 47 | Legal Practice      | 12,242             |                                     |
| 48 | Legal Practice      | 12,122             |                                     |
| 49 | Legal Practice      | 11,813             |                                     |
| 50 | Legal Practice      | 11,089             |                                     |

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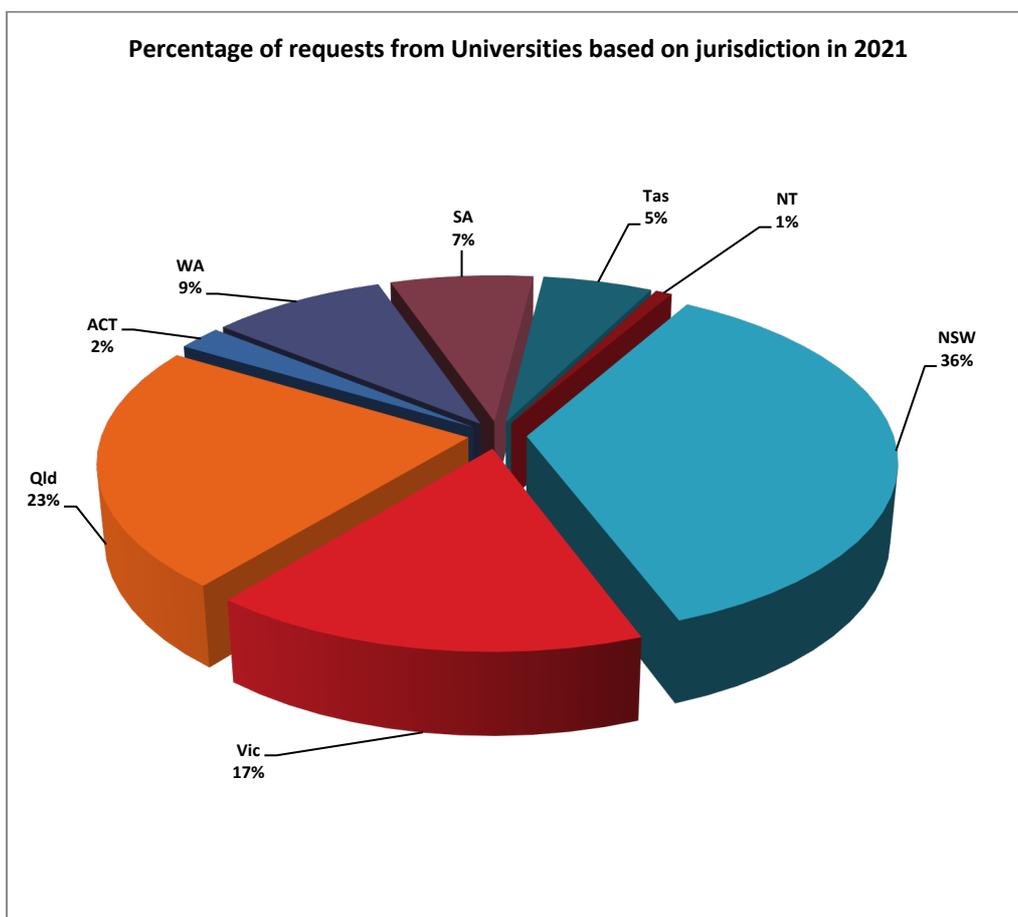
## EDUCATION SECTOR

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The education sector in Australia is a major user of AustLII. In addition to the usage recorded from university servers, many students and staff access the AustLII service from home via their domestic ISP services.

All universities in Australia use AustLII and almost all of them provide a financial contribution because they recognise AustLII's value to their teaching and research, and that the costs of its operation need to be widely shared. The receipt of financial support from all Australian universities is a fundraising goal.

During the year AustLII worked with the Council of Australian University Librarians (CAUL) to establish a mechanism whereby Australian university libraries can contribute equitably towards the maintenance of the AustLII service. In 2021, a number of university libraries supported AustLII through this mechanism and it is hoped that this support will become standard practice for all Australian universities from 2022.

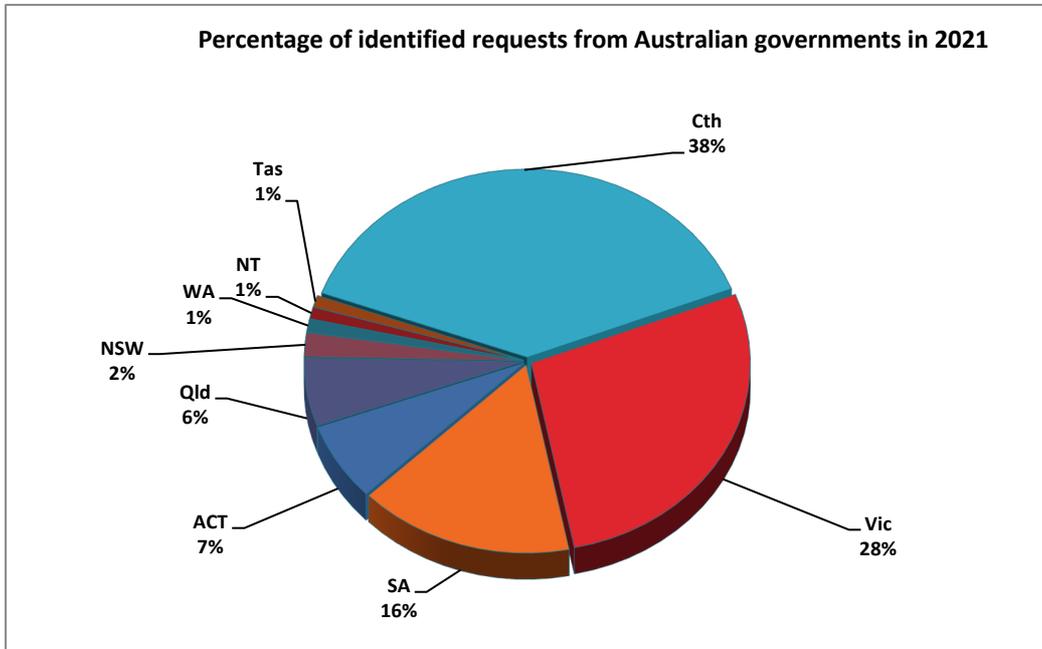


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## GOVERNMENT SECTOR

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A significant amount of government use is identifiable at agency level, including Commonwealth, State and Territory government agencies. Also included in this figure is the substantial use of AustLII resources by the various courts, tribunals and other regulators, most of whose decisions AustLII re-publishes on its service.



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## INTERNATIONAL ACTIVITIES

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### INTERNATIONAL SYSTEMS AND DEVELOPMENTS

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AustLII has assisted other nations and regions to develop online access to their laws since 1999, using open-source software and other LII tools developed by AustLII. All of AustLII's development of multi-LII systems, its joint operation of overseas LIIs, and the assistance it gives to other collaborating LIIs for maintenance and development of their systems is funded by grants for these purposes.

### MULTI-LII SYSTEMS

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AustLII operates three multi-LII systems for international free access legal information (AsianLII, CommonLII and WorldLII) in cooperation with a group of collaborating Legal Information Institutes based in other countries (which we call the 'WorldLII Consortium'). AustLII has developed the only international free-access case and journal article citator (LawCite) and operates it in conjunction with the same group of collaborating LIIs.

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#### WORLDLII

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The World Legal Information Institute (WorldLII) continued to expand coverage of searchable content to include 2,414 national databases from collaborating LIIs. The system also contains a significant collection of international law resources from the United Nations and other international organisations.

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#### COMMONLII

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The Commonwealth Legal Information Institute (CommonLII) provides access to laws from 60 Commonwealth and common law jurisdictions. AustLII continues to maintain the Caribbean Law Project, the Commonwealth Criminal Law Library as well as the Foundations of the Common Law Library.

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#### ASIANLII

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The Asian Legal Information Institute (AsianLII) provides free access to legal information from all 28 countries and territories in Asia.

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#### LAWCITE

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LawCite is an automatically generated international legal case and journal article citator used to locate judgments and to see how these have been subsequently dealt with and commented upon or to see where journal articles have been cited. It uses data-mining techniques to examine the content provided by participating LIIs and can be thought of as the 'glue', which binds together the data contained within the multi-LII systems. In 2021 LawCite indexed over 6.2 million documents.

## DATABASES SEARCHABLE THROUGH MULTI-LII SYSTEMS

Seventeen LIIs now collaborate in providing the databases searchable via WorldLII. The following table sets out the approximate numbers of databases searchable from each of the portals operated by AustLII (AsianLII, CommonLII and WorldLII) as at 31 December 2021, and the number of databases found on each cooperating LII allowing their data to be searched as part of these systems. The 'Countries' column indicates the number of countries that a particular LII adds to the total number of countries whose databases are searchable via WorldLII.

