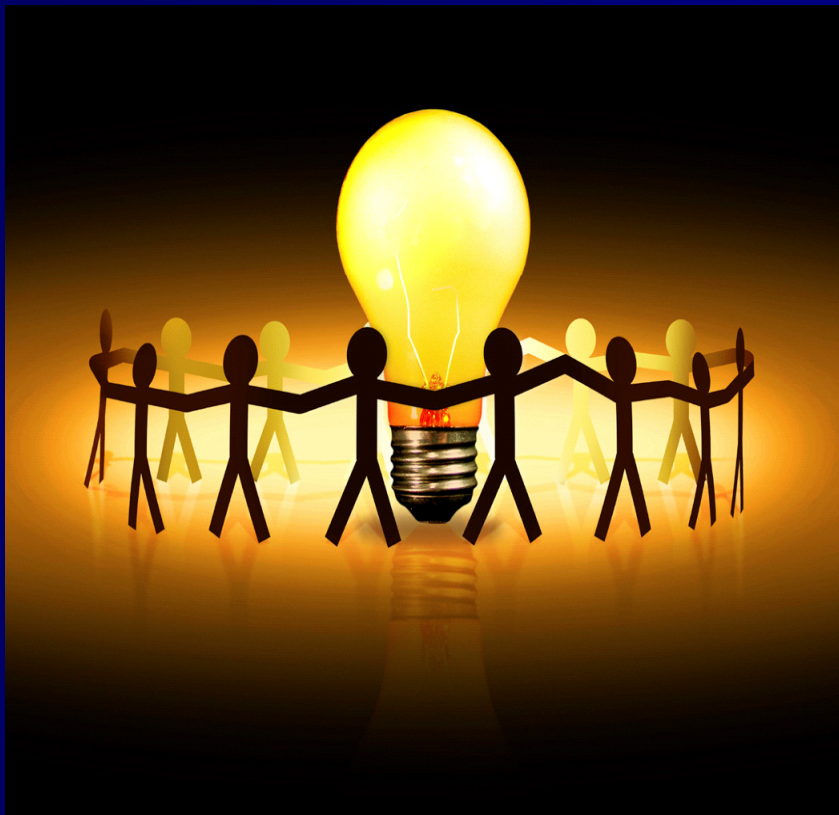


Too Important to be Left to the Experts



Carolyn Adams
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&
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ALRC

Australian Law Reform Commission (ALRC)

- simplify and modernise
- access to justice
- remove obsolete or unnecessary laws, and defects
- suggest new or more effective methods
- ensure harmonisation where possible
- international best practice



Law Reform in a Crowded Field

- State and territory law reform agencies
- Parliamentary committees
- Departments, agencies, regulators
- Independent reviews (eg, NHRC)
- Other



Law Reform Processes

- ALRC: IP, DP, report
- NHRC: TOR, report
- List of proposals, report
- Draft legislation



Consultation

- Challenge in designing active/effective consultation
- If properly done, it confers benefits:
 - for those consulted
 - for the process of law reform
 - in enhanced effectiveness and legitimacy



Why Bother?

- Law reform processes lead to change
- Public meeting or submission?
- Limited resources?
 - informal or short submission
 - joint submission
 - split the issues
 - express support for a submission



Effective Submissions

- Terms of Reference
- Length
- Headings and structure
- Clear language
- Explain technical terms and terminology
- Correct citations



Two Sides to Every Story

- We are listening

BUT

We may be
constrained by
our terms of
reference

'the options
identified should
preserve the
sovereignty of the
Parliament and
not include a
constitutionally
entrenched bill of
rights'



Without Prejudice

If you disagree with the limits set by the terms of reference, or the direction the inquiry is taking, make your point

BUT

Don't miss the opportunity to engage with the terms of reference or the issues raised



Your Expertise

- You are the expert in your own field
- Quantitative: evidence based; facts and figures
- Qualitative: case studies and examples



Short can also be Sweet

- Speak with authority about those issues within your expertise and experience
- Don't feel you need to address every issue
- Imagine reading hundreds of submissions – what will stand out?



Not always a legal problem

- Not every problem is a legal problem; not every legal problem requires a legal solution
- Multi-disciplinary outcomes
- Suggested responses might include:
 - legislation and subordinate regulations
 - official standards and codes of practice
 - industry and professional guidelines
 - education and training programs



The Sweet Art of Persuasion

- International/comparative research
- Translate your expertise and experience into material the secretariat can easily access and use
- Provide information and references that the secretariat can follow up

Persuade and educate



Further Information

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