

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Law Reform Commission

Question No. SBE16/098

Senator Pratt asked the following question at the hearing on 18 October 2016:

In relation to the recently announced referral by the Attorney-General for a report on indigenous incarceration rates:

1. Has a budget for the inquiry been agreed? What is it?
2. What is the timeline for reporting? Will there be an interim report?
3. Who will be/has been consulted on the Terms of Reference?
4. When will the Terms of Reference be finalised?
5. Will extra staff be put on for this inquiry? Will any of them be indigenous?
6. Will there be an indigenous reference group?
7. How is this inquiry expected to interact with the Royal Commission into the Protection and Detention of Children in the Northern Territory?

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

1. The budget for the inquiry has not yet been agreed as it will be influenced by the Terms of Reference for the inquiry and therefore its scope.
2. The ALRC has not yet received Terms of Reference for the Inquiry. The Terms of Reference stipulate the timeline for reporting. Once the reporting date is set, the timeline for the stages of the inquiry will be determined. The usual practice for the ALRC in an inquiry is to produce an Issues Paper, followed by a Discussion Paper and then to provide a Final Report. Section 22 of the ALRC Act provides that '*The Attorney-General may, before the Commission makes its report on a reference, direct it to make an interim report to the Attorney-General on its work on the reference*'. The ALRC does not know whether the Attorney-General will make such a direction in this instance.
3. The ALRC has been consulted on the Terms of Reference. This is otherwise a matter for the Attorney-General and the Attorney-General's Department.
4. This is a matter for the Attorney-General and the Attorney-General's Department.
5. Until the ALRC receives Terms of Reference it is not possible to be definitive about staffing for the inquiry. However, the ALRC is not anticipating bringing on any extra staff for this inquiry.
6. As is the ALRC's usual practice, the ALRC will constitute an Advisory Committee for the Inquiry and it is anticipated that this Committee will include a number of key Indigenous stakeholders.
7. The ALRC is acutely aware of the current processes of the Royal Commission into the Protection and Detention of Children in the Northern Territory and will have regard to all of its findings.