



## 2008 HIGHLIGHTS

### 2008 KEY FIGURES

Average AustLII monthly market share of **25.2%** of legal websites, more than all government legal websites combined, and more than all commercial legal publishers combined

**14%** increase in average AustLII hits per day compared with 2007, up to 709,975 average hits per day (including weekends)

**43%** increase in volume of AustLII data downloaded, up to 22 gigabytes per day

### FORMATION OF AUSTLII FOUNDATION LIMITED

AustLII incorporated its Australian website operation as a not-for-profit company limited by guarantee in December 2008. AustLII is now comprised of the AustLII Foundation Limited and the AustLII Research Centre. AustLII's new development work and the operation of its international projects is undertaken by the AustLII Research Centre, which is funded by research grants and contracts. The maintenance of AustLII's Australian databases, infrastructure and services is managed by AustLII Foundation Limited, a not-for-profit organisation with charitable objectives, funded by donors.

### LAWCITE – THE FIRST FREE-ACCESS INTERNATIONAL CITATOR



AustLII released the alpha version of LawCite, an international free-access citator. It contains citation records for almost 3 million cases and journal articles and is updated daily. This is part of the first phase of a three year Australian Research Council Linkage project on improvements to free access case law.

### ENGLISH REPORTS (1220-1873)

The complete *English Reports*, the foundations of the common law, dating back to the 13th century were added to CommonLII and made available for free online access for the first time.

#### [135] BUSHELL'S CASE.

The King's writ of habeas corpus, dat. 9 die Novembris, 22 Car. 2, issued out of this Court, directed to the then Sheriffs of London, to have the body of Edward Bushell, by them detained in prison, together with the day and cause of his caption and detention, on Friday then next following, before this Court, to do and receive as the Court should consider; as also to have then the said writ in Court.

Of which writ, Patient Ward and Danuel Fourth, then Sheriffs of London, made the return following, annex'd to the said writ.

That at the King's Court of a Session of Oyer and Terminer, held for the City of London, at Justice Hall in the Old Bailey, London, in the parish of St. Sepulchres in Farringdon Ward without London, on Wednesday 31 die August, 22 Car. 2, before Sir Samuel Sterling then Mayor of London, and divers other His Majesties Justices, by virtue of His Majesties letters patents, under the Great Seal of England, to them, any four or more of them, directed to enquire, hear, and determine, according to the tenor of the said letters patents, the offences therein specified: and amongst others, the offence of unlawful congregating and assembling, within the limits appointed by the said commission within the said city, as well within liberties as without. Edward Bushell, the prisoner at the Barr, was committed to the goal of Newgate, to be there safely kept, under the custody of John Smith Knight, and James Edwards, then sheriffs of the said city, by virtue of a certain order, then, and there made by the said Court of Sessions, as followeth:

Ordinatum est per Curiam hic quod Finis 40 Marcarum separatim ponatur super Edwardum Bushell, and other eleven persons particularly named, and upon every of them, being the twelve jurors, then, and there sworn, and charg'd to try several issues, then, and there joy'n'd between our Lord the King, and William Penn and William Meade, for certain trespasses, contempts, unlawful assemblies and tumults, made and perpetrated by the [135] said Penn and Meade, together with divers other unknown persons, to the number of three hundred, unlawfully and tumultuously assembled in Grace-Church-Street in London, to the disturbance of the peace, whereof the said Penn, and Meade were then indicted before the said justices. Upon which indictment, the



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# AUSTRALASIAN LEGAL INFORMATION INSTITUTE ANNUAL REPORT 2008

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## CHAIR'S REPORT

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2008 has been a seminal year for AustLII as it faced the necessity for structural change which had become necessary by the very level of its success in providing free-access to the extensive and complex 'web' of laws and regulations governing Australians.

The statistics are impressive. By the end of 2008, AustLII was maintaining 274 databases of Australian statutes, regulations, judicial and tribunal decisions, treaties and legal commentary. AustLII received an average of over 700,000 hits per day which constituted approximately 25% of all legally-related internet activity in Australia. Users ranged from students working on assignments to senior judges, from citizens casually curious about a law to senior lawyers preparing for litigation, from professionals in the education, commercial and government sectors to people facing a neighbourhood dispute.

The costs and challenges of maintaining such an extensive electronic public law library are many. Quality, comprehensiveness, reliability and timeliness require dedicated and competent staff and excellent technology. In order to secure the funding and other resources required to provide these services in an on-going and reliable manner, AustLII has been re-structured to provide separate, transparent and accountable governance and financial arrangements for its public electronic law library activities in the form of the AustLII Foundation Ltd, a company limited by guarantee.

The other AustLII activities, including research and international legal access will continue to be conducted on a joint venture basis by the University of New South Wales and the University of Technology, Sydney. While the synergies between the various functions will continue, the new structure will provide transparency of finances of the public electronic law library and ensure that it

provides appropriate accountability to its stakeholders.

Securing sufficient, reliable funding for the electronic public law library services has become a key priority for the Directors and staff of the AustLII Foundation Ltd. A great start has been made during 2008 resulting in a 43% increase in grants and donations compared with 2007. AustLII thanks its contributors for their continuing support. A strategy is being developed to work with governments and the legal profession to systemise both funding and responsiveness to users' needs.

Focus on the foregoing during 2008 has not precluded substantial achievements in the research and other functions of AustLII, including the development and implementation of an exciting free-access international citator, LawCite, the inclusion of over 500 years of English law reports back to the thirteenth century hosted on CommonLII and 18 new databases added to AustLII.

Congratulations and thanks are due to AustLII staff who have worked very hard and effectively during 2008 to keep up the momentum that has characterised AustLII for over a decade. Their ingenuity and dedication has been truly inspiring. Similarly, many stakeholders and supporters have provided levels of funding, services in kind, resources and encouragement which have been crucial for AustLII's survival and development.

I salute all who have been involved with AustLII's progress during 2008 and look forward to an exciting and productive 2009 for the newly incorporated AustLII Foundation Ltd and the AustLII Research Centre.

*Dr Jeff FitzGerald (Chair, AustLII Management Committee and Interim Board)*

## DIRECTORS' REPORT

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The Australasian Legal Information Institute experienced another very productive year in 2008 with many positive developments for the future. Detailed in this Report are many aspects of a successful year in AustLII's core business, provision of continually improving free access to high quality Australian and international legal information. Aspects of this include expansion of the numbers and sizes of our Australian and international databases, development of major new facilities and expansion of the overall amount of usage of all our services. Furthermore, AustLII's existing Australian and international systems were maintained with very high levels of accessibility and reliability. We received the 2008 Hitwise award for the most-accessed Australian legal website and the International Association of Law Librarians' 2008 Website Award for WorldLII.

Throughout 2008 the proposed restructuring of AustLII continued and resulted in the incorporation of a new company in late December. In 2009, AustLII's Australian website will be operated by AustLII Foundation Ltd, a not-for-profit company limited by guarantee with UTS and UNSW as members. AustLII's research and international projects will be carried out by the AustLII Research Centre, a joint facility of the two law faculties. We wish to thank our two deputy Vice-Chancellors (Research) (Prof Sue Rowley and Prof Les Field), our Law Deans (Prof David Dixon and Prof Jill McKeough), the Chair of the AustLII Management Committee, Dr Jeff FitzGerald, Blair McRae (UTS) and Helen Brown (UNSW) for all the work they contributed to achieve this outcome. We would also like to thank the other members of the Management Committee, Tim Bugg, Ian Govey, Paul Holt, George Marsh and Julie Romanowski as well as Mallesons for their pro bono assistance with the legal aspects of the company formation.

