

Legal Affairs

Call to raise ALRC funding

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The legal profession has called for an urgent boost to the funding and staffing levels of the Australian Law Reform Commission, and warns legislation coming into force in July threatens to reduce its independence.

ALRC has told a Senate inquiry into its role and resources that it is "managing increasing fiscal pressures". On top of a broad government-imposed efficiency dividend, ALRC will lose \$242,000 in 2010-11 and nearly \$0.5 million a year from 2011-12 to 2013-14, the latter a 20 per cent cut on 2009-10 levels.

Staff numbers have been cut from 25 in 2000-01 to 16.2 in 2010-11, as salaries are about 60 per cent of the total budget, it said in a submission.

A Senate committee is examining ALRC's role, functions, the adequacy of its staffing and resources, and best practice examples of similar bodies overseas. The inquiry's submission

KEY POINTS

- The Australian Law Reform Commission is dealing with worsening fiscal and staff issues.
- Staff numbers have been cut from 25 in 2000-01 to 16.2 in 2010-11.
- A Senate inquiry is under way.

period ended last Friday, with a report due March 31.

But the Financial Frameworks Legislation Amendment Act 2010, coming into force in July, would increase the control of the federal Attorney-General over ALRC's operations, Rule of Law Institute of Australia's chief executive, Richard Gilbert, said in a submission.

The changes in the Act mean it is "impossible to conclude that this arrangement will assist the ongoing independence of the ALRC as was envisaged in its original Act," he said.

"It seems that the ALRC has lost independence from the executive and is being absorbed into becoming just another small section or office of the Attorney-General's Department."

The new Act will also replace ALRC's board of management with the president acting alone as chief executive. The current president is Rosalind Croucher. The office of deputy president will also be abolished, part-time members will be appointed by the federal Attorney-General and no more than six members will be appointed to ALRC.

The A-G's Department acknowledged in its submission ALRC's budget pressures, but said it "remains committed to maintaining frequent and meaningful contact".

Changes to ALRC's structure would help it discharge "its functions up to its historically high standards, despite the pressures of the current fiscal environment", it said.

The Law Council of Australia said

ALRC's funding between 1999-00 and 2009-10 had remained "relatively static" at about \$3.3 million a year, but "the failure to increase this funding in line with inflation and the rate of the consumer price index represents a steady decrease in real funding over time".

Several submissions to the Senate inquiry stressed the vital role ALRC plays in shaping and reviewing laws.

In the 2009-10 financial year, 90 per cent of ALRC's reports were substantially or partially implemented by government.

The Federation of Community Legal Centres said in its submission ALRC gave "detailed, high-quality advice" and "impartial and robust law reform recommendations".

But it was "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".

Legal heavyweights hit out, page 62 ■