

T A S M A N I A

LAW REFORM

I N S T I T U T E

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Annual Progress and Financial Report 2020

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Director's Report

2020 was, of course, dominated by the COVID-19 global pandemic which affected people and workplaces across Australia and the world. The Institute pays its respect to all of those affected by the pandemic and acknowledges the profound and devastating consequences it has had on so many people. Tasmania has been fortunate to have had very limited exposures to the virus, in large part because of broad ranging public health measures to limit transmission pathways into and within the state. The result is that, for most of 2020 the Institute operated virtually, with staff working remotely. State and national public health measures also affected partner organisations and contributors to the Institute's work and much of our collaborative research had to be put on hold.

Understandably the COVID-19 emergency has meant that public funding streams were also diverted to deal with the health, economic and social consequences crisis. In particular the Solicitor's Guarantee Fund, which is the primary funding stream for the Institute, was not issued for 2020. This has resulted in no grant or institutional funding being accessible for priority work. That compounds existing limitations on baseline funding and continuing work and continuing uncertainty about the long-term ability of the Institute to sustainably contribute to law reform in the state. Funding difficulties have also meant that some casual research staff departed the Institute for permanent positions elsewhere. We know these gifted former colleagues will excel in their future careers; however, we are very sad to say goodbye to them.

Despite all these challenges, the Institute did quietly continue with various work programs through 2020. These included the launch of the Judicial Review, the Jurors, Social Media, Fair Trials and Legal Recognition of Sex and Gender Final Reports. The Institute also introduced animated ‘explainer videos’ for the latter two inquiries which can be found on the Institute’s website and across social media where it was shared. This proved a popular vehicle for communicating complex law reform ideas, including with members of the conventional media who published stories about the report. Given the closure of public office and buildings, the videos also provided a helpful forum to launch TLRI reports across Tasmania, nationally and internationally.

The Institute has also worked with other peak bodies, provided comments on draft bills in Parliament, and responded to media, public and parliamentary inquiries. Notably the Institute has agreed to work alongside the Children’s Commissioner on the legal issues arising from proposals to raise the minimum age of criminal responsibility in Tasmania. Another important collaboration is with the Preventing Elder Abuse in Tasmania (PEAT) team who are working within the Institute on ways to improve the care and treatment of elderly Tasmanians. This is a particularly important program given the disproportionate effect of the pandemic and its governance on elderly people.

Despite all the closed buildings the Institute managed to meet with all its founding entities in 2020, including the Attorney General, President of the Law Society and Vice Chancellor of the University of Tasmania. All expressed their support for the Institute’s work and recognise the difficult situation the Institute is in and the need to work towards a more sustainable funding and staffing model. We hope that this common understanding will be a positive basis to strengthen the position of the Institute as the global crisis abates.

The Board thanks Kira White, Jemma Holt, Dylan Richards, Bruce Newey, Martin Clark and Gina Goh (volunteer) who maintained the operational work of the Institute throughout 2020 under difficult circumstances.

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 November 2019, the Institute partners finalised a renewal extending the agreement for three years, until November 2022, with funding held at the same level as that under the founding 2001 agreement.

It is a condition of the agreement that a benchmarking exercise will be undertaken to look at the Institute’s governance arrangements. The COVID-19 pandemic delayed this exercise, but work commenced in late 2020.

The Institute, its work and the nature of the references it receives have developed significantly over the two decades of its existence. The 2001 funding level is not sustainable and undermines Tasmania’s ability to eliminate defects in the law, and to undertake regular modernisation, simplification and consolidation of its law compared to other jurisdictions in Australia.

The functions and operations of the Institute were previously undertaken by its Director, with assistance from Board members, executive officers, research assistants and Law Faculty staff and students. However, the University has not appointed a replacement to the Director’s role since Assoc Prof Terese Henning retired in late 2019. Dr Brendan Gogarty has been acting in the role on a part-time basis for 2020.

Similarly, the University has not appointed a replacement Executive Officer (Research) since Jess Feehely resigned from that role in July 2019 to take up a position in Queensland. A portion of the work was covered by existing casual staff.

All written proposals for law reform inquiries are presented to the TLRI Board, which then makes recommendations for consideration by the Institute including identifying a recommended inquiry's extent, time for completion, expected output and cost. The Board also reviews and approves all papers and reports before their publication.

The Institute's work was supported in 2020 by part-time casual Executive Officer (Administration), Kira White. We are also grateful for the regular assistance of Bruce Newey in editing reports, and the administrative support provided by University staff (see Financial statements for in-kind contributions).