The continuing challenges throughout 2008 concerning the restructuring, and the need to set aside funds for the new company, led to a

more conservative approach to staff expansion than we would have wished. During 2008, AustLII operated with an average of 7.2 equivalent full-time staff, only a small increase on its staffing of 6.5 in 2007. Our staff did an excellent job in updating databases and in developing new services. We are very grateful for their ongoing dedication and hard work.

During 2008, AustLII continued to expand its contributor base and retained most of its 2007 contributors, as well as adding new ones. This was achieved in large part through the appointment of a full-time External Relations Manager, Annelies Moens, who has done an excellent job of strengthening AustLII's relationships with its contributors, users and data providers. We were also successful in obtaining competitive grants for 2008 projects, including from the Australian Research Council, AusAID and the Commonwealth Attorney-General. The successful restructuring meant funds were available to be carried forward by both the new company and the Research Centre into 2009. AustLII also succeeded in obtaining competitive grant funds for 2009 from all of the sources mentioned above, plus the Victorian Legal Services Board and the Commonwealth Secretariat. AustLII's operations are therefore secure for 2009, but continuing success in raising funds from both contributions and grants remains imperative.

AustLII continues to attempt to have the costs of its operations shared broadly and equitably by all organisations that benefit from its service. During 2009 and going forward, AustLII will continue to depend on contributions from as wide a range of its institutional users as possible, plus continuing success in obtaining competitive and contract funding for research innovations, new services and international operations. We rely upon your support to continue to develop the world's best free access to law services.

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

## AUSTLII MANAGEMENT COMMITTEE

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Members of the Management Committee / Interim Board as at 31 December 2008 were:

- **Dr Jeff FitzGerald** (Chair, AustLII; former Registrar of the University of Technology, Sydney; former Deputy-Secretary of the Victorian Attorney-General's Department)
- **Mr Tim Bugg** (past president of the Law Council of Australia)
- **Mr Philip Chung** (Lecturer, Faculty of Law, University of Technology, Sydney; Visiting Fellow, University of New South Wales; Executive Director, AustLII)
- **Prof David Dixon** (Dean, Faculty of Law, University of New South Wales)
- **Mr Ian Govey** (Deputy-Secretary of the Commonwealth Attorney-General's Department)
- **Prof Graham Greenleaf** (Professor, Faculty of Law, University of New South Wales; Co-Director, AustLII)
- **Mr Paul Holt** (Faculty Manager, Faculty of Law, University of Technology, Sydney) replacing **Mr George Marsh** from May 2008
- **Prof Jill McKeough** (Dean, Faculty of Law, University of Technology, Sydney)
- **Prof Andrew Mowbray** (Professor, Faculty of Law, University of Technology, Sydney; Co-Director, AustLII)
- **Ms Julie Romanowski** (Faculty General Manager, University of New South Wales)

## DIRECTORS, MANAGEMENT AND STAFF

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### Directors

AustLII is jointly managed by three co-directors:

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

### Full-time Staff

In 2008, AustLII had 7.2 total equivalent full-time staff (including full-time and part-time staff). This includes the Executive Director, but not the UTS and UNSW Co-Directors.

- Kieran Hackshall (Systems Developer) to 12 June 2008
- Annelies Moens (External Relations Manager) from 30 June 2008
- Jones Olatunji (Systems Administrator)
- Cathy Quigley (Administrative Officer)
- Trevor Roydhouse (Systems Developer)
- Sarah Waddell (Senior Research Officer) from 8 September 2008
- Armin Wittfoth (Project Officer)

### Part-time Staff

- Alpana Modi (Project Officer)
- Janie Ng (Project Officer)
- Wai Kaey Soon (Project Officer)
- Michael Tan (Project Officer)
- Sharleen Tran (Project Officer)
- David Vaile (External Relations Officer)
- Shomaice Zowghi (Project Officer)

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

## AUSTRALIAN DEVELOPMENTS 2008

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### NEW DATABASES AND LIBRARIES ON AUSTLII

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In 2008, eighteen new databases and libraries were added to AustLII, bringing the total number of databases that AustLII maintained to 274. AustLII remains the sole online publisher of decisions made by many courts and tribunals, particularly from the Commonwealth.

The new databases added in 2008 were:

#### Cases

- Family Court of Australia – Full Court Decisions 2008-
- High Court of Australia Special Leave Dispositions 2008-
- Northern Territory Residential Tenancies Commissioner Decisions 2006-
- Nurses and Midwives Tribunal of NSW Decisions 2007-
- Physiotherapists Tribunal of NSW Decisions 2007-
- Psychologists Tribunal of NSW Decisions 2007-
- Privy Council Appeals from the High Court of Australia 1904-

#### Legislation

- Northern Territory Numbered Acts 2005-
- Northern Territory Numbered Regulations 2004-
- Tasmanian Numbered Acts 1997-
- Tasmanian Numbered Regulations 1998-
- Victorian Numbered Acts 2004-
- Victorian Numbered Regulations 2004-
- Western Australian Numbered Acts
- Western Australian Repealed Acts
- Western Australian Repealed Regulations

#### Subject Libraries

- Australian Privacy and Surveillance Law Library
- Australian Taxation Law Library

In addition, agreement was finally reached with the Western Australian government for a regular supply of legislative data. In consequence, the Western Australian legislative databases were substantially rebuilt and are now updated fortnightly.

### NEW SERVICE DEVELOPMENTS

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AustLII has created new services largely thanks to major grant funding it has received from the Australian Research Council.



The first stage development of an automatically generated free-access international citator, LawCite, has been released and is available from <<http://www.austlii.edu.au/lawcite>>. LawCite provides records for each

case of all subsequent cases or articles citing that case. It contains nearly three million such records. It is rebuilt daily, and is under constant expansion and refinement. It is part of a three year Australian Research Council Linkage project.

LawCite was launched in December 2008 by the Hon. Justice Michael Kirby (along with the new *English Reports* database on CommonLII). Over 60 representatives from the legal profession, publishers, courts & tribunals, business, government and the education sector attended the launch.



Launch of LawCite and the English Reports on 1 December 2008

First row: The Hon. Justice Michael Kirby, Prof Andrew Mowbray, Prof Graham Greenleaf and Philip Chung, Co-Directors, AustLII

Second row: Annelies Moens, Armin Wittfoth, Shomaice Zowghi, Sharleen Tran and Cathy Quigley, AustLII

Third row: Sarah Waddell, Michael Tan, Trevor Royhouse, Alpana Modi and Jones Olatunji, AustLII

AustLII has also been developing the Australasian Legal Scholarship Library. AustLII's aim is to expand the existing online journal collection to include new publications and increase the historical depth of coverage. It is intended to include academic repositories (such as the Law Research Series from UNSW and University of Melbourne), to develop databases of Australian judicial scholarship and to publish Australian legal texts where available for free access. The Library is available at: <<http://www.austlii.edu.au/au/journals>>.

