



Australasian Legal Information Institute

A joint facility of UTS and UNSW Faculties of Law

www.austlii.edu.au

CELEBRATING
15 YEARS
OF FREE ACCESS TO LAW

2010

1995-

//legal information

//free access

//innovation technology

//research

//access to justice



UNIVERSITY OF
TECHNOLOGY SYDNEY



UNSW
THE UNIVERSITY OF NEW SOUTH WALES

AustLII Foundation Limited

ACN 134 717 972

ABN: 41 134 717 972

AustLII Research Institute

Founders' Vision

“From inception our intention in creating AustLII was to provide free access to the Australian public to the essential legal information needed for the rule of law and democracy to function effectively. In doing so we believed we would also provide a service of great value to academic research, the legal profession, the business community and to Courts and government as well. We believed that it would be in the interests of these institutional stakeholders to collaboratively support a free access model. AustLII was therefore created to “free the law” in Australia from the shackles in which it was found up to the mid-90s, and to innovate in the provision of legal information systems.”

Professor Graham Greenleaf (UNSW) and Professor Andrew Mowbray (UTS)

Professors Mowbray and Greenleaf have been AustLII Co-Directors since 1995, having worked together for the previous decade on 'the DataLex Project'. Philip Chung joined AustLII in 1996 as its second employee and is now also a Director. Since 1995 AustLII has had over 50 staff members, all of whom have contributed significantly to its development.

Before AustLII

There was no free access to case law or legislation for the public or the legal profession. Limited paid access was provided by CLIRS Ltd which was given a monopoly to provide online access to the laws of several Australian States and Territories. Its cost and difficulty of use meant it had very limited usage. At the Federal level, the Attorney-General's department provided federal case law and legislation on SCALE, but it was only free for Commonwealth government agencies.

Formation of AustLII

AustLII commenced in 1995 with a grant from the Australian Research Council to Professors Greenleaf and Mowbray, and gained major support from the Law Foundation of NSW from 1996-2000. From the beginning, AustLII was created as a joint facility of the Faculties of Law at the University of Technology, Sydney and the University of New South Wales.

Intense activity and development occurred in the first six months of operation, as the initial software platform was developed and resources acquired to launch the service. The first content on AustLII included Commonwealth legislation and High Court judgments, soon followed by Federal Court decisions. The Law Foundation of NSW assisted AustLII to obtain NSW cases and legislation through cooperation with the NSW government.

OUR PHOTO JOURNEY SO FAR



- 1 Early AustLII website in 1995
- 2 Front page news 12 May 1996: Commonwealth Attorney-General supports AustLII
- 3 The Australian, 24 June 1997: UK Court of Appeal praises AustLII
- 4 AustLII hosts 'Law via the Internet' Conference of Australian and overseas free access law services, Sydney, 1999



Expansion of content

From 1996 AustLII progressively encouraged the government and courts of each State and Territory to provide their legislation and Supreme Court decisions to AustLII. In 1999, AustLII launched its free-access "National Collection" of legislation and Supreme Court decisions.

After 15 years, AustLII's Australasian service now provides over 450 Australian and New Zealand databases. These include

the decisions of almost all Courts and Tribunals in Australia. High Court and Federal Court decisions are complete, and State and Territory Court decisions usually go back at least 20 years.

Since 2006, AustLII commenced adding Bills, Explanatory Memoranda, Repealed and Numbered legislation, and these are near-complete for all jurisdictions. It also completed its collection of Law

Reform Commission Reports from all jurisdictions. Since 2008, law journals have been significantly expanded on AustLII. The 'Legal Scholarship Library' now has over 60 law journals. Subject-libraries dedicated to a particular area of law, such as the Australian Taxation Law Library, Indigenous Law Library and Aviation Law Library are also being developed.

Technological Innovations

AustLII has always developed its own key software. Highlights of AustLII's technological innovations include:

Search engine: The SINO - (size is no object) search engine retrieves and ranks results fast by numerous criteria (relevance, date, citations, databases). Legal Information Institutes that collaborate with AustLII or which AustLII operates use SINO.

Massively automated hypertext linking: AustLII pioneered the insertion of hypertext

linking in a completely automated way between all types of legal documents and 'noteups' of legislation (finding which cases have involved a particular section of law).

Neutral citations: AustLII championed the introduction of 'neutral citations' so that they have now become an international standard. Courts and Tribunals in Australia and elsewhere apply neutral citations to decisions as soon as they are issued, facilitating immediate citation and hypertext linking.

Point-in-time legislation: AustLII's point-in-time legislation for NSW and SA enables side-by-side comparison of how a section of an Act differs between any two specified dates. It is being expanded to Victoria, the Commonwealth and other jurisdictions.

LawCite: The only free-access law citator in the common law world, LawCite automatically tracks citations of over 5.5 million decisions, journal articles, treaties and legislative materials.