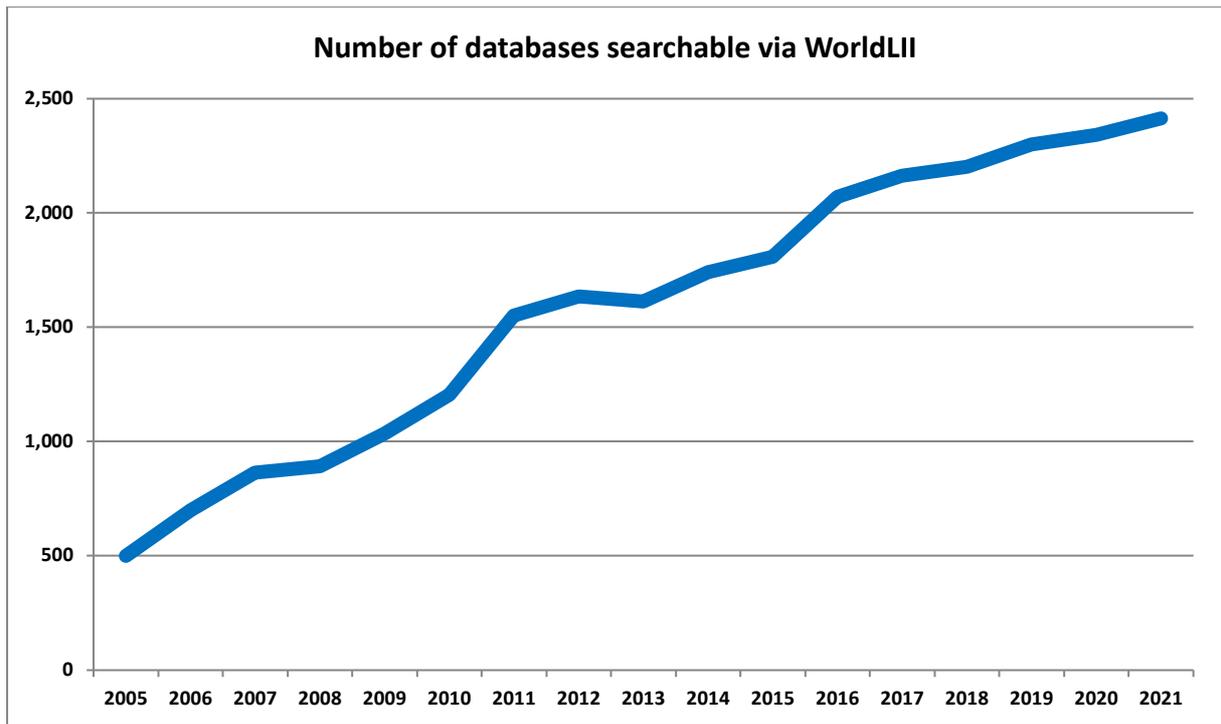
**Table of searchable databases in multi-LII systems (as at 31 December 2021)**

| Systems           | AsianLII   | CommonLII    | WorldLII     | Countries  |            |
|-------------------|------------|--------------|--------------|------------|------------|
| AsianLII          | 330        | 0            | 330          | 28 *       |            |
| AustLII           | 0          | 722          | 722          | 1          |            |
| BAILII            | 0          | 107          | 107          | 7          |            |
| CanLII            | 0          | 2            | 2            | 1          |            |
| CommonLII         | 43         | 122          | 122          | 27 *       |            |
| CyLaw             | 0          | 16           | 16           | 1          |            |
| Droit.org         | 0          | 0            | 1            | 1          |            |
| HKLII             | 47         | 47           | 47           | 1          |            |
| LawPhil           | 20         | 0            | 20           | 1          |            |
| LII Cornell       | 0          | 0            | 3            | 1          |            |
| LiberLII          | 0          | 0            | 8            | 1 *        |            |
| NZLII             | 0          | 210          | 210          | 1 *        |            |
| LII of India      | 172        | 172          | 172          | 1 *        |            |
| PacLII            | 39         | 360          | 360          | 20         |            |
| SAFLII            | 0          | 135          | 135          | 16         |            |
| SamLII            | 0          | 28           | 28           | 1 *        |            |
| ULII              | 0          | 16           | 16           | 1          |            |
| WorldLII          | 0          | 0            | 115          | 55 *       |            |
| <b>2021 Total</b> | <b>651</b> | <b>1,937</b> | <b>2,414</b> | <b>165</b> | <b>985</b> |
| <b>2020 Total</b> | 657        | 1,869        | 2,346        | 165        | 976        |
| <b>2019 Total</b> | 640        | 1,823        | 2,300        | 165        | 968        |
| <b>2018 Total</b> | 620        | 1,725        | 2,202        | 165        | 900        |
| <b>2017 Total</b> | 617        | 1,683        | 2,163        | 165        | 886        |
| <b>2016 Total</b> | 603        | 1,597        | 2,070        | 164        | 848        |
| <b>2015 Total</b> | 453        | 1,489        | 1,809        | 152        | 678        |
| <b>2014 Total</b> | 442        | 1,430        | 1,742        | 152        | 652        |
| <b>2013 Total</b> | 431        | 1,312        | 1,613        | 142        | 612        |
| <b>2012 Total</b> | 433        | 1,279        | 1,635        | 183        | 595        |
| <b>2011 Total</b> | 430        | 1,204        | 1,552        | 182        | 555        |
| <b>2010 Total</b> | 300        | 905          | 1,205        | 164        | 408        |

During 2021, the total number of databases available for searching via WorldLII increased by 68 to 2,414, whereas the total number available via CommonLII was 1,937 and AsianLII was 651.

AustLII maintains 985 of these international databases (an increase from 976 in 2020), in addition to the 722 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:



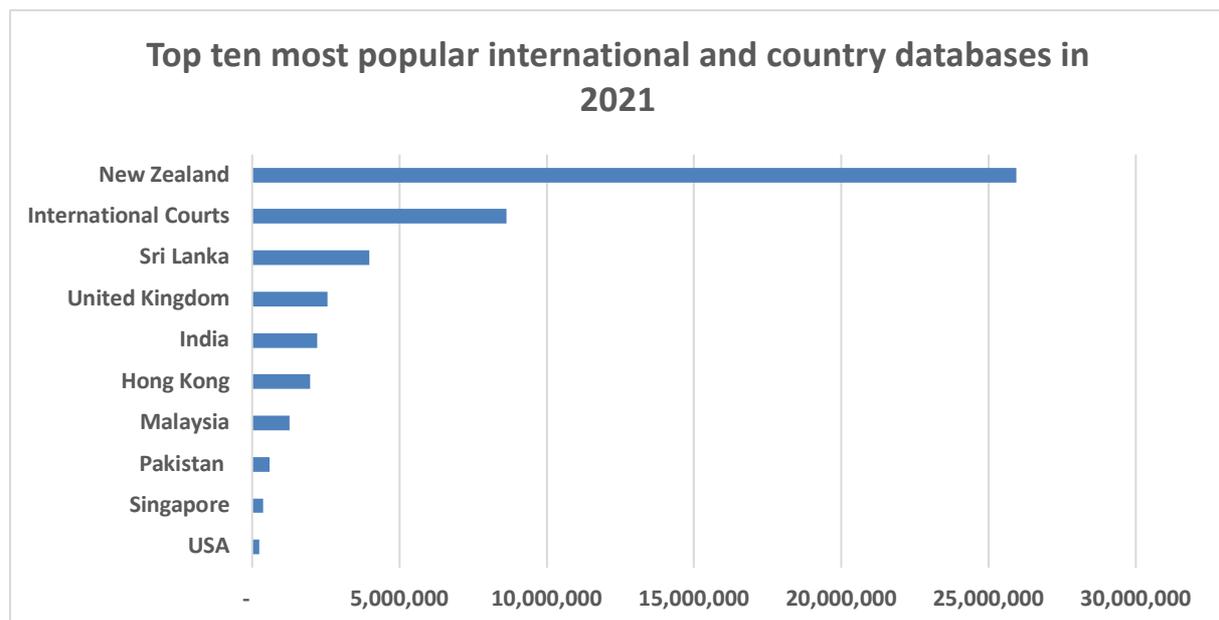
## INTERNATIONAL SYSTEMS USAGE

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 2021, there were over 77 million accesses to the non-Australian databases maintained by AustLII and located on AsianLII, CommonLII, NZLII, LII of India, LiberLII, SamLII and WorldLII plus citator records on LawCite and Catalog pages. AustLII blocks spidering of case law on any of these services.