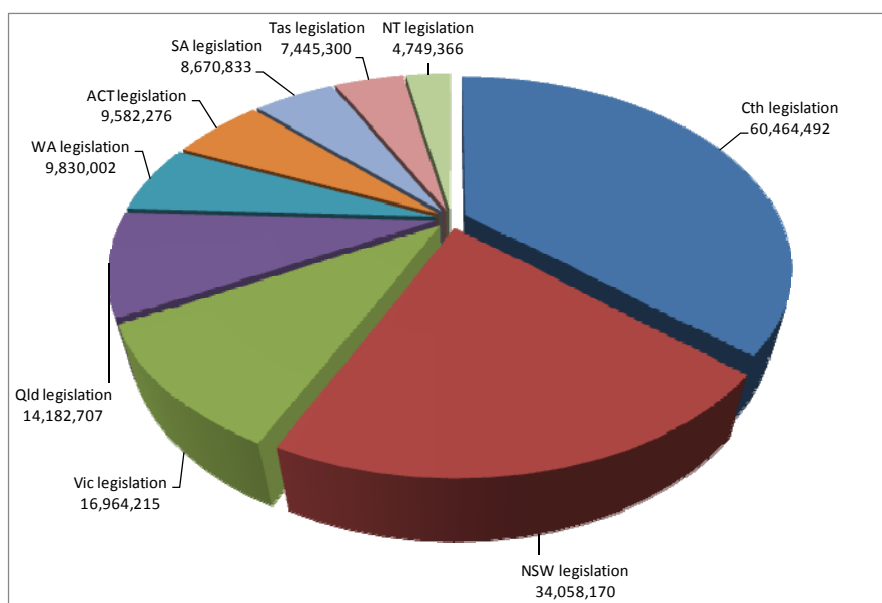
Development has also continued on a number of new subject-oriented libraries which make searchable in one location all of the content on AustLII relevant to a particular subject, using a number of 'virtual database' techniques. In 2008, two such libraries were constructed: one dealing with Australian Privacy and Surveillance law and the other dealing with Australian Taxation law.



## DATABASE USAGE

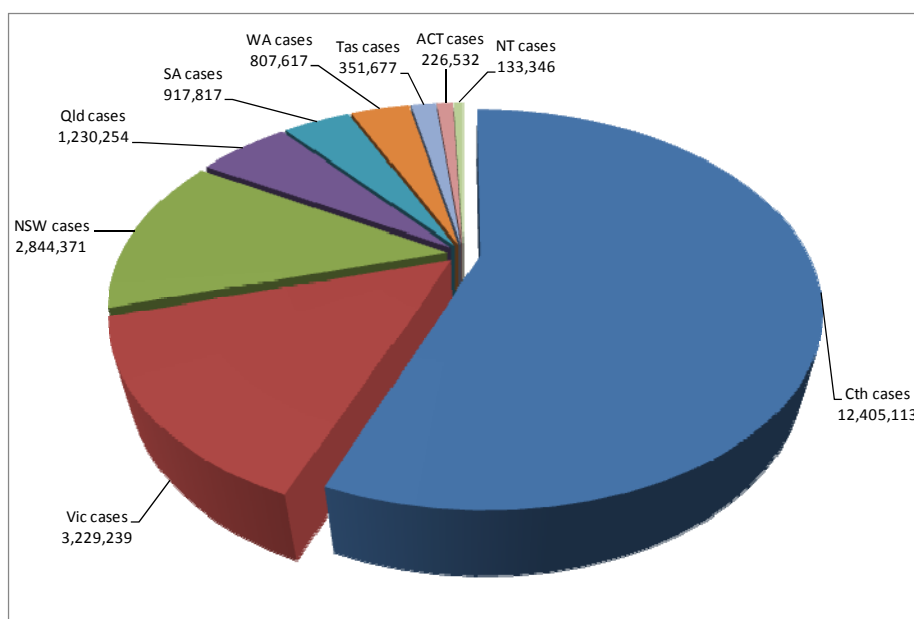
In 2008, AustLII averaged 709,975 hits per day, a 14% increase on use in 2007. The most popular databases on AustLII were the Commonwealth legislation and case law databases. Additionally 4,918,348 requests were made for law journal articles hosted on AustLII. The following graphs show the number of accesses to AustLII's legislation and case law databases by jurisdiction.

**Figure 1:** Australian legislation requests by jurisdiction in 2008



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

**Figure 2:** Australian case requests by jurisdiction in 2008



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

## INTERNATIONAL DEVELOPMENTS 2008

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With cooperation of other Legal Information Institutes, AustLII operates three multi-country legal information systems: AsianLII (covering 28 Asian countries); CommonLII (law from all Commonwealth countries); and WorldLII (law from all countries). AustLII also assists with the development and maintenance of the New Zealand Legal Information Institute (NZLII).

### ASIANLII (ASIAN LEGAL INFORMATION INSTITUTE)

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The Asian Legal Information Institute (AsianLII – <http://www.asianlii.org>) began operating in December 2006 and was initially developed with funding from the Australian Research Council. It has subsequently been funded by both AusAID's Public Sector Linkages Program (PSLP) and by the Australian Attorney-General's Department (GAOP fund). AsianLII now includes a total of 189 databases, ten of which were added in 2008, from 28 countries in Asia.

A significant development in 2008 was the signing of a Memorandum of Understanding between the Supreme Court of Indonesia and the University of New South Wales and the University of Technology, Sydney, on behalf of AustLII, for the publication of the Supreme Court of Indonesia's decisions on AsianLII. The first database from the Court, the decisions of the High Religious Court, was published in 2008 and databases from other branches of the Court will follow in 2009.



Official signing of the MOU for the publication of the Supreme Court of Indonesia's decisions on AsianLII at the Family Court, Melbourne, 22 July 2008

Left to right: Ms Nerida Dalton, AusAID, Professor Graham Greenleaf, UNSW and Co-Director AustLII, Chief Justice Bagir Manan, Supreme Court of Indonesia and Chief Justice Diana Bryant, Family Court of Australia.

During 2008, AustLII also developed its Sino search engine so that it could search the Thai, Vietnamese and Chinese languages simultaneously along with AsianLII's English language content. It was already possible to search Bahasa Indonesia. During 2009, it is intended that databases in these and other Asian languages will be added to AsianLII.

The following databases were added to AsianLII in 2008:

**Legislation:** Beijing Province, China; Guangdong Province, China; Indonesia; Jilin Province, China; Shanghai Province, China; Kingdom of Bhutan; Nepal ; People's Republic of Mongolia

**Cases:** Indonesian High Religious Courts 2007-; Intellectual Property High Court of Japan decisions 2005-

In addition, AsianLII makes searchable the new databases from the Asian Commonwealth countries added to CommonLII in 2008, as listed below.

AsianLII has over 20 'Country Supporting Institutions' and 'Regional Supporting Institutions' that have agreed to assist in the development of AsianLII, as listed at <<http://www.asianlii.org/asianlii/sponsors>>.

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## COMMONLII (COMMONWEALTH LEGAL INFORMATION INSTITUTE)

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The Commonwealth Legal Information Institute (CommonLII – <<http://www.commonlii.org>>) began operating in October 2005 with funding from the Australian Research Council. It provided access to 571 databases from 59 Commonwealth and common law countries and territories by the end of 2008. The most significant addition in 2008 to CommonLII was the *English Reports 1220-1873* database, containing almost 125,000 cases dating back to the thirteenth century. These are the foundations of the common law, relevant to all common law jurisdictions, and have not previously been available for free access. The data for the creation of the English Reports database was provided by the English legal publisher Justis, a partner in an Australian Research Council Linkage project with AustLII. AustLII made the English Reports searchable using its Sino search engine and added various browsing capacities.

Ten new databases were added to CommonLII in 2008:

### Cases

- English Reports 1220-1873
- Caribbean Court of Justice Decisions 2007-
- Central Information Commission of India Decisions 2006-
- High Court of Judicature at Patna Decisions 2003-
- High Court of Madhya Pradesh Decisions 2006-
- High Court of Rajasthan Decisions 2004-
- Kerala High Court Decisions 2002-
- Punjab and Haryana High Court Decisions 2000-

### Legislation

- Bangladesh Acts
- Bangladesh Ordinances

The following countries' Constitutions were also added to CommonLII: Republic of Gambia; Republic of Sierra Leone; Co-operative Republic of Guyana; Republic of Botswana; Islamic Republic of Pakistan; India.

CommonLII's supporters can be found at:

<<http://www.commonlii.org/commonlii/sponsors/#funding>>.

