



POLICY SUBMISSIONS HANDBOOK

2023 EDITION

ACKNOWLEDGEMENT OF COUNTRY

The UNSW Law Society acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of this country and their connections to land, sea, and community. We pay our respects to ancestors and Elders, past, present, and emerging.

The UNSW Law Society is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

Contents

CONTENTS	2
FOREWORD	3
PART 1: AN INTRODUCTION TO POLICY SUBMISSIONS	4
What are Policy Submissions?	4
Why participate in Policy Submissions?	6
Policy Submissions Process	7
PART 2: TIPS FOR WRITING YOUR SUBMISSION	8
What sources should be consulted?	8
On Style and Substance	10
Dealing with Terms of Reference	13
PART 3: KEY LINKS AND RESOURCES	17

Foreword

Dear students,

We would like to thank you for expressing interest in joining the 2023 Policy Submissions Team. The UNSW Law Society is proud to have the support of a hardworking and passionate student team to directly inform real world legal policy decisions.

The policy submission process involves analysing a legal issue and providing recommendations to remedy the issue at hand. Irrespective of how much policy experience you have, engaging with submissions will enable you to refine your legal research, writing, critical thinking skills, and ultimately, shape legal reform.

The 2023 Policy Submissions Handbook is a crucial resource that will guide you through the policy submissions process. The Handbook will explain the structure of policy submissions, the benefits of being a contributor, the submission process, research resources, writing style, and how to ensure that the final submission addresses the relevant legal issue. Alongside the Handbook, the Policy Submission Directors and your fellow contributors will engage with you throughout the process to ensure that you have the support and confidence to write the submission.

Once again, thank you for joining us on the 2023 Policy Submissions Team. We look forward to working with you all to contribute to the achievement of social justice in legal policy matters.

Alex Nielsen, Imandi Mudugamuwa, Michelle Alimhamzah, Tania Toh

Policy Submission Co-Directors 2023

PART 1: AN INTRODUCTION TO POLICY SUBMISSIONS

What are Policy Submissions?

Policy submissions respond to a legal inquiry.

Inquiries can be conducted by [federal](#) and [state](#) Parliament, the [Australian Legal Reform Commission](#), and the [Australian Human Rights Commission](#). These inquiries can either be focused on a general area of law, or specifically directed towards a new legislative amendment. The policy submission thus examines the inquiry, addresses the Terms of Reference (TOR), and finally, provides recommendations to improve the issue at hand.

TORs form the bulk of the submission and guide its structure. For example, here is the TOR for the Australian Parliament's Senate inquiry "Lessons to be learned in relation to the Australian bushfire season 2019-20":

Terms of Reference

Lessons to be learned in relation to the preparation and planning for, response to and recovery efforts following the 2019-20 Australian bushfire season, with particular reference to:

- a. advice provided to the Federal Government, prior to the bushfires, about the level of bushfire risk this fire season, how and why those risks differed from historical norms, and measures that should be taken to reduce that risk in the future;
- b. the respective roles and responsibilities of different levels of government, and agencies within government, in relation to bushfire planning, mitigation, response, and recovery;

- c. the Federal Government's response to recommendations from previous bushfire Royal Commissions and inquiries;
- d. the adequacy of the Federal Government's existing measures and policies to reduce future bushfire risk, including in relation to assessing, mitigating and adapting to expected climate change impacts, land use planning and management, hazard reduction, Indigenous fire practices, support for firefighters and other disaster mitigation measures;
- e. best practice funding models and policy measures to reduce future bushfire risk, both within Australia and internationally;
- f. existing structures, measures and policies implemented by the Federal Government, charities and others to assist communities to recover from the 2019-20 bushfires, including the performance of the National Bushfire Recovery Agency;
- g. the role and process of advising Government and the federal Parliament of scientific advice;
- h. an examination of the physical and mental health impacts of bushfires on the population, and the Federal Government's response to those impacts; and
- i. any related matters.

As discussed further in this handbook, TORs play an important role not only in defining the scope of a specific inquiry, but also in defining the scope of your submission to the investigation by the parliamentary or other law reform body.

