



Queensland Indigenous Family Violence Legal Service

ABN: 41 600 790 644 ICN: 7306

Justice & Other Legislation
Submission 008

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Friday 5 July 2013

Ms Brook Hastie
Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000
And by email: lacsc@parliament.qld.gov.au

Dear Ms Hastie

Justice and Other Legislation Amendment Bill 2013

Definition of 'community legal service'

The Queensland Indigenous Family Violence Legal Service (QIFVLS) is a not-for-profit organisation which provides free legal and support services to Aboriginal and Torres Strait Islander peoples suffering from the direct and indirect effect of domestic violence and sexual assault. As a regional and remote Queensland outreach legal service, QIFVLS challenges the perception that family violence is in any way normal or acceptable.

QIFVLS provides legal and support services for victims of family violence and/or sexual assault in the areas of family law, child protection, domestic violence and victim assist services. We also provide Community Legal Education, education sessions and work with communities to build individual and family capacity.

QIFVLS is one of 14 Family Violence Prevention Legal Services (FVPLS) across Australia, being one of the largest with a significantly high client caseload and wide geographical spread. We cover over two thirds of Queensland in the regions of Central Queensland, Gulf and Western Queensland, North and Far North Queensland.

QIFVLS as an organisation was incorporated in 2010, following the amalgamation of smaller independent family violence prevention legal services which were operating in Rockhampton, Mount Isa, Townsville and Cairns. As an amalgamated service we have a far increased capacity to service across the state, and a strong capability to run a properly supervised and culturally appropriate legal service. We have over 30 staff comprising of a CEO, Principal Solicitor, Supervisory Solicitors, Solicitors, Client Support Officers, Paralegals and administrative, HR and finance staff.

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We are a community controlled organisation with a strong Board of Directors who are all members of the Aboriginal and Torres Strait Islander communities which we service, and three Specialist Directors in the areas of legal, finance and health services.

In 2012 QIFVLS became accredited as a member organisation with the Queensland Association of Independent Legal Services (QAILS). As such we are one of the largest organisation members of QAILS and take an active role in QAILS.

Given the information provided above, we are making a submission in regards specifically to the proposed amendment to the definition of 'community legal service' under section 67A.

We note that the proposed definition in the Bill, defines a community legal service as an organisation that:

- a. holds itself out as—
 - i. a community legal service; or
 - ii. a community legal centre; or
 - iii. an Aboriginal and Torres Strait Islander Legal Service; and
- b. is established and operated on a not-for-profit basis; and
- c. provides legal services that—
 - i. are directed generally to people who are disadvantaged (including being financially disadvantaged) in accessing the legal system or in protecting their legal rights; or
 - ii. are conducted in the public interest.

Legal services means work done, or business transacted, in the ordinary course of legal practice

We are concerned that the definition as noted in (a), appears to specifically exclude our service or any Family Violence Prevention Legal Service.

We are further concerned that the Bill has clearly been drafted to include services that might not strictly be seen as a community legal service or a community legal centre, given that it has specifically included the Aboriginal and Torres Strait Islander Legal Services (ATSILS).

Whilst we are a strong supporter of the ATSILS, the FVPLS program was specifically advocated for and established by community Elders, particularly women, who fought long and hard for an independent legal service to be created for victims of family violence in communities where their offending partners were represented by the only one legal service available at that time. Omitting the FVPLS from the proposed legislation serves to discriminate against Indigenous victims of family violence who are usually women and children, who are being properly and independently represented in the areas of domestic/family violence, family law, criminal injuries compensation and child protection matters.

In addition, the definition as written indicates that a community legal service can be considered as such if it holds itself out as such. The FVPLS program is one of four of the legal arms funded by the Commonwealth Attorney-General's Department which provides services in this state (the others being ATSILS, Legal Aid and CLC's).

As such we are in a unique position where we are a member of QAILS, which is the peak for Queensland CLCs, yet are in a similar position to ATSILS in that we are also a separate legal arm and a partner to each of the other services.

We submit that given that the ATSILS has been provided for specifically in the proposed legislation that the definition be amended so that the FVPLS are also appropriately included.

Yours faithfully
**Queensland Indigenous
Family Violence Legal Service**



Marja Elizabeth
Chief Executive Officer