

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

Question No. AE16/078

Senator Collins asked the following question at the hearing on 9 February 2016:

1. Please provide an update on the ALRC's progress with the Freedoms inquiry:
 - a. Has the ALRC delivered its report to the Government? When?
 - b. Will there be any further work on this inquiry done by the ALRC?
 - c. Were any substantive recommendations made for amendments to the law?
2. Does the ALRC have any other references?
3. Is it unusual for the ALRC to be left with no references to work on? When did this last occur?
4. Is it true that the ALRC often has several ongoing references at once?
5. Has the Government discussed any other potential references with the ALRC?
6. How many full-time staff does the ALRC presently employ? How many of those are lawyers?

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

1.
 - a. The ALRC delivered its Report for the Freedoms Inquiry on 23 December 2015 in electronic format and in hard copy for tabling on 28 January 2016. The Report was tabled in Parliament on 2 March 2016 by the Attorney-General, Senator the Hon George Brandis QC.
 - b. While the ALRC has made recommendations about areas that could be further reviewed, it is the Attorney-General who decides the referral of inquiries to the ALRC. Under its legislation, the ALRC is not able to initiate its own inquiries.
 - c. The ALRC has identified a range of Commonwealth laws that may warrant further consideration or review.
2. The ALRC commenced its inquiry on protecting the rights of older Australians from abuse on 24 February 2016. On 27 October 2016, the Attorney-General announced that the ALRC would be asked to examine the incarceration rate of Indigenous Australians.
3. The Attorney-General may refer matters to the ALRC, either at the ALRC's suggestion or on his own initiative, pursuant to section 20 of the *Australian Law Reform Commission Act 1996*.
4. The ALRC has sometimes had more than one reference concurrently.
5. The Government has discussed the upcoming incarceration rate of Indigenous Australians inquiry with the ALRC.
6. As at 30 June 2016, the ALRC employs 9 full-time staff, 6 of whom are lawyers. These figures do not include the President who is also a lawyer.