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## WORL DLII (WORLD LEGAL INFORMATION INSTITUTE)

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The World Legal Information Institute (WorldLII – <<http://www.worldlii.org>>) provides a common search and browsing platform for any LIIs and other members of the Free Access to Law Movement that wish to collaborate in its development. By the end of 2008, it provided access to 892 databases from over 100 countries and territories, and involved collaboration with twelve other LIIs.

WorldLII received the 2008 Website Award of the International Association of Law Libraries (IALL). The award citation states



that *WorldLII provides free, independent and non-profit access to worldwide law. With its broad international reach, WorldLII provides users at many levels and in many countries a good starting point for localizing both national and foreign law*. AustLII is proud to have received this Award for WorldLII, and considers that it is an acknowledgment of the work of all of the LIIs that collaborate in WorldLII's operation.

In 2008 AustLII was successful in obtaining an Australian Research Council LIEF grant for 2009 to enable the further development of the international law materials on WorldLII, particularly the provision of treaties, and of the decisions of international courts and tribunals.

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## NZLII (NEW ZEALAND LEGAL INFORMATION INSTITUTE)

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AustLII jointly operates the New Zealand Legal Information Institute (NZLII – <<http://www.nzlii.org>>) in conjunction with Otago University Faculty of Law, New Zealand, until NZLII obtains sufficient resources to operate on a fully independent basis.

In 2008, NZLII grew to 29 databases incorporating the following additions:

- Broadcasting Standards Authority of New Zealand Decisions 1995-
- Customs Appeal Authority of New Zealand Decisions 2004-
- Taxation Review Authority of New Zealand Decisions 2006-
- New Zealand Acts
- Waikato Law Review

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## INTERNATIONAL DATABASE USAGE

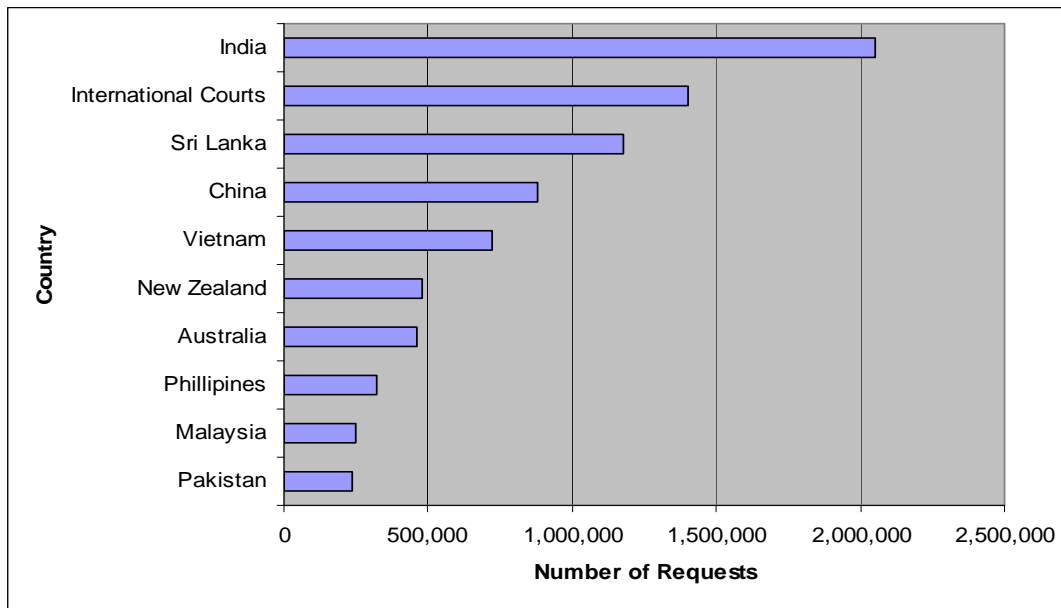
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In 2008 there were over 21.8 million hits on AsianLII, CommonLII, NZLII and WorldLII, or approximately 60,000 hits per day representing a 5% increase from 2007.

The following chart shows the top 10 most requested databases by country. The most popular country databases in 2008 were from India, which reflects the size of the Indian databases, with databases from Sri Lanka, China and Vietnam also receiving very substantial usage. AustLII's substantial work on development of Asian legal databases is reflected in these figures.

The second most popular collection of databases are the decisions of International Courts and Tribunals, which reflects that WorldLII provides the only Internet location where the decisions of so many of these courts and tribunals may be searched together.

**Figure 3: Top 10 most popular international databases in 2008**



### INTERNATIONAL COLLABORATION

AustLII continues to be a very active member of the global Free Access to Law Movement, which included over 30 institutional members at the end of 2008.

AustLII's open source Sino search engine forms the backbone of many Legal Information Institutes globally. Since 1999 AustLII has provided its search technologies to organisations in other countries that wish to work toward free access to legal information for their citizens. By the end of 2008, other national and regional LIIs that use AustLII's search engine include BAILII (UK and Ireland), PacLII (20 Pacific Island jurisdictions), SAFLII (16 Southern and Eastern African countries), HKLII (Hong Kong), CyLaw (Cyprus), and NZLII (New Zealand). During 2008, new LIIs in France and Thailand were preparing to use Sino when their systems are launched in 2009.



## RESEARCH AND PUBLICATIONS

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Greenleaf G 'Legal Information Institutes and the Free Access to Law Movement' GlobaLex, February 2008, available at  
<[http://www.nyulawglobal.org/globalex/Legal\\_Information\\_Institutes.htm](http://www.nyulawglobal.org/globalex/Legal_Information_Institutes.htm)>

Greenleaf G, Chung P and Mowbray A, 'Improving access to legislative instruments' Submission to the Review of the Legislative Instruments Act, Commonwealth Attorney-General's Department, 15 May 2008

Chung P, Greenleaf G and Mowbray A 'Building subject-specific libraries on free access law services' AIJA Law and Technology Conference, Sydney, 25-27 June 2008

Mowbray A, Chung P and Greenleaf G 'Free-access case law enhancements for Australian law' AIJA Law and Technology Conference, Sydney, 25-27 June 2008

Greenleaf G, Chung P, and Mowbray A 'Subject Libraries: Development and uses of virtual databases of Legal Information Institute content' Post-Proceedings of the IX Law via Internet Conference, Institute of Legal Information Theory and Techniques, Florence, Italy, 2009 (in publication)

Greenleaf G 'Obligations of public authorities originating legal materials', IX Law via Internet Conference, Institute of Legal Information Theory and Techniques, Florence, Italy, October 2008

Greenleaf G 'AustLII's Business Models: Constraints and Opportunities in Funding Free Access to Law' Post-Proceedings of the IX Law via Internet Conference, Institute of Legal Information Theory and Techniques, Florence, Italy, 2009 (in publication)

Mowbray A, Chung P and Greenleaf G 'Free-access case law enhancements for Australian law' Post-Proceedings of the IX Law via Internet Conference, Institute of Legal Information Theory and Techniques, Florence, Italy, 2009 (in publication)

## RESEARCH GRANTS

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### GRANTS FOR 2008

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AustLII was successful in obtaining the following competitive grants in 2008 for the funding of research into new developments as outlined below.

#### **Australian Projects**

- Australian Research Council (ARC)- Linkage Infrastructure, Equipment Facilities (LIEF) grant for the creation of the Australian Legal Scholarship Library (1 year grant) - ARC Revenue: \$169,776; Partner Revenue: \$335,000
- ARC Linkage grant to improve online case law - the development of LawCite a free-access case citator (year 1 of 3 year grant) - ARC Revenue: \$111,430; Partner Revenue: \$47,000

## International Projects

- AusAID's Public Sector Linkages Program (PSLP) grant for Year 2 of 2 for the development of free access to the law of Asian developing economies via the Asian Legal Information Institute (AsianLII) – \$275,000
- Commonwealth Attorney-General's Grants to Australian Organisations Program (GAOP) 2007-08 funding to continue the development of the Asian Legal Information Institute (AsianLII) and the Commonwealth Legal Information Institute (CommonLII) – \$50,000
- UNSW internal international grant "Overcoming impediments to Free Access to Law in South Asia – Symposium Series" - \$20,000

All grants are listed at: <<http://www.austlii.edu.au/austlii/research>>.

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## GRANTS FOR 2009

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Further grant funding awarded in 2008 for projects commencing in 2009:

- Victorian Legal Services Board Large Grant programme 'Making Victoria the model jurisdiction in Australia for free access to law' – \$838,927 over three years.



Announcement of Legal Services Board of Victoria grant, 12 August 2008.

Left to right: Philip Chung, Executive Director, AustLII; the Hon. Rob Hulls, Victorian Deputy Premier and Attorney-General; Prof Graham Greenleaf, Co-Director, AustLII; Prof Andrew Mowbray, Co-Director, AustLII; Victoria Marles, Legal Services Commissioner and CEO, Legal Services Board

- Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) grant for the development of an international & humanitarian law library (1 year grant) – ARC Revenue: \$150,000; Partner Revenue: \$280,000
- Commonwealth Attorney-General's Grants to Australian Organisations Program (GAOP) 2008-09 funding to continue the development of the Asian Legal Information Institute (AsianLII) and the Commonwealth Legal Information Institute (CommonLII) – \$50,000

## SUPPORT & ADVISORY COMMITTEES

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In 2008, AustLII commenced establishing Support & Advisory Committees to provide it with feedback on content and other matters. This is particularly important for the implementation of new services that AustLII creates for the community with grant funding it receives.

AustLII convened the **Legal Scholarship Library Committee** which advised AustLII on journals to be uploaded and assisted with sourcing content for AustLII's Australasian Legal Scholarship Library. This library can be found at: <<http://www.austlii.edu.au/au/journals>>. The Committee is comprised of academics and librarians from universities across Australia. AustLII received a grant from the Australian Research Council (ARC) – Linkage Infrastructure, Equipment Facilities (LIEF) to establish this library.

AustLII also created a **Victorian Support & Advisory Committee** to assist with new content and ideas for legal materials relating to Victoria. Legal information concerning the State of Victoria can be found at: <<http://www.austlii.edu.au/au/vic>>. The Committee is comprised of a broad cross-section of representatives from the legal profession, including large and mid-tier law firms, barristers, academics, legal aid, government, courts & tribunals, legal profession associations and legal insurers. AustLII received a grant from the Legal Services Board of Victoria for this project.

AustLII thanks its Support & Advisory Committees for the time and expertise they devoted to improving AustLII's services.

## TRAINING

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AustLII held various training sessions including two training courses on “Australian free-access online legal research” on 13 June and 24 November 2008. It also held the equivalent global course on 20 June and 4 July. All of these courses were conducted in Sydney. Due to their popularity training will be run nationally in 2009.

Training information is located at: <<http://www.austlii.edu.au/training>>.



## AUSTLII USAGE

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### MARKET SHARE

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According to Hitwise (an independent online competitive intelligence service) AustLII enjoys the number one market position in the online legal category, which includes websites from government, publishers, courts & tribunals, legal firms and barristers. AustLII won the Hitwise Online Performance Award for being the #1 website in the 'Business and Finance – Legal' industry category based on market share of Australian Internet visits during 2008.

In 2008, AustLII had an average monthly market share of 25.2%, with the next most popular website only having an average monthly market share of 11.1%. The average number of hits per day increased by 14% from 622,624 in 2007 to 709,975. 7.95 terabytes were downloaded, a 43% increase compared to 2007.

### MAJOR USERS

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Most of AustLII's users access AustLII through generic internet service providers. Consequently, AustLII is unable to identify many of its users without receiving specific internet protocol information from the user. The following table, however, shows the geographic location of our users, based on information from Hitwise.

**Table 1:** Geographic location of AustLII's Australian users in 2008

Jurisdiction	Percentage of accesses on AustLII
New South Wales	39.16%
Victoria	23.05%
Queensland	18.23%
Western Australia	8.42%
South Australia	6.99%
Tasmania	1.98%
Australian Capital Territory	1.75%
Northern Territory	0.43%

Of the users AustLII is able to identify, users fall into three main sectors:

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

In 2008, education users represented 38.7% of AustLII's identifiable users, the commercial users represented 37.3% and the government users represented 24%.

#### Education Sector

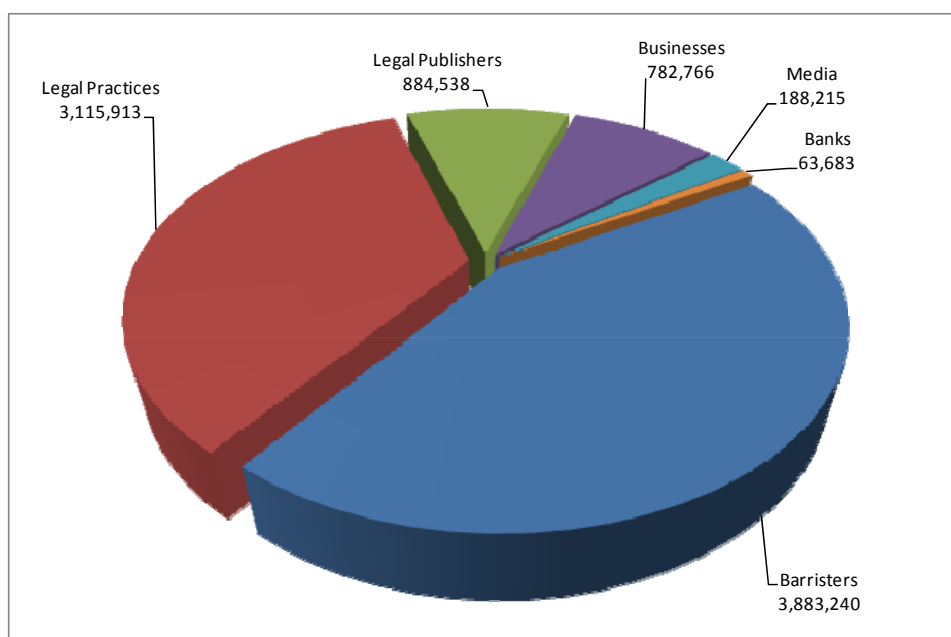
In the education sector 84% of all Australian universities with law schools contributed, which is significant support from the sector which AustLII appreciates enormously. AustLII thanks the Council of Australian Law Deans for its continued support.

## Commercial Sector

The commercial sector users fall largely into the following six categories:

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

**Figure 4:** Number of requests from the top 100 identifiable commercial users in 2008



Of the top 50 identifiable commercial users, 19 contributed in 2008. Of the top 100 identifiable commercial users, only 25 contributed. As such, there is significant scope for increasing funding support from AustLII's top commercial users.