The following chart shows the top 10 most requested databases maintained by AustLII, by country or grouping (excluding databases on AustLII). The most popular international databases in 2021 are from New Zealand, the International Courts and Tribunals (as well as inter-government organisations), Sri Lanka, United Kingdom, India, Hong Kong, Malaysia, Pakistan, Singapore and USA. 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 NATIONAL LII SYSTEMS

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AustLII also cooperates with a number of partner institutions in individual countries by jointly managing (using AustLII infrastructure) the databases of these LIIs (NZLII, LII of India, LiberLII and SamLII).

Highlights of some of the developments on some of these systems in 2021 are as follows.



During 2021 the successful partnership between NZLII and AustLII continued, with 9 new databases added. The new databases are:

- New Zealand District Licensing Committee - Tauranga 2021-
- New Zealand Trade Practices Appeal Authority 1959-1965
- New Zealand Trade Practices and Prices Commission 1959-1967
- New Zealand Inland Revenue Department - Public Information Bulletins 1963-
- New Zealand Environmental Defence Society 2004-
- New Zealand Plumbers Gasfitters and Drainlayers Board 2018-
- New Zealand Law Foundation Research Reports 2009-
- New Zealand Town Planning Quarterly 1966-
- New Zealand Accident Compensation Law Handbook



AustLII currently supports the maintenance of: Legal Information Institute of India (LII of India), the Samoan Legal Information Institute (SamLII) and Liberian Legal Information Institute (LiberLII) by providing backup data storage and hosting.

## COLLABORATIONS WITH OTHER LEGAL INFORMATION INSTITUTES

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AustLII continues to collaborate with a number of international partners. In 2021, it worked with the Hong Kong Legal Information Institute (HKLII), the Southern African Legal Information Institute (SAFLII) and the Pacific Islands Legal Information Institute (PaCLII) to develop and maintain their facilities as well as exploring areas of research collaboration. Philip Chung serves as a trustee on the BAILII Board.

International relationships were challenged by the COVID-19 pandemic, as no international travel could be undertaken, though meetings still took place via video conferencing services.

## AUSTLII INVOLVEMENT IN THE FREE ACCESS TO LAW MOVEMENT



AustLII is one of the founders, and a very active participant in the global Free Access to Law Movement (FALM), which had 65 members at the end of 2021.

A full list of members is at the FALM website <<http://www.fatlm.org>>, as is the Declaration of Free Access to Law (2002, as amended) to which AustLII and other members subscribe. The logos of the members of FALM are shown below.



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## RESEARCH ACTIVITIES

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The Australasian Legal Information Institute undertakes 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 from research infrastructure grants (such as ARC LIEF and the ARDC) as well as conventional research grants (such as Australian Research Council Linkage grants) or international development grants where the goals of infrastructure development pose research issues which must be resolved.

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### RESEARCH AND RESEARCH INFRASTRUCTURE GRANTS

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Researchers affiliated with the Australasian Legal Information Institute apply for competitive grants for research and research infrastructure development of new databases and services. In 2021, AustLII finalised work on one major Australian Research Council (ARC) Linkage Infrastructure Equipment Fund (LIEF) research grant and commenced work on another. AustLII also commenced a project funded by the Australian Research Data Commons (ARDC).

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### PUBLICATIONS, SUBMISSIONS AND PRESENTATIONS

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AustLII Co-Directors and staff published the following papers and made the following submissions and presentations in 2021:

- Chung, Philip; Mowbray, Andrew; Greenleaf, Graham: “Open Justice and Free Access to Case Law” (Paper responding to the NSW Law Reform Commission’s ‘Open Justice Review’ (CP22)) <https://ssrn.com/abstract=3798994>
- Chung, Philip; Mowbray, Andrew; Greenleaf, Graham: “The Australian Data Strategy and Legal Information” (Paper responding to the Australian Government’s Digital Technology Taskforce on the proposed Australian Data Strategy) <https://ssrn.com/abstract=3900270>
- Hunter, Richard: “Reflections on AustLII’s 25<sup>th</sup> Anniversary – where we came from and where we are going to” (Presentation to the Australian Law Librarians Association conference), 24 September 2021. Subsequently published in the December 2021 edition of the *Australian Law Librarian* located at <https://search.informit.org/doi/10.3316/agis.20211204057872>.
- Mowbray, Andrew; Chung, Philip: “The DataLex Development Environment”, (Presentation to the Australian Society for Computers and Law, Rules as Code (RaC) Masterclass series), 19 May 2021.
- Mowbray, Andrew; Chung, Philip; Greenleaf, Graham: “AustLII’s DataLex AI platform and its relevance to Law Faculties: The DataLex Development Environment” (Presentation to the Australasian Law Academics Association (ALAA) Conference, USyd and UTS), 4-6 July 2021
- Mowbray, Andrew; Chung, Philip; Cook, Angus: “Rethinking the economics of legal publishing in Australia”, (Presentation to the Open Access Australasia Seminar Series), 19 October 2021
- Mowbray, Andrew; Chung, Philip; Greenleaf, Graham: “Representing Legislative Rules as Code: Reducing the problems of ‘scaling up’” (Submitted to Computer Law and Security Review), 9 December 2021. Pre-print is available at SSRN: <https://ssrn.com/abstract=3981161> or <http://dx.doi.org/10.2139/ssrn.398116111>
- Mowbray, Andrew; Greenleaf, Graham; Chung, Philip: “Law as Code: Introducing AustLII’s DataLex AI” (November 16, 2021). Available at SSRN: <https://ssrn.com/abstract=3971919> or <http://dx.doi.org/10.2139/ssrn.3971919>

## FUNDED RESEARCH PROJECTS

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### AUSTRALIAN ENVIRONMENTAL AND PLANNING LAW LIBRARY

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The aim of this project is to develop a new research facility based on a Library of databases consolidating and enhancing access to legal and quasi-legal resources relating to Australian Environmental and Planning Law at federal, state and local government levels, and international environmental laws relating to Australia. Partner Universities include: Sydney, Melbourne, Tasmania, UWA, UNE, Griffith, UQ, La Trobe and Flinders.

This project was finalised during 2021. The Library was further expanded to include 80 new databases of decisions from courts and tribunals, agreements, planning instruments, impact assessments, and parliamentary reports. This resulted in an addition of over 40,000 documents and more than 900,000 new pages to the Library.

### AUSTRALIAN ROYAL COMMISSIONS AND PUBLIC INQUIRIES LIBRARY

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AustLII via its host universities (UTS and UNSW), together with ten other university partners (Sydney, UNE, Melbourne, Monash, Deakin, ANU, UQ, Adelaide, UWA, Curtin) was awarded \$539,000 from the ARC Linkage Infrastructure Equipment and Facilities (LIEF) scheme to develop new research resources bringing together contemporary and historical material documenting the activities of royal commissions, public inquiries and investigations that have been conducted within Commonwealth and State/Territory jurisdictions since Federation and that have influenced and shaped the development of Australian law and public policy. Partner contributions from the universities have contributed \$630,000 to this project. The project's 14 Chief Investigators (CIs) include many of Australia's most distinguished researchers who explore public administrative law through a variety of interdisciplinary lenses and use the primary sources, which are the subject of this application, to explain and evaluate legal change.

Among the most important documents in Australia that exist at the 'grey literature' interface between strict law and public policy development are the reports of royal commissions and other executive or legislatively mandated public inquiries, select committees of parliament, and other quasi-legislative or judicial inquisitorial bodies such as anti-corruption agencies and coronial inquests. These documents provide essential context to legislative and judicial developments over time. Indeed, in certain cases these public inquiry reports can be the catalyst for significant legislative change. These reports are often the best source for finding contributions to law reform by industry and interest groups, analysis of the operation of current laws, and well-considered recommendations for law reform. Public inquiries are a trusted mechanism for the investigation of allegations of wrongdoing and maladministration and for the provision of independent policy advice to the executive. Public inquiries play a pivotal role in public debate and the development of Australian law and public policy and are an essential element of the Australian historical record, providing a valuable resource for researchers in the areas of law, history, politics and public policy.

Given their nature, royal commissions attract significant media and public attention while they are running and perform a valuable function in focusing attention on a particular issue and placing relevant evidence and findings in the public domain, but their effectiveness depends upon the recommendations they make and their subsequent implementation by government, often over many years. Until the late twentieth century the reports of royal commissions were only made available as limited issue paper reports and included in tabled parliamentary papers, which are of limited accessibility. More recently commissions have established their own websites and publish extensively using this means. However, once the commission has reported, the ongoing maintenance of the website and its embedded material is at risk and may well be lost. This project will respond to the vulnerability of these resources by making searchable via one portal, comprehensive free access online to the reports of all royal commissions and other public inquiries held in Australia since Federation, comprehensively integrated with all the other legislation, case law and law

reform reports on AustLII, to support a wide understanding of the pivotal role public inquiries play in the development of Australian law and public policy. This will enable scholars to trace a wide range of responses to particular issues as well as search the legislative and judicial instruments that consider, apply or implement the findings and recommendations of public inquiries.

