

Commerce: Law Reform Unit

Sophie Mynott 2019

From the syllabus

Core Part 2.1 Law and Society

Students learn about:

- how laws are made
 - statute law
- how laws are changed

Students learn to:

- examine how a bill becomes a law using a contemporary example
- discuss why laws change, how they change and the effect of the changes using contemporary case studies
- examine the political process leading to legislative change

Teacher Instructions:

1. Introduce the idea of law reform

Suggestions for whole class activity:

- Agree or disagree – students line up across the room according to whether they strongly disagree, disagree, are neutral, agree or strongly agree with the statements OR toss a ball to a student, they give their opinion and then toss it to someone else. Possible statements:
 - The school rule X should be changed.
 - The \$75 fine for jaywalking is too high.
 - The government should regulate the banks more.
 - University should be cheaper.
 - Speed limits should be lower.
 - It should be harder to get a driver's licence.
 - It should be easier to sue when someone harms you.
 - Centrelink payments should be higher.
 - There should be longer sentences for criminals.
 - It should be easier to adopt children.
 - All parents should be forced to vaccinate their children.
 - Australia should not be detaining asylum seekers.
- Discussion: why do we need laws? (protection, freedom, resolving disputes) What are laws based on? (society's values)
- Brainstorm: what are some laws we need? What are some we don't need?
- Why do laws change?
 - Changing social values eg marriage equality and/or
 - New technology eg driving and texting, online stalking and/or
 - New concepts of justice eg abolition of capital and corporal punishment

2. Use the case study on the proposed plastic bag ban to scaffold the students' responses to the worksheet.

3. How laws are made and changed

- Groupwork or individual: Students use their text or the internet to place the tiles in the correct order for passing a statute law. Once they are satisfied their order is correct, they can glue/copy it into their books.

4. Independent research on a recent law reform to complete the worksheet.

- Choose the topic(s) which will work with your students and/or fit in with your other content. Some suggestions:
 - Marriage equality (Cth)
 - Medical evacuations from Nauru (Cth)
 - Removing the GST on female sanitary products (Cth)
 - Lifetime cap on university debt (Cth)
 - Youth Allowance and ABSTUDY changes (Cth)
 - Increased regulation of credit cards (Cth)
 - Introduction of community correction orders (NSW)
 - Bail laws (NSW)
 - On-the-spot loss of licence for drink driving (NSW)
 - Adoption of foster children without parental consent (NSW)
 - 'No jab, no play' (NSW) and restrictions on welfare payments (Cth)

5. Model parliament

- Divide the class into two groups, one with at least one more member than the other.
- Each group proposes a bill – one a new law to ban plastic bags in NSW, the other an amendment to an existing law (eg on one of the other issues) – and identifies 5 – 6 key points of the bill.
- Divide the class into two – Legislative Council and Legislative Assembly. Each original group represents a political party. (For extra fun, make one 'party' have a majority in one House and the other in the other House.
- Then the bills go through a mock parliamentary procedure.

6. Reflection Exercise

- Class discussion and/or writing activity
 - What is law reform?
 - List the three reasons why the law sometimes needs to change.
 - How can law be reformed?
 - Common law
 - Statute law
 - Identify some groups and individuals who want laws to change.
 - What effect does law reform have on individuals/consumers? On businesses? On the government?
 - Discuss the statement "Laws must reflect the social values of the majority of the community".

Case Study: the proposed plastic bag ban



In Memory of Ian Kiernan About Clean Up Australia Day 2019 Clean Up Events
Clean Up Action Resources Donate Contact Store Clean Up the World

BAN THE BAG



AUSTRALIANS USE
5 BILLION+
PLASTIC BAGS
EACH YEAR



THE PROBLEM

What a waste of our valuable resources, not to mention the Greenhouse Gases liberated in the production of these bags!

Over the last decade since state environment ministers undertook to ban the bag, 1.2 billion have ended up in the litter stream.

Clean Up volunteers report that 8% of the plastics they remove from our streets, parks, beaches, bushland and waterways are plastic bags.

These bags are killers once they enter our environment. Their victims - the animals that ingest them - choke, smother or die of malnutrition.

It's a horrible way for our beautiful wildlife to die, but you can make a difference. Say no at the checkout and help us campaign to #BanTheBag

CHANGE STARTS WITH YOU

Buy a reusable shopping bag, preferably one that is recyclable or compostable at the end of its life.

Say no at the checkout and help us campaign to #BanTheBag.

