



## Writing Effective Law Reform Submissions

*Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).*

*While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.*

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### What is this factsheet about?

This factsheet provides guidance on how you or your group can write an effective submission about a proposed change in law or policy concerning the environment.

The key points are:

- EDO encourages anyone interested in protecting the environment to take an active interest in law and policy reform. It is an important part of achieving good outcomes for our communities and the environment we live in.
- You will need to stay active and engaged to get the change you are looking for. Get support for your point view it will be far more persuasive.
- There are various opportunities to write submissions. There is no need to have any particular legal expertise but you must back up your arguments with facts.
- You are well within your rights to ask to meet with government agencies and Ministers to discuss proposed changes. They will likely meet with business and industry groups, so you or your group are also entitled to consultation. Ask questions and seek commitments that the environment will be protected.

### Law Reform and using your political influence

Changing the government's stance on law and policy can be tedious and often you may feel like you are banging your head against a wall! There may not always be opportunities to respond to a formal consultation so you will need to stay active and engaged to get the change you are looking for.

It's a good idea to get as much support for your point of view as you can it will be far more persuasive that way. Form or join a group and use social media tools like Facebook and Twitter to garner public support. A gentle word in the ear of a politician at a function may be more effective than 100 law reform submissions!

## Opportunities to write a submission

It can be hard to keep up to date with changes to the law and policies that affect the environment. The best way to stay involved is to set up email alerts with the relevant agencies and committees. You may have to make a few inquiries to find the right place to register your email address.

Visit: Queensland Parliament's [Subscribe](#) page to subscribe to an email list for alerts about new Bills in Queensland.

Visit: Queensland Government's [Get Involved Portal](#) to view and have your say on consultations open for public comment

### Opportunities in Queensland

- Making submissions about a Bill that has been referred to a parliamentary committee for consideration through the [Inquiries](#) page. The relevant committees for environmental topics are:
  - The [Health and Environment Committee](#)
  - The [State Development and Regional Industries Committee](#)
  - The [Transport and Resources Committee](#)
- Making submissions on End of Waste codes or other documents prepared by the [Department of Environment and Science](#)
- Commenting on mining lease applications on public exhibition via [Business Queensland](#)

N.B. A change in policy can often result in changes to legislation, so it's good to have your say early on before legislation is drafted.

### Opportunities at the Commonwealth level

- View and participate in public consultations via the Department of Agriculture, Water and the Environment's [Have Your Say](#) portal
- View and participate in public consultations via Department of Industry, Science, Energy and Resources' [Have Your Say](#) portal
- Make submissions to inquiries conducted by the [Productivity Commission](#)
- Make submissions to inquiries conducted by the [Senate Standing Committees on Environment and Communications](#)
- Make submissions to inquiries conducted by the [Standing Committee on the Environment and Energy](#)

## Preparing to write a submission

### What do you mean by ‘submissions’?

Submissions are your written arguments backed up by appropriate evidence/ideas. You may also be asked to ‘comment’ or ‘have your say’ or ‘respond’ to a particular document, draft policy, paper or other set of ideas. In this factsheet we have used the word ‘submission’ to cover all these. You might also hear the word ‘submissions’ used in relation to particular projects (e.g. submissions about a proposed mine) or in Court (e.g. applicant’s submissions to the Court). Those are different meanings for the word submission. Here, we are only talking about submissions on proposed changes to the law.

### Who can write a submission on law reform?

Submissions on law and policy reform can generally be made by anyone. Joint submissions between different groups are also an effective way to demonstrate that the community is concerned with an issue. Individuals or groups may publish or disclose their submissions with other individuals or groups, except during the parliamentary committee process – see [Can I publish or share my submission with others](#) below.

## Keeping your submissions relevant

You must bear in mind that only relevant submissions will be considered, so make sure your submission addresses the scope of the inquiry (sometimes called ‘Terms of Reference’).

### Review any relevant documents carefully

It is important that you firstly read the policy document, Bill or discussion paper thoroughly. It may be helpful to mark on the paper the sections you agree with and those you disagree with so you can easily refer back to them. There may be other relevant documents you need to read first.

### Consider whether the proposed change aligns with the principles of effective environmental law

- Does the bill/policy have a strong purpose statement that reflects principles of ecologically sustainable development?
  - Does the change recognise the importance of the relationship between humans and nature, and the importance of our responsibilities to future generations?
  - Does it accord with national/international norms concerning the issue?
- Does it provide for a transparent process which enables public participation and scrutiny of decision-making?
- Does it provide clear public access to information?
- Will the changes be regularly reviewed to determine their effectiveness?

## **Tell your story if it is relevant to proposed change**

Will the proposed policy or legislative change affect you, or your community group, or the environment? If so, set out your story to the Department or Committee using a real or hypothetical example. If you decide to write an example, then you must ensure it is relevant to the proposed changes, otherwise the Department or Committee might not give your submission due weight.

## **Consider further research to back up your arguments**

- Any journal articles, data, expert reports or textbook commentary on the topic.
  - Any previous submissions made on the same or similar topics.
  - Any international principles or developments in other countries/states. For example you might want to compare Queensland position to that of New South Wales.
- Any relevant decisions of the Court
- Any additional relevant information on government websites.

## **Consider whether a Bill breaches the Fundamental Legislative Principles (FLPs)**

If you wish to make a submission to a Parliamentary Committee in Queensland about a new Bill, be aware that the Government should comply with what is known as “Fundamental Legislative Principles” (**FLPs**).

You should particularly consider sections 4(3) (a), (g) and (k) of the [Legislative Standards Act 1992 \(Qld\)](#) and ask yourself whether:

- (a) Does the legislation have sufficient regard to the rights of individuals? For example when a government official is given the power to make decisions, is that power clearly defined and able to be reviewed or appealed?
- (g) Does the legislation adversely affect rights or does it impose obligations retrospectively?
- (k) Is the legislation drafted clearly and precisely?

Visit: [Department of the Premier and Cabinet website](#) to read the [Legislation Handbook's section on FLPs](#)

## **Consider alternative solutions**

Do you think there are better ways of achieving positive outcomes? For example, should the policy or law remain the same? Should the proposed change be worded in a different way? If so, make sure you set out any alternative ideas for the Department or Committee to consider.

## Formatting and administrative matters

### **Is there a set form I need to use?**

Submissions do not usually have to be presented in a prescribed format. A simple template is sometimes provided by the agency, otherwise you can write the submission in letter or report format.

Sometimes an online ‘question and answer’ format is set up, however sometimes the questions may not suit what you want to say. It’s important to check to see if a format has been suggested, or direct questions need to be answered. If there is not enough room or you wish to make submissions beyond the template questions, you can also add an annexure. If in any doubt, contact the agency/committee.

### **What’s the best way to structure my submission?**

Always begin your submission with an introductory paragraph, explaining what your interest in the issue is and why it affects you or your group. Explain your experience in this matter (e.g. “For the last twelve years, our group has been protecting Koalas in the Redlands area...”).

Clearly set out each of your key recommendations (preferably summarised up front), referring back to the numbering, page numbers or wording used in the consultation document. It is also a good idea to use case studies or hypothetical examples to support each of your recommendations. You can set them out in numbered textboxes to make them stand out (e.g. “see figure 2.1”).

Remember it’s a good idea to offer solutions, rather than just problems you have found. Can the bill be re-drafted in any way to satisfy your concerns? Can the policy be tweaked to make it fairer? It is likely the agency will not change its entire policy approach, particularly at a Parliamentary Committee stage, but you can still get important details altered to better protect the environment.

### **How do I send in my submission?**

Check the deadline and address for your submission. If you don’t think you will have your submission finished in time, contact the agency and ask for an extension - many will say yes. You can usually send your submissions in by email or by post. Be aware that you will need to sign the submission.

### **Can I publish or share my submission with others?**

Generally speaking, you can share or publish your submission with whoever you like. However, if your submission is made to a parliamentary committee, you cannot release your submission until after the committee authorises its release to the public. At the end of the public submission period, the committee will usually place your submission (and others) on its own website, so, you can link to that once it is up.

Bear in mind also, if you use confidential names or other details in your submission the Committee might censor them out with a black marker before formal consideration.

## Appeal rights and further action

### **Do I have rights if my submission is disregarded?**

Unfortunately, you have no legal grounds for an appeal if your submission is dismissed or the points you have made are not adopted in full. It is however important that you get involved early in the policy making process and work with the Government in trying to protect the environment. If you feel really strongly about the issue and your submissions are ignored, consider calling the contact person to arrange a meeting to discuss the matter in person. You could also consider meeting with your local State or Federal member to discuss your views and get their support.

## Where can I find more information?

- Visit the EDO [website](#) to read samples of our submissions to public consultations and parliamentary inquiries
- Read the Queensland Parliament's Guide on [Making A Submission to a Committee Inquiry](#)
- Read the section on [FLPs](#) in the Department of the Premier and Cabinet's [Legislation Handbook](#)