Board members 2020

- Dr Brendan Gogarty, Acting Director of the Institute, appointed by the Vice- Chancellor of the University of Tasmania
- Professor Tim McCormack, Dean of the Faculty of Law, UTas (to Jun 2020)
- Prof Di Nichol, Head of Discipline, Faculty of Law UTas (from Jul 2020 acting replacement for Prof McCormack)
- The Honourable Justice H Wood, appointed by the Honourable Chief Justice of Tasmania
- Kristy Bourne appointed by the Attorney-General (to mid-Oct 2020)
- Kerry Crowder appointed by the Attorney-General (from -mid-Oct 2020 - maternity leave replacement for Ms Bourne)
- 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, appointed by the Board as a community representative
- Kim Baumeler, appointed by the Board
- Rosie Smith, appointed by the Board as a member of the Tasmanian Aboriginal community

The Board met three times in 2020. Due to COVID safety measures, all meetings were held via Zoom.

Legal researchers during 2020

- Jemma Holt
- Dylan Richards
- Martin Clark
- Bruce Newey
- Leigh Sealy SC

2. Activities

(a) Completed Work

Social Media, Jurors and Fair Trials

This inquiry was covered in the 2019 Annual Report. The Final Report and recommendations were publicly released on 21 January 2020. The launch was accompanied by an explainer video. The Report was well received by members of the legal profession and the public, generating much media interest.

Review of the *Judicial Review Act 2000* (Tas)

This inquiry was covered in the 2019 Annual Report. The Final Report and recommendations were publicly released on 15 January 2020.

Legal Recognition of Sex and Gender

Background

In November 2018, the Attorney-General requested that the Institute investigate the following issues:

- What steps should be required to register a change of sex or intersex status on official documents?
- What categories of sex / gender should be displayed on birth certificates and other documents?
- What, if any, reforms should be made in relation to consent to medical treatment to alter a person's sex or gender?
- What, if any, reforms should be made in relation to the definitions or use of terms relating to sex and / or gender in Tasmanian legislation?

The reference was accepted by the Board in January 2019.

Reports and recommendations

The Institute released an issues paper in late June 2019. This was followed by an extended period of consultation. The final report and recommendations were publicly launched in June 2020 after a delay because of COVID-19 restrictions. The launch was accompanied by a set of explainer videos.

The institute's inquiry uncovered no evidence that allowing people to change their officially recorded gender would have significant unforeseen legal consequences. At most, there are small issues to be considered, but they have been taken into account and the legislation carefully responds to them. Most notably, this was done by ensuring effective scrutiny of gender change applications to ensure they are genuine and warranted.

The Report recommended specific legislation be introduced to regulate consent to medical intervention on children as that is a separate issue from gender identity.

In all other respects the TLRI considered and accepted evidence that, for a small proportion of our society these reforms will have a profound impact on the rights, health, well-being and sense of self of gender diverse people. As a result it concluded the law reforms are justified.

Researchers

Jess Feehely and Dylan Richards worked as researchers on the inquiry.

Funding

The inquiry was supported by a grant of \$77,000 from the Solicitors' Guarantee Fund.

(b) Ongoing Work

Conversion Practices

Background

In late 2016, the Institute received a reference from representatives of the LGBTIQ community to investigate whether current Tasmanian laws adequately address the legal issues surrounding sexual orientation and gender identity (SOGI) conversion practices (also known as reparative or sexual reorientation therapy), and the extent to which these practices occur in Tasmania.

The UN High Commissioner for Human Rights has said that such practices are “unethical, unscientific and ineffective, and may be tantamount to torture”.

The Board accepted the reference, and the Institute approached the Attorney-General requesting that the government consider formally referring this issue to the TLRI. The government did not make a reference.

Status

The Institute lodged funding applications over a period of years, but none were successful. Some initial work was undertaken on a voluntary basis by a law graduate, before the University Vice-Chancellor agreed in December 2019 to provide funding for the inquiry.

An expert advisory group was established comprising: Mr Chris Csabs, SOGI conversion practice survivor; Mr Stuart Davey, solicitor, Legal Aid Commission; Ms Anja Hilkeмейer, lecturer in law with expertise in human rights law; Assoc Prof Amanda Neil, health economist and Select Foundation Senior Research Fellow Menzies Institute for Medical Research; Prof Margaret Otlowski, expert in health, law and ethics, Pro-Vice-Chancellor (Culture, Wellbeing and Sustainability) and Professor of Law; Dr Jessica Roydhouse, health research expert, Select Foundation Senior Research Fellow in Health Services Research, Menzies Institute for Medical Research; and Rev Jeff Savage, Christian minister and accredited youth worker .

