

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

Portfolio

Question No. 149

Senator Humphries asked the following question at the hearing on 24 May 2012:

Commissioned Reports

- a) How many Reports have been commissioned by the Government in your portfolio this financial year to date?
- b) Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
- c) How much did each report cost/or is estimated to cost? How many departmental staff were involved in each report and at what level?
- d) 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:

- a) Three Reports have been commissioned by the Government in the Attorney-General's portfolio this financial year to date.
- b) – d) See table below

b)-d)

Agency	Title of Report	Date commissioned	Date provided to Gov.	Date released publically	Terms of reference	Members	Total cost	Status	Anticipated date of release	Number of staff involved and their classification	Government Response?
Australian Law Reform Commission	Inquiry into Copyright Laws	30 March 2012	Due 30 November 2012	Not applicable at this time	The full Terms of Reference are attached	TBA	\$284,196	Ongoing	TBA (once report is tabled in Parliament)	0.25 x SES 3 1 x SES 2 0.5x SES1 1 x PLO EL2 2 x SLO EL1 1 x LO APS 6 0.5 x 3 EL 1 0.5 x APS 5 0.5 x 3 APS 3	A government response is expected following the tabling of the report
Australian Law Reform Commission	Inquiry into legal barriers to mature age persons participating in the workforce	8 February 2012	31 March 2013	TBA (once report is tabled in Parliament)	The full Terms of Reference are attached	To date no Advisory Committee members have been appointed	\$326,043	Ongoing	TBA (once report is tabled in Parliament)	0.75 x SES 3 0.5x SES1 1 x SLO EL1 1 x LO APS 6 1 x LO APS 5 0.5 x 3 EL 1 0.5 x APS 5 0.5 x 3 APS 3	A government response is expected following the tabling of the report
Attorney-General's Department	Classification — Content Regulation and Convergent Media	24 March 2011	29 February 2012	1 March 2012	* Please see note 1 below	** Please see note 2 below	\$201,512	Complete		1 x EL1	^Please see note 3 below

*** Note 1:**

The Attorney-General referred to the ALRC for inquiry and report pursuant to subsection 20(1) of the Australian Law Reform Commission Act 1996, matters relating to the extent to which the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), State and Territory Enforcement legislation, Schedules 5 and 7 of the *Broadcasting Services Act 1992*, and the Intergovernmental Agreement on Censorship and related laws continue to provide an effective framework for the classification of media content in Australia.

**** Note 2:**

The Commissioner in charge was Professor Terry Flew. The part-time advisory committee consisted of:

- Dr Jeffrey Brand, Associate Dean and Head of School of Communication and Media, Faculty of Humanities and Social Sciences, Bond University.
- Associate Professor Jane Burns, CEO, Co-operative Research Centre for Young People, Technology and Well-being.
- Simon Bush, CEO, Australian Home Entertainment Distributors Association.
- Simon Cordina, Assistant Secretary, Cyber-Safety and Trade, Department of Broadband Communications and the Digital Economy.
- David Court, Head of the Centre for Screen Business, Australian Film, Television and Radio School.
- Ron Curry, CEO, Interactive Games & Entertainment Association.
- Jane Fitzgerald, Assistant Secretary, Classification Branch, Attorney-General's Department.
- Iarla Flynn, Head of Public Policy and Government Affairs, Google Australia and New Zealand.
- Fiona Jolly, CEO, Advertising Standards Bureau.
- Tom Kennedy, Executive Director, Group Digital Services, Omnilab Media.
- Bryce Menzies, Marshall + Dent Lawyers.
- Donald McDonald AC, Director, Classification Board.
- Louise McElvogue, Convergence Review Committee.
- Jonquil Ritter, Executive Director, Citizen & Community Branch, Australian Communications and Media Authority.
- Tim Watts, Regulatory Manager, Regulatory Affairs, Strategy & Corporate Services, Telstra.
- The Hon Justice Susan Kenny, Federal Court, Melbourne.
- The Hon Justice Berna Collier, Federal Court, Brisbane.

^Note 3:

The Department is considering the ALRC's recommendations. The views of State and Territory Censorship Ministers have been sought by the Commonwealth. Timing of the response will be linked to the timetable of the Standing Council on Law and Justice (SCLJ) and is next due for discussion at the October 2012 SCLJ meeting.

Terms of Reference

Copyright and the Digital Economy

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.

Scope of Reference

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.

Timeframe

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

Published on 29 June 2012.

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(I) 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:

1. superannuation law
2. family assistance, child support, social security law and relevant government programs
3. employment law
4. insurance law
5. compensation laws, and
6. 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.

Nicola Roxon,
Attorney-General

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