

Division 46: Attorney General —

[Supplementary Information No A54.]

Question: Ms L.L. Baker asked: Would it be possible to obtain a list of the not-for-profit services that are funded?

Answer: The following not for profit services are funded to deliver both Victim Support and Child Witness Services in the following court regions:

- Centacare Family Services – Carnarvon and Geraldton
- Anglicare WA Inc – Derby, Kalgoorlie, Karratha, Kununurra, Broome
- Centrecare Inc — Esperance

[Supplementary Information No A55.]

Question: Dr A.D. Buti asked: What is the rationale for bringing the administrative functions of the Law Reform Commission into the Department of the Attorney General?

Answer: In the State Budget, the Government determined that the function of the Law Reform Commissioner of WA (LRCWA) will continue but the recurrent funding of \$1 million will cease from 2014/15.

The basis of the Government's decision is that the LRCWA and Commission are retained, whilst the administration of the LRCWA is transferred to the Department of the Attorney General and is not based on repealing or amending the *Law Reform Commission Act 1972*.

This decision makes the Commission's operation comparable to what exists in South Australia and Northern Territory whilst retaining its statutory status.

Allowing the transfer of the administration of the LRCWA to the Department will allow for more effective management of resources. The change will continue to:

- Allow for the appointment of people with specialised skills and knowledge for that reference to be appointed;
- Allows the Department to engage with legal firms and academia, ensuring the best quality of advice;
- Allows for an independent peer assessment, of work undertaken on references by the Commissioners.

The Department of the Attorney General is not receiving any additional funding which will mean the work of the Commission will be undertaken principally by co-opting legally trained staff and policy officers from within the Department.

Independence of the LRCWA

With the Government's decision the LRCWA is retained as an independent statutory authority with independent Commissioners continuing to undertake peer reviews. Consequently, the legal independence of the LRCWA with respect to its findings is retained and effectively remains unaltered.

The Department of the Attorney General is highly experienced in undertaking independent evaluations. These reviews are overseen by an Evaluation and Review Steering Committee to ensure appropriate governance and accountability and where necessary peer review is undertaken by bodies such as Australian Institute of Criminology.

Any work undertaken by the Department for the Commission would be subject to similar arrangements and would be further subject to the independent review of the Commissioners.

Legislative Amendment to the *Law Reform Commission Act 1972* and the *Financial Management Act 2006*

Because the LRCWA remains a statutory authority it is not proposed, nor is there any need, to amend any legislation.

Previous Reviews Recommending LRCWA remain independent

Two previous reviews undertaken in 1995 and in 2002 resulted in decisions that the LRCWA remain as a statutory authority and not be incorporated into a Department established under the *Public Sector Management Act 1994*.

With the Government's decision the LRCWA retains its status as a statutory authority. However, the administration of the LRCWA will be provided by staff employed by the Department of the Attorney General. This is entirely consistent with section 14(2) of the *Law Reform Commission Act 1972*.