In November 2020, an Issues Paper was released with a call for public feedback. The Issues paper adopted a working definition of SOGI conversion practices, and invited feedback on the nature, scope and meaning of the practices. It outlined the effects of such practices and reported on the current state of relevant law in Tasmania and other jurisdictions. Various options for law reform were presented for public consideration.

Submissions were originally scheduled to close in mid-December 2020 to allow the inquiry to be completed within the existing timeline and budget. However, in late December 2020, the Vice Chancellor agreed to provide a small amount of additional funding, which allowed the consultation phase to be extended in response to an extraordinary level of contribution from members of the community. The submission deadline was extended to late January 2021. Submissions were received by both online questionnaire and email.

Researchers

Siobhain Galea, volunteer graduate, carried out some initial work on the inquiry for several

weeks in late 2019, mapping an initial structure to reflect the scope of the inquiry, and reviewing international jurisdictions that could provide a model. Lilli Roberts, the inaugural Vanessa Goodwin Scholarship recipient, also contributed to the inquiry in 2020 as part of her internship. Dylan Richards was originally employed on the inquiry but resigned. He was replaced by Dr Martin Clark, who was employed to prepare the Issues Paper and Final Report, and to undertake consultation.

Funding

After several years of unsuccessfully attempting to obtain funding for this inquiry, the Institute was pleased to receive a grant of \$42,000 from the University Vice-Chancellor Prof Rupert Black in late 2019. In late December 2020 the Vice Chancellor agreed to provide an additional \$4,537.33 funding to extend the researcher's contract. This allowed for an extension to the public consultation period.

In 2020 the TLRI lodged a joint application to the Tasmanian Community Fund with the Menzies Institute for Medical Research. The intention of the application was to examine the exposure to, and harm caused by LGBTIQ+ conversion practices and ideology in the Tasmanian context. The application was unsuccessful.

Service-driven approaches to preventing & responding to elder abuse in Northern Tasmania; and

Service-driven approaches to preventing & responding to elder abuse in Southern Tasmania

Background

Tasmania is an 'ageing' state, with the highest proportion of people over 65 in Australia. This trend will continue with increasing life-expectancy, and an on-going loss of younger Tasmanians to the mainland for work, coupled with an increasing influx of sea and tree changers in the older age groups. Tasmania already has a population with significant, known risk factors for elder abuse. These concerns have prompted the State Government to seek to respond comprehensively to the increasing risk of elder abuse, in hand with the National reforms already underway.

Along with international trends, the National review has recognised that elder abuse is multi-sectorial and not the sole responsibility of, for example, health or justice. All sectors need to respond in a co-ordinated way as elder abuse is not 'just' financial or physical, often all forms of abuse are enacted in the same case, can be difficult to prosecute, and sometimes too terrible to want to believe – much like initial responses to child abuse.

Through Tasmanian, multi-sector research conducted by the Preventing Elder Abuse Tasmania (PEAT) research group, it was established that while individual services (State, Commonwealth and NGO) have elder abuse policies and responses to cases of elder abuse, these policies have largely arisen independently of existing State policy directions. The service level responses have been moulded by the context of the service including access to other services and community supports. The research identified that at the service level there is expertise and a passion to resolve issues recognised as elder abuse, but there was an equal amount of frustration with the lack of support or coordination by State Government and slowness of known response pathways. It was also found that several services have, or are, developing their own policies and protocols for responding to elder abuse without any reference to State policy.

In 2019, the University of Tasmania research group PEAT (Preventing Elder Abuse Tasmania),

was approached by State Government to propose a study into state-wide, service-driven responses to elder abuse. Under the Department of Communities (DoCT) Community Support Program (CSP) - Protecting Older Tasmanians: Elder Abuse Prevention Strategy, two projects – North and South -were approved early in 2020.

Status

Ethics for the research was approved in May 2020 and the first workshop was undertaken in early June. The methodology was initially designed for face-to-face workshops, however with the lockdowns (especially for health services), a change to on-line workshopping was initiated. This method worked well, and the participants' contributions were very data rich. Hence, analysis has taken longer than anticipated.

