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Reply to: Hobart Office

Professor John Williams
Director
South Australian Law Reform Institute
Via email: Salri@adelaide.edu.au

Dear Professor Williams,

Thank you for your letter 3 March 2022 inviting Tasmania Legal Aid (TLA) to contribute to the review of the Tasmanian Law Reform Institute (TLRI).

The work of the TLRI aligns with TLA's vision for a Tasmania where everyone is safe, respected and has their voice heard. Our Strategic Plan 2020-23 commits TLA to being a leading voice for legislative and social reforms that support improved outcomes for our clients.

An active, independent, well-resourced law reform body is vital for the generation of quality research about issues that are important to the lives of Tasmanians. To be successful, a law reform body must impartially explore complex questions and engage meaningfully with a broad range of views.

The TLRI has conducted important and useful research, despite having limited resources and capacity. In this way it has made a valuable contribution to the Tasmanian community. However, there are a range of factors that limit the capacity of the TLRI. These include the authorising framework, its membership, staffing and the level of funding.

We recommend that the TLRI be established by legislation that recognises the need for independence. The aims and objectives of the agency should include the general matters set out in the Founding Agreement (Agreement), which focus on modernising and simplifying the law. Like the Australian Law Reform Commission, the aims of the TLRI should also include improving access to justice. The TLRI should continue to receive references from the same sources as set out in clause 4.1 of the Agreement.

To maintain both the reality and the perception of independence, Board members should be appointed by the Governor. A panel comprised of representatives of key justice agencies, including TLA, together with social service providers should make recommendations as to who should be appointed. The Board composition should include people from legal and non-legal backgrounds with explicit

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provision for the inclusion of an Aboriginal person. This would allow for a broad range of perspectives to be represented in the decision-making process.

While the Agreement sets out a funding arrangement, it does not appear that this is adequate for the task. This is particularly the case if the amount has not been adjusted over time. To enable it to perform its functions the TLRI must have sufficient funding to support full time staff - a Director and full time researcher at a minimum - with the capacity to contract staff where required to complete references.

Yours sincerely

A handwritten signature in black ink, appearing to be 'V. Caltabiano', written in a cursive style.

VINCENZO CALTABIANO
DIRECTOR OF LEGAL AID

13 April 2022