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#### CREATING A NATIONAL FREE ACCESS COLLECTION OF CORONIAL FINDINGS WITH RECOMMENDATIONS AND OF RESPONSES TO RECOMMENDATIONS

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The Australian Research Data Commons (ARDC) Public Sector Bridges program is one of six programs in their National Data Assets initiative. These projects aim to extend or improve public sector data to better support leading edge research.

The National Free Access Coronial Findings, Recommendations & Responses project has received \$264,925 from the ARDC to provide free access to coronial findings with recommendations available in digital form from all Australian jurisdictions in one central location on AustLII. It will also gather together, and link responses made by agencies to coronial recommendations. These resources will then be searchable and cross-indexed to the relevant legislation and case law through citation mining. Other partners in the project include UNSW (lead institution) UTS and Curtin University. Partner investments are \$90,000 in cash and \$163,000 in kind.

Coroners investigate the cause and circumstances of reported death. Coroners may make recommendations in their findings following investigations into the cause and circumstances of deaths. Recommendations are often directed to governments and other relevant parties, to encourage them to make changes to procedures and practices to reduce the risk of preventable death. These recommendations can and do make important contributions to public policy and legislation development, particularly regarding reform processes in such areas as the health system, aged care and disability service providers, policing, corrections, public health and safety as well as human rights concerns such as deaths in custody. Coroners operate within State jurisdictions and their findings are not aggregated nationally.

The intersection of the inquisitorial fact-finding coronial process with the broader justice function of courts forms a vital part of the legal system. Easy free access to coronial findings and recommendations will assist legal practitioners, courts and tribunals to carry out their functions in other levels of the justice system. Findings, recommendations and responses will be processed, and metadata extracted to enable a seamless integration with all other primary legal resources on AustLII. All findings and responses will be allocated medium neutral citations, which will enable them to be located, linked to and referred within the wider AustLII legal 'ecosystem'. These resources will then be searchable and cross-indexed to the relevant legislation and case law through citation mining using data-mining techniques to extract relevant legislation and case law applicable to or consequent on the coronial findings.

## ENGAGEMENT ACTIVITIES

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AustLII participated in the following engagement activities over the course of 2021.

### TRAINING AND TEACHING

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AustLII offered a CLE program to train practitioners and government representatives in the use of the DataLex legal referencing system via UNSW Edge on 30 November.

Classes were also offered to students at UTS and UNSW as part of undergraduate and postgraduate courses.

### PUBLIC ENGAGEMENT

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Given the continued disruptions of COVID-19, AustLII Directors continued a regular 'virtual' meeting schedule with key stakeholders throughout the year. This included our important data providers and financial supporters from around Australia: courts and tribunals, government agencies, universities, the legal profession and from business and industry.

Engagement with our large number of general community users occurs through feedback notices received each year. These notices cover many topics including: alerting us to errors and technical issues that need rectification, requests for new resources, and questions about the legislation and case law available on AustLII. In 2021 there were 1,179 feedback engagements recorded.

Social media interactions with our community of users accessing our Twitter profile are becoming more important. Our Twitter followers grew by more than 500 over the year and now exceed 7,300. We also maintained a LinkedIn organisational profile with over 900 followers in 2021.

## AUSTLII FUNDING

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The AustLII Foundation Limited raises donations and other contributions to support AustLII's Australian infrastructure and services.

During the year we merged the two major fundraising appeals that we usually conduct (an End of Financial Year campaign in May and June and an End of Year campaign in November and December) and maintained a continuous appeal for support from late April until the end of the year.

Fundraising activities included initiating and managing multi-year pledge donations, solicitation of donations from contributors in previous years by mail and email, posting a request for support addressed to all AustLII users on the AustLII homepage and search pages and via our Twitter profile.

In 2021, the Foundation's revenue was \$1,261,702 (including \$1,187,516 in donations and contributions and \$74,186 in interest and other income).

### LIST OF DONORS AND CONTRIBUTORS TO AUSTLII FOUNDATION

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The legal profession, business and industry, courts and tribunals, government agencies, educational institutions and the general community all make contributions to support AustLII. In 2021, more than 500 organisations and individuals made contributions ranging in value from \$10 to \$100,000.

Contributors provide donations and other contributions to maintain AustLII's Australian infrastructure and services to the AustLII Foundation. In addition, partner organisations provide funding towards university research grants.

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

AustLII thanks all its 2021 contributors, which are listed below by sector.

#### GOVERNMENT

##### GOVERNMENT AGENCIES

|   |                               |
|---|-------------------------------|
| Australian Government Solicitor                     | Australian Taxation Office    |
| Council of Attorneys-General Senior Officials Group | National Legal Aid Commission |

##### COURTS, TRIBUNALS & REGULATORS

|  |   |
|--|---|
| Administrative Appeals Tribunal                  | Office of the Australian Information Commissioner       |
| Australian Health Practitioner Regulation Agency | Office of the Victorian Information Commissioner        |
| Council of Australasian Tribunals Inc            | Planning Panels Victoria                                |
| Fair Work Commission                             | South Australian Employment Tribunal                    |
| Fair Work Ombudsman                              | Supreme Court of Tasmania                               |
| Legal Services Council                           | Takeovers Panel (Department of Treasury)                |
| Licensing Court of South Australia               | Victorian Equal Opportunity and Human Rights Commission |
| New South Wales Personal Injury Commission       | Victorian Mental Health Tribunal                        |

## EDUCATION

|  |                                   |
|--|-----------------------------------|
| Australian Catholic University                                     | University of Melbourne           |
| Australian National University                                     | University of New England         |
| Bond University  | University of New South Wales **  |
| Charles Darwin University  | University of Newcastle           |
| Curtin University of Technology                                    | University of Notre Dame          |
| Deakin University  | University of Queensland          |
| Electoral Regulation Research Network<br>(University of Melbourne) | University of South Australia     |
| Flinders University  | University of Southern Queensland |
| Griffith University  | University of the Sunshine Coast  |
| La Trobe University  | University of Sydney              |
| Monash University  | University of Tasmania            |
| Queensland University of Technology                                | University of Technology Sydney * |
| The College of Law   | University of Western Australia   |
| University of Adelaide   | Western Sydney University         |
| University of Canberra   |                                   |

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

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

## COMMERCIAL

### LEGAL PROFESSION

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

|                                |                                |
|--------------------------------|--------------------------------|
| 12 Wentworth Selborne Chambers | Junjie Yu                      |
| Abrahams Meese                 | Justice Jenny Blokland         |
| Adam Jones                     | Kate Eastman                   |
| Adrian Batterby Lawyer         | King & Wood Mallesons          |
| Alec Leopold                   | King Lawyers                   |
| Alistair Pound                 | KJK Legal                      |
| Allens                         | Lachlan Armstrong              |
| Allison Benson                 | Lance Marke                    |
| Andrew Monisse                 | LawCPD                         |
| Andrew Pickles                 | Lewis Holdway Lawyers          |
| Andrew Woods                   | Lilley Grose & Long Solicitors |
| Anthony Lang                   | List A Barristers              |
| Ashurst Australia              | Lydia Kinda                    |
| Bar Chambers                   | Makinson d'Apice               |
| Barry Northfield               | Marque Lawyers                 |
| Bartier Perry                  | Martin Bartfeld                |
| Bennett + Co                   | Martin Willoughby-Thomas       |
| Blumers Lawyers                | MathasLaw                      |

