

T A S M A N I A

LAW REFORM

I N S T I T U T E

Faculty of Law, Private Bag 89, Hobart, TAS 7001

Phone: (03) 62262069, fax: (03) 62267623
law.reform@utas.edu.au
www.law.utas.edu.au/reform

Annual Progress and Financial Report 2016

External Reference: DPAC - Tasmanian Law Reform Institute
FMIS: 023901

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1. Structure, Board Members and Staff

The Institute was established on 23 July 2001 by Agreement between the State Government, the University of Tasmania and the Law Society of Tasmania. In April 2015, the Partners to the Institute Agreement finalised a renewal agreement extending the agreement for five years, until November 2019.

The functions and operations of the Institute are undertaken by its Director, with assistance from Board members, research assistants and Law Faculty staff and students. The founding Director, Emeritus Professor Kate Warner, retired from the position in December 2014. The new Director, Ms Terese Henning was appointed in April 2015.

All written proposals for law reform projects are presented to the Board, which then makes recommendations for consideration by the Institute (Tasmania Law Reform Institute Renewal Agreement, clause 3.3), including identifying a recommended project's extent, time for completion, expected output and cost (clause 3.4).

Board members

Ms Terese Henning, Director of the Institute, appointed by the Vice-Chancellor of the University of Tasmania
Professor Margaret Otlowski, Dean of the Faculty of Law at the University of Tasmania

The Honourable Justice H Wood, appointed by the Honourable Chief Justice of Tasmania
Simon Overland, appointed by the Attorney-General
Rohan Foon, appointed by the Law Society
Dr Jeremy Prichard, appointed by the Council of the University
Craig Mackie, nominated by the Bar Association
Ann Hughes, community representative
Kim Baumeler, appointed at the invitation of the Board

Legal researchers during 2016

Dr Helen Cockburn BA, LLB (Hons), PhD (also Executive Officer)
Dr Rebecca Bradfield BA/LLB (Hons), PhD
Bruce Newey BA, LLB, LLM
Rikki Mawad BA/LLB (Hons), MCDR
Emilie McDonnell BA/LLB (Hons)
Laura Michaelson BA/LLB (Hons)

2. Activities

(a) Board Meetings

The Board held three meetings in 2016 (February 25th, April 13th and November 22nd). All meetings were held at the University of Tasmania Law Faculty.

(b) Projects

Completed law reform projects

Problem Hedges

At the meeting of 8 April 2013, the Board gave approval to a project on problem trees and hedges. The project examined problems relating to loss of visual amenity, loss of sunlight, nuisance and safety issues associated with trees and hedges growing on or near adjoining property boundaries. An Issues Paper was released in March 2014. It considered the current law in Tasmania and other domestic and international jurisdictions, the need for the establishment of a complaints process to resolve disputes between neighbours and possible options for reform. After the release of the Paper the Institute conducted a number of consultations with key stakeholders. These included the Local Government Authority, representatives from the Department of Justice in Hobart and representatives from Northern Councils in Launceston. The Final Report was released in January 2016. It recommended that a statutory scheme be implemented to address problems with trees and hedges on neighbouring land which block access to sunlight and views and that the scheme vest the Resource Management and Planning Appeals Tribunal with jurisdiction to hear disputes.

The draft Neighbourhood Disputes (Vegetation) Bill 2016 which seeks to enact most of the Institute's Recommendations was put out for consultation in October 2016 with the Bill expected to be tabled in Parliament early in 2017.

Bullying

In May 2014, the Institute received a formal reference from the Attorney-General to inquire into the capacity of Tasmanian laws to address the issue of bullying and so-called 'cyber-

bullying’ in particular. The request was made following a strong public campaign to introduce anti-bullying laws in the wake of the suicide of a young person who had apparently been the victim of bullying. Some aspects of bullying behaviour are likely to be a matter for Commonwealth regulation and thus outside the Institute’s functions and jurisdictional reach. However, other aspects are clearly subject to State law and regulation. An Issues Paper was released in May 2015. The release was accompanied by a public information evening hosted by the Director of the Institute which provided an opportunity to explore the questions raised in the Issues Paper about how best to respond to the complex problem of bullying and for attendees to contribute ideas to the debate.