Specific inquiries relating to bills will not have TORs as the focus is placed on the content of the bill itself. In a specific inquiry, the structure will take form by analysing each of the proposed legislative changes.

All policy submissions will conclude with a recommendations section. These recommendations are a succinct takeaway form of the arguments made in the body of the submission.

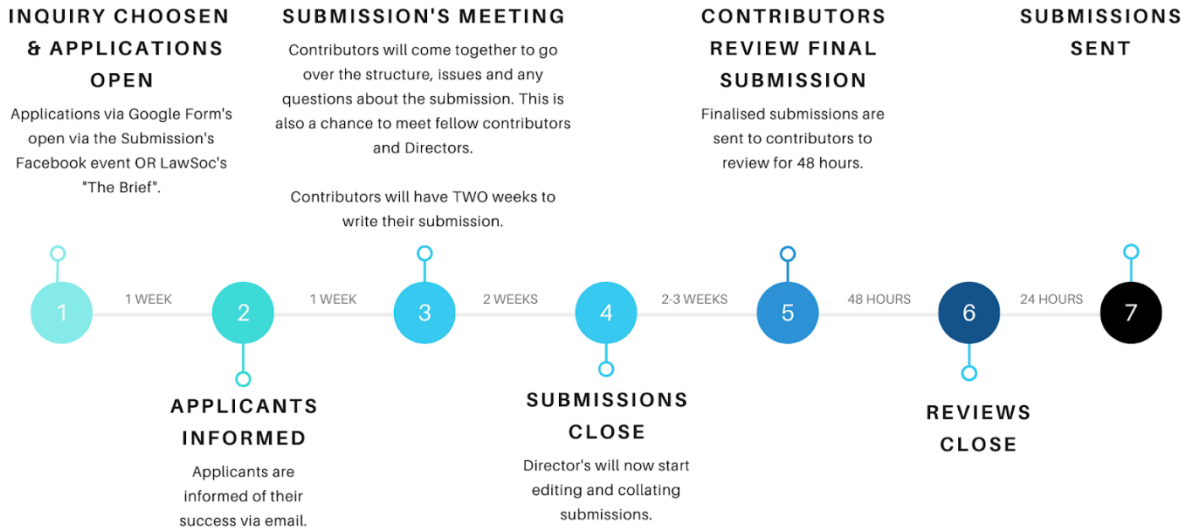
Why participate in Policy Submissions?

Participating in policy submissions provides students with the opportunity to directly contribute to the law reform process. Previous submissions have responded to inquiries such as climate change, elder abuse, the incarceration of First Nations peoples, and cyberbullying. The Law Society will always ensure that chosen inquiries are topical and accessible to students. You will have the valuable opportunity to respond to an inquiry that you are deeply passionate about, or one that you would like to learn more about through research.

The skills gained in policy submissions are directly transferable to law school and the legal workplace. You will enhance your ability to navigate research databases. Policy submissions will also refine your ability to write about legal matters in a succinct, straightforward manner. Additionally, your teamwork skills will be improved by collaborating alongside a team of like-minded peers who are passionate about social justice.

We encourage students at any stage in their degree progression to participate in policy submissions. We understand that for students who have just started in law school, it may seem daunting to engage with policy submissions. The policy submissions process is highly supportive especially of younger students who may not feel as confident with their legal research and writing skills. The Policy Submission Co-Directors as well as the fellow contributor team will regularly remain in touch to ensure that the research, writing and editing process is going smoothly. The Co-Directors will also provide updates once the submission has been reviewed by the relevant body so that you know how exactly your work has affected legal change.

Policy Submissions Process



THE POLICY SUBMISSIONS PROCESS

Note: The schedule described in this diagram is an outline only. Different submissions may run to slightly altered timetables as practical needs require. Make sure to be attentive for communications from the Policy Submissions directors as to when your work is due, and if you are unsure/cannot find the timetable for the submission you are participating in, make sure to contact the Directors (see 'Key Links and Resources' Page)

PART 2: TIPS FOR WRITING YOUR SUBMISSION

What sources should be consulted?

When writing a policy submission, it is integral to consult a range of sources in order to acquire a well-rounded and informed perspective of the inquiry in question, thus allowing a better analysis and argument. Also, citing a range of sources ensures your recommendations and analysis are well justified and further grasps the reader's attention.

Whilst there is no hierarchy in terms of which sources are best to use, certain sources are more credible and convincing than others. The sources listed below are in order of sources more frequently consulted, than others:

Second Reading Speeches

If the submission in question is concerning a Bill, starting at the Second Reading Speech is helpful in understanding the principles of the Bill, as well as analysing and formulating an opinion. The Minister who has introduced the Bill to Parliament will outline the Bill's purpose and reason for coming into creation or amending existing legislation. This is available on the Bill's homepage or Hansard.

Federal Parliament webpage for the homepages of Bills and

Legislation: https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation

Hansard: https://www.aph.gov.au/Parliamentary_Business/Hansard

Explanatory Memoranda

The Explanatory Memorandum is another tool to aid in your understanding of a Bill and what specific sections or provisions mean. This details further background information as to why the Bill was created and what it aims to fulfill if passed by Parliament. As with the Second Reading Speeches, Explanatory Memoranda can be found on a specific Bill's homepage via Parliament's website.

Federal Parliament webpage for the homepages of Bills and Legislation: https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation

Legislation

Consulting legislation can be helpful to determine the background of a specific Bill that may amend a particular law. It can also be helpful in a comparative sense; you could compare legislation from other jurisdictions or previous legislation to proposed or current legislation to determine effectiveness or consider different mechanisms to solve policy problems. All legislation can be accessed through the Federal Register of Legislation, the NSW Legislation website or AustLII.

Case Law

Case law may be used to support a particular point or show the effect of a proposed provision. Whilst case law is not frequently used in a submission, it can of course still be utilised to elucidate an argument, if done succinctly. Case law can be accessed via: Lexis Advance (available through the UNSW Library website), Westlaw (available through the UNSW Library website), AustLII, BarNet Jade.

Click [here](#) to access a Legal Research workshop that the Law Society's Education portfolio has previously recorded that walks you through how to do legal research, and how to use these legal databases.

Academic papers

Academic papers are useful to further support your argument and explain potential effects or impacts of the inquiry. Whilst they need not be discussed for a large portion of your submission, citing key arguments is beneficial. These can be accessed through several of UNSW Library's databases such as JSTOR, LexisNexis, AustLII etc.

News articles

News articles enable you to grasp different perspectives and stances on the matter, especially that of the general public and any renowned public figures. They are also beneficial in order to gain a more holistic understanding of the issue by researching different events that may have impacted the current inquiry. Additionally, they can provide more current updates on developing situations as they do not have to go through a publication process like journal articles. In saying this, be mindful of the validity and credibility of some articles. Useful and descriptive articles can be found in: The Conversation, Sydney Morning Herald, The Guardian etc.

On Style and Substance

How you communicate can often be as important as **what** you communicate. When deciding what and how you want to write, it is useful to consider the purpose and audience of your written submission.

Remember the purpose of your submission

In the case of policy submissions, policymakers conduct consultation processes in an effort to improve their understanding of the key challenges faced by their constituents and draw from the collective wisdom of the diverse Australian public. Contributing to a policy submission allows you to communicate directly with policymakers and provides an incredibly valuable opportunity to advocate for more just and equitable laws. These submissions form the evidence base for law reform proposals or Committee reports, which can be influential documents that prompt changes in the law. Policy submissions must therefore highlight issues in our existing frameworks or systems and offer solutions to solve them.

Given this is the goal of a policy submission, here are a couple of useful tips to keep in mind while drafting your contribution:

Organise your writing around recommendations

A good policy submission will not only outline what the relevant issues are, but how shortcomings in the law can be addressed. This is where your research is going to be valuable in understanding the context of the policy area, existing approaches and what criticisms of these approaches are. When researching, ask yourself a couple of questions to think critically about the information you are reading and what it practically means for the various stakeholders that policy and legislation affects:

- What is the problem you are addressing? Why does this problem exist and in what context are you approaching this problem?
- What are the harms of the problem?
- Which specific actors do the problem affect? How does it affect them?
- Does the problem affect different actors to different degrees?
- What is the solution or alternative you are proposing?
- What is the intended outcome?
- **How** and **why** does your alternative change current norms or behaviour?