**Table 2:** Commercial contributions and usage of AustLII in 2008

	Commercial category	Number of Requests (excluding caching)	Contributor
1	Barrister ISP – Vic	1,279,965	✓
2	Barrister ISP – NSW	986,002	
3	Legal publisher	688,252	
4	Barrister ISP – NSW	772,593	✓
5	Barrister ISP – Qld	456,086	
6	Legal practice	431,143	✓
7	Legal practice	396,708	✓
8	Business	179,641	
9	Barrister ISP – WA	171,321	
10	Legal publisher	119,707	
11	Legal practice	106,961	✓

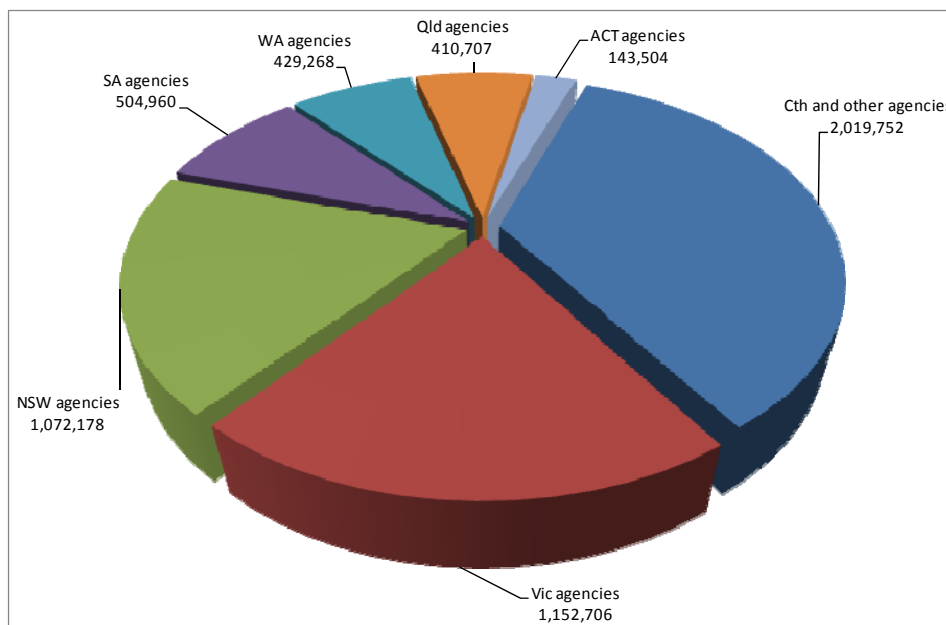
12	Legal practice	104,759	✓
13	Barrister ISP – Vic	97,674	
14	Legal practice	94,852	✓
15	Legal practice	93,275	
16	Business	92,548	
17	Legal practice	84,771	✓
18	Business	81,696	
19	Media	76,817	
20	Legal practice	75,846	✓
21	Media	70,386	
22	Business	68,210	
23	Business	66,896	
24	Legal practice	60,099	
25	Barrister ISP – Vic	58,500	
26	Legal practice	57,020	✓
27	Legal practice	56,191	
28	Legal practice	55,474	✓
29	Legal practice	55,345	✓
30	Legal practice	52,299	
31	Legal practice	51,923	
32	Legal practice	47,534	
33	Bank	46,558	
34	Legal publisher	45,186	
35	Barrister ISP – Vic	43,423	
36	Legal practice	42,025	
37	Media	41,012	
38	Legal practice	40,786	✓
39	Legal practice	40,364	✓
40	Legal practice	39,848	✓
41	Legal practice	39,189	✓
42	Legal practice	38,756	
43	Business	37,817	
44	Legal practice	37,385	
45	Legal practice	36,898	✓
46	Legal practice	34,858	✓
47	Legal practice	32,734	
48	Legal practice	32,728	✓
49	Legal practice	32,004	
50	Legal practice	31,726	

### Government Sector

The government sector in 2008 represented 24% of AustLII's identifiable users. Some individual government agencies are identifiable mostly at the federal level. At an aggregate level it is possible to determine usage from each State and Territory in Australia.

Funding from government sources was not proportionate to usage from each jurisdiction. Whilst users within the federal government are the biggest government users of AustLII and most funding from government is from federal courts, tribunals and government agencies, there is no similar correlation between state and territory funding and usage. However, the state of Victoria will be funding AustLII in 2009 through a grant from the Legal Services Board of Victoria.

**Figure 5:** Number of requests from Australian government agencies in 2008



**Table 3:** Government usage of AustLII in 2008

Jurisdiction	Number of Requests
Total Identified Federal Use	2,015,808
Total Identified State/Territory Government Use*	3,717,267
Total Identified Government Use	5,733,075

\* Educational usage under generic state.edu.au addresses were excluded

There was a 9% increase in government usage compared to 2007. Some individual Australian government agencies that are major users of AustLII contributed to AustLII, though the majority of identified government agencies did not contribute. In 2008, AustLII submitted a proposal for whole of government funding with an outcome expected in 2009.

## FUNDING

AustLII continues to rely upon a hybrid funding model of applying for grants, obtaining contributions and entering into partner funding agreements with content providers and others. At the end of 2008, AustLII incorporated an Australian public company limited by guarantee to take over the operations of its Australian database service. AustLII's Research Centre remains a joint facility of UTS and UNSW Faculties of Law. 2008 was the second year in which AustLII actively sought funding from the community, in particular those in the commercial, government and education sectors.

AustLII's 2008 total revenue from grants and donations was: \$2,035,458, a 43% increase over 2007 revenue.

**Figure 5:** Summary of contributions from each sector

Total	\$2,035,458
Research Grants and Projects	\$626,206
Education	\$486,250
Legal Profession	\$259,191
Law Societies & Bar Associations	\$74,500
Business & Industry	\$206,450
Government Agencies	\$187,004
Courts, Tribunals & Regulators	\$176,300
Community & Other	\$19,557

AustLII received funding from contributors for a number of reasons, including for usage, for hosting data (such as from courts and tribunals), for providing services, for corporate social responsibility and the development of new databases and services. AustLII uses grant money to fund research into new developments, such as technical advancements, for example LawCite. Donations funding is used for AustLII's operations and maintenance. AustLII had 274 databases to maintain in 2008.

Particular focus was given to the education sector, the sector with the largest usage of AustLII. Twenty six Australian law schools and four other educational institutions funded AustLII in 2008 contributing a total of \$486,250. AustLII hopes that all law schools in Australia will continue to contribute to AustLII and thanks the Council of Australian Law Deans for its support.

In 2008, the commercial sector contributed \$540,141. A significant number of AustLII's top identifiable commercial users do not currently contribute to AustLII. AustLII hopes that funding from this sector will improve in 2009.

The government sector contributed \$363,304. This includes funding from some courts and tribunals for hosting of their data and from some individual government agencies for creating subject libraries but excludes grants. Only a small portion of this revenue is for government use of AustLII. A significant number of courts and tribunals do not fund AustLII for the hosting of their data.

\$345,000 was provided for AustLII's international projects and \$281,206 from Australian Research Council grants for LawCite and AustLII's legal scholarship library.

Contributors are publicly acknowledged for their contribution on AustLII (unless anonymity is requested) at the following link: <<http://www.austlii.edu.au/austlii/sponsors>>.



Presentation of ATO's \$50,000 contribution for 2008 in recognition of its significant use of AustLII and to assist with the Tax Library on AustLII, 10 December 2008

Left to right: Peter Hansell, Law & Practice ATO, Sue Sinclair, First Assistant Commissioner ATO, Prof Andrew Mowbray, Co-Director AustLII and Annelies Moens, External Relations Manager, AustLII

AustLII thanks all of its contributors for their support in 2008. These contributions play a major part in making AustLII's services sustainable and keeping databases up to date.

For a complete list of all contributors and their contributions including organisations associated with successful grant applications in 2008, please see the AustLII Income Statement 2008.