The Final report was released in January 2016. Recommendations included extending the offence of stalking in the *Criminal Code* to cover the most serious types of bullying, enabling applications for restraint orders to be made on the basis of bullying and introducing a second-tier civil framework that mandates a mediated and restorative justice response to bullying.

In March, the Attorney-General signalled the government’s commitment to changing the law. To date, changes have been limited to the inclusion of bullying as an example of ‘unacceptable behaviour’ in s 128 of the new *Education Act 2016* (Tas).

Ongoing law reform projects

Consensual assaults

The Institute received a reference on the issue of consensual assaults from the Attorney-General in May 2015. Questions about justifiable State intervention in consensual acts of violence pit the right to personal autonomy against the public interest in preventing violence. The issue is likely to be particularly complex where the violence occurs in the context of sports, sadomasochistic behaviours or partner violence. The Issues Paper for this reference will be released in February 2017.

Court intermediaries

In June 2015, the Institute received a reference from the Attorney-General to examine the feasibility of instituting an expert intermediary scheme as a special measure to facilitate the reception of evidence in criminal trials from child witnesses and witnesses with cognitive impairments in Tasmania.

The reference examines the special measures currently available in Tasmania to support people with complex communication needs throughout the criminal trial process. It considers the approaches in other Australian jurisdictions and overseas, concentrating on communication assistant schemes but also noting the range of special measures available to ensure victims, witnesses and accused persons with communication difficulties have equal access to justice.

In preparing the Issues paper on this reference, the Institute conducted a number of discussions with key stakeholders and subsequently co-hosted with the Attorney-General, the Hon Dr Vanessa Goodwin, a Ministerial Roundtable attended by over 35 key stakeholders including the Deputy Registrar of the Supreme Court, the Administrator of the Magistrates Court, The Deputy Police Commissioner and Senior Executive Support Personnel from Tasmania Police, the DPP, Serious Crimes Witness Assistance Service, The Public Guardian, Chair of the Mental Health Tribunal, Commissioner for Children, Equal Opportunity Tasmania, Department of Education, Tasmanian Institute of Law Enforcement Studies

(TILES), Anglicare, TasCOSS, Sexual Assault Support Service, Advocacy Tasmania, SpeakOut, Hobart Community Legal Service, Headway Rebuilding Lives, Tasmania Deaf Society, Law Society of Tasmania, Alzheimer's and Dementia Association of Tasmania, Brain Injury Awareness Association, the Shadow Attorney-General and the Tasmanian Greens to obtain advice about key issues to be addressed in this Issues Paper.

Following the release of the Issues Paper and Easy Read Summary in May 2016, Researcher Rikki Mawad travelled around Tasmania to consult with Tasmanians in over 20 communities including Beaconsfield; Bridgewater; Chigwell; Burnie; Clarendon Vale; Deloraine; the Derwent Valley; Devonport; East Devonport; the Fingal Valley; Gagebrook; George Town; Ravenswood; Risdon Vale; Rocherlea; Rosebery; St Helen's; West Ulverstone; and Zeehan.

Rikki met with young people in the Ashley Youth Detention Centre, people with disabilities who had interactions in the criminal justice system and stakeholders across the disability, education, justice and community sectors. Rikki also hosted a Community Conversation on Access to Justice at the University of Tasmania on 23 September 2016.

Approximately 20 written submissions and over 300 oral responses to the Issues Paper have been received. Crown counsel, Kate Brown has been seconded from the Office of the Director of Public Prosecutions to work with Rikki Mawad and the Director on the Final Report and Recommendations for this reference.

Completion of the project has been assisted by receipt of \$16,481.60 from the Solicitors' Guarantee Fund with an additional amount of \$1700 secured to cover the cost of producing an Easy Read version of the Issues Paper and Final Report.