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- 5 Geoff King, Philip Chung, Andrew Mowbray, Graham Greenleaf celebrating first Internet Award, 1996
- 6 AustLII's staff grew to 11 by 2000
- 7 AustLII hosts 3rd 'Law via the Internet' Conference, 2001 and demonstrates WorldLII prototype
- 8 A break during the first development of the Internet for Asian law training course, Ulan Bator, Mongolia, 2000

Promoting free access to law internationally

“If this country [United Kingdom] was in the same happy position as Australia, where the administration of the law is benefiting greatly from the pioneering enterprise of the Australasian Legal Information Institute (AustLII), we would have been able to make this judgment immediately available in a very convenient electronic form to every judge and practitioner in the country without the burdensome costs that the distribution of large numbers of hard copies of the judgment will necessarily impose on public funds.”

Lord Justice Saville, *Bannister v SGB plc and Ors* and 19 other appeals [1997] EWCA Civ 1524 (25 April 1997)

Since 1999, AustLII has provided its software, infrastructure and expertise to assist the development of seven other free-access legal information institutes (LIIs). Most of these LIIs now operate independently:

- British and Irish Legal Information Institute (BAILII, 2000)
- Pacific Islands Legal Information Institute (PacLII, 2001)
- Hong Kong Legal Information Institute (HKLII, 2002)
- Cyprus Legal Information Institute (CyLaw, 2002)
- New Zealand Legal Information Institute (NZLII, 2005)
- Southern African Legal Information Institute (SAFLII, 2006)
- Legal Information Institute of India (LII of India, 2010)

AustLII also created and operates three portals through which collaborating LIIs make their content jointly searchable:

- World Legal Information Institute (WorldLII, 2002) – the peak portal for all LIIs, and home of AustLII’s databases of International Court and Tribunal decisions and UN Treaties.
- Commonwealth Legal Information Institute (CommonLII, 2005) – the portal for the common law, and the Commonwealth (940 databases from 59 jurisdictions, and the free-access home to the English Reports 1220-1873, the foundations of the common law.
- Asian Legal Information Institute (AsianLII, 2006) – covering all 28 Asian jurisdictions, with content searchable in Bahasa Indonesia, Chinese, Vietnamese, Portuguese and English.

AustLII is a founding member of the Free Access to Law Movement (2002), which created the Declaration on Free Access to Law which 33 international LIIs have now adopted.

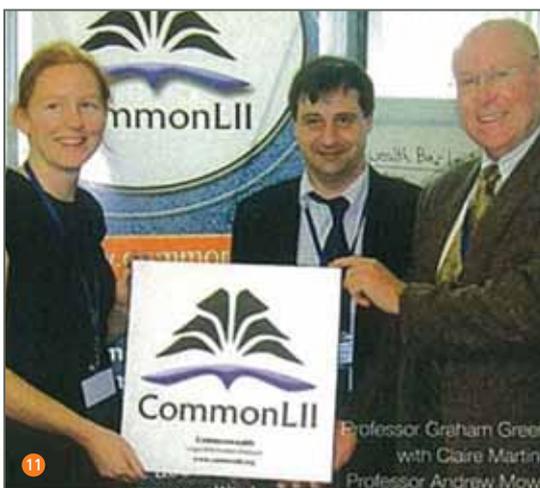


9 Development of the Internet for Asian law training in Phnom Penh, Cambodia, 2001

10 Delegates at the 5th 'Law via the Internet' Conference, AustLII, Sydney, 2003

11 Launch of CommonLII, London, 2005: Claire Martin, Secretary General Commonwealth Lawyers Association, Andrew Mowbray, Graham Greenleaf

12 Deputy Premier of Victoria and Attorney-General, Rob Hulls awards AustLII a grant from the Victorian Legal Services Board, Melbourne 12 August 2008. Left to right: Philip Chung, Rob Hulls, Graham Greenleaf, Andrew Mowbray, Victoria Marles, Legal Services Commissioner and CEO, Legal Services Board



AustLII's Funding

The key to AustLII's independence, its guaranteed provision of free access, and in many ways its success, has been the breadth and diversity of its funding.

AustLII was started in 1995 with a \$110,000 grant from the Australian Research Council and gained major support from the Law Foundation of NSW from 1996-2000. Since then, its largest financial supporters have been the Australian Research Council (17 LIEF, Linkage, Discovery and eResearch Grants), UTS and UNSW (including their Law Faculties), the Victorian Legal Services Board, AusAID, the Department of Foreign Affairs and Trade, CCH Australia Limited, Australian Business Limited, the Department of Defence, the Attorney-General's Department, Thomson Reuters, the Legal Practitioners' Liability Committee and the Australian Taxation Office. Australian Law Schools as a whole have provided generous support, as have many courts, tribunals, government agencies, law firms and barristers. AustLII now has a diversified funding base with over 280 contributors.

Annual revenue has grown, reflecting the expanding content and services AustLII provides, and the resulting ever-increasing need to maintain existing databases and provide infrastructure of sufficient power to serve growing usage. AustLII is extremely grateful to all its contributors and content

providers, and reaffirms this at every opportunity: on the Contributor section of AustLII's website, newsletter, Annual Reports and at launches of new services.

