

# THE LAW REFORM PROCESS

## Early stages

### A problem with the law is identified

1

#### The project starts

The Victorian Law Reform Commission (VLRC) receives a reference from the Attorney-General or begins a community law reform project based on a proposal from the community. A 'Division' of Commissioners (the whole Commission or a part of it) begins work on the project. Staff are allocated to the project – usually a team leader and up to three policy and research officers.

2

#### Initial research and consultations

Team members research the law in Australia and overseas, find relevant cases, talk to people affected by the law, and identify the problems and issues.

3

#### Expert advice

The Commission may appoint a panel of people or an individual with expert knowledge of the topic to provide advice.

4

#### Consultation paper and call for submissions

The Commission publishes a consultation paper (or issues paper), which provides relevant background, asks questions, and invites people to submit their opinions about whether the law should change and how.

5

#### Consultations

The Commission meets with people and organisations who have experience and knowledge of the issues, including under-represented voices. Often the VLRC conducts an online survey to hear the views of more people.

6

#### Submissions

Anyone can make a submission, which is a statement of a person or organisation's views about the law and how to improve it. Submissions can be made via an online form or sent to the VLRC.

7

#### Report

Team members draft a report for consideration by the Chair and Commissioners, who make the final decisions on its content. The report provides an overview of research findings, submissions and consultation outcomes. These inform the conclusions and recommendations for reform. The VLRC delivers its report to the Attorney-General by the due date.

8

#### Tabling

Reports of Attorney-General references are tabled in Parliament by the Attorney-General within 14 Parliamentary sitting days (which may be months later). After tabling, the report is published on the Commission website and in hard copy. The VLRCs work on the project is now complete. Community law reform reports do not have to be tabled by law, but in practice they often are.

9

#### Government response

The government decides whether to implement the VLRC's recommendations in full, in part, or not at all. It does not have to provide a formal response to a report and there is no set timeline for action. Reforms may be implemented quickly, slowly or never.

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#### Changes to the law

If the government decides to introduce new legislation, Parliament debates changes to the law, which may be accepted, amended or rejected. When new (or amended) legislation is passed by Parliament, and receives royal assent, the process is complete. The law changes on the date specified in the legislation, called the commencement date.

## Community input

## Implementation—changing the law