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| Canberra Chambers                     | Matthew Howard                    |
| Carolyn Kelly Legal                   | McNally Jones Staff Lawyers       |
| Castledine Gregory                    | Megan Casey                       |
| Chambers Russell                      | Michael Coe                       |
| Chris Walsh                           | Michael Cranitch                  |
| Chris Wren                            | Minter Ellison Lawyers            |
| Christopher Lum                       | More Chambers                     |
| Christopher McKeown                   | Murugan Thangaraj                 |
| Clare Thompson                        | Naomi Sharp                       |
| Clayton Utz Solicitors                | Nevetts Lawyers                   |
| CMM Quay Legal Group                  | Nicholas Dettmann                 |
| Cooper Grace Ward Lawyers             | Nick Hopkins                      |
| Corrs Chambers Westgarth              | Nine Windeyer Chambers            |
| Daniel McInerney                      | Ninth Floor Selborne Chambers     |
| Daniel Robinson                       | Noel Hutley                       |
| Daniels Bengtsson Pty Limited         | Norman Waterhouse Lawyers         |
| David Maddox                          | O'Loughlins Lawyers               |
| David Rolls                           | Omond & Co Pty Ltd                |
| Dean Harvey                           | Page Seager Lawyers               |
| Denman Chambers                       | Pamela Wilkinson                  |
| DLA Piper                             | Paul Bard Lawyers                 |
| Dominique Hogan-Doran                 | Paul Batley                       |
| Dr David Bennett                      | Paul McGorrery                    |
| Dr Nick Seddon                        | Peter A Brindal & Co              |
| Duncan McConnel                       | Peter Bobbin                      |
| E C Legal                             | Peter Hanks                       |
| Eakin McCaffery Cox                   | Peter Hannan                      |
| Elson Pow & Associates                | Peter Jacobson                    |
| Eugene Wasilenia                      | Peter O'Donnell Solicitor         |
| Family Law Practitioner's Association | Peter Vitale                      |
| Focused Legal                         | Phillip Boulten                   |
| Francis Burt Chambers                 | Piper Alderman                    |
| Frederick Turner                      | R Tyson Wodak                     |
| Freemont Family Lawyers               | Rankin Ellison Lawyers            |
| Gibbs Wright Litigation Lawyers       | Richard Lynch                     |
| Gilbert + Tobin                       | Robert Gordon                     |
| Gordon Zigenbine                      | Robinson Locke Litigation Lawyers |
| Graham Barter                         | Rogers & Gaylard Lawyers          |
| Grahame Young                         | Rohan Millar                      |
| Grahams Solicitors                    | Russell Byard                     |
| Grant Donaldson                       | Russell Cocks                     |
| Haebich Law                           | Sandra Littlewood                 |
| Halsey Legal Services                 | Schweizer Kobras                  |
| Harris Freidman Lawyers               | Sharpe Ivo                        |
| Harwood Andrews Lawyers               | Sharrock Pitman Legal             |

|                             |   |
|-----------------------------|---|
| Herbert Smith Freehills     | Simon Bowden                              |
| Holman Webb Lawyers         | Sixth Floor Selborne & Wentworth Chambers |
| Hon Duncan Kerr             | Stephen Odgers                            |
| Hon Peter Dowding           | Stephen Parmenter                         |
| Hon Ray Finkelstein         | Stephen Rebikoff                          |
| Hopgood Ganim Lawyers       | Steven Penglis                            |
| Hunter Street Chambers      | Stuart Wood                               |
| HWL Ebsworth Lawyers        | Susan Brennan                             |
| Ian Robertson               | Terrence Lynch                            |
| Ingmar Taylor               | Terry Murphy                              |
| Jacob Horowitz              | The Family Law Book                       |
| James Leon                  | Thomas Creedon                            |
| James Sheller               | Tim Game                                  |
| Jamie Catlin                | Timothy Hancock                           |
| Janine Gleeson              | Tiphonie Acreman                          |
| Jeffcott Chambers           | Turner Freeman Lawyers                    |
| Jennifer Batrouney          | University Chambers                       |
| Jennifer Weate & Associates | Vance Hughston                            |
| Jeremy Gobbo                | Ventry Gray                               |
| JK Legal                    | Victor Kerr                               |
| John Sheahan                | Victoria Hartstein                        |
| John Wallace                | Villari Lawyers                           |
| John White                  | Wallmans Lawyers                          |
| Johnson Winter & Slattery   | Waratah Chambers                          |
| Jonathan Brett              | Ward Keller                               |
| Judge Richard Cogswell      | William Rimmer                            |
| Judge Riethmuller           | Young Legal and Corporate Consulting      |
| Judith Cocks                | Anonymous (30)                            |
| Julianne Jaques             |   |

#### LAW SOCIETIES & BAR ASSOCIATIONS

|  |  |
|--|--|
| Bar Association of Queensland          | South Australian Bar Association         |
| Commercial Bar Association of Victoria | The Law Society of Tasmania              |
| Law Council of Australia               | The Victorian Bar Inc                    |
| Law Society of New South Wales         | Western Australian Bar Association (Inc) |
| New South Wales Bar Association        |  |

## BUSINESS & INDUSTRY

|                                      |  |
|--------------------------------------|--|
| Austax                               | Legal Practitioners' Liability Committee |
| By Lawyers                           | Mercer Consulting (Australia) Pty Ltd    |
| C Group                              | Omni Bridgeway                           |
| CFMEU Mining and Energy Division     | Pepperit                                 |
| Costs Law SA                         | Softlaw Community Projects               |
| Counsel's Chambers Limited           | Standards Australia Limited              |
| Cumpston Sarjeant Pty Ltd            | Sunmarg Migration Australia              |
| Cuzeno Builders & Developers Pty Ltd | TaxBanter                                |
| DSA Legal Cost Consultants Pty Ltd   | Tholepin Pty Ltd                         |
| Guan & Co Pty Ltd                    | Wolters Kluwer CCH Australia Limited     |
| Indirectax.net Pty Ltd               | Write on English Academy Pty Ltd         |
| LEAD Conveyancing Melbourne          | Zurich Financial Services Aust Ltd       |

## COMMUNITY

|                    |                             |
|--------------------|-----------------------------|
| Diniezze Abellana  | Kylie McKillop              |
| Ewart Allen        | Darcy Moran                 |
| Vivienne Bath      | Fiona Ohehir                |
| Morgan Bennett     | Nick O'Neill                |
| Frederick Brohier  | Tony Pick                   |
| Brandon Butler     | Julian Poloniato            |
| Kate Carruthers    | Holly Protoolis             |
| Ian Cheung         | David Rickard               |
| Paul Conway        | Dush Shan                   |
| Peter Dencher      | Andrew Sneddon              |
| Angad Dhillon      | Amy Sun                     |
| Julian Ensbey      | Paul Sykes                  |
| Neil Foster        | Matthew Thomas              |
| Robin Gibson       | Phillip Vukic               |
| Nicholas Green     | Nick Walker                 |
| Elizabeth Handsley | Marilyn Wentworth           |
| Richard Hunter     | Ferhat Yildirim             |
| Dung Lam           | David Zrobek                |
| Martin Lee         | UK Online Giving Foundation |
| Jeremy LeFevre     | Anonymous (28)              |
| James Lim          |                             |

## LIST OF RESEARCH FUNDING PARTNERS

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The Australasian Legal Information Institute applies for competitive grant funding from national and international research funding bodies. These grants are often made in partnership with university partners. The following funding partners supported AustLII research projects in 2021.

|  |                                 |
|--|---------------------------------|
| Australian Department of Foreign Affairs and Trade | University of Adelaide          |
| Australian Research Council                        | University of Melbourne         |
| Australian Research Data Commons                   | University of New England       |
| Australian National University                     | University of New South Wales   |
| Deakin University                                  | University of Queensland        |
| Griffith University                                | University of Sydney            |
| Monash University                                  | University of Technology Sydney |
| Queensland University of Technology                | University of Western Australia |

**AustLII Foundation Ltd**

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**ABN 41 134 717 972**

Annual Report  
For the year ended 31 December 2021

## AustLII Foundation Ltd

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### **Directors' Report for the year end 31 December 2021**

Your directors present their report on the company for the year end 31 December 2021.

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

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

Associate Professor, Faculty of Law, UNSW Sydney (The University of New South Wales); Executive 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 AM (appointed to the Board on 23 June 2009)**

Managing Director - Dobson Mitchell Allport; Past Chair at International Legal Services Advisory Council (ILSAC); Past president of the Law Council of Australia

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

Former Australian Government Solicitor (AGS)

#### **Prof Lesley Hitchens (appointed to the Board on 4 February 2013 and resigned on 20 October 2021)**

Dean, Faculty of Law, University of Technology Sydney

#### **Ms. Miranda Milne (appointed to the Board on 29 April 2020)**

Former CEO at Legal Practitioners' Liability Committee

#### **Prof Anita Stuhmcke (appointed to the Board on 21 October 2021)**

Dean, Faculty of Law, University of Technology Sydney

#### **Prof Andrew Lynch (appointed to the Board on 14 August 2020)**

Dean, Faculty of Law, UNSW Sydney (The University of New South Wales)

#### **Mr. John Cameron (appointed to the Board on 24 April 2018)**

Former Deputy Vice-Chancellor (Administration and Resources) at Australian Catholic University

The Company Secretary was: **Giovanni Crasto** (appointed on 31 Jan 2014)

## AustLII Foundation Ltd

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### Principal Activity

AustLII Foundation Ltd (AustLII) is a public company limited by guarantee that is incorporated and domiciled in New South Wales, Australia. The registered office is at Level 14, 61 Broadway, 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 UNSW Sydney (The University of New South Wales). AustLII Foundation Ltd began operations on 1 October 2009.