Recidivist drink driving court

In 2013 the Tasmanian Institute of Law Enforcement Studies (TILES) and the University of Tasmania's Faculty of Law hosted an international workshop designed to map pathways in addressing the problem of recidivist drink driving. The workshop identified as one of the main issues in this area the poor fit of some criminal justice responses to instances of repeat drink driving. The TLRI has been preparing an Issues Paper to support a community consultation. It focuses on whether a therapeutic approach might be the most appropriate response in cases of repeat drink driving. As part of this research, the Institute is building a profile of recidivist drink driving offenders in Tasmania. To undertake this aspect of the reference, the Institute obtained a grant of \$14,214 from the MAIB. It is anticipated that the Issues paper will be completed by June 2017.

New law reform proposals and projects

The Institute considered seven new proposals for law reform projects in 2016. Five were accepted and two were deemed unsuitable.

Review of the Guardianship and Administration Act 1995 (Tas)

The Attorney-General first approached the Institute to review the operation of the *Guardianship and Administration Act 1995 (Tas)* in 2015. The purpose of the review is to determine whether the policies reflected in current guardianship laws are still current, sustainable and appropriate in today's society, and will be responsive to meet future challenges and expectations. A background paper was prepared for the Board's consideration at its first meeting in February 2016.

The Institute obtained a grant of \$120,000 from the Solicitors Guarantee Fund to conduct the reference, with \$110,000 to be devoted to the employment of a researcher on the project. The Institute will call for expression of interest through the Law Society of Tasmania and through Alumni networks for a suitably qualified person to work as the researcher on this project. The role will be advertised in February 2017.

Review of the Judicial Review Act

The Institute received a request from the Community Legal Centres of Tasmania and the Law Society of Tasmania in September 2016 to conduct a review of the *Judicial Review Act 2000* (Tas). The major concerns with the current statutory scheme is that it limits judicial review to decisions made ‘under an enactment’ and that the High Court has adopted a narrow construction of the necessary link between the enactment and the decision subject to review. The Board accepted the reference at its meeting in November 2016. An application has been made to the Law Foundation of Tasmania for funding to support the completion of the reference. Mr Michael Stokes has agreed to write the Issues Paper and Final Report for this reference. A reference group consisting of experts in this area of the law has been established to assist with this project. Its members are, Michael Stokes, Terese Henning, Ben Bartl, Matthew Groves and Simon Gates. It is expected that the Issues Paper will be completed by the end of March 2017. A consultation with key stakeholders will be completed by May 2017 and the Final Report prepared by the end of June 2017.

Insanity and Unfitness to Plead

In October 2016, the Attorney-General requested that the Institute review the options for clarifying the defence of insanity in s 16(3) of the Tasmanian *Criminal Code 1924* and the operation of the fitness to stand trial provisions in the *Criminal Justice (Mental Impairment) 1999* (Tas). The need for such a review was flagged in the Institute’s Final Report on *Self-defence* in 2015. The Board accepted this reference at its meeting in November 2016.

Dr Rebecca Bradfield has agreed to undertake the work on this reference. The Institute obtained \$87,171 to conduct the review from the Solicitors’ Guarantee Fund in December 2016.

Tasmanian Constitution

In 2016 the Tasmanian Chapter of the Australian Association of Constitutional Law (AACL) partnered with the Law Foundation of Tasmania, UTAS Faculty of Law, and the TLRI to undertake a year-long deliberative review of the Tasmanian Constitution. This process was initiated with an expert symposium, (supported by funding of \$7,335 obtained from the Law Foundation of Tasmania) comprised of constitutional experts from the Crown Law Office, the academy, the Bar, the Judiciary, NGOs and Parliament. This symposium identified a wide problem with the Tasmanian *Constitution Act 1934*, which produce uncertainty and inefficiency in the governance of the State, and undermine core conventions such as the rule of law, access to justice and governmental accountability. The symposium participants concluded that a formal review of the State constitution should be referred to the TLRI. This second stage of the project will seek to identify the most appropriate options for reform.

At its November meeting the Board decided that, before undertaking the project the TLRI should seek a reference from the Premier. However, it was also noted that if a reference in not obtained from the Premier, the Institute is able to undertake the reference from the

symposium partners. The Institute is awaiting the outcome of its approach to the Premier. An application has been to the Law Foundation for funding to support work on this reference.