For the Northern project, an interim report was submitted to the funder in July 2020, with the final report to be completed by end May 2021.

The final report for the Southern project was submitted to the funder on 15 December 2020.

Researchers

The Preventing Elder Abuse Tasmania research team comprise Dr Suanne Lawrence (Health and Law), Adjunct Assoc. Prof. Terese Henning (Law) and Dr Susan Banks (Sociology). Further research assistance was provided by Alexander Pemberton (Law), Eli Preston (Sociology), Dr Joshua Boland (Sociology) and we recently welcomed the inaugural PEAT Scholarship student Megwyn Mosenthal (Law) to the team.

Dr Lawrence is responsible for project management - ethics applications, communication, project design, recruitment, data collection, analysis and report preparation. Dr Banks and Adjunct Assoc. Prof. Henning have directed and shaped the research, analysis and report preparation. Research assistants contributed to parts of the project (workshops, writing and analysis) as their study commitments allowed.

Funding

This project (split into North and South Tasmania) has been funded via a grant from the Department of Communities Tasmania and support of the University of Tasmania.

The funding agreement (FA00002672 Research Preventing Elder Abuse North) for \$36,813.60 (ex GST) was paid to the University by August 2020. This project was ongoing as of end of 2020.

The funding agreement (FA00002671 Research Preventing Elder Abuse South) for \$31,521 (ex GST) was paid to the University by June 2020. This project was completed in November 2020.

Review of the Tasmanian Constitution Act 1934

Background

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 comprised of constitutional experts from the Crown Law Office, the academy, the Bar, the Judiciary, NGOs and Parliament.

This symposium identified a number of problems 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.

The Board accepted the reference to analyse and recommend the most appropriate ways to reform the Tasmanian Constitution in response to the wide-ranging deficiencies identified by the symposium.

Status

The inquiry was delayed due to Mr Sealy SC's significant work commitments; however he provided an advisory draft summarising known issues with the state Constitution Act in 2019. Further work is to be undertaken to prepare an Issues Paper for the Board. Reduced staffing levels at the Institute have delayed this work, as the identified issues are considered to be long-term matters, and resources have been diverted to time critical inquiries. It is expected that an Issues Paper will be finalised in late 2021 for public consultation and a Final Report in 2022.

Researchers

Leigh Sealy SC has prepared a first draft of the Issues Paper. Brendan Gogarty will undertake further work on the Issues Paper, and prepare the Final Report.

Funding

The Law Foundation of Tasmania has provided funding for both the initial expert symposium (\$7,335) and the detailed review (\$33,114).

The Operation of the Special Hearing Scheme under Section 6A Evidence (Children and Special Witnesses) Act 2001 (Tas)

Background

This work aims to evaluate and improve the operation of the justice system and improve the quality of legal services provided to the public.

The research consists of a partnered investigation with the South Australian Law Reform Institute and the University of Adelaide on major reforms to the criminal justice process, with the focus of the Tasmanian work being the operation of the pre-trial recording of the evidence of children and special witnesses under ss 6 & 6A *Evidence (Children and Special Witnesses) Act 2001 (Tas)*.

The Institute obtained the necessary ethics approvals and consent from the Supreme Court to observe relevant matters. Meetings were held with members of the legal profession who have experience working with this legislation to discuss its operation, the benefits it offers witnesses, and what more needs to be done to optimise opportunities for children and other vulnerable witnesses to participate in the criminal justice process.

Status

The Institute is unable to conduct further work on this review until it is prescribed as a Law Reform Body for the purposes of relevant legislation.

An amendment to the *Evidence (Children and Special Witnesses) Act 2001 (Tas)* received Royal Assent on 2 October 2019. The Attorney-General has instructed her Department to

commence the work required to have the Tasmania Law Reform Institute prescribed as a 'law reform body' for the purposes of section 7D of the Act. No prescription has occurred to date. TLRI staff have continued to follow up with staff in the Department of Justice and have met with them to discuss the necessary research protocols.

Until prescription occurs no researchers may be appointed to the review.

Funding

The Institute has received a \$50,870 grant from the Solicitors' Guarantee Fund grant to support research to progress this review. The Institute is not able to indicate a completion date for the review until all statutory approvals have been obtained.

Re-examination of the Case for Tasmanian Human Rights Act

Background

In late 2019 the Institute received a reference from the Tasmanian Human Rights Act Campaign Committee, supported by eight community organisations. The reference was for the Institute to consider and report on developments in Australian human rights law and practice that bear on its recommendation made in 2007 for a Tasmanian Human Rights Act. (*TLRI Final Report No. 10 - A Charter of Rights for Tasmania*).

