

Senator Guy Barnett

Chair

Legal and Constitutional Affairs – References Committee

By email: legcon.sen@aph.gov.au

18 January 2011

Australian Law Reform Commission (ALRC) Inquiry

Dear Senator Barnett

The Federation of Community Legal Centres (Vic) welcomes this opportunity to contribute to the Senate Legal and Constitutional Affairs References Committee inquiry into the Australian Law Reform Commission (ALRC).

The Federation is the peak body for over fifty community legal centres (CLCs) across Victoria. The Federation leads and supports CLCs in pursuing social equity and access to justice.

The Federation:

- provides information and referrals to people seeking legal assistance;
- initiates and lobbies for law reform to develop a fairer legal system that better responds to the needs of the disadvantaged;
- works to build a stronger and more effective community legal sector;
- provides services and support to CLCs; and
- represents CLCs' priorities and interests.

CLCs are independent community organisations. They draw on the work of volunteers to provide free legal services to the public. CLCs provide free legal advice, information and representation to more than 100,000 Victorians each year.

1. Our engagement with the ALRC

The Federation regularly engages with the ALRC, either directly when it participates in inquiries and reviews, or indirectly when it makes use of reports prepared by the ALRC.

As one illustration, the ALRC, in association with the New South Wales Law Reform Commission, undertook a comprehensive review of specified family violence laws and legal frameworks to improve the safety of women and children (Family Violence Inquiry), resulting in the final Report, *Family Violence – A National Legal Response* (ALRC 114, 2010).

The Federation, in conjunction with Domestic Violence Victoria, Domestic Violence Resource Centre Victoria and Victorian Women with Disabilities Network, made an

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extensive submission to the Family Violence Inquiry

This submission will briefly address the present inquiry's first and second terms of reference, drawing where relevant on the Federation's participation in the Family Violence Inquiry.

2. The ALRC's role

The ALRC provides detailed, high quality advice to the Australian Parliament on national law reform issues. Due to its nation-wide scope and focus on Federal laws, the ALRC is a vital counterpart to State law reform bodies.

The independence of the ALRC distinguishes it from other sources of law reform advice and analysis, such as Government departments, industry bodies and not-for-profit organisations. In our experience, the ALRC's independence allows it to provide impartial and robust law reform recommendations to the Australian Parliament.

Since its establishment in 1975, the ALRC has attained a high public profile and developed expertise in consultation and research strategies. It is an important resource for lawyers, legal educators, students and the general population. By engaging members of the public in law reform debates, the ALRC enriches Australian civil society.

3. Adequacy of staffing and resources

a. Capacity to produce timely, high quality work

We note that the ALRC has experienced 'significant budget reductions' in the last few years, with further reductions anticipated.¹ It has reduced its staffing levels by 20 per cent since 2001, increasing the workload of remaining staff. In its submission to this inquiry, the ALRC states that any further reductions 'would have a direct impact on the ALRC's capacity to conduct law reform inquiries, to meet tight deadlines and to ensure widespread national community consultation.'²

With respect to the Family Violence Inquiry, the Federation was impressed by the speed with which the ALRC covered the key legal issues arising under the 26 relevant legislative regimes.

The Federation is concerned that as a result of funding cuts, the ALRC will lose its capacity to retain expert personnel and to carry out high quality work in a timely fashion.

b. Production of valuable and accessible legal resources

The Federation regularly draws on reports prepared by the ALRC. In the case of the Family Violence Inquiry, the ALRC's Consultation Paper and final Report provide a comprehensive, accessible overview of several complex, overlapping legal regimes. These documents are not merely snapshots of topical law reform issues. Rather, they constitute an invaluable resource for our ongoing policy and law reform work.

¹ Australian Law Reform Commission, *Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Australian Law Reform Commission – Background Submission*, 26.

² *Ibid* 28.

We would be very concerned if the ALRC could not continue to produce material of this depth, breadth and calibre, as in our view there is no other federal entity providing similar resources on these kinds of legal issues.

It was disappointing that bound copies of the final Report were only available on payment of \$80. We understand that this new policy of full cost recovery reflects the present under-resourcing of the ALRC. While the ALRC's reports are available for download via the internet, the resulting documents can be very unwieldy, as in the case of the Family Violence report which ran to 1,500 pages. Like many community organisations, the Federation must make strategic decisions concerning the use of its limited resources. In some instances, the practice of charging for bound ALRC reports may compromise our ability to access and utilise this material.

c. Capacity to monitor implementation

The ALRC monitors the implementation of its recommendations. This is very important, given that the Government is under no statutory obligation to respond to ALRC reports. Budget constraints may reduce the ALRC's capacity to monitor the Government's implementation of necessary law reform.

4. Conclusion

The Federation appreciates the need for efficient use of public resources. However, as stated above, we believe that the ALRC provides significant benefits to the Australian community, as well as direct assistance to the Australian Parliament.

We strongly believe that the ALRC should retain its current funding levels, with future increases in line with increasing fixed costs, such as rent and travel expenses.

We hope that these comments will assist the committee. If you would like to discuss any aspect of this submission, please don't hesitate to contact me or my colleague Chris Atmore on .

Sincerely

Lucinda O'Brien

Policy Officer