## AUSTLII INCOME STATEMENT 2008 (SUMMARY)

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**2008**

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### INCOME

Research Grants and Projects	626,206	Note 1
Education	486,250	Note 2
Legal Profession	259,191	Note 3
Law Societies & Bar Associations	74,500	Note 4
Business & Industry	206,450	Note 5
Government Agencies	187,004	Note 6
Courts, Tribunals & Regulators	176,300	Note 7
Community & Other	19,557	Note 8
<b>Total Income</b>	<b>2,035,458</b>	

### EXPENDITURE

<b>Employee Benefits</b>	692,462	
<b>Non-Salary Items</b>		
Plant & Equipment		
Depreciation	261,150	
Computer Hardware & Consumables	57,670	
Computer Software	7,862	
Travel	41,844	
Consultancy Fees	12,000	
Other Supplies & Services	5,853	
<b>Total Non-Salary Items</b>	<b>386,379</b>	
<b>Transfer of funds to AustLII Foundation Ltd</b>	<b>631,715</b>	Note 9
<b>Total Expenditure</b>	<b>1,710,556</b>	

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<b>INCOME less EXPENDITURE</b>	<b>324,902</b>	
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This Income Statement was prepared based on the accounts held at UTS.

Note 10

## Note 1: Research Grants and Projects

<b>Total</b>	<b>\$626,206</b>
The Australian Research Council	\$281,206
AusAID	\$275,000
Attorney-General's Department	\$50,000
University of New South Wales International	\$20,000

Note: University and Industry Partner contributions to ARC funding are included in the following notes and are indicated by '\*'

## Note 2: Education

<b>Total</b>	<b>\$486,250</b>
University of Technology, Sydney *	\$100,000
University of New South Wales *	\$120,000
Australian National University *	\$30,000
University of Western Sydney *	\$25,000
Flinders University *	\$20,000
Macquarie University *	\$20,000
Melbourne University *	\$20,000
University of New England	\$20,000
University of Queensland	\$20,000
The College of Law (NSW)	\$15,000
Monash University	\$10,000
Murdoch University	\$10,000
Queensland University of Technology	\$10,000
University of Sydney	\$10,000
Bond University	\$6,500
Deakin University	\$5,000
James Cook University	\$5,000
La Trobe University	\$5,000
Southern Cross University	\$5,000
University of Adelaide	\$5,000
University of Newcastle	\$5,000
University of South Australia	\$5,000
University of Tasmania	\$5,000
University of Wollongong	\$5,000
Australasian Tax Teachers Association	\$1,500
Edith Cowan University	\$1,000
Notre Dame University	\$1,000
Australian Institute of Public Safety	\$500
University of Victoria	\$500
Australian Catholic University	\$250

Note: In addition to its financial contribution, UTS provides physical premises from which AustLII staff operate and other infrastructure.



### Note 3: Legal Profession

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

<b>Total</b>	<b>\$259,191</b>
National Legal Aid	\$20,000
Clayton Utz	\$15,000
Mallesons Stephen Jaques	\$15,000
Baker & McKenzie	\$11,666
Allens Arthur Robinson	\$10,000
Blake Dawson	\$10,000
Corrs Chambers Westgarth	\$10,000
Freehills	\$10,000
Minter Ellison	\$10,000
Counsel's Chambers Limited	\$7,500
Foley's List Barristers	\$7,500
Florin Burhala & Associates	\$6,000
Arnold Bloch Leibler	\$5,000
Bartier Perry	\$5,000
Colin Biggers & Paisley	\$5,000
Gadens	\$5,000
Greenwoods & Freehills	\$5,000
Middletons	\$5,000
Norton Gledhill	\$5,000
Turner Freeman	\$5,000
Gilbert + Tobin	\$4,000
Maurice Blackburn	\$3,100
Australian Government Solicitor	\$3,000
DLA Phillips Fox	\$3,000
Henry Davis York	\$3,000
Piper Alderman	\$3,000
Bernard Gross QC (individual)	\$2,500
Eakin McCaffery Cox	\$2,500
Johnson Winter & Slattery	\$2,500
Kemp Strang	\$2,500
List A Barristers	\$2,500
Phillips Ormonde Fitzpatrick	\$2,500
Norman Waterhouse	\$2,000
Harwood Andrews	\$1,500
W G McNally Jones Staff	\$1,500
Simpsons	\$1,150
Archer Bushby	\$1,000
Brian Bartley & Associates	\$1,000
Cowell Clarke	\$1,000
DSA Legal Cost Consultants Pty Ltd	\$1,000
Ellison Tillyard Callanan	\$1,000
Forte Family Lawyers	\$1,000
Gary Testro (individual)	\$1,000
Geoff Hancy (individual)	\$1,000
Hanson Chambers	\$1,000
HWL Ebsworth	\$1,000
Jeanette Richards (individual)	\$1,000
JMA Legal	\$1,000

Julian W K Burnside QC (individual)	\$1,000
Kate Eastman (individual)	\$1,000
Lynch Meyer	\$1,000
Matthew Howard (individual)	\$1,000
Nicholas Seddon (individual)	\$1,000
Patterson Houen & Commins	\$1,000
Spruson & Ferguson (patent & trade mark attorneys)	\$1,000
Kingston Chambers	\$900
Adrian Batterby (individual)	\$750
Daniels Bengtsson P/L	\$750
Maurice Byers Chambers	\$750
Arlene Macdonald (individual)	\$600
Anchor Legal	\$500
Bell Lawyers	\$500
Fenwick Elliott Grace	\$500
George Lombard Consultancy Pty Ltd (migration agent)	\$500
Greens List Barristers	\$500
Griffith Hack (patent & trade mark attorneys)	\$500
Hopgood Ganim	\$500
Ian Robertson (individual)	\$500
Ingmar Taylor (individual)	\$500
Kevin Burges (individual)	\$500
Liza Powderly (individual)	\$500
McCallum Donovan Sweeney	\$500
Michael Pearce SC (individual)	\$500
Mouldens	\$500
Nevett Ford	\$500
Paul Bard Lawyers	\$500
Peter Bollard (migration agent)	\$500
Peter Fox (individual)	\$500
Prime Lawyers	\$500
Rae & Partners	\$500
Robert Crowe SC (individual)	\$500
Russell Cocks (individual)	\$500
Schweizer Kobras	\$500
Spencer Gulf Law	\$500
Suzanne Kirton (individual)	\$500
Thornton Immigration	\$500
Walker Kissane & Plummer	\$500
E&A Lawyers	\$250
Ertunc Ozen (individual)	\$250
James Isles (individual)	\$250
John Thompson (individual)	\$250
Marcus Clarke (individual)	\$250
Margaret Critchlow (individual)	\$250
Mark Dreyfus QC (individual)	\$250
Mediation & Arbitration Chambers	\$250
Peter Brindal (individual)	\$250
Philip Solomon (individual)	\$250
Simon Wood (individual)	\$250
Barwon Law	\$200
MacDonnells	\$200
Michael Hennessy (individual)	\$200
Murray Lyons	\$200

Peter Willis (individual)	\$200
Wallmans	\$150
Anthony Dean Buckland (individual)	\$100
Bruce Horton (individual)	\$100
Craig Colvin (individual)	\$100
Deepak Chopra (individual)	\$100
Emily Byrne (individual)	\$100
Harris Wheeler	\$100
Howard Alexander (individual)	\$100
Inns of Court Sunshine Coast	\$100
Jacinta Morphet (individual)	\$100
Martin Willoughby-Thomas (individual)	\$100
Paula Glassborow (individual)	\$100
Robert Gordon (individual)	\$100
Rogers & Gaylard	\$100
Jenny Satya Graha (migration agent)	\$100
Andrew Monisse (individual)	\$75
Bill Piper (individual)	\$50
David Palmer (individual)	\$50
Justice Richard Cogswell SC (individual)	\$50
Thomas Rymill (individual)	\$50
Centre for Offshore Energy Law & Policy	\$25
CGC Migration	\$25
Anonymous (12)	\$4,400