The Board accepted the reference, recognising that the output would be a research report, and that the review would not involve any substantial community consultation.

Status

An expert advisory group was established comprising: Ms Sarah Bolt, Tasmanian Anti-Discrimination Commissioner; Dr Rebecca Bradfield, legal researcher; Mr Vincenzo Caltabiano, Director, Legal Aid Commission of Tasmania; Ms Terese Henning, former TLRI Director and author of 2007 TLRI Report *A Charter of Rights for Tasmania*; and Ms Anja Hilkmeyer, lecturer in law with expertise in human rights law.

The expert group has met to review a precis of the 2007 report, and to provide feedback on an initial plan for the review. It is expected that the research report will be completed by approximately August 2021.

Researchers

Bruce Newey is completing the research paper in collaboration with Brendan Gogarty.

Funding

The Institute received funding of \$ 23,015.00 from the Law Foundation of Tasmania.

Review of Privacy Laws in Tasmania

Background

In late 2019, the Hon Meg Webb MLC requested that the Institute undertake a reference on Tasmanian privacy laws and protections with the following terms of reference:

In view of -

- the rapid and extensive advances in information, communication, storage, surveillance and other relevant technologies;

- possible changing community perceptions of privacy and the extent to which it should be protected by legislation;
- the expansion of State and Territory legislative activity in relevant areas; and
- emerging areas that may require privacy protection.

that the Institute will inquire into, review and report on:

1. the current protections of privacy and of the right to privacy in Tasmania and any need to enhance or extend protections for privacy in Tasmania.
2. The extent to which the *Personal Information Protection Act 2004* (Tas) and related laws continue to provide an effective framework for the protection of privacy in Tasmania and the need for any reform to that Act.
3. Models that enhance and protect privacy in other jurisdictions (in Australia and overseas).

The TLRI Board accepted the reference. Funding was sought from the Solicitors' Guarantee Fund for \$122,040, but a lesser amount of \$76,353.98 was granted.

Status

The pandemic resulted in a delay in the execution of the grant deed for the inquiry. Due to the smaller amount of funding, the original research plan was amended to subcontract the preparation of the issues paper to external researchers with direct expertise in statutory privacy principles in Australia and internationally. It is expected that this phase will be completed by mid 2021. This will be followed by consultation and the preparation of a final report and recommendations.

Researchers

Dr Daniel Stewart, Dr Damian Clifford and Dr Jelena Gligorijevic are working on the first phase of the inquiry, together with Brendan Gogarty.

Funding

The Institute applied to the Solicitors' Guarantee Fund for \$122,040 to complete the inquiry however in May 2020 they were informed that they had been awarded a lesser amount of \$76,353.98

(c) New Work

The Institute has received funding to commence the following projects in 2021:

Review of Minimal Age of Criminal Responsibility in Tasmania

The Institute will conduct a review of the minimum age of criminal responsibility ("MACR") in Tasmania, which is currently set at ten years old. The review is being undertaken in collaboration with the Commissioner for Children and Young People to complement and contribute to her ongoing work to reduce the prevalence of children in detention.

The Commissioner, along with peak legal, medical, child protection and international bodies have recommended raising the MACR to fourteen years old. The Institute will provide an objective evidence base on the legal implications of raising Tasmania's MACR, the appropriate avenues of criminal law reform, and the ways in which the criminal and youth justice system

might be adapted to minimise any negative impacts on the Tasmanian community and Tasmanian children from raising the MACR.

The review will be funded by a grant of \$17,719 from the Law Foundation of Tasmania.

(d) Other Activities

In addition to its core business of undertaking law reform research 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.

Research collaborations

South Australian Law Reform Institute

The TLRI continued its ongoing collaboration in 2020 with the South Australian Law Reform Institute which is based at the University of Adelaide. Because of COVID travel restrictions, Professor John Williams and Dr David Plater were unable to visit Hobart in 2020, but still provided valuable input to our work. Initial discussions were held on the TLRI benchmarking exercise on the Institute's governance.

Prevention of Elder Abuse in Tasmania (PEAT)

The Institute continued its work in 2020 with a cross-disciplinary group of academics from health sciences, social sciences and law. The PEAT Research Team is also part of a working group to prevent and remedy elder abuse and neglect in Tasmania with Equal Opportunity Tasmania (EOT) and the Council on the Ageing Tasmania (COTA) and is also a member of SEAPAC which advises the State Government on elder abuse issues.

