

Our law reform process

This chart provides a summary of the stages the NSW Law Reform Commission follows when undertaking a review of the law. We generally follow this format, but the process can vary depending on the scope of the review, the complexity of the law, and the time we have to complete the review.

We receive a reference

The NSW Attorney General refers a matter to us for review. This is known as a reference. The Attorney General also provides the 'terms of reference' that specify the scope of the review and reporting date.

1

We conduct initial research & consultation

In order to identify the key issues, we research the law, conduct literature reviews, and engage with people affected by the law

2

We release consultation papers

We release consultation papers which provide background information, discuss key issues, and present options for reform. Often the consultation paper will contain questions to guide submissions.

3

We call for submissions

We invite submissions in response to each consultation paper. Submissions are people's ideas, opinions, and experiences about the law under review. Through the submission process, we can gauge what people think about the current laws. Anybody can make a submission.

4

We conduct face-to-face consultation

Consultation allows us to obtain views and opinions from stakeholders. We host consultation sessions with members of the community who are affected by the law, or who have experience with the law. We also consult interest groups, experts, NGOs, and Government agencies.

5

We produce a final report

We consider our research, the submissions, and the views of stakeholders to produce a final report that makes recommendations for reform. We then provide the report to the Attorney General.

6

Once the Attorney General has tabled the report in Parliament, the NSW Government will decide whether to implement the recommendations through legislation or administrative action.



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Terms that are
Commonly used
when we talk about law
reform

Background Paper

Sometimes we release a Background Paper for a review. A Background Paper outlines how we plan to undertake the review and provide an overview of the law under review.

Consultation

Public consultation is an important part of law reform. Law reform is a process which requires a broad range of voices and consultation allows us to obtain the views and opinions of stakeholders. In addition to releasing consultation documents we use a number of different consultation methods when reviewing the law. These might include holding meetings and conducting roundtables in metropolitan and regional areas, conducting phone meetings, and releasing easy-to-answer surveys.

Consultation documents

As part of each review that we undertake, we release a question paper, or a series of question papers. These papers are sometimes called discussion papers or consultation papers. These papers provide background information, discuss key issues, and present options for reform. Often the papers will contain questions to guide submissions. We invite submissions in response to each paper. This helps us to involve the public in the law reform process.

Preliminary submissions

We sometimes call for preliminary submission in the early stages of a review, usually just after we have received the terms of reference from the Attorney General. Preliminary submissions give stakeholders an opportunity to address the terms of reference and to let us know what issues they think are important. Preliminary submissions help guide the direction of our review.

Recommendations

Once we finish our consultation we then formulate a series of recommendations that are written up in a report. The recommendations describe the key reforms that we think should be made. When formulating our recommendations we consider the information gathered from submissions, consultation sessions, our research, case law, and experiences from other places.

Reference

If there is a problem with the law then the Government will ask us to review it. A reference is the term used to describe when the NSW Attorney General refers a legal or policy issue to us for review. The terms of reference set out the scope of the review. This includes what laws we should look at, what are the problems with the law, and the date that we must report back to the Attorney General. References are issued for a number of reasons. For example a recent case law has highlighted a problem with the law or technological development has made it necessary to change the law.

Reports

After we complete our research and public consultations we then release one or more reports. A report contains our recommendations for reform and explains our reasons for making them. All of our reports can be found on our website.

Stakeholders

Stakeholders is a broad terms which includes members of the public, industry groups, NGOs, or government agencies who have been affected by the law we are looking at or who have a special interest in the law.

Submissions

Public contributions to a review are called submissions. Submissions can contain comments on matters raised in consultation papers or can discuss anything relevant to the topic under review. Submissions may contain facts, opinions, arguments or recommendations. Submissions provide us with the information from the community that we use to write our reports and the recommendations in them.



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