

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 132

Senator Humphries asked the following question at the hearing on 16 October 2012:

Commissioned Reports

1.
 - a) How many Reports were commissioned by the Government in your department/agency in 2011-12? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
 - b) How much did each report cost/or is estimated to cost? How many departmental staff were involved in each report and at what level?
 - c) What is the current status of each report? Did the Government report within the required timeframe? If not, when is the Government intending to respond to these reports?
2.
 - a) How many Reports have been commissioned by the Government in your department/agency this financial year to date? Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
 - b) How much did each report cost/or is estimated to cost? How many departmental staff were involved in each report and at what level?
 - c) What is the current status of each report? When is the Government intending to respond to these reports?

The answer to the honourable senator's question is as follows:

1. a)-c)

Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

No reports were commissioned by the Government for the Attorney-General's Department or Portfolio Agencies with the exception of two reviews by the Australian Law Reform Commission as described on the following pages.

2) a)-c)

No reports were commissioned by the Government for the Attorney-General's Department or Portfolio Agencies in the period 1 July to 16 October 2012.

Australian Law Reform Commission

Two reports have been commissioned for the period 2011-12.

1. *Inquiry into legal barriers to mature age persons participating in the workforce and other productive work*

1) a)

Members

The Hon Justice Berna Collier, Federal Court of Australia, Brisbane;
The Hon Susan Ryan AO, Age Discrimination Commissioner, Sydney;
Emeritus Professor Terry Carney, Faculty of Law, University of Sydney;
Anne de Salis, Director ME, Sydney;
Anne Lampe, Freelance Journalist, Sydney;
Emeritus Professor Ron McCallum AO, UN Committee on the Rights of Persons with Disabilities University of Sydney, Sydney;
Therese MacDermott, Senior Lecturer, Macquarie University, Sydney;
Michael O'Neill, Chief Executive, National Seniors Australia, Brisbane
Professor John Piggott, ARC Centre of Excellence in Population Ageing Research, Sydney;
Professor Philip Taylor, Director, Research and Graduate Studies, Monash University, Victoria.

Terms of Reference

Review into Commonwealth legal barriers to older persons participating in the workforce or other productive work

Having regard to:

- obstacles faced by older persons in actively participating in the workforce
- the desirability of reviewing Commonwealth laws to remove limitations on, or disincentives to, participation in the workforce by older persons, and
- the definition of 'older persons' as anyone over the age of 45 years, consistent with the definition of 'mature age worker' used by the Australian Bureau of Statistics.

I refer to the Australian Law Reform Commission (ALRC) for inquiry and report, pursuant to s 20(1) of the *Australian Law Reform Commission Act 1996* (Cth):

- the identification of Commonwealth legislation and legal frameworks that contain or create barriers to older persons participating, or continuing to actively participate, in the workforce or in other productive work (paid or unpaid), and
- the question of what, if any, changes could be made to relevant Commonwealth legislation and legal frameworks to remove such barriers.

Scope of the reference

In undertaking this reference, the ALRC should consider all relevant Commonwealth legislation and related legal frameworks that either directly, or indirectly, impose limitations or barriers that could discourage older persons from participating, or continuing to participate, in the workforce or other productive work, including:

- (a) superannuation law
- (b) family assistance, child support, social security law and relevant government programs
- (c) employment law
- (d) insurance law
- (e) compensation laws, and
- (f) any other relevant Commonwealth legislation exempt under the *Age Discrimination Act 2004*.

In conducting this inquiry, the ALRC should also have regard to:

- the work undertaken by the Advisory Panel on the Economic Potential of Senior Australians including its initial, second and final reports
- the work being undertaken by the Consultative Forum on Mature Age Participation and any recommendations made in the Forum's interim report and final reports
- the work to be undertaken during 2012 by Safe Work Australia to investigate options to address age discrimination in workers' compensation legislation, and
- the work being undertaken by the Attorney-General's Department to consolidate Commonwealth anti-discrimination laws into a single Act.

Consultation

In undertaking this reference, the ALRC should identify and consult with relevant stakeholders including relevant Government departments and agencies, the Australian Human Rights Commission, the Consultative Forum on Mature Age Participation, and key non-government stakeholders and peak employer and employee bodies.