Dangerous Criminals

In October 2016, the President of the Prisoner's Legal Service Association requested that the Institute review the provisions in the *Sentencing Act 1997* (Tas) relating to the indefinite detention of declared dangerous criminals with a view to modernisation of the law, and achieving uniformity between the laws of Tasmania and other jurisdictions. At its November meeting the Board decided that this was not an appropriate topic for a complete reform project, but it was accepted as an appropriate subject for a more limited response from the Institute, in the form of a research paper. At her regular meeting with the Attorney General in late 2016, the Director flagged this reference. The Attorney General expressed an interest in broadening the terms of reference for this project. The Institute expects to receive those terms of reference shortly.

A final year Law undergraduate is undertaking her Honours research project on this issue, supervised by the Executive Director of the Institute, Dr Helen Cockburn. The student's work already incorporates the broader terms of reference foreshadowed by the Attorney General. This preliminary research will form the basis for a Research Paper to be completed for the Institute in early 2017.

(c) Additional activities

In addition to its core business of undertaking law reform projects and developing proposals for reform, the Institute engages in a range of other activities which contribute to public awareness of the law and the process of law reform, forge links with other law reform bodies and develop scholarly communities of practice to foster excellence in law reform research.

Cross-jurisdictional Study into Vulnerable Witness Measures

In 2015, the Institute developed a cross-jurisdictional research project to compare measures adopted in South Australia and Tasmania to assist witnesses with complex communication needs gain equal access to justice. In March 2016, the Institute gained the support of the Director of Public Prosecutions and the Supreme Court for the project. The Tasmanian component of the project will study the pre-recording process instituted under the *Evidence (Children and Special Witnesses) Act 2001* (Tas). The Deputy Vice Chancellor, Research of the University of Tasmania contributed \$20,000 towards this project. Ethics approval has been obtained from the Tasmanian HREC and interviews with members of the profession who have worked with the pre-recording process have commenced. Pre-trial court orders relating to the application of this scheme in individual cases will be viewed. The recordings themselves will also be analysed to assess the compliance of counsel with pre-trial orders. This aspect of the project is dependent upon the enactment of a minor amendment to the *Evidence (Children and Special Witnesses) Act 2001* (Tas) which it is anticipated will occur in the first sitting of Parliament in 2017.

Disability Justice Strategy

In addition to the reference to the TLRI on special measures to support people with complex communication needs, the Attorney-General also engaged Equal Opportunity Tasmania (EOT) to create a Disability Justice Strategy for Tasmania. The Institute and Equal Opportunity Tasmania are working to ensure that the Court Intermediaries Issues Paper, the

associated community consultations and the recommendations of the Final Report complement the draft Disability Justice Plan.

The TLRI has served on a Steering Committee established by EOT to develop a draft Disability Justice Plan for Tasmania. As an extension of the work undertaken for the Intermediaries reference, the TLRI has been actively involved in working with EOT on the areas of their plan that relate to people with complex communication needs in the criminal justice system. A draft plan is expected to be released early in 2017.

TLRI Researcher Rikki Mawad also attended the South Australia Disability Justice Symposium in August 2016 to consult with colleagues at Adelaide University and in the South Australian Law Reform Institute following the commencement of the South Australian *Vulnerable Witness Act 2015* reforms in July 2016.

Access to Justice Consortium

A major initiative of the Institute in 2016 was the formation of a cross-jurisdictional network of interdisciplinary researchers working on projects that promote access to justice for people with disability. The 'Access to Justice Consortium' comprises partners from the University of Melbourne, the University of Adelaide, the University of New South Wales, the University of West Australia, Australian National University, Griffith University, the Deakin Investigative Interviewing Centre and Auckland University of Technology.

The Consortium met three times in 2016, in Adelaide on 3rd August, in Hobart on the 23rd September and again on the 29th November. The next meeting is scheduled to be held in Melbourne on the 13th February 2017.

Royal Commission into Institutional Responses to Child Sexual Abuse

TLRI Director and Evidence Law expert, Ms Terese Henning was called to give expert evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse in Sydney on 21 March 2016. Her evidence has been widely quoted in the Royal Commission Criminal Justice Consultation Paper on October 31 2016. The TLRI also made a submission to the Royal Commission based on its work on the Intermediaries reference.