Support outlets that no longer offer plastic bags at the checkout.

ADVOCACY PARTNERS

coles



ADVOCACY SUPPORTERS

WHSmith



Australia-wide bag ban leads to 1.5 billion fewer plastic bags in the environment

It took a while to come to terms with, but Coles and Woolworths' bag ban has led to a huge reduction of plastic in the environment.

When major retail chains decided to ban plastic bags across their Australian stores this year, it caused a major uproar.

The controversial new rules saw the traditional free plastic shopping bags vanish from stores, something some shoppers struggled to come to terms with, however others embraced the change, applauding Coles and Woolworths for leading an environmental change.

Since introducing reusable bags three months ago, the country's two largest supermarkets have prevented an estimated 1.5 billion bags from entering the environment.

Three months on, the radical change has translated to an 80 per cent drop in the consumption of plastic bags nationwide, according to the National Retail Association (NRA).

"Indeed, some retailers are reporting reduction rates as high as 90 per cent," NRA's David Stout told AAP.

Mr Stout said the ban was a "brave" move from the major supermarkets and it's paving the way for smaller businesses, who typically can't afford to risk the wrath of their customers, to follow suit.

"They're (supermarkets) obviously seen as the product stewards so a lot of people will come back to them," Mr Stout said.



*Woolworths stores in NSW, Queensland, Victoria and Western Australia stopped providing free single-use plastic bags on June 20. Picture: AAP Image/Peter Rae
Source: AAP*

"Obviously the best thing for smaller businesses is to either engineer out the bag completely or have the customer pay," he said. "They should be able to consider that strategy without fear of backlash."

Mr Stout said that everyone delivering things in a package need to take responsibility for what they deliver it in.

"I think there's going to be a lot more pressure on all of us to be more aware of what we consume," he told AAP.

NSW is the only state or territory in the country without at least a commitment to ban single-use bags, with Victoria vowing to phase them out in 2019.

"The NSW Government welcomes the proactive step taken by large retailers to phase out single-use plastic bags and provide soft plastic recycling bins in all stores without the heavy hand of legislation," a spokesperson for Environment Minister Gabrielle Upton told The New Daily in July, a week after Coles and Woolies enforced the ban.

But Mr Stout said it's time NSW upped its game and quit relying on the supermarket ban to do the work.

"We're still seeing a lot of small to medium bags being used, especially in the food category, and while I get some comfort that the majors have done this voluntarily I think there still needs to be a ban in place," he said.

"For business, for the environment, for the consumer and of course even for councils which have to work to remove these things from landfills, there's a multitude of benefits on a whole to doing this."

He is hopeful major retailers will continue to lead the charge towards a more sustainable industry and move to ban other single-use packaging options.

Target and Kmart have committed to stop providing single-use bags by 2019.

Shireen Khalil and AAP

news.com.au, December 3, 2018

The Senate

Environment and Communications References Committee

Never waste a crisis: the waste and recycling
industry in Australia

June 2018

© Commonwealth of Australia 2018 ISBN
978-1-76010-776-5

List of recommendations

Recommendation 1

The committee recommends that the Australian Government prioritise the establishment of a circular economy in which materials are used, collected, recovered, and re-used, including within Australia.

Recommendation 2

The committee recommends that the Australian Government show leadership through the urgent implementation of the 16 strategies established under the National Waste Policy.

Recommendation 3

The committee recommends that the Australian Government prioritise waste reduction and recycling above waste-to-energy, and seek a commitment through the Meeting of Environment Ministers of all levels of government to the waste hierarchy.

Recommendation 4

The committee recommends that the Australian and state and territory governments agree to a phase out of petroleum-based single-use plastics by 2023. The scope of this commitment would require careful consideration and should be developed through the Meeting of Environment Ministers.

Recommendation 5

The committee recommends that the Australian Government establish a Plastics Co-Operative Research Centre (CRC) to lead Australia's research efforts into reducing plastic waste, cleaning up our oceans and finding end- markets for recovered plastic.

Recommendation 6

The committee recommends that the Australian Government commit to implementing the recommendations of the Senate Environment and Communications References Committee inquiry into the threat of marine plastic pollution in Australia, particularly in light of the need to improve plastic resource recovery.