AustLII's objectives are to:

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

AustLII's strategies to achieve these objectives are:

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

AustLII Foundation Ltd is a company limited by guarantee and has no authorised or paid-up capital. Each Member of the company, whilst a Member, or within one year after ceasing to be a Member, undertakes to contribute to the assets of the company in the event of it being wound up. If the company is wound up the Constitution states that each member is required to contribute \$100 each towards meeting any outstanding obligations of the company. As at 31 December 2021 the number of Members was two.

### Review of operations

AustLII Foundation Ltd 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 2021 was \$83,326. (2020 – Deficit of (\$222,502))

### 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.

## AustLII Foundation Ltd

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### 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.

### 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 |
| Jeff Fitzgerald     | 4                  | 4               |
| Philip Chung        | 4                  | 4               |
| Tim Bugg            | 4                  | 1               |
| John Cameron        | 4                  | 4               |
| Ian Govey           | 4                  | 4               |
| Lesley Hitchens     | 3                  | 3               |
| Andrew Lynch        | 4                  | 4               |
| Miranda Milne       | 4                  | 4               |
| Andrew Mowbray      | 4                  | 4               |
| Anita Stuhmcke      | 1                  | 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 11<sup>th</sup> day of May, in Sydney.  
John Cameron (Director)



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Signed this 11<sup>th</sup> day of May, in Sydney.  
Philip Chung (Director)



To the Directors

AustLII Foundation Limited

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

As auditor for the audit of the financial statements of AustLII Foundation Limited for the year ended 31 December 2021, I declare, to the best of my knowledge and belief, there have been no contraventions of:

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

A handwritten signature in black ink, appearing to read 'Cathy Wu'.

Cathy Wu  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

11 May 2022  
SYDNEY

## AustLII Foundation Ltd

### Statement of Comprehensive Income For the year end 31 December 2021

|  | Note      | 2021<br>\$       | 2020<br>\$       |
|--|-----------|------------------|------------------|
| <b>Revenue from Continuing Operations</b>    |           |                  |                  |
| Donations & Contributions                    | 1f, 2     | 1,187,516        | 1,638,875        |
| Interest & Other Income                      | 2         | 74,186           | 25,397           |
| <b>Total Income</b>                          |           | <b>1,261,702</b> | <b>1,664,272</b> |
| <b>Expenses</b>                              |           |                  |                  |
| Employment Costs                             | 1c, 3, 13 | 957,449          | 1,554,292        |
| Equipment Charges                            | 1b, 3     | 147,665          | 208,395          |
| Accounting and Audit Fees                    | 3, 7      | 14,660           | 20,733           |
| Consultancy Costs                            | 3         | 40,000           | 51,258           |
| Insurance                                    | 3         | 6,595            | 8,297            |
| Travel and Accommodation                     | 3         | 416              | -                |
| Other Operating Costs                        | 3         | 11,591           | 43,799           |
| <b>Total Expenses</b>                        |           | <b>1,178,376</b> | <b>1,886,774</b> |
| <b>Surplus / (Deficit) for the Year</b>      |           | <b>83,326</b>    | <b>(222,502)</b> |
| Other Comprehensive Income                   |           | -                | -                |
| <b>Total Comprehensive Surplus/(Deficit)</b> |           | <b>83,326</b>    | <b>(222,502)</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 2021

|                             | Note  | 2021<br>\$       | 2020<br>\$       |
|-----------------------------|-------|------------------|------------------|
| <b>ASSETS</b>               |       |                  |                  |
| <b>Current Assets</b>       |       |                  |                  |
| Cash at Bank                | 8     | 685,499          | 1,031,227        |
| Trade and Other Receivables | 4     | 171,129          | 279,181          |
| Other Financial Assets      | 5     | 1,126,010        | 1,053,638        |
| <b>TOTAL ASSETS</b>         |       | <b>1,982,638</b> | <b>2,364,046</b> |
| <b>LIABILITIES</b>          |       |                  |                  |
| <b>Current Liabilities</b>  |       |                  |                  |
| Trade and Other Payables    | 6     | 282,424          | 747,158          |
| <b>TOTAL LIABILITIES</b>    |       | <b>282,424</b>   | <b>747,158</b>   |
| <b>NET ASSETS</b>           |       | <b>1,700,214</b> | <b>1,616,888</b> |
| <b>EQUITY</b>               |       |                  |                  |
| Retained Surplus            | 1e, 9 | 1,700,214        | 1,616,888        |
| <b>TOTAL EQUITY</b>         |       | <b>1,700,214</b> | <b>1,616,888</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 2021

|  | Note | Retained<br>Surplus<br>\$ | Total Equity<br>\$ |
|--|------|---------------------------|--------------------|
| <b>Balance as at 1 January 2020</b>      |      | <b>1,839,390</b>          | <b>1,839,390</b>   |
| Total comprehensive deficit for the year |      | (222,502)                 | (222,502)          |
| <b>Balance as at 31 December 2020</b>    | 9    | <b>1,616,888</b>          | <b>1,616,888</b>   |
| <b>Balance as at 1 January 2021</b>      |      | <b>1,616,888</b>          | <b>1,616,888</b>   |
| Total comprehensive deficit for the year |      | 83,326                    | 83,326             |
| <b>Balance as at 31 December 2021</b>    | 9    | <b>1,700,214</b>          | <b>1,700,214</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 2021

|  | Note | 2021<br>\$       | 2020<br>\$       |
|--|------|------------------|------------------|
| <b>Cash flows from operating activities</b>            |      |                  |                  |
| Cash receipts in the course of operations              |      | 1,295,560        | 1,661,649        |
| Payments to suppliers and employees                    |      | (1,643,110)      | (1,780,815)      |
| Net interest received                                  |      | 299              | 6,528            |
| Net cash used by operating activities                  | 8    | <b>(347,251)</b> | <b>(112,638)</b> |
| <b>Cash flows from investing activities</b>            |      |                  |                  |
| Payments for financial assets                          |      | 1,524            | 177,045          |
|  |      | <b>1,524</b>     | <b>177,045</b>   |
| Net increase/(decrease) in cash held                   |      | (345,727)        | 64,407           |
| Cash and cash equivalents at the beginning of the year |      | 1,031,227        | 966,820          |
| Cash and cash equivalents at the end of the year       | 8    | <b>685,500</b>   | <b>1,031,227</b> |

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 2021

### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

AustLII Foundation Ltd (AustLII) is a 'not for profit' company limited by guarantee, incorporated, and domiciled in Australia. Its registered office and principal place of business is at Level 14, 61 Broadway, Ultimo, NSW, 2007. The principal activities are to provide an online free-access public library of Australian legal materials.

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

The Australian dollar is both the presentation and functional currency.

#### a. Basis of Preparation

This general-purpose financial report has been prepared in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations and other authoritative pronouncements of the Australian Accounting Standards Board) and Corporations Act 2001 and Corporations Regulations 2001, the Government Sector Audit Act 2018 and Government Sector Audit Regulation 2021, the Charitable Fundraising Act 1991 and the Charitable Fundraising Regulation 2008.

These financial statements have been prepared on an accrual basis and are based on the historical cost convention, unless otherwise stated within these accounting policies. Amounts have been rounded off to the nearest dollar.

#### b. Property, Plant & Equipment

Property, plant and equipment and intangible assets costing \$10,000 and above individually (or forming part of a network costing more than \$10,000) are capitalised. No property, plant or equipment is owned by the Foundation as at 31 December 2021. All plant and equipment used by the Foundation in its operations is wholly owned and maintained by the Member Universities. The Foundation pays the Universities for the maintenance of this equipment on a quarterly basis. The Foundation does not pay any costs towards using this equipment. The amounts are unsecured and are usually paid within 30 days of recognition.

#### c. Employment Costs

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

#### d. Income Tax

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

#### e. 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 Ltd 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 Ltd made a surplus of \$83,326 (2020 Deficit- (\$222,502)) for the year. The Accumulated balance in Retained Surplus as at 31 December 2021 was \$1,700,214. The Board resolved to designate \$650,000 of the Retained Surplus as available for AustLII Sustainable Initiatives.

## AustLII Foundation Ltd

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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.

### **f. Revenue**

As per AASB 1058 *Income of Not-for-Profit Entities*, 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. Interest is recognised using the effective interest rate method as set out in *AASB 9 Financial Instruments: Recognition and Measurement*. AASB 15 *Revenue from Contracts with Customers*, AustLII recognises fees for services as and when the contractual obligation is completed.

### **g. Going Concern**

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.