Meetings with the Attorney-General

In 2016 the TLRI Director and key staff held quarterly meetings with the Attorney-General in February, June, August and November. The Institute also met with members of the Justice Department and the Attorney General on three additional occasions to discuss various research projects relating to Tasmania's problem solving courts.

Research agreements with the Tasmanian courts

In June 2016, the TLRI secured Research Memorandums of Understanding (MoUs) with the Tasmanian Supreme Court and the Magistrates Court for five years. The agreements cover research collaboration in areas of mutual interest to the University and the courts in relation to the administration of justice, court structure and procedures.

ANROWS Grant success

The Executive Officer of the Institute, Dr Helen Cockburn, is a Chief Investigator on a project examining interventions for adolescent perpetrators of family violence, which was successful in the latest round of funding by Australia's National Research Organisation for Women's Safety (ANROWS). The grant of \$168,221 (over two years) includes provision for a PhD stipend with the candidate to be supervised by Terese Henning and Helen Cockburn.

IMM v The Queen: Expert Panel

In October, as part of its commitment to the wider communication of the law and legal issues, the Institute, together with the Law Faculty, hosted a series of events to consider the important High Court case, *IMM v The Queen*. These events included a lunch-time discussion of this case between an expert panel and members of the judiciary. The expert panel comprised Professor Jill Hunter of UNSW, Prof Jeremy Gans of Uni Melb, Steven Odgers SC who conducted the appellant's case before the High Court and Terese Henning. This event was held at Government House. The expert panel also engaged in a further discussion open to members of the profession and the public later in the evening at the University of Tasmania. The purpose of these events was to discuss the implications of the majority decision in this case for the interpretation of the meaning of the term, 'probative value' in the uniform evidence legislation. While clear as to the principles to be applied in assessing the 'probative value' of evidence under the uniform *Evidence Acts*, the majority decision left a number of significant issues unanswered.

Talish Ray visits

During 2016 the Institute sponsored two visits by Ms Talish Ray, a senior partner in TRS Law in India, which operates in three Indian provinces. Talish came to Tasmania in February 2016 and spoke about the impact of the Delhi rape case, the community response to that case and subsequent changes to the law. While here she identified the award-winning program *GirlsGottaKnow* developed by the Hobart Women's Legal Service as an initiative that could be adapted for distribution in India as part of the endeavour to advance the rights of Indian women and girls. She was funded in part by the Australia-India Council to visit Tasmania again in October for a series of interactive workshops to harness the collective knowledge and experience of Tasmanians working to empower and educate women and girls.

TLRI 15th year celebrations

To celebrate the considerable achievements of the Institute since its inception in 2001, the TLRI organised a 15th anniversary reception hosted by Her Excellency the Honourable Professor Kate Warner, Governor of Tasmania, at Government House on 29 November. Members of the profession, the judiciary, the government, the TLRI Board, the University, the Faculty of Law and all those who had contributed to the Institute's work attended. A short video was shown showcasing the achievements of the Tasmania Law Reform Institute (TLRI). The video can be viewed here

https://www.dropbox.com/s/v7lb3lclpf8uhxa/TLRI_video.mp4?dl=1

Major funding success

The TLRI obtained additional funding of \$100,000 per annum for the next two years in order to take its law reform work to a new and advanced level. This is in accordance with the priorities developed for 2016-2018 (see Appendix A below). This will enable the Institute to initiate an innovative law reform research program and innovative measures to undertake that program. In addition, it will enable the Institute to expand and modernise its consultative processes with the Tasmanian community to increase opportunities generally for the community to learn about and contribute to the Institute's work and, importantly, to enable all members of the Tasmanian community including people with complex communication needs to engage with the Institute's work. It will also facilitate the Institute's participation in national enquiries and research projects like the Royal Commission into Institutional Responses to Child Sexual Abuse and a cross-jurisdictional study of measures implemented

to overcome barriers faced by people with complex communication needs in gaining equal access to justice.

This grant of \$200,000 was approved in November 2016 and it is expected the funds will be released early in 2017.

The Institute also obtained \$120,000 from the Solicitors Guarantee Fund to support its work on the review of the *Guardianship and Administration Act 1995* (Tas).