AustLII Foundation Limited

“The opportunity to align the pragmatic with the pro bono comes along occasionally, and when it does, it should be seized with enthusiasm....To shirk in our support of AustLII is to ignore economic realities and our pro bono responsibilities.”

Mark Chapple, Managing Partner, Baker & McKenzie

“Loss of database would be a tragedy”

Australian Financial Review,
29 June 2007 p.66

In 2007 it became apparent that AustLII needed to diversify its funding sources and develop a sustainable funding model to maintain a rapidly expanding collection of databases, and support the infrastructure demands of expanding usage. AustLII's users responded to the public request for increased donation funding to ensure AustLII could continue to provide free access to its services. UTS and UNSW agreed to incorporate the AustLII Foundation Limited as a company limited

by guarantee, with charitable objectives. The objective of the Foundation is to maintain AustLII's Australian free-access online public library and infrastructure on a sustainable and ongoing basis with the donations it receives annually.

AustLII's research activities and the operation of its international portals continue to be carried out through the AustLII Research Institute, a joint facility of the two law schools, with separate funding primarily from grants. The databases on AustLII and the infrastructure used to support these databases are initially developed with grant funding, and the Australian databases are maintained and kept up to date with the support of AustLII's contributors to the Foundation and continuous cooperation from content providers.

AustLII Foundation Limited's Board of Directors represents AustLII's major user sectors, including the education, commercial and government sectors.



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13 AustLII Foundation Limited
Board of Directors
Front row (From left to right): Prof Carrick Martin, Prof Jill McKeough, Mr Tim Bugg, Prof Andrew Mowbray (Executive Director)
Back row (From left to right): Mr Philip Chung (Managing Director), Mr Roger Allsep (Company Secretary), Dr Jeff FitzGerald (Chair), Prof Graham Greenleaf (Executive Director), Mr Ian Govey
Board member not in photograph:
Prof David Dixon

14 Signing of the MOU for the publication of the Supreme Court of Indonesia's decisions on AsianLII the Family Court, Melbourne, 22 July 2008.
Left to right: Nerida Dalton AusAid, Graham Greenleaf, Co-Director AustLII, Chief Justice of the Supreme Court of Indonesia, Bagir Manan and Chief Justice of the Family Court, Diana Bryant

15 Attorney-General The Hon. Robert McLelland MP launches the first AsianLII Conference, 2009 at UNSW Law School with Professor David Dixon, Dean of Law UNSW and at left, Professor Jennie Lang, Pro-Vice-Chancellor (International), and Professor Jill McKeough, Dean of Law, UTS

16 Left to right: Peter Hansell, Law & Practice ATO, Sue Sinclair, First Assistant Commissioner ATO, Andrew Mowbray, Co-Director AustLII and Annelies Moens, External Relations Manager AustLII. Presentation of ATO's \$50,000 contribution, 10 December 2008 to AustLII

17 Launch of LawCite and the English Reports 1220-1873 on 1 December 2008. The Hon. Justice Michael Kirby with AustLII Directors and staff

AustLII's Future

“In the mass of legal material which must now be absorbed by the legal profession it is as well that... AustLII's databases have arrived.... As courts impose upon lawyers heavier burdens of up-to-dateness and comprehensiveness,... it is just as well that AustLII is there.”

The Hon. Justice Michael Kirby, “Free the law – Beyond the dark chaos” in *Law on the Internet* pp7-15 at p.14

UTS Law Review, 2000

Although AustLII is Australia's most comprehensive online source for current law, a complete legal information system should capture the whole history of the law's development. AustLII has already started to achieve this, with complete historical legislation for Victoria (with reported case law to follow). AustLII plans to extend this depth of coverage to all Australian jurisdictions. Better search facilities, subject libraries, and tools to further engage users, will make AustLII an even more effective model for free access to law.

Internationally, AustLII's local innovations can be used to strengthen and expand free access to law globally. AustLII will encourage and assist other LII's to make free access much more effective and comprehensive. Where no local LII's yet exist, their formation will be facilitated, with the shared aim of sustainable global free access to legal information in support of the rule of law.



Key Details

Contributors

www.austlii.edu.au/austlii/sponsors

Contribution form

www.austlii.edu.au/austlii/sponsors/contribute.pdf

AustLII News

www.austlii.edu.au/austlii/news

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Statistics:

- Average hits per day in 1995 were 4,000, but in 2009 over 850,000
- Hitwise Award for being the number one website in the Business and Finance – Legal industry based on market share of Australian Internet visits in 2008 & 2009
- auDA and InternetNZ Internet Best Practice Award (2009) for Best Openness Initiative, and runner-up (2010)
- International Association of Law Libraries 2008 Website Award
- 17 Australian Research Council grants and numerous other competitive and industry grants in 15 years
- Over 450 Australian and New Zealand databases
- 300 international databases on CommonLII, AsianLII and WorldLII maintained by AustLII



www.austlii.edu.au



www.asianlii.org



www.commonlii.org



www.worldlii.org



www.austlii.edu.au/lawcite