

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN LAW REFORM COMMISSION

Question No. 49

Senator Humphries asked the following question at the hearing on 18 October 2011:

Senator HUMPHRIES: ... I have a question about the ALRC advisory committee. What is the current composition of the advisory committee?

Prof. Flew: Two part-time commissioners continue to advise the ALRC, Justice Collier and Justice Kenny. Otherwise, advisory committees I believe have been formed on an ad hoc basis around particular inquiries. For instance, the classification review has an advisory committee of 14 members representing industry and government.

Senator HUMPHRIES: Do you describe the work of the advisory committees in the annual report?

Prof. Flew: I would have to have a look at that. I might have to get back to you.

Senator HUMPHRIES: If you do, that would be great. If you do not describe it in the annual report, a short description of what it has been doing over this last financial year would be useful. I also would like to know how many times the advisory committee, however composed, has met and, if possible, the agenda items discussed.

Prof. Flew: I will take those questions on notice.

The answer to the honourable senator's question is as follows:

The ALRC convenes advisory committees and panels for particular inquiries, as required, with membership made up of key stakeholders including federal court judges with expertise in the particular area under review, government and industry experts in the field and relevant academics and legal practitioners. The role of advisory committees is to act as a sounding board for the ALRC's policy deliberations, to provide input into the development of law reform proposals at a high level, and to contribute to the integrity and quality of the ALRC's analysis. In forming these advisory committees, the ALRC is able to call on the input of eminent and expert people with specialist knowledge and experience in the particular area of law under review.

Membership of the advisory committee is honorary and by invitation of the ALRC. The ALRC covers the costs of travel and accommodation to attend the meetings for members. Advisory committees usually meet up to three times during an inquiry: firstly at the beginning to provide input into the scope and issues to be covered; next before the release of a consultation or discussion paper so as to facilitate input into proposals and questions to be asked of stakeholders, and lastly to discuss the final proposals for reform that will be included in the final report.

Advisory committees are one of the key ways in which the ALRC ensures that its proposals for law reform are rigorously tested and represent consensus of opinion amongst stakeholders at a high level. They provide invaluable input to the ALRC's processes and quality assurance for the outcome. Given the eminence of most of the members of these committees, they also represent a high pro bono value to the Commission

Currently the ALRC has one advisory committee for the National Classification Review that has met once to discuss the questions and proposals raised in the ALRC's issues paper for that review. It will be expected to meet one more time to discuss the final recommendations for reform towards the end of the year.

For the Commonwealth Family Violence Inquiry the ALRC established several advisory panels—for each of the areas of Commonwealth law under review. Each of these advisory panels met prior

to the release of the discussion paper to discuss draft proposals, and the advisory panel for employment meet once more to consider draft recommendations prior to release of the final report.

The membership of all ALRC inquiry specific advisory committees and panels is included in the ALRC's Annual Report and listed in the participant list of each report.