A grant of \$87,171 was obtained from the Solicitors Guarantee Fund to undertake a review of the defence of insanity in s 16(3) of the *Criminal Code 1924* (Tas) and the fitness to plead provisions in the *Criminal Justice (Mental Impairment) 1999* (Tas).

Tasmanian Women Lawyers Achievement Award

At the Tasmanian Women Lawyers Association Biennial Gala Dinner in November 2016, the Director of the Institute, Terese Henning was awarded the 2016 Tasmanian Women Lawyers Achievement Award. Patron of TWL, the Hon Justice Shan Tennent described Ms Henning as a distinguished and outstanding member of the Tasmanian legal profession, a feminist lawyer, advocate, academic and law reformer who is highly respected by colleagues across the State, the country and internationally.

This is a significant award which recognises the major contribution Terese has made to the academy, to legal education and to social justice law reform. Of equal significance is Ms Henning's work as a founding member of Tasmanian Women's Lawyers (TWL) and the Sexual Assault Support Service (SASS). She continues to advocate strongly for the equality and empowerment of women in the legal system.

More information about this prestigious award can be found at <http://twl.asn.au/upcoming-events-2/>.

TLRI Scholarship Trust

In addition to the TLRI's grant success, the Institute has also secured \$30,000 to establish and seed an endowed trust held by the University Foundation. The Trust will be used to offer undergraduate and postgraduate scholarships and research fellowships into the future and will officially open in 2017.

Student Engagement

The Institute continued to be assisted by undergraduate students performing volunteer work for the Institute. The work is beneficial to the students in gaining an insight into the work of the Institute and is beneficial to the Institute, not only for the work they do, but also in giving us the opportunity to assess possible future employees for paid research work. In 2016, three final year students undertook research related to ongoing Institute projects and preliminary examination of proposals for reform in fulfilment of the requirements of the supervised research component of their Honours degree. The topics covered were, *IMM v The Queen*; *Tasmania's Unfitness to Stand Trial Laws*; and *Dangerous Criminal Provisions in the Sentencing Act 1997*. Laura Michaelson, a PhD candidate at the Faculty of Law, worked for the Institute to advance a proposed longitudinal study of the therapeutic jurisdiction of the Magistrates' Court. Additionally, Emilie McDonald, the current University of Tasmania Rhodes scholar, assisted in finalisation of the Report on *Bullying* and the Issues Paper on *Consensual Assault*.

(d) Addresses, presentations and consultations

In addition to providing Reports to the Government on references undertaken by the TLRI, the Government also sought the Institute's advice on the following Bills which was provided:

- Criminal Code Amendment (Sexual Assault) Bill 2017
- Neighbourhood Disputes (Vegetation) Bill 2016
- Anti-Discrimination Amendment Bill 2016

The Institute also made submissions or provided comment on the following:

- Royal Commission into Institutional Responses to Child Sexual Abuse – Consultation paper on criminal justice issues 31 October 2016
- Coronial Practice Handbook

(e) Public appearances, community and media engagement

The Institute actively seeks media coverage for all its publications. The following is a representative sample of media outreach during 2016:

- To coincide with the release of *Problem Trees and Hedges: Access to Sunlight and Views*, Final Report No 21 the Director of the Institute took part in a number of radio and television presentations including; ABC National News, Drive and Morning Radio, LA FM, 'Tasmania Talks', Local Television and Radio News reports and newspaper reports eg, *Report shines light on problems with adjudicating disputes over trees and hedges* <http://www.themercury.com.au/news/politics/report-shines-light-on-problems-with-adjudicating-disputes-over-trees-and-hedges/news-story/ad83a6f564f3ae03ff8f130e67cdb257#load-story-comments>
- Publication of *Bullying*, Final Report No 22 and the government's response to the recommendations therein was covered by local media, for example; *Bully restraint orders move* <http://www.themercury.com.au/news/scales-of-justice/bully-restraint-orders-move/news-story/77ba278be3e6248ac06257c76d8bac9a>. Terese Henning also made a number of radio appearances.
- To coincide with the release of *Facilitating Equal Access to Justice: An Intermediary/Communication Assistant Scheme for Tasmania?*, Issues Paper No 22, Rikki Mawad made a number of local and national radio appearances including: Radio National PM– 25 May <http://www.abc.net.au/pm/content/2016/s4469300.htm>; ABC 936 Friday Forum

Terese Henning's receipt of the Tasmanian Women Lawyers Achievement Award in December was covered by local media. For example, The Mercury newspaper ran a story highlighting her achievements as a pioneering academic and campaigner for law reform — <http://www.themercury.com.au/news/tasmania/tasmanian-law-reform-institute-director-terese-henning-fights-for-change/news-story/94da4100183dba9531bc04c2aea08bea>.