Timeframe for reporting

The ALRC will commence this reference no later than 31 March 2012, and will report no later than 31 March 2013.

1) b)

Total Cost:	\$392,464
Status:	In process
Anticipated date of release:	TBA once report is tabled
Number of staff involved and their classification:	0.75 x SES 3 1 x SLO (EL1) 1 x LO (APS 6) 1 x LO (APS 5) 0.5 x APS 6

1) c)

Date Commissioned:	8 February 2012
Date provided to Government	31 March 2013
Date publically released:	TBA once report is tabled
Government response:	TBA once report is tabled

Inquiry into Copyright Laws and the Digital Economy

1) a)

Members

Teresa Corbin, CEO ACANN (Consumer Group)

Michael Hall, Barrister, Sydney

Terrie Janke, Terri Janke and Company, Sydney

The Hon Justice Susan Kenny, Federal Court of Australia, Melbourne (Part-time Commissioner)

Professor Martin Nakata, Director Nura Gili, Sydney

Emeritus Professor Dennis Pearce AO, HWL Ebsworth Lawyers Special Counsel, Canberra

Charles Alexander, Partner, Minter Ellison, Sydney

Professor Kathy Bowrey, Faculty of Law, University of New South Wales, Sydney

Professor Tom Cochrane, QUT Chair, Australian Libraries Copyright Committee, Brisbane

Carolyn Dalton, Executive Director Policy Australia, Sydney
Henry Ergas, Consultant, Syd-Canberra
Patrick Fair, Baker & McKenzie and Deputy Chairman, Internet Industry Association, Sydney
Mia Garlick, Communications & Policy for Facebook, Sydney
Dr Nicholas Gruen, Chief Executive Officer, Lateral Economics, Melbourne
Dr The Hon Kevin Lindgren QC, Sydney
Associate Professor David Lindsay, Monash University, Melbourne
Caroline Lovell, NBN Co, Sydney
Matthew Minogue, First Assistant Secretary, Civil Law Division, Attorney-General's Department, Canberra
Fiona Phillips, Executive Director, Australian Copyright Council, Sydney
Professor Sam Ricketson, University of Melbourne, Melbourne
Ishtar Vij, Public Policy and Government Affairs, Google Australia and New Zealand, Sydney
Associate Professor Kimberlee Weatherall, Sydney Law School, University of NSW, Sydney
The Hon Justice David Yates, Federal Court of Australia, Sydney
Professor Brian Fitzgerald, Executive Dean of Law, Australian Catholic University, Melbourne

Terms of Reference

Having regard to:

- the objective of copyright law in providing an incentive to create and disseminate original copyright materials;
- the general interest of Australians to access, use and interact with content in the advancement of education, research and culture;
- the importance of the digital economy and the opportunities for innovation leading to national economic and cultural development created by the emergence of new digital technologies; and
- Australia's international obligations, international developments and previous copyright reviews.

I refer to the ALRC for inquiry and report pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* the matter of whether the exceptions and statutory licences in the *Copyright Act 1968*, are adequate and appropriate in the digital environment.

Amongst other things, the ALRC is to consider whether existing exceptions are appropriate and whether further exceptions should:

- recognise fair use of copyright material;
- allow transformative, innovative and collaborative use of copyright materials to create and deliver new products and services of public benefit; and
- allow appropriate access, use, interaction and production of copyright material online for social, private or domestic purposes.

In undertaking this reference, the Commission should:

- take into account the impact of any proposed legislative solutions on other areas of law and their consistency with Australia's international obligations;
- take into account recommendations from related reviews, in particular the Government's Convergence Review; and
- not duplicate work being undertaken on: unauthorised distribution of copyright materials using peer to peer networks; the scope of the safe harbour scheme for ISPs; a review of exceptions in relation to technological protection measures; and increased access to copyright works for persons with a print disability.

The Commission is to report no later than 30 November 2013.

1) b)

Total Cost:

\$502,106

Status:	In process
Anticipated date of release:	TBA once report is tabled
Number of staff involved and their classification:	0.75 x SES 2 1 x PLO (EL2) 2 x SLO (EL 1) 1 x LO (APS 6) 0.5 x APS 6
1) c)	
Date Commissioned:	29 June 2012
Date provided to Government	30 November 2013
Date publically released:	TBA once report is tabled
Government response:	TBA