

2 January 2015

Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Submission in relation to the *Justice and Other Legislation Amendment Bill 2014 (Qld)*

Thank you for the opportunity to make the following comments in relation to the *Justice and Other Legislation Amendment Bill 2014 (Qld)*.

In this submission I suggest that Clause 80 of the Bill be amended so as to preserve the current wording of section 289(1)(h) of the *Legal Profession Act 2007*.

Clause 80(1) would have the effect of abolishing state funding to community legal centres ('CLCs') for the purposes of 'the advancement of law reform'¹ and 'the collection, assessment and dissemination of information concerning legal education' and 'law reform'.²

The abolition of funding for law reform advocacy and legal education by CLCs will disadvantage vulnerable Queenslanders. Further law reform advocacy by CLCs plays an important role in the preservation and fostering of human rights in Queensland.

Access to Justice Arrangements

The Productivity Commission released its Access to Justice Arrangements report on 3 December 2014. That report addresses the importance of the work done by CLCs in identifying and acting on systemic issues, including for example through the forms of strategic advocacy and law reform activities.³

The Attorney-General, Mr Bleijie, has been reported as arguing that the Queensland Law Reform Commission can fulfil the function of making recommendations about law reform.⁴

The Commission states however that legal assistance lawyers 'are uniquely placed to identify systemic issues, particularly those affecting disadvantaged Australians'.⁵

¹ *Legal Profession Act 2007 (Qld)*, s 289(1)(h)(i).

² *Legal Profession Act 2007 (Qld)*, s 289(1)(h)(ii).

³ Productivity Commission, *Access to Justice Arrangements*, <http://www.pc.gov.au/inquiries/completed/access-justice/report> pp 708 – 713, at 1 January 2015.

⁴ Kim Stephens, 'Government warned changes to legal centre funding will hurt most state's vulnerable', *Brisbane Times*, 2 December 2014, <http://www.brisbanetimes.com.au/queensland/government-warned-changes-to-legal-centre-funding-will-hurt-most-states-vulnerable-20141203-11z1ma.html> at 1 January 2015.

⁵ Productivity Commission, (n3 above), 708.

The report notes that the CLC lawyers' ability to identify systemic issues and provide input into law reform processes is associated with their daily experience of assisting high volumes of disadvantaged clients.⁶

The Commission also notes that CLCs 'have a long history of providing strategic advocacy and law reform activities.'⁷ With respect to the Queensland Law Reform Commission, these factors appear to establish that the CLCs are uniquely qualified to engage in law reform work.

Significantly the Commission also considered that in many cases 'strategic advocacy and law reform can reduce demand for legal assistance services and so be an efficient use of limited resources.'⁸ That is the Productivity Commission discerned sound fiscal arguments for the continuation of strategic advocacy and law reform work by CLCs.

The Attorney-General does not appear to have suggested what agency might be funded to carry out the legal education role currently fulfilled by CLCs. Given the daily interaction by CLCs with clients most in need of legal education it is the case that CLCs are also uniquely placed to continue to fulfil this role.

Human Rights

Much of the advocacy work done by CLCs and similar agencies is directly related to human rights and social justice. This includes being a voice eg., on matters that relate to Indigenous and Torres Strait Islanders, discrimination, mental health, juvenