**Preparing Written Submissions to Inquiries**

**Additional Resources**

1. The following is based on Simon’s Rice’s document in his course Law Reform and Social Justice explains how to write a submission to a parliamentary inquiry.

# *‘How to write a law reform submission. Simon Rice. April 2011*

### *Concept of a law reform submission*

***Purpose****: It is an advocacy document, intended to persuade the reader to adopt your point of view.*

***Voice****: Clear, concise, authoritative, decisive.*

*Give them what you what them to report: imagine that they will copy and paste it. Give them quotable text.*

***Design****: Balance the presentation: light/shade; simple /complex, principle/subsidiary, heading/text, body/appendix …*

*To achieve its purpose and express its voice, it needs to stand out from others. It should be something they feel they want to read, feel good reading: the message should be accessible and easy to grasp, even though the issues are complex.*

### *Execution – how to write and format the submission*

***Framework***

1. *acknowledge the opportunity to submit*
2. *explain the capacity in which you make the submission (that is, who are you representing, including some brief information about your organisation)*
3. *summarise your arguments and recommendations (first or last)*
4. *address the terms of reference, or an identified part of them*

***Content***

1. *is there an overarching policy or principle you rely on (eg human rights, economic growth, protection of vulnerable, international or federal conformity etc)*
2. *technical legal issues: is it a question of drafting, interpretation, power etc? What is the policy objective behind it? History?*
3. *policy considerations: Do they have a history? What is the current debate? What direction is it taking?*
4. *anticipate and deal with counter arguments.*

***Features***

1. *cite relevant research*
2. *cite experience and illustrative examples of an issue/problem*
3. *take a position on a proposed response to the issue/problem*
4. *make explicit recommendation as to what should be done*
5. *cite current models and examples of recommended reform.*

In a regular research essay for law that you would be most familiar with, the content of that research essay would probably cover similar ground as what is set out in the ‘content’ and ‘features’ above. So in some respects, a legal essay is not hugely different from a written submission to a Parliamentary Inquiry. However, there are differences between how your research is presented in an essay and a written submission for a parliamentary inquiry. These considerations considered are set out above under ‘Purpose’ and ‘Framework’.

There are also some differences between the presentation that would be required for a real submission to a Parliamentary Inquiry and a written submission for the purposes of a College of Law assignment. In this submission to the simulated inquiry, we expect you to cite and reference in the way that you would for a research essay (including comply with the Australian Guide to Legal Citation). Also in a real inquiry you would be allowed to remain anonymous, but obviously that is not an option in this assessment item.

2. The following comments are made by a parliamentary staffer. The comments identify what is important when making parliamentary inquiry submissions

*There's no set formula for a 'good' submission nor is there any guarantee that a well-written submission will have an effect on the outcome of an inquiry. While the Senate Legislative committees will rarely make recommendations against passing a particular Bill, they are open to considering amendments (particularly where there are problems or ambiguities in the way a Bill is drafted), making recommendations to avoid unintended consequences of certain pieces of legislation, or to improve checks and balances.*

*Different committees and different inquiries will work differently and place different emphasis on the evidence given to them. In the inquiry process submissions are used to identify any problems with a Bill/policy and what could be changed to fix those problems - and who might be called as witnesses at a hearing. In the report written submissions are used as the evidence to back up whatever positions the chair has taken or at least to recognise that there is some dissent in regards to the Bill.*

*The best/most useful submissions:*

*- stay within the terms of reference - use them as headings*

*- are concise (Senators themselves don't have much time to read all the papers given to them - the shorter the better)*

*- clearly identify issues/problems*

*- give evidence as to why it's an issue*

*- show who will be effected and how (politicians love this part particularly)*

*- indicate how it could be done differently/how the gov. could have consulted better/given a better explanation in the EM etc.and*

*- avoid being overtly partisan (otherwise some members won't even bother to read it).’*

3. Further information about making written submissions to inquiries by a Senate Committee is set out on the APH website here: <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=wit_sub/bro_one.htmIt>

This information is consistent with what we are trying to achieve in the simulated parliamentary inquiry for Family Law 2015, although some of the instructions are not quite relevant (for instance there is no option in this course for the submission to be made anonymously!)

1. We would encourage you to read some written submissions to parliamentary inquiries to get a feel for how they are written and what they do. For an example of a submission made in the area of family law, please read the attached submission to the inquiry that led to the 2005 “Shared parenting” reforms. The submission was on behalf of Good Process, an organization that was, at the time, led by Liz Keogh of the ANU College of Law . It would be useful for you to read this submission, as well as the terms of reference which this submission addressed to see how the two fit together. (<http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=fca/childcustody/index.htm>)

You may want to find submissions to the same inquiry from your organization, and other organisations that will be appearing in your parliamentary hearing, to get a sense of how different organisations approached these terms of reference.

There are also some other examples of submissions to Parliamentary Inquiries which staff at the ANU College of Law have written on a variety of topics. You can have a look at these. They are found here: <http://law.anu.edu.au/lrsj/law-reform-submissions-anu-college-law-staff>.

1. The Australian Council of Social Service and the National Pro Bono Resource Centre maintain a directory of reports and submissions in relation to social needs issues. These include some examples of submissions made on behalf of organisations. The directory can be found at: <http://www.socialneeds.net.au>