#### **Note 4: Law Societies & Bar Associations**

<b>Total</b>	<b>\$74,500</b>
Law Society of New South Wales	\$25,000
Law Institute of Victoria	\$11,000
Queensland Law Society	\$10,000
Law Council of Australia	\$10,000
Bar Council of Victoria	\$7,500
Law Society of Tasmania	\$5,000
Law Society of South Australia	\$2,500
Western Australian Bar Association	\$2,500
Law Society of the Northern Territory	\$1,000

#### Note 5: Business & Industry

<b>Total</b>	<b>\$206,450</b>
Thomson Reuters	\$100,000
Legal Practitioners Liability Committee	\$50,000
Standards Australia Limited	\$30,000
IMF (Australia) Ltd	\$10,000
LEAP Legal Software	\$5,000
Television Education Network	\$3,000
Street Partners	\$2,500
Australian Industry Group	\$1,000
Mercer P/L	\$1,000
Meriton Premier Apartments, Sydney	\$1,000
AGL Energy Limited	\$750
Australian Medical Association	\$500
Myshopping.com.au	\$500
R.P Emery & Associates	\$500
Zurich Financial Services	\$500
Harapan Makmur Jaya P/L	\$200

#### Note 6: Government Agencies

<b>Total</b>	<b>\$187,004</b>
Australian Taxation Office	\$50,000
Department of Foreign Affairs and Trade	\$40,000
Department of Defence	\$36,364
Ministry of Foreign Affairs & Trade New Zealand	\$15,000
Australian Law Reform Commission	\$15,000
Comcare	\$10,000
Council of Law Reporting in Victoria	\$10,000
National Competition Council	\$6,500
Commonwealth Ombudsman	\$2,000
National Library of Australia	\$1,000
Queensland Crime and Misconduct Commission	\$640
Administration of Norfolk Island	\$500

#### Note 7: Courts, Tribunals & Regulators

<b>Total</b>	<b>\$176,300</b>
Federal Magistrates Court of Australia	\$25,000
Federal Court of Australia *	\$20,000
Family Court of Australia	\$10,000
Family Court of Australia *	\$10,000
Administrative Appeals Tribunal	\$10,000
Australian Industrial Relations Commission	\$10,000
National Native Title Tribunal	\$10,000
Victorian Civil and Administrative Tribunal *	\$10,000
Western Australian Industrial Relations Commission	\$10,000
Workers Compensation Commission of NSW	\$10,000
Migration Review Tribunal	\$7,500
Refugee Review Tribunal	\$7,500
Council of Australasian Tribunals Inc	\$6,000

NSW Health Professionals Registration Boards	\$5,000
High Court of Australia *	\$5,000
NSW Consumer, Trader and Tenancy Tribunal	\$5,000
Queensland Industrial Relations Commission	\$5,000
Supreme Court of Tasmania	\$5,000
Takeovers Panel (Dept of Treasury)	\$2,500
Australasian Institute of Judicial Administration *	\$2,000
WA State Administrative Tribunal	\$500
Vic Mental Health Review Board	\$300

**Note 8: Community and Other**

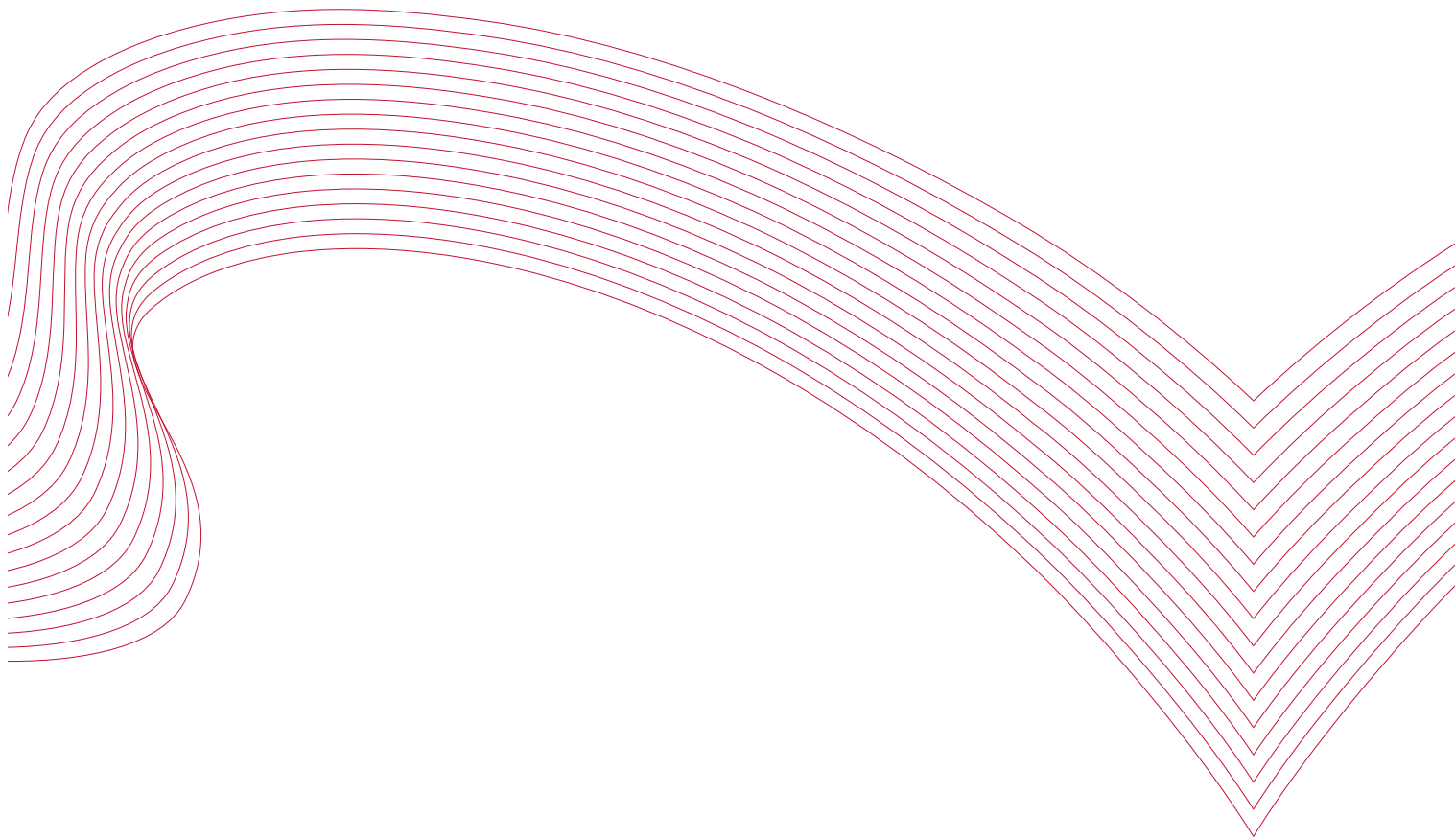
<b>Total</b>	<b>\$19,557</b>
Jason Yeo (individual)	\$600
Australian Manufacturing Workers' Union	\$500
R E Byard (individual)	\$500
Michael Cordover (individual)	\$150
Paul Bugler (individual)	\$100
Graeme Pollard (individual)	\$50
Ross MacDonald (individual)	\$50
Other Miscellaneous Income	\$15,857
Anonymous (7)	\$1,750

**Note 9:** This amount includes \$631,715 to be transferred to AustLII Foundation Ltd

**Note 10:** This summary does not reflect expenditure of less than \$50,000 related principally to Employee Benefits at UNSW or income of less than \$20,000 received at UNSW.







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