### **h. 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.

### **i. 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.

### **j. 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.

### **k. Impact of COVID-19 on Financial Statements**

Management has considered the consequences of COVID-19 and other events and conditions, and it has determined that they do not create a material uncertainty that cast significant doubt upon AustLII Foundation's ability to continue as a going concern. COVID-19 may have some impact on some sectors to contribute as much as they did in previous years especially the Education sector. There is also some impact of the income generated from the Medium-Term Growth Fund invested through NSW Treasury Corporation. AustLII has \$1.6 million in Reserves which is equivalent to maintaining AustLII for a year.

## AustLII Foundation Ltd

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### I. New standards and interpretations not yet adopted

Certain new accounting standards and interpretations have been published that are not mandatory for 31 December 2021 reporting periods and have not been early adopted. These standards are not expected to have a material impact on the entity in the current or future reporting periods and on foreseeable future transactions. These new standards and interpretations are set out below:

- *AASB 2021-2 Amendments to Australian Accounting Standards: Disclosure of Accounting Policies and Definition of Accounting Estimates*
- *AASB 2021-3 Amendments to Australian Accounting Standards: Covid-19 Related Rent Concessions beyond 30 June 2021*
- *AASB 2021-4 Amendments to Australian Accounting Standards: Modified Retrospective Transition Approach for Service Concession Grantors*
- *AASB 2021-5 Amendments to Australian Accounting Standards: Deferred Tax related to Assets and Liabilities arising from a Single Transaction*

### 2. REVENUE FROM CONTINUING OPERATIONS

|  | 2021             | 2020             |
|--|------------------|------------------|
|  | \$               | \$               |
| <b>Donations &amp; Contributions (by sector)</b> |                  |                  |
| Education  | 266,530          | 143,000          |
| Legal Profession                                 | 283,081          | 250,635          |
| Law Societies & Bar Associations                 | 72,000           | 68,000           |
| Business & Industry                              | 199,967          | 196,495          |
| Government Agencies                              | 113,350          | 769,600          |
| Courts, Tribunals & Regulators                   | 141,750          | 189,050          |
| Community & Other                                | 110,838          | 22,095           |
| <b>Total Donations &amp; Contributions</b>       | <b>1,187,516</b> | <b>1,638,875</b> |
| <b>Interest &amp; Other Income</b>               |                  |                  |
| Term Deposits & Other Income                     | 290              | 6,146            |
| Financial Assets designated FVTPL -Note 11       | 73,896           | 19,251           |
|  | <b>74,186</b>    | <b>25,397</b>    |
| <b>Total Income</b>                              | <b>1,261,702</b> | <b>1,664,272</b> |

The Attorney-General's Department gave a one-off grant of \$560,000 to AustLII Foundation in Year 2020.

### 3. EXPENSES

|                          | 2021             | 2020             |
|--------------------------|------------------|------------------|
|                          | \$               | \$               |
| Employment costs         | 957,449          | 1,554,292        |
| Equipment charges        | 147,665          | 208,395          |
| Accounting Fees          | 760              | 7,053            |
| Audit Fees               | 13,900           | 13,680           |
| Consultancy Costs        | 40,000           | 51,258           |
| Insurance                | 6,595            | 8,297            |
| Travel and Accommodation | 416              | -                |
| Other Operating Costs    | 11,591           | 43,799           |
|                          | <b>1,178,376</b> | <b>1,886,774</b> |

## AustLII Foundation Ltd

### 4. TRADE AND OTHER RECEIVABLES

|   | 2021           | 2020           |
|---|----------------|----------------|
|   | \$             | \$             |
| Goods and Services Tax                  | 36,746         | 90,501         |
| Accrued Interest                        | -              | 9              |
| Trade Debtors                           | 123,675        | 139,555        |
| Allowance for Impairment of Receivables | -              | -              |
| Prepaid Expenses                        | 10,708         | 49,116         |
|   | <b>171,129</b> | <b>279,181</b> |

### 5. OTHER FINANCIAL ASSETS

|  | 2021             | 2020             |
|--|------------------|------------------|
|  | \$               | \$               |
| Other Financial Assets at FVTPL                                |                  |                  |
| Managed Funds – New South Wales Treasury Corporation – Note 11 | 1,126,010        | 1,053,638        |
|  | <b>1,126,010</b> | <b>1,053,638</b> |

### 6. TRADE AND OTHER PAYABLES

|                      | 2021           | 2020           |
|----------------------|----------------|----------------|
|                      | \$             | \$             |
| Trade Creditors      | 268,675        | 724,952        |
| Contract Liabilities | -              | 8,417          |
| Accrued Expenses     | 13,749         | 13,789         |
|                      | <b>282,424</b> | <b>747,158</b> |

### 7. AUDITOR'S REMUNERATION

|                                   | 2021          | 2020          |
|-----------------------------------|---------------|---------------|
|                                   | \$            | \$            |
| Audit Fees to Audit Office of NSW | <b>13,900</b> | <b>13,680</b> |

### 8. CASH

|  | 2021             | 2020             |
|--|------------------|------------------|
|  | \$               | \$               |
| <u>a. Cash and Cash Equivalents</u>  |                  |                  |
| Cash at Bank   | 605,912          | 446,666          |
| Term Deposit   | 79,587           | 584,561          |
|  | <b>685,499</b>   | <b>1,031,227</b> |
| <br><u>b. Reconciliation of Cash from Operations</u>   |                  |                  |
| Reconciliation of (Deficit) for the Year to Net Cash flows from Operating Activities Surplus | 83,327           | (222,502)        |
| Non-Cash flows in Operating (Deficit)  |                  |                  |
| Unrealised gains in Other Financial Assets   | (73,896)         | (19,251)         |
| Changes in Assets and Liabilities:   |                  |                  |
| (Increase)/Decrease in Trade Debtors and Prepayments (Operating)                             | 108,053          | 23,156           |
| Increase in Payables   | (440,734)        | 105,959          |
| <b>Net Cash used by Operating Activities</b>   | <b>(347,251)</b> | <b>(112,638)</b> |

## AustLII Foundation Ltd

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### 9. RETAINED SURPLUS

|  | 2021             | 2020             |
|--|------------------|------------------|
|  | \$               | \$               |
| Retained Surplus at the beginning of the Year  | 1,616,888        | 1,839,390        |
| Total Comprehensive Income for the Year        | 83,326           | (222,502)        |
| <b>Retained Deficit at the end of the Year</b> | <b>1,700,214</b> | <b>1,616,888</b> |

### 10. 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 affect the operations of the company, the results of those operations or the state of affairs of the company in subsequent years.

### 11. FINANCIAL INSTRUMENTS

#### (a) Financial Assets

The Company initially recognises receivables on the date that they are originated. All other financial assets are recognised initially on the date at which the Company becomes a party to the contractual provisions of the instrument.

The Company derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows on the financial asset in a transaction in which substantially all the risks and rewards of ownership of the financial asset are transferred. Any interest in transferred financial assets that is created or retained by the Company is recognised as a separate asset or liability.

The Company has the following categories of financial assets those measured at amortised cost (cash and cash equivalents and trade and other receivables) and financial assets at FVTPL.

#### **Cash and cash equivalents**

Cash and cash equivalents comprise cash balances and call deposits with original maturities of three months or less from the acquisition date that are subject to an insignificant risk of changes in their fair value and are used by the Company in the management of its short-term commitments.

#### **Trade and Other Receivables**

Trade and other receivables are financial assets with fixed or determinable payments that are not quoted in an active market. Trade receivables are recognised and carried at original invoice amount less any allowance for impairment. An allowance for impairment of receivables is recognised when collection of the full amount is no longer probable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy or financial reorganisation, and default or delinquency in payments (more than 90 days overdue) are considered indicators that the trade receivable is impaired.

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

### **Financial assets at FVTPL**

A financial asset is classified as at FVTPL if it is classified as held-for-trading or is designated as such on initial recognition. Directly attributable transaction costs are recognised in profit or loss as incurred. Financial assets at FVTPL are measured at fair value and changes therein, including any interest or dividend income, are recognised in Statement of Comprehensive Income.

### **(b) Non-derivative financial liabilities**

Financial liabilities are recognised initially on the date at which AustLII becomes a party to the contractual provisions of the instrument.

AustLII derecognises a financial liability when its contractual obligations are discharged, cancelled or expire.

AustLII classifies non-derivative financial liabilities into the other financial liabilities category. Such financial liabilities are recognised initially at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial liabilities are measured at amortised cost using the effective interest method.

Financial liabilities pertain to trade and other payables.