Topics being investigated by the PEAT team include:

- The incidence of elder abuse in Tasmania;
- The current State and national regulatory framework applying to elder abuse in Tasmania;
- The dimensions of abuse of older women in Tasmania with a focus on socio-legal responses to elder sexual abuse in Tasmania;
- Institutional policy and practice frameworks for dealing with elder abuse in Tasmania;
- Institutional cultures that affect responses to elder abuse.

PEAT obtained funding from the Tasmanian Community Fund in 2019 to undertake research through participatory on-line workshops into Institutional Responses to Elder Abuse. A report on this work is included under the 'Ongoing Work' section.

Researcher in Residency Program

The Institute has continued the 'Researcher in Residency' program, following the success of the funded pilot program in 2017-2018. To maintain this program will require recurrent funding, which the Institute will continue to seek.

In addition, the program involves secondments from various sectors in the Tasmanian legal profession. In 2020, the Institute again employed Dylan Richards, from the private profession. Mr Richards launched the Review of the *Judicial Review Act 2000* (Tas), and the Legal Recognition of Sex and Gender inquiries in 2020, and completed some preliminary work on

the Conversion Practices inquiry before his resignation in July 2020. The Institute also employed South Australian practitioner Jemma Holt who launched the Report on Jurors, Social Media and the Right to a Fair Trial early in 2020 before her return to South Australia.

Vanessa Goodwin Scholarship in Law

The Vanessa Goodwin Scholarship in Law was established in 2019 with an initial \$30,000 contribution from the TLRI, which was supplemented by an additional grant of \$60,000 from the Solicitors' Guarantee Fund following a successful application by Assoc Prof Henning. Additional funding from Dr Goodwin's estate enabled the launch of the scholarship. The scholarship is awarded annually for a student entering Year 4 or 5 of a Bachelor of Laws or combined Law degree, or final year of a Criminology major. It includes a research internship with the Tasmania Law Reform Institute. The selection criteria include an interest in law reform and social justice.

In 2020, the inaugural recipient, Lily Russell, worked with the Institute on its Conversion Practices inquiry. She met with the Attorney-General in December to present on the work completed. In late 2020 Ms Gina Goh was selected as the 2021 Vanessa Goodwin Scholar. Gina will undertake an internship with the Institute in 2021, focussing on human rights legislation.

Meetings with the Attorney-General

The TLRI Director, Acting Law Dean and key staff met with Attorney-General, the Hon. Elise Archer MP in October. Throughout the year, the Director and staff also communicated with key Departmental officers to discuss relevant issues.

Meetings with other key stakeholders

Stakeholder meetings were limited in 2020 because of the COVID pandemic. However, the TLRI Director and key staff met with justice stakeholders, either in person or remotely, to discuss the Institute's work:

- University of Tasmania Vice Chancellor, Prof Rufus Black;
- University of Tasmania Provost, Prof Jane Long
- Executive Dean of CALE, Prof Kate Darian-Smith;
- CEO, Law Society of Tasmania;
- Deputy Secretary, Department of Justice;
- Labor opposition Shadow Attorney-General, Ella Haddad MP;
- Greens Leader, Cassy O'Connor and Greens Justice Spokesperson, Rosalie Woodruff;
- Commissioner for Children and Young People (Tas), Leanne McLean;
- Policy staff from the Department of Justice and DHHS, and
- Prof John Williamson, Director SALRI and Dr David Plater Deputy Director SALRI.

(e) Reform commentary

Reduced staffing levels within the Institute have limited capacity to provide reform commentary in 2020. However, the Institute provided comment on the following:

- *Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020*
- *Justice and Related Legislation (Miscellaneous Amendments) Bill 2020*
- *Sentencing Amendment (Dangerous Criminals and High Risk Offenders) Bill 2020*

- *Guardianship and Administration Amendment (Advance Care Directives) Bill 2020*

(f) Community and media engagement

Public communication

The Institute has continued efforts to improve communication regarding our work by:

- maintaining a Facebook platform with regular posts regarding Institute inquiries, associated consultations and related developments. The number of followers on the TLRI Facebook page has increased in 2020, and efforts to grow the audience will continue;
- expanding its use of Twitter and YouTube, including the production of explainer videos to launch several publications;
- producing short videos on relevant references to encourage community participation and explain recommendations in an accessible fashion. Videos were produced for *Jurors and Social Media* and *Legal Recognition of Sex & Gender* final reports. The videos were made available through the University of Tasmania YouTube page, the Institute’s website and the Institute’s Facebook page. The Institute plans to continue the use of video ‘explainers’ in future;
- submitting Talking Point articles to support the release of Issues Papers and Final Reports;

Media

The Institute’s continues to have a healthy media profile. In 2020, the Institute enjoyed a high level of engagement on social media and numerous media mentions. Unfortunately, specific media data for the year was not accessible due to technical issues with the university’s media monitoring service.