Doing in depth research will ensure that your recommendations are evidence-based and address real problems. Once you have completed this research and developed your argument, it is vital that your recommendations are made clear to the reader. This can be achieved by reiterating your recommendations both at the outset of your submission, and in each section when discussing the relevant subject matter.

Maintain a consistent argument

If you are arguing that there are deficiencies in the law, you need to make it clear why these are significant enough to amend through law reform. Clarity and internal consistency in your argument is vital to building a convincing argument. Having recommendations that may be at odds make your argument hard to follow and risks undermining its persuasion.

Consider your audience

Policy submissions are addressed to the relevant bodies that are conducting an inquiry, be it a government committee, or bodies like the Human Rights or Australian Law Reform Commission. However, as submissions are published online, there is potential that members of the general public may also be reading your recommendations (on this note - make sure that your submission contains information that you are comfortable with publishing online). Given that the readership of your submission may be broad, it is vital to communicate in a manner that is clear and understandable by all. Keep these tips in mind to do so:

Keep in mind that policy submissions are not essays

A policy submission is not an essay, and you should not feel the need to use unnecessarily complex vocabulary and jargon (though a good essay should not do this either!). Using plain English language ensures readability while testing your knowledge of the area by how well you can distill complex legal and policy information. Despite not being an essay, you will have to adopt a level of academic tone while writing. Get comfortable with transitioning from a first person “I strongly believe that this area of law should be reformed because...” to a third person “This submission notes that deficiencies in this area of law demand reform...”.

Use active voice

A way to maintain an academic tone while building a persuasive argument is by using active voice. When using active voice, the subject comes first in the sentence and the *action* follows. For example:

The flowers bloomed while *I looked* for my lost bag.

When using passive voice, the order of the subject and the action are reversed. Check out the difference between active and passive voice below:

ACTIVE	PASSIVE
I really love this dog.	The dog is really loved by me.
Monkeys live in the jungle.	The jungle is lived in by monkeys.
I made a mistake.	A mistake was made.

Active voice adds impact to your writing; by using fewer words and focusing on action, your writing will become short, clear, and convincing. Sentences that focus on action give the impression that you are in control of your writing and evokes a sense of confidence in your argument within the reader.

That said, there may be times where passive voice can be useful. You may want to use passive voice where you want to minimise the impact of an action, or if you do not know the subject of the sentence.

Your arguments must withstand the test of public hearings

Parliamentary Committees may invite submitters to a hearing to further consider their recommendations. In the past, contributors to UNSW Law Society submissions on the Climate Trigger Bill and Age Verification for Online Wagering and Online Pornography have been invited to speak at public hearings regarding the inquiry. While there is no obligation to participate, this should encourage you to ensure that your argument is fully formed and founded on logical reasoning.

mDealing with Terms of Reference

As policy submissions are written to respond to parliamentary or Law Reform Commission inquiries, Government legislative reviews, or other inquiries targeted at law reform, it is important that your submission explicitly addresses the issues that the organisation conducting the inquiry/review is looking to explore. Fortunately, the core issues being explored are often summarised in what are called 'Terms of Reference'.

Terms of Reference are a summary, typically in the form of a list, of the specific matters that an inquiry is looking for submissions into. Inquiries tend to be initially framed in quite broad terms, so the Terms of Reference exist to ensure that the discussion taking place in an inquiry is focused on the issues that the body deems most important. The Terms of Reference are easily accessible on the homepage of the inquiry that the UNSW Law Society is choosing to respond to.

The Terms of Reference provide the submission with the core of its structure and its content. Therefore, it is especially important that you and your fellow contributors keep to the content of those terms. As the UNSW Law Society's submission might be one of many, we want our submission to be succinct and relevant.

With that being said, the reality is that terms of reference are broad enough to give you some flexibility with respect to what you cover. Within any one matter raised by a term of reference, there are likely to be many topics to explore within that. Take for example the Terms of Reference for the Australian Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade's recent inquiry into 'strengthening Australia's relationships with countries in the Pacific Region,' which the UNSW Law Society recently made a submission to.