Recommendation 7

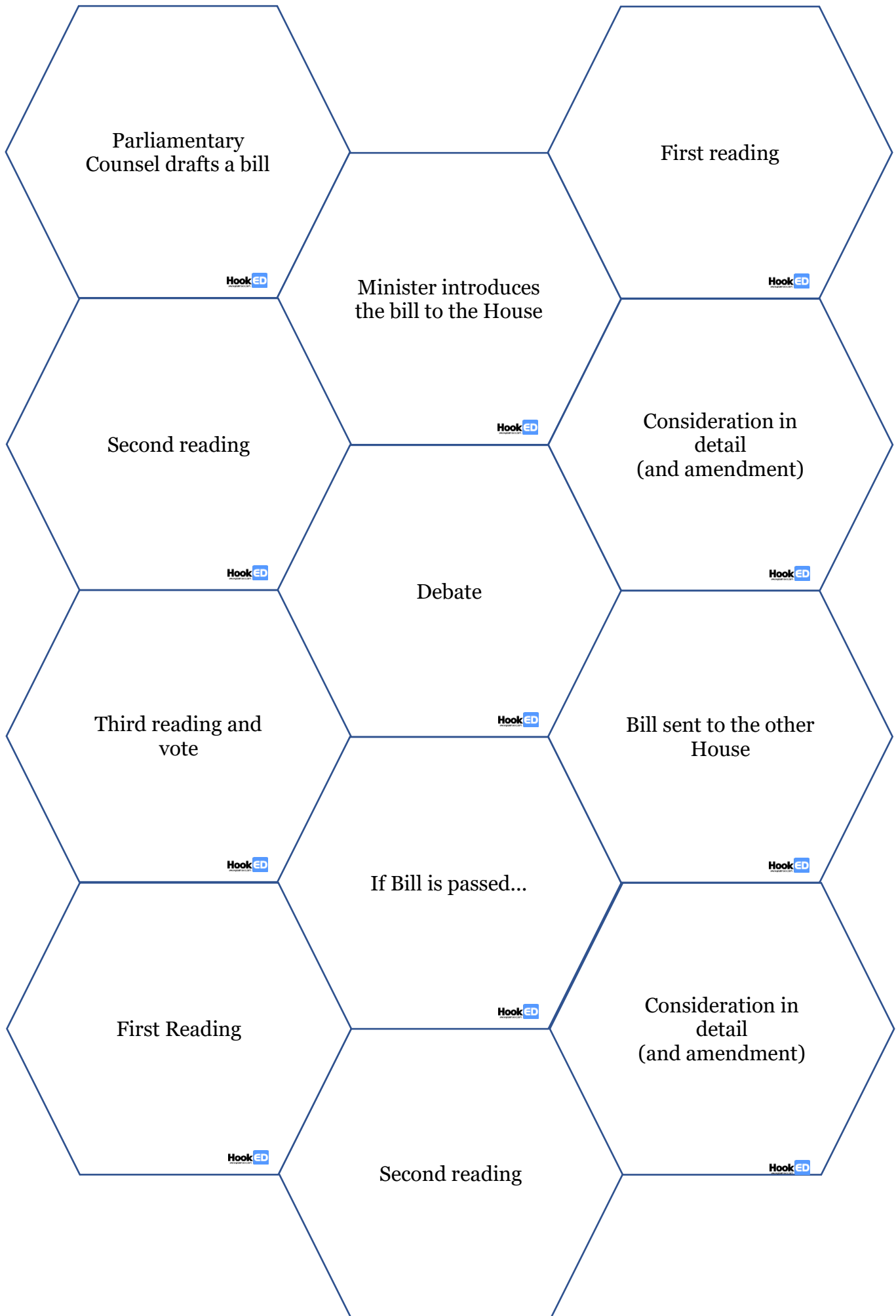
The committee recommends that the Australian Government work with state and territory and local governments to assist recyclers to increase the diversion of material from landfill; improve the quality of materials recovered through collection programs; improve the sorting of materials at recycling facilities; and assist manufacturers to increase the amount of recycled material used in production.