### **(c) Fair value hierarchy**

When measuring the fair value of an asset or a liability, the Company uses market observable data as possible. Fair values are categorised into different levels in a fair value hierarchy based on the inputs used in the valuation techniques as follows:

- Level 1: quoted prices (unadjusted) in active markets for identical assets or liabilities.
- Level 2: inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly (i.e., as prices) or indirectly (i.e., derived from prices).
- Level 3: inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Financial assets at FVTPL as reported in the statement of financial position is within the scope of Level 2 as of 31 December 2021 and 2020. The Company has no financial instrument based on Level 1 and Level 3 as of 31 December 2021 and 2020.

### **(d) General Objectives, Policies and Processes**

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

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

## AustLII Foundation Ltd

### 12. FINANCIAL RISK MANAGEMENT

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

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

#### (a) Credit Risk

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

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

|                         | 2021<br>\$       | 2020<br>\$       |
|-------------------------|------------------|------------------|
| <b>Financial Assets</b> |                  |                  |
| Cash                    | 685,499          | 1,031,227        |
| Others                  |                  |                  |
| Accounts Receivable     | 123,675          | 139,555          |
| Other Financial Assets  | 1,126,010        | 1,053,638        |
|                         | <b>1,935,184</b> | <b>2,224,420</b> |

#### (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<br>Amount | Contractual<br>Cash Flows | No Maturity      | < 6 months     |
|------|------------------------------|--------------------|---------------------------|------------------|----------------|
|      | <b>Financial Assets</b>      |                    |                           |                  |                |
| 2021 | Cash                         | 685,499            | -                         | 685,499          | -              |
|      | Other Financial<br>Assets    | 1,126,010          | -                         | 1,126,010        | -              |
|      | Receivables                  | 123,675            | 123,675                   | -                | 123,675        |
|      |                              | <b>1,935,184</b>   | <b>123,675</b>            | <b>1,811,509</b> | <b>123,675</b> |
| 2020 | Cash                         | 1,031,227          | -                         | 1,031,227        | -              |
|      | Other Financial<br>Assets    | 1,053,638          | -                         | 1,053,638        | -              |
|      | Receivables                  | 139,555            | 139,555                   | -                | 139,555        |
|      |                              | <b>2,224,420</b>   | <b>139,555</b>            | <b>2,084,865</b> | <b>139,555</b> |
|      | <b>Financial Liabilities</b> |                    |                           |                  |                |
| 2021 | Trade Payables               | 282,424            | 282,424                   | -                | 282,424        |
|      |                              | <b>282,424</b>     | <b>282,424</b>            | -                | <b>282,424</b> |
| 2020 | Trade Payables               | 747,158            | 747,158                   | -                | 747,158        |
|      |                              | <b>747,158</b>     | <b>747,158</b>            | -                | <b>747,158</b> |

## AustLII Foundation Ltd

### (c) Market Risk

The organisation has exposure to market risk for changes in interest rate due to investments in Term Deposits and overall performance of the financial markets due to investments in Managed funds.

### (d) Sensitivity Risk

|                         |                        | Carrying<br>Amount | +1% interest change/<br>+5% performance<br>change<br>Profit and Equity | -1% interest change/<br>-5% performance<br>change<br>Profit and Equity |
|-------------------------|------------------------|--------------------|--|--|
| <b>Financial Assets</b> |                        |                    |  |  |
| 2021                    | Cash                   | 685,499            | 6,855  | (6,855)  |
|                         | Other Financial Assets | 1,126,010          | 56,301   | (56,301)   |
|                         | <b>Total</b>           | <b>1,811,509</b>   | <b>63,156</b>  | <b>(63,156)</b>  |
| 2020                    | Cash                   | 1,031,227          | 10,312   | (10,312)   |
|                         | Other Financial Assets | 1,053,638          | 52,682   | (52,682)   |
|                         | <b>Total</b>           | <b>2,084,865</b>   | <b>62,994</b>  | <b>(62,994)</b>  |

This analysis assumes a change in interest rate of +/-1% and performance rate of +/-5%, which in the Directors' opinion is the largest expected movement over the next 12 months, assuming all other variables remain constant.

## 13. RELATED PARTY DISCLOSURES

### (a) Names of Responsible Persons and Executive Officers

AustLII Foundation Ltd is governed by a Board of Directors which was comprised of the following persons during the year:

|   |                                 |
|---|---------------------------------|
| Dr Jeff FitzGerald- Chair               | Mr Ian Govey - Director         |
| Dr Philip Chung – Managing Director     | Prof Lesley Hitchens - Director |
| Prof Andrew Mowbray– Executive Director | Prof Andrew Lynch – Director    |
| Mr Tim Bugg – Director                  | Ms Miranda Milne – Director     |
| Mr John Cameron – Director              | Prof Anita Stuhmcke - Director  |

### (b) Key Management Personnel

The Board of Directors appointed the following persons the authority and responsibility for planning, directing, and controlling the activities of the Foundation during the year:

Dr Philip Chung – Managing Director  
Prof Andrew Mowbray – Executive Director

### (c) Remuneration of Board Members and Executives

#### Remuneration of Board Members

The board members of AustLII Foundation Ltd do not receive any remuneration in respect of their work as members of the board.

#### Remuneration of Executive Officers

Two executive directors were remunerated by the Member Universities and then on-charged to the Foundation for the management of AustLII Foundation Limited.

|   | 2021<br>Nos | 2020<br>Nos |
|---|-------------|-------------|
| <u>Remuneration of executive officers</u> |             |             |
| \$100,000 to \$300,000                    | 2           | 2           |

## AustLII Foundation Ltd

The remuneration of Key Management Personnel is as follows:

|                          | <b>2021</b>    | <b>2020</b>    |
|--------------------------|----------------|----------------|
|                          | \$             | \$             |
| Short-term benefits      | 332,347        | 402,080        |
| Post-employment benefits | -              | -              |
| <b>Total benefits</b>    | <b>332,347</b> | <b>402,080</b> |

**(d) Staff Employment Costs & Equipment maintenance costs**

Staff costs and Equipment maintenance costs are incurred by the respective Member Universities and then charged to the Foundation.

|                                 | <b>2021</b>      | <b>2020</b>      |
|---------------------------------|------------------|------------------|
|                                 | \$               | \$               |
| UNSW Sydney                     | 761,028          | 1,233,248        |
| University of Technology Sydney | 397,881          | 682,324          |
| <b>Total benefits</b>           | <b>1,158,909</b> | <b>1,915,572</b> |

**(e) Accommodation**

UTS provides rent free accommodation to AustLII Foundation.

**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 as at 31 December 2021.

**16. MEMBERS' GUARANTEE**

AustLII Foundation Ltd is a company limited by guarantee and has no authorised or paid up capital. Each Member of the company, whilst a Member, or within one year after ceasing to be a Member, undertakes to contribute to the assets of the company in the event of it being wound up. If the company is wound up the Constitution states that each member is required to contribute \$100 each towards meeting any outstanding obligations of the company. At 31 December 2021 the number of Members was two.



## INDEPENDENT AUDITOR'S REPORT

### AustLII Foundation Limited

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

### Opinion

I have audited the accompanying financial statements of AustLII Foundation Limited (the Company), which comprise the Statement of Comprehensive Income for the year ended 31 December 2021, the Statement of Financial Position as at 31 December 2021, the Statement of Changes in Equity and the Statement of Cash Flows for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information of the Company, and the directors' declaration.

In my opinion, the financial statements have been prepared in accordance with the *Corporations Act 2001*, including:

- giving a true and fair view of the Company's financial position as at 31 December 2021 and its performance for the year ended on that date
- complying with Australian Accounting Standards and the Corporations Regulations 2001.

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

### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Company in accordance with the requirements of the:

- Australian Auditing Standards
- *Corporations Act 2001*
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles 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
- precluding the Auditor-General from providing non-audit services.

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

## **Other Information**

The Company's annual report for the year ended 31 December 2021 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The directors of the Company are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprises the Directors' Report.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

## **Directors' Responsibilities for the Financial Statements**

The directors of the Company are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Corporations Act 2001*. The directors' responsibility also includes such internal control as the directors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the directors are responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Company carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.

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

Cathy Wu  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

11 May 2022  
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 2021 and the performance for the year end on that date of the company; and
  - b) Complying with Accounting Standards and the Corporations Regulations 2001; and
  - c) The Charitable Fundraising Act 1991 and Charitable Fundraising Regulation 2015; and
  - d) The internal controls are appropriate and effective in accounting for all income received and applied by the organisation from its fundraising appeals; and
  - e) The Government Sector Audit Act 2018 and Government Sector Audit Regulation 2021
  
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



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Signed this 11<sup>th</sup> day of May, in Sydney.  
John Cameron (Director)



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Signed this 11<sup>th</sup> day of May, in Sydney.  
Philip Chung (Director)

## **AustLII**

Australasian Legal Information Institute  
A joint facility of UNSW and UTS Faculties of Law

**AustLII Foundation Limited**  
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