Inquiry into strengthening Australia's relationships with countries in the Pacific Region

The Committee shall examine the conditions necessary to strengthen Australia's relationships with the countries of the Pacific region to meet current and emerging opportunities and risks facing the region.

The Committee shall have particular regard to:

1. The implementation of Australia's Pacific Step-up as a whole-of-government effort to deepen and coordinate Australia's Pacific initiatives;
2. Exploring prospects to strengthen and broaden Australian engagement in the Pacific Step-up, through non-government and community-based linkages, and leveraging interest groups such as the Pacific diaspora;
3. Measures to ensure Step-up initiatives reflect the priority needs of the governments and people of Pacific island countries.

Here, while the Terms of Reference did give contributors a quite specific focus - namely analysing the 'Pacific Step-up' policy - each term of reference was broad enough that many issues could still be explored within each term. To avoid overlap or inconsistencies among contributors when it comes to responding to these Terms of References, it is important to participate in the planning process of the submission to ensure the best quality submission is put together.

So how do you make the best use of the Terms of Reference?

When contributing to a UNSW Law Society's submission, you will generally only have approximately 500-700 words to contribute to the larger submission. Therefore, your contribution will focus on one of the terms of reference in an inquiry. This will allow you to provide a more well thought out and detailed contribution, as opposed to exploring many of the terms in a less detailed, and thus less impactful, way. For inquiries that have a few, wide-ranging terms of reference, it is generally worth focusing on only one or two specific issues that arise in the context of that broad term and developing your exploration of that sub-issue.

When responding to the particular term/s that interest you, some of the questions you should consider when crafting your response are:

- What was the broader goal of the law-reform body in asking for submissions on this point?
- What are the most important issues that arise in my research related to this term?
- With respect to the problem/s arising in the term of reference I'm focusing on, what are recommendations I could make to improve the law, decision making process, policy implementation etc?

By keeping these three questions in mind, you will be able to tackle any term of reference, as ultimately the inquiries we respond to are focused on improving the law and the process of government. Actively keeping in mind this goal and the questions above mean that your contribution will effectively address the term of reference.

Inquiries related to Bills of Parliament, including amendments to existing legislation, typically do not have their own terms of reference. However, there will still be issues that will essentially form 'terms of reference' for the purposes of the Law Society's submission. When it comes to bills, submissions will explore issues such as the effect of the bill, whether the legislation is needed and why it is/is not, the construction of the bill etc. There will also be questions to explore as to whether the proposed legislation meets its underlying policy goals. Much like with responding to ordinary terms of reference, an understanding of the context to the bill is necessary to formulate your contribution.

It is also therefore important that when contributing to the Law Society's submission, you research the questions and the themes of the inquiry to grasp the context of the inquiry and understand what the submission (both your individual contribution and the finished product) should be exploring. Please refer to the chapter on what sources to consult if you need guidance on where to research. And while the planning meetings the Policy Submissions Directors will conduct should help you to focus your efforts

when responding to the Terms of Reference, if you are unsure about how to address the terms of reference, please contact the Directors and we can help support you!

PART 3: KEY LINKS AND RESOURCES

CONTACT INFORMATION

You can reach out to us at our email if you have any questions, or wish to be added to a mailing list to receive updates about future opportunities to get involved with policy submissions. Our email is: policy.submissions@unswlawsoc.org

Any new opportunities to participate in policy submissions will also be announced in the [UNSW Law Society Discussion Forum](#) and the [UNSW Law Society Facebook Page](#).

HELPFUL RESOURCES:

Check out our previous submissions on the [UNSW Law Society Website](#). You can use this as a point of reference for the style you should endeavour to write in when contributing to a policy submission..

Take a look at the [Parliament of Australia Committees Homepage](#) if you are interested in the inquiries conducted by Commonwealth Parliament committees. Or, you can visit the [Parliament of NSW Inquiries Homepage](#) to see the inquiries currently held by NSW Parliament Committees.

If you are looking for some more guidance on legal research, the [UNSW Library – Subject Guide for Law](#) contains many links to databases and search engines where you can find primary and secondary legal sources.