Making and Reforming Laws

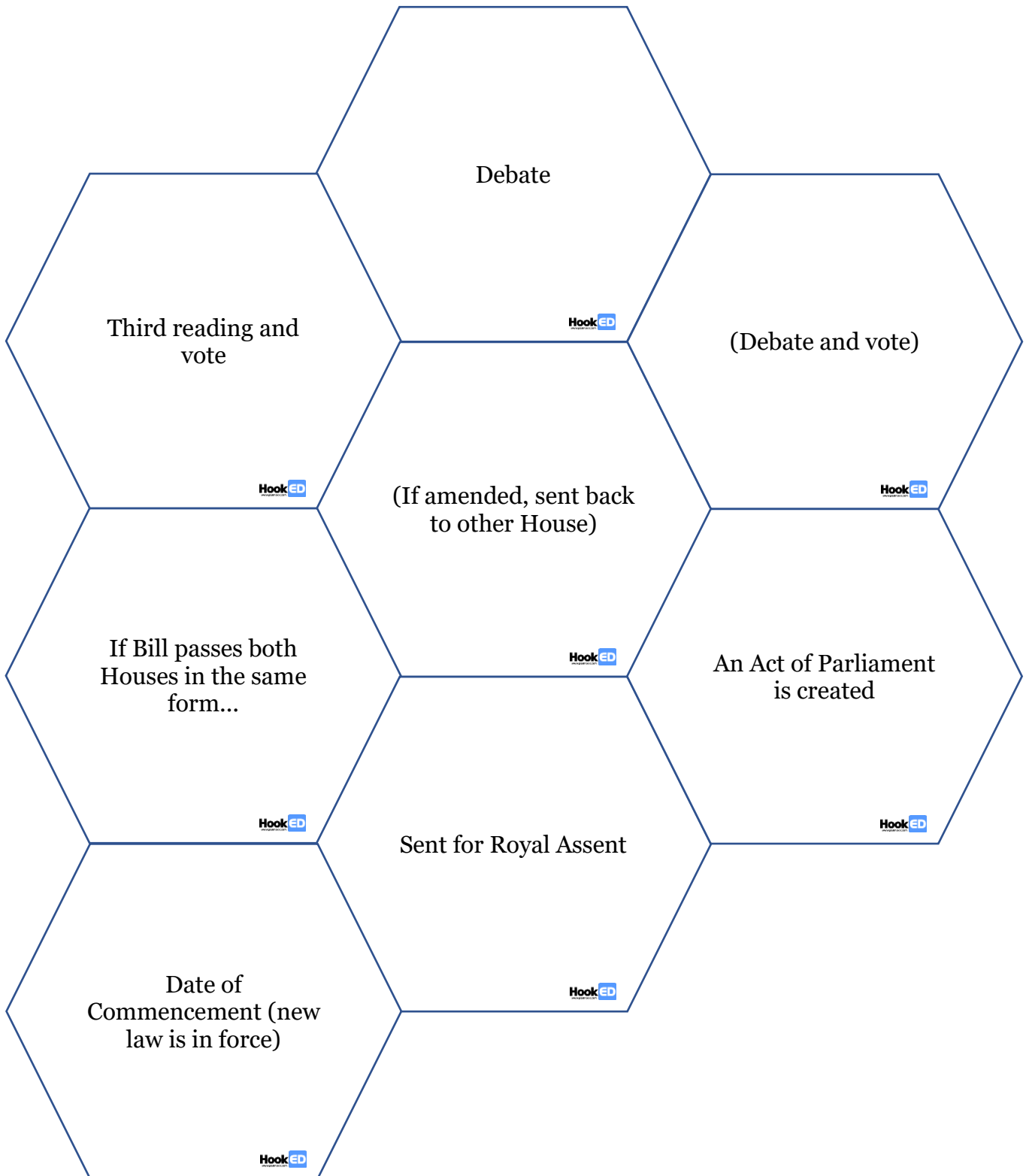
Complete the worksheet, using your text and your own research

	Issue 1: Proposal to ban plastic bags in NSW	Issue 2:	
What is the problem?			What was the problem?
What is the proposed reform?			What was the reform?
What is driving this proposed reform?			What drove this proposed reform?
Who is arguing for change?			Who was arguing for change?
Why are they saying the law need to change?			Why did they say the law needed to change?
Who is arguing against change?			Who was arguing against change?
Why are they saying the law doesn't need to change?			Why did they say the law didn't need to change?
What effect would this change have? Who would be happy? Who would be unhappy?			What effect did this change have? Who is happy? Who is unhappy?

Hexagons Exercise – passing a statute law



Hexagons Exercise – passing a statute law



Hexagons Exercise – passing a statute law

FACT SHEETS

MAKING A LAW

A proposal for a new law or a change to an existing one is called a **bill** (see *Bills and Laws*).

A bill can only become a law if it is passed by a majority vote in the House of Representatives and the Senate. The bill must be agreed to in identical form by both chambers, and given Royal Assent by the Governor-General. It is then known as an Act of Parliament.

Stages of a bill

Most bills are introduced into the House of Representatives and then sent to the Senate. Bills may commence in the Senate, except for money and taxation bills. Most bills are introduced by government ministers; however, other members of parliament can introduce their own bills, known as private members' or private senators' bills.

Duration and number of bills

It may take weeks or even months for a bill to pass through Parliament. However, an urgent bill can be passed in a matter of days. About 200 bills are introduced into Parliament each year and about 90 per cent are passed into law.

History

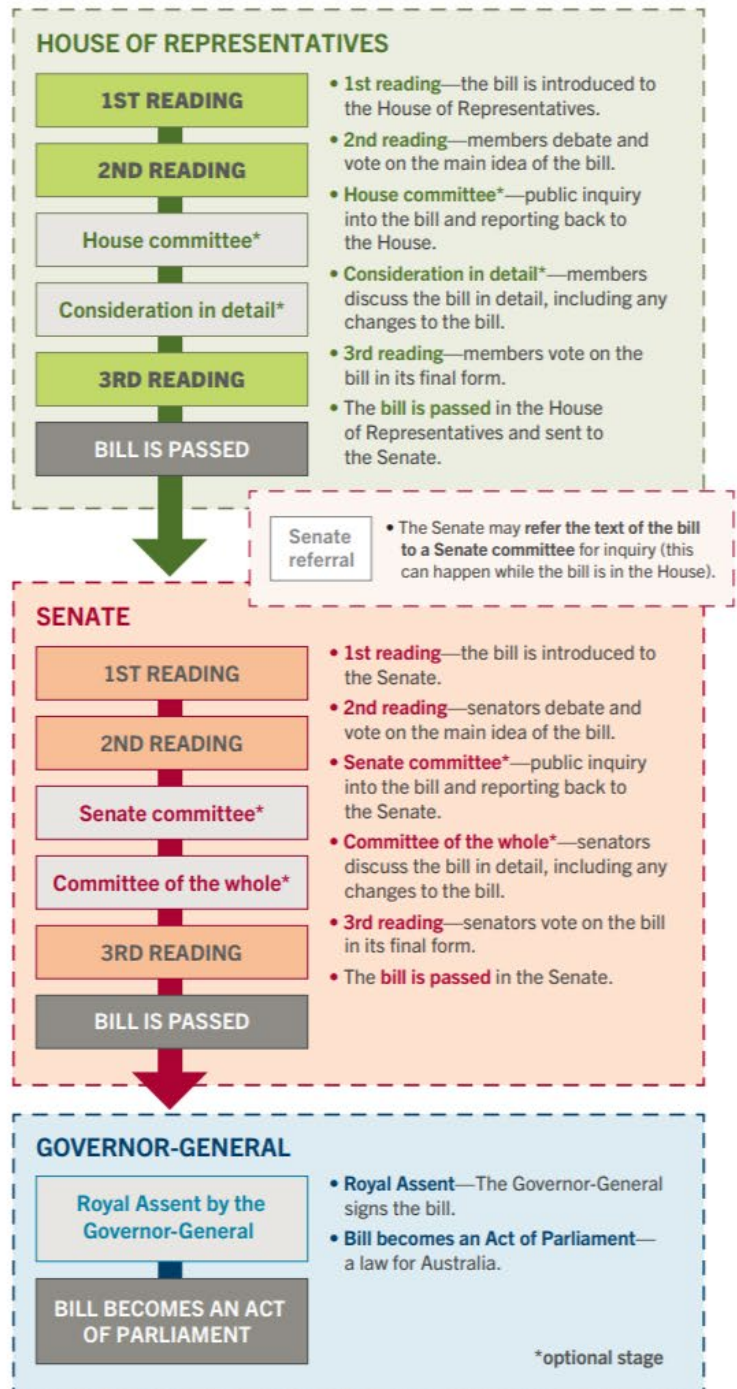
The practice of the Clerk reading the bill aloud three times dates back to the early days of the British Parliament, before printing was invented or many people could read. The Clerk had to read the bill aloud so that members of parliament knew what the bill was about.

LINKS

PEO website
Fact Sheet: *Amendments*
www.peo.gov.au/learning/fact-sheets/amendments.html

APH website
House of Representatives Infosheet: *Making laws*
www.tinyurl.com/Infosheet7
Senate Brief: *The Senate and Legislation*
www.aph.gov.au/Senate/briefs/brief08

THE *usual* PATH of a BILL



The _____ Bill

Preamble

A bill for an Act to

Section 1

Section 2

Section 3

Section 4

Section 5