

Justice and Other Legislation Amendment Bill 2014

Submission to the Legal Affairs and Community Safety Committee

Social Responsibilities Committee, Anglican Church of Southern Queensland



Introduction

Thank you for the opportunity to comment on the Justice and Other Legislation Amendment Bill 2014 (the Bill) currently before the Queensland Parliament.

This submission deals with just one aspect of the proposed Bill which, if implemented, would have a significant and detrimental impact on the capacity of Community Legal Centres (CLCs) to serve the Queensland community.

Namely, **we strongly submit that clause 80 should be removed from the Bill.**

Proposed change

Clause 80 seeks to amend section 289 of the *Legal Profession Act 2007* in relation to the Legal Practitioner Interest on Trust Accounts Fund (LPITAF), in order to remove section 289(h), as per below:

289 Payments from fund

(1) ...

(h) grants approved by the Minister for any of the following purposes—

- (i) the advancement of law reform;
- (ii) the collection, assessment and dissemination of information concerning legal education, the law, the legal system, law reform, the legal profession and legal services;
- (iii) facilitating access to the legal system, legal information and education and legal services for members of the community, particularly economically or socially disadvantaged members of the community;

And replace it with:

Section 289(1)(h)—

(h) facilitating access to the legal system, legal information and education and legal services for members of the community, particularly economically or socially disadvantaged members of the community;

This would effectively remove references to “law reform” and curtail the ability of Community Legal Centres to participate in law reform advancement.

As the National Association of Community Legal Services Inc (NACLC) has submitted:

“If enacted, this would **effectively prevent or greatly reduce the capacity** of each of the 36 legal assistance services funded with LPITAF grants under the Community Legal Services Program, to undertake this cost effective and critical work.”¹ [*emphasis added*]

Broader impacts

This 54th Parliament has been a busy one in terms of legal and justice-related changes. The LACSC in particular has conducted dozens of inquiries during this time, so would understand better than most policy makers the complexities involved, and the volume of information and debate required to work through these complex issues.

In this environment the knowledge, experience and wisdom of legal practitioners and organisations at the coalface of our community’s interactions with the law, is invaluable. Their recent contributions to the work of the LACSC *alone*, spans areas as diverse as child protection; liquor laws; debt collection; criminal matters and property issues, amongst many others.

¹ National Association of Community Legal Services Inc, Submission to the LACSC concerning the Justice and Other Legislation Amendment Bill 2014.

There is also a myriad of other areas in which the knowledge of legal practitioners and organisations is invaluable, such as in health, mental health, guardianship, human trafficking and assorted social issues. “Law reform” activities can be broad ranging and include comment or advocacy on individual cases, through to identifying and helping to remedy errors or injustices in the law which may be systemic or were unintended.

Current case studies

1. *Inquiry on strategies to prevent and reduce criminal activity in Queensland.*

The Legal Affairs and Community Safety Committee (LACSC) is currently conducting this far-reaching and comprehensive Inquiry. This has no doubt benefited from the wisdom and knowledge shared by several CLCs, including specialist Aboriginal legal services.

2. *Special Taskforce on Domestic and Family Violence in Queensland*

This is a commendable body of work that was established by the Queensland Government. However it is possible to envisage that the important work of such a Taskforce might be hampered should CLCs such as the Queensland Indigenous Family Violence Legal Service (QIFVLS) or Women’s Legal Service, be unable to effectively assist them in their enquiries, or have insufficient capacity to participate in their consultations and discussions.

Productivity Commission recommendations

The Productivity Commission has just concluded and released their extensive *Access to Justice Arrangements* report on 3 December 2014.² This significant piece of work clearly sets out the value and efficacy of the CLC sector, and strongly advocates for increasing resources.

Most relevantly however, clause 80 Bill runs *directly counter* to the recommendations of the Productivity Commission, which included:

RECOMMENDATION 21.1

The Australian, State and Territory Governments should provide funding for strategic advocacy and law reform activities that seek to identify and remedy systemic issues and so reduce demand for frontline services.

Also of note, is the recommendation (below) regarding a strategy for Aboriginal and Torres Strait Islanders. As with the current LACSC inquiry into reducing crime, this is another example of a situation in which the capacity of CLCs to engage in policy consultation, strategy development and other activities — ie law reform — would be severely affected were the Bill to proceed in its current format.

RECOMMENDATION 22.1

The Australian, State and Territory Governments should implement cost-effective strategies to proactively engage with at-risk Aboriginal and Torres Strait Islander Australians to reduce their likelihood of needing legal assistance to resolve disputes with government agencies, especially in areas such as child protection, housing and tenancy, and social security.

On this basis, and as noted above, the Anglican Church Southern Queensland Social Responsibilities Committee **strongly submits that clause 80 should be removed from the Bill.**

² Available at: <http://www.pc.gov.au/inquiries/completed/access-justice/report>

