

# The Law Reform Process.

**This chart shows the process followed by the Commission when it reviews the law.**

The process begins after the Attorney-General has referred a matter to the Commission, or the Commission has decided to commence a community law reform project. The process generally involves these stages, but may vary depending on the terms of reference and the time available. The entire process usually takes between one and two years, depending on the size of the project.

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## THE COMMISSION RECEIVES A REFERENCE OR BEGINS A COMMUNITY LAW REFORM PROJECT

Either the Victorian Attorney-General refers a matter to the Commission for review (this is called a reference), or the Commission decides to commence a community law reform project, based on a proposal from the community. References from the Attorney-General come with 'terms of reference' which specify what the Commission is to review, and the reporting date.

The Commission forms a 'division' of Commissioners to work on the project.

2

## STAFF BEGIN TO RESEARCH AND CONSULT

The Commission appoints a team, usually two or three staff members, who research laws in Victoria, other states and other countries; look at relevant cases; and talk to people affected by the law.

This is background work to help the Commission identify the most important issues.

3

## AN EXPERT PANEL IS FORMED

The Commission may form an expert panel that meets during the project to provide advice. For example, the expert panel for the project on crimes and mental impairment included people with special knowledge of psychology and mental illness, as well as legal experts. The expert panel provides advice but does not make recommendations.

4

## CONSULTATION PAPER AND QUESTIONS ARE PUBLISHED AND SUBMISSIONS ARE CALLED FOR

The Commission publishes a consultation paper which sets out the background to the project, explains the issues, and asks questions to guide submissions. These will include questions about whether the law should be changed, and if so how. The consultation paper includes the deadline for submissions.

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## CONSULTATIONS WITH AFFECTED PARTIES AND THE COMMUNITY

It is very important for the Commission to include the views of a wide range of Victorians, especially disadvantaged and marginalised groups. Staff of the Commission travel around the state to hold meetings and roundtables with people who have experience of the laws, or are affected by them.

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## SUBMISSIONS ARE RECEIVED AND CONSIDERED

Submissions are people's ideas and opinions about the law and how to improve it. Anyone can make a submission. Submissions can be made in writing, via an online form, or by speaking to a staff member who takes notes. All submissions are considered by the Commission, and are published on the Commission's website (unless they are marked confidential).

7

## THE COMMISSION WRITES A REPORT

The Commission considers and analyses the research and input from consultations and submissions. Commissioners make recommendations to reform the law and/or make changes to procedures. The Commission writes a report that includes all the recommendations and the reasoning behind them.

8

## THE REPORT IS DELIVERED TO THE VICTORIAN ATTORNEY-GENERAL

The Commission produces a printed version of the report and delivers it to the Attorney-General by the reporting date.

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## THE REPORT IS TABLED IN PARLIAMENT, THEN PUBLISHED

The Attorney-General tables the report in the Victorian Parliament within 14 sitting days of receiving it. After this, the report can be published and uploaded to the Commission's website.

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## THE GOVERNMENT DECIDES ON ITS RESPONSE

The Commission's work is now complete. The Victorian government decides whether it accepts the Commission's recommendations, which may include passing new laws, or changes to procedures.

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## PARLIAMENT DECIDES ON LEGISLATION

If the government introduces new legislation, the Victorian Parliament debates changes to the law, which may be accepted, amended or rejected.

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