The following media engagement occurred in 2020:

- Media releases regarding:
 - *Review of the Judicial Review Act*, Final Report No. 29 – January;
 - *Jurors, Social Media and the Right of the Accused to a Fair Trial*, Final Report No. 30 – January;
 - *Legal Recognition of Sex and Gender*, Final Report No. 31 – June;
 - *Sexual Orientation and Gender Identity Conversion Practices*, Issues Paper No. 31 – November.
- Radio and television interviews regarding the Judicial Review Act Final Report; Jurors and Social Media Final Report, Legal Recognition of Sex and Gender Final Report; and Sexual Orientation and Gender Identity Conversion Practices Issues Paper.
- Talking Point articles submitted and published regarding the Legal Recognition of Sex and Gender and the Jurors, Social Media and the Right to a Fair Trial Final Reports.
- Articles published in *The Conversation* about the Jurors and Social Media, and Legal Recognition of Sex and Gender inquiries.
- Article in *The Examiner* about the Institute’s acceptance of a reference to review Tasmania’s privacy laws.

Hansard

There were 317 hits on the Tasmanian parliamentary record (Hansard) for “Tasmania law reform institute” OR “Tasmanian law reform institute” OR “TLRI”.

(In Bills, Papers, Chamber / Committee, Votes and Proceedings and Notice Papers).

Summary of publications in 2020

- *Review of the Judicial Review Act*, Final Report No. 29
- *Jurors, Social Media and the Right of the Accused to a Fair Trial*, Final Report No. 30
- *Legal Recognition of Sex and Gender*, Final Report No. 31
- *Sexual Orientation and Gender Identity Conversion Practices*, Issues Paper No. 31

3. Financial Statement for the period 1/1/20 - 31/12/20

Summary of all TLRI Account Balances at 31 December 2020 (full details below)

	\$
General Operating Funds	60,502.81
Solicitors' Guarantee Fund – Guardianship Review	0.00
Solicitors' Guarantee Fund – Insanity & Fitness to Plead	0.00
Solicitors' Guarantee Fund – Transgender & Intersex Law Reforms	0.00
Solicitors' Guarantee Fund – Special Witness Hearings Study	50,870.00
Solicitors' Guarantee Fund – Review of Privacy Laws in Tasmania	76,353.98
Law Foundation – Review of Judicial Review Act	0.00
Law Foundation – Review of Tasmanian Constitution	33,074.73
Law Foundation – Jurors, Social Media and Fair Trials	0.00
Law Foundation – Re-examination of Case for Tasmanian Human Rights Act	13,096.15
Vice Chancellor – Conversion Practices	28,869.00
Dept Communities Tas- Responding to Elder Abuse in Northern Tasmania	18,839.94
Dept Communities Tas- Responding to elder abuse in Southern Tasmania	5557.75

Balance (surplus) at 31 December 2020	287,164.36
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General Operating Funds

Balance at 31 December 2019	55,159.71
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Income

2021 Contract annual grant from State Govt Dept of Justice <i>paid early - in Dec 2020</i>	50,000.00	
Salary recovery from Insanity (786.99) + Transgender (1171.57) accounts	1,958.56	
		51,958.56

Expenditure

Salaries and salary on-costs	43,712.58	
IT costs	239.88	
Printing	2,554.00	
End-of-Project Transfer to Juries Project	109.00	
		46,615.46

Balance (surplus) at 31 December 2020	60,502.81
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Solicitors' Guarantee Fund – Guardianship Review

Balance carried forward from 31 Dec 2019		984.78
Expenditure		
Approved transfer of surplus to Insanity & Fitness to Plead account	984.78	984.78

Balance at 31 Dec 2020	0.00
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Solicitors' Guarantee Fund – Insanity & Fitness to Plead

Balance carried forward from 31 Dec 2019		(-158.75)
Approved transfer of surplus from Guardianship Review account	984.78	984.78
Expenditure		
Salaries and salary on-costs	786.99	
End-of-project balance return to funding body	39.04	
		826.03