Dr Helen Cockburn was interviewed for an episode of the Radio National programme, *Background Briefing* – 23 October <http://www.abc.net.au/radionational/programs/backgroundbriefing/2016-10-23/7949690>

Rikki Maward gave a presentation at the Children's Commissioner Seminar Series on Children in the Criminal Justice System

Terese Henning gave a presentation to the Department of Foreign Affairs and Trade Women in Leadership Seminar Series on *Gender Equality: The Case of the Safe Home, Safe Families Agenda in Tasmania* on the 3rd June, 2016.

Summary of publications

2016:

Problem Trees and Hedges: Access to Sunlight and Views, Final Report No 21 (January)

Bullying, Final Report No 22 (January)

Facilitating Equal Access to Justice: An Intermediary/Communication Assistant Scheme for Tasmania? Issues Paper No 22 (May)

2015:

Terese Henning "Opinion Piece: Liquor Bill Crosses the Line of the Law", *The Examiner* October 11th 2015.

Review of the Law Relating to Self-Defence, Final Report No 20 (October)

Bullying, Issues Paper No 21 (May)

2014:

Neighbours' Hedges as Barriers to Sunlight and a View, Issues Paper No 19 (March)

Review of the Law Relating to Self-Defence, Issues Paper No 20 (November)

2013:

The Legal Issues Relating to Same-Sex Marriage, Research Paper No 3 (October).

Protecting the Anonymity of Victims of Sexual Crimes, Final Report No 19 (November).

2012:

Sexual Offences against Young People, Final Report No 18 (October).

Protecting the Anonymity of Victims of Sexual Crimes, Issues Paper No 18 (August).

Non-Therapeutic Male Circumcision, Final Report No 17 (August).

Sexual Offences against Young People, Issues Paper No 17 (May).

Evidence Act 2001 Sections 97, 98 & 101 and Hoch's case: Admissibility of 'Tendency' and 'Coincidence' Evidence in Sexual Assault Cases with Multiple Complainants, Final Report No 16 (February).

2011:

Consolidation of Arrest Laws in Tasmania, Final Report No 15 (May)

Racial Vilification and Racially Motivated Offences, Final Report No 14 (April)

2010:

Criminal Liability of Drivers Who Fall Asleep Causing Motor Vehicle Crashes Resulting in Death or Serious Injury, Final Report No 13 (October).

Racial Vilification and Racially Motivated Offences, Issues Paper No 16 (June).

Law of Easements in Tasmania, Final Report No 12 (March).

2009:

Evidence Act 2001 Sections 97, 98 & 101 and Hoch's Case: Admissibility of Tendency and Coincidence Evidence in Sexual Assault Cases with Multiple Complainants, Issues Paper No 15 (September).

Non-Therapeutic Male Circumcision, Issues Paper No 14 (June).

Law of Easements in Tasmania, Issues Paper No 13 (February).

2008:

Sentencing, Final Report No 11 (June).

2007:

A Charter of Rights for Tasmania? Final Report No 10 (October).

Criminal Liability of Drivers Who Fall Asleep Causing Motor Vehicle Crashes Resulting in Death or Serious Injury, Issues Paper No 12 (September).

Criminal Liability of Organisations, Final Report No 9 (April).

2006:

The Establishment of a Drug Court Pilot in Tasmania, Research Paper No 2 (December).

Warnings in Sexual Offences Cases Relating to Delay in Complaint, Final Report No 8 (October).

A Charter of Rights for Tasmania? Issues Paper No 11 (August).

Intoxication and Criminal Responsibility, Final Report No 7 (August).

Consolidation of Arrest Laws in Tasmania, Issues Paper No 10 (July).

2005:

Criminal Liability of Organizations, Issues Paper No 9 (June).

Warnings in Sexual Offences Cases Relating to Delay in Complaint, Issues Paper No 8 (June).

Intoxication and Criminal Responsibility, Issues Paper No 7 (March).

2004:

The Forfeiture Rule, Final Report No 6 (December).

Vendor Disclosure, Final Report No 5 (September).

Vendor Disclosure, Issues Paper No 6 (June).

Offending While on Bail, Research Paper No 1 (May).

2003:

The Forfeiture Rule, Issues Paper No 5 (December).

Physical Punishment of Children, Final Report No 4 (November).

Report on the Commissions of Inquiry Act 1995, Final Report No 3 (September).

Adoption by Same Sex Couples, Final Report No 2 (May).

Custody, Arrest and Police Bail, Final Report No 1 (March).

Adoption by Same Sex Couples, Issues Paper No 4 (February).

2002:

Physical Punishment of Children, Issues Paper No 3 (October).

Sentencing, Issues Paper No 2 (August).

Custody, Arrest and Police Bail, Issues Paper No 1 (March).

3. Financial Statement for the period 1/1/16 - 31/12/16

Summary of all TLRI Account Balances at 31 December 2016 (full details below)

	\$	\$
General Operating Funds	30,678.61	
MAIB – Recidivist Drink Drivers	10,447.58	
DVC Strategic Funds	0.00	
Solicitors' Trust – Recidivist Drink Drivers	0.00	
Solicitors' Trust – Court Intermediaries	0.00	
		41,126.19
Less income earmarked for PhD bursaries		30,000.00
Balance (surplus)		11,126.19

General Operating Funds

Balance at 31 December 2015 **1,832.18***

*after adjustment of opening balance to reflect Solicitors' Trust grants transferred to separate projects \$35,516.18 - \$33,684 = \$18,32.18)

Income

Standard grant from State Govt Dept of Justice	50,000.00	
VC's contribution to new bursaries	10,000.00	60,000.00

Expenditure

Salary (including superannuation, payroll tax and workers' compensation insurance)	26,170.18	
IT and communications	318.96	
Travel	2,532.89	
Publications	871.00	
Entertainment and catering	1,138.75	
Subscriptions	70.00	
Stationery	51.79	
		31,153.57

Balance (surplus) at 31 December 2016	30,678.61**
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**Note that \$30,000 of General Operating Funds has been earmarked for new PhD Bursaries. Thus, available balance is \$678.61

MAIB – Problem of Recidivist Drink Drivers

Income	15,635.20	
Less GST	1,421.38	
		14,213.82
Expenditure		
Salaries and salary on-costs		
3,766.24		
Balance (surplus) at 31 December 2016		10,447.58

DVC Strategic Funding

Income	20,000.00
Expenditure	
Salaries and salary on-costs	20,000.00
Balance	0.00

Solicitors' Trust – Problem of Recidivist Drink Drivers

Income	16842.00
Expenditure	
Salaries and salary on-costs	16842.00
Balance	0.00

Solicitors' Trust – Court Intermediaries

Income	16842.00
Expenditure	
Salaries and salary on-costs	16842.00
Balance	0.00

University Contributions (in kind)

Academic Support*

Salary and salary on-costs

Terese Henning (Director) 30 days @ \$1,822	54,660.00
Prof Margaret Otlowski (Board member) 4 days @ \$1,822	7,288.00
Jeremy Prichard (Board member) 6 days @ \$1,388	8,328.00
	70,276.00

Administrative Support*

Salary and salary on-costs

David McGuire 3 days @ \$1,213	3,639.00
Rachael Ormerod 3 days @ \$1,027	3,081.00
IT support 10 days @ \$1,027	10,270.00
	16,990.00

Office and Running Costs (Law Reform Inst. Office) ** **9,495.00**

Total	\$96,761.00
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* calculated on University consultancy rates, exclusive of GST

** includes office rental, computer depreciation, furniture depreciation, stationary, heating and electricity and use of fax, photocopier and printer.