

## VLRC compared to other Victorian bodies that engage in law reform

	VLRC	Royal Commission (Victoria)	Parliamentary committees (Victoria)
<i>Relevant Act</i>	<a href="#">Victorian Law Reform Commission Act 2000 (Vic)</a>	<p>The <a href="#">Inquiries Act 2014 (Vic)</a>, Part Two, sets out how Victorian royal commissions are established and how they work.</p> <p>[Commonwealth royal commissions, such as the Robodebt Royal Commission, are established under the <a href="#">Royal Commissions Act 1902 (Cth)</a>]</p>	<p>In Victoria, Parliamentary Committees may be established under:</p> <ul style="list-style-type: none"> <li>• <a href="#">Parliamentary Committees Act 2003 (Vic)</a></li> <li>• <a href="#">the Legislative Assembly of Victoria Standing Orders</a></li> <li>• <a href="#">the Legislative Council of Victoria Standing Orders</a></li> </ul>
<i>Membership</i>	Currently (July 2023) eight part time Commissioners and a fulltime Chair, appointed by the Attorney-General for a period of four years each. The commissioners are supported by research staff.	One or more persons appointed as Commissioner(s) by the Governor with the advice of the Premier. The commissioners are supported by research staff.	Committees are formed of members of parliament, both government and non-government. Joint committees include members from both houses. Legislative Assembly committees and Legislative Council committees comprise members from that house only. A committee normally has 5-12 members. The committee is supported by research staff (secretariat).
<i>Where do inquiries come from?</i>	<ul style="list-style-type: none"> <li>- Referred by the Victorian Attorney-General (references)</li> <li>- Proposed by members of the community and selected by the VLRC itself (community law reform projects).</li> </ul>	Established in response to an issue of public importance. The Governor, with the advice of the Premier, issues a commission by letters patent.	By resolution of parliament. House committees have inquiries referred to them by the relevant house (Assembly or Council).

<p><i>Length of operation</i></p>	<p>The VLRC is a permanent statutory body, operating since 2001. The length of inquiries varies: usually one-two years.</p>	<p>The time can vary according to the scope of the inquiry, and is specified by the Governor in the letters patent. For example, the Royal Commission into the Mental Health System took two years, 2019-2021.</p>	<p>Standing committees are appointed for the life of a parliament, and often re-established in later parliaments.</p> <p>Select committees are appointed to investigate a specific issue and cease to exist when the inquiry is complete.</p>
<p><i>Subjects of inquiry</i></p>	<ul style="list-style-type: none"> <li>- Any proposal or matter relating to law reform in Victoria referred by the Attorney-General</li> <li>- For self generated inquiries, relatively minor legal issues of general community concern.</li> </ul>	<p>Any matter of significant public concern, as determined by the Governor on the advice of the premier. A royal commission cannot investigate some public bodies or individuals including courts, judges, VCAT and others listed in section 123.</p>	<p>Different committees focus on different issues. The Legal and Social Issues standing committees can examine matters related to law and justice, among other things.</p>
<p><i>Examples of current and recent inquiries</i></p>	<ul style="list-style-type: none"> <li>- Recklessness (due 2024)</li> <li>- Inclusive Juries: Access for people Who Are Deaf, Hard of Hearing, Blind or Have Low Vision (2022)</li> <li>- Stalking (2022)</li> <li>- Improving the Justice System Response to Sexual Offences (2021)</li> </ul> <p>Complete list:  <a href="https://www.lawreform.vic.gov.au/all-projects/">https://www.lawreform.vic.gov.au/all-projects/</a></p>	<ul style="list-style-type: none"> <li>- <a href="#">Royal Commission into the Casino Operator and Licence (2021)</a></li> <li>- <a href="#">Royal Commission into Victoria's Mental Health System (2021)</a></li> <li>- <a href="#">Royal Commission into the Management of Police Informants (2020)</a></li> </ul>	<ul style="list-style-type: none"> <li>- <a href="#">Inquiry into increasing the numbers of registered organ and tissue donors</a> (2023-24)</li> <li>- <a href="#">Inquiry into Victoria's criminal justice system</a> (2022) – this report included a recommendation to raise the age of criminal responsibility from 10 to 14</li> </ul> <p>For current inquiries, see  <a href="https://new.parliament.vic.gov.au/get-involved/committees/?tab=panel-joint-committees">https://new.parliament.vic.gov.au/get-involved/committees/?tab=panel-joint-committees</a></p>

<p><i>Process</i></p>	<p>The Attorney-General provides terms of reference, or the VLRC writes its own for community projects. Publishes a consultation paper, holds stakeholder consultations (not public hearings), research, expert advice, receives submissions. Report with recommendations is delivered to Attorney-General, must be tabled in Parliament within 14 sitting days (for Attorney-General references) or at the Government's discretion (community law reform projects). Reports and most submissions are published on the website. Government does not have to respond or implement recommendations.</p>	<p>The Governor (on the advice of the government) issues the letters patent, including the terms of reference which explain the task of the royal commission. The royal commission may conduct its business in any manner it considers appropriate. Usually involves publishing an issues paper, consulting with a range of people and organisations, formal public (and sometimes private) hearings, witness statements, submissions, research, advice from experts. Must deliver its report and recommendations to the Governor. Report must be tabled in Parliament within 30 days. Recommendations are not binding on government.</p>	<p>Parliament sets terms of reference of inquiries. The committee holds formal public (or sometimes private) hearings, at which experts, community members, staff of government departments and other persons can be called to give evidence. Proceedings are recorded by Hansard. Submissions are invited. Reports are tabled in Parliament. Dissenting members can publish a minority report. Submissions, hearings and reports are published. Government does not have to implement recommendations but an appropriate minister must provide a response to Parliament within six months of tabling.</p>
-----------------------	---	---	--

<p><i>Special powers</i></p>	<p>The VLRC does not have special powers to seize evidence, compel witnesses, or require evidence to be given on oath.</p>	<p>Has the power to compel witnesses to attend, and require witnesses to give evidence on oath and be cross-examined. Has powers to compel the production of evidence, and apply for and execute search warrants. Not bound by the rules of evidence as courts are, a royal commission may inform itself on any matter as it sees fit. It can make recommendations for criminal prosecutions but the Director of Public Prosecutions does not have to act on them.</p>	<p>Committees can summon persons as witnesses and send for documents and other things as evidence. Can take evidence on oath from witnesses. Evidence given to a parliamentary committee is protected by Parliamentary privilege.</p>
<p><i>Website</i></p>	<p><a href="http://www.lawreform.vic.gov.au">www.lawreform.vic.gov.au</a></p>	<p>Besides the links above to the Inquiries Act and the websites of individual royal commissions, see <a href="https://www.vic.gov.au/inquiries-and-royal-commissions">https://www.vic.gov.au/inquiries-and-royal-commissions</a> for government responses to royal commissions and other inquiries.</p>	<p>Besides the links above to the Parliamentary Committees Act and Standing Orders, see <a href="https://new.parliament.vic.gov.au/get-involved/committees/?tab=panel-joint-committees">https://new.parliament.vic.gov.au/get-involved/committees/?tab=panel-joint-committees</a> for news about current committees.</p>