Balance at 31 Dec 2020	0.00
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Solicitors' Guarantee Fund – Transgender + Intersex Law Reforms

Balance carried forward from 31 Dec 2019		15,637.06
Expenditure		
Salaries and salary on-costs	9,032.53	
Explainer video	5,000.00	
Printing	1,509.00	
End-of-project balance return to funding body	95.53	
		15,637.06

Balance at 31 Dec 2020	0.00
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Solicitors' Guarantee Fund – Special Witness Hearings Study

Balance carried forward from 31 Dec 2019	50,870.00
Expenditure	
Nil	0.00

Balance at 31 Dec 2020	50,870.00
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Solicitors' Guarantee Fund – Review of Privacy Laws in Tasmania

Grant income	76,353.98
Expenditure	
Nil	0.00

Balance at 31 Dec 2020	76,353.98
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Law Foundation – Review of Judicial Review Act

Balance carried forward from 31 Dec 2019	52.54
Expenditure	
End-of-project balance return to funding body	52.54
	52.54

Balance at 31 Dec 2020	0.00
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Law Foundation – Review of Tasmanian Constitution

Balance carried forward from 31 Dec 2019	\$33,074.73
Expenditure	
Nil	0.00

Balance at 31 Dec 2020	\$33,074.73
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Law Foundation – Jurors, Social Media & Fair Trials

Balance carried forward from 31 Dec 2019		5,267.83
End-of-Project Transfer from TLRI General account		109.00

Expenditure		
Salaries and salary on-costs	5,019.83	
Printing	357.00	
		5,376.83

Balance at 31 Dec 2020	0.00
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Law Foundation –Re-examination of Case for Tasmanian Human Rights Act

Grant income		23,015.00
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Expenditure		
Salaries and salary on-costs	9918.85	
		9918.85

Balance at 31 Dec 2020	13,096.15
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Vice Chancellor – Conversion Practices

Balance carried forward from 31 Dec 2019		42,000.00
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Grant income		4,537.33
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Expenditure		
Salaries and salary on-costs	17,173.33	
Printing	495.00	
		17,668.33

Balance at 31 Dec 2020	28,869.00
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Dept Communities Tas – Preventing Elder Abuse-
Northern Tas

Grant income 36,813.60

Expenditure

Salaries and salary on-costs 17,963.66

Other expense - bank fee 10.00

17,973.66

Balance at 31 Dec 2020

18,839.94

Dept Communities Tas – Preventing Elder Abuse-
Southern Tas

Grant income 31,521.00

Expenditure

Salaries and salary on-costs 17791.97

Research indirect costs 8171.28

25963.25

Balance at 31 Dec 2020

5557.75

University Contributions (in kind)

LABOUR COSTS				
Non casual staff *				
<i>Salary & on-costs</i>				
Role	Staff Type	Classification	Full Time Equivalent Percentage (FTE%)	Total Salary Costs
Institute Acting Director	Academic	Level C	40.00%	64,575.30.
Board members	Academic & Professional	Various	6.93%	14,614.10
HDR + Hons supervisor	Academic	Level C	6.50%	10,493.49
Research – reports **	Academic	Level C	7.80%	13,532.98
Law School Manager & Administrators	Professional	Various	6.06%	6,212.89
Law social media	Academic	Level B	0.29%	399.69
IT support	Professional	HEO Level 7	5.2%	6,417.74
Web management	Professional	HEO Level 5	2.25%	2,240.86
TOTAL NON-CASUAL				118,487.05

Casual staff (paid hourly rate) *				
<i>Salary & on-costs</i>				
Role	Staff Type	Classification	Estimated No of Hours per year	Total Salary Costs
				Nil
TOTAL CASUAL				Nil
TOTAL LABOUR				

OTHER EXPENSES	
Consumables & equipment depreciation ***	10,224.00
TOTAL OTHER EXPENSES	10,224.00

INDIRECT COSTS	
Labour costs component @ 35%	41,470.46
Non-Labour costs component @ 35%	3,578.00
TOTAL INDIRECT COSTS	45,049.46

TOTAL UTAS IN-KIND CONTRIBUTION	173,759.51
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* calculated on University contract research rates, exclusive of GST.

** annual average calculated from Faculty staff research on issues papers and reports over life of Institute.

*** includes computer depreciation, furniture depreciation, postage, stationery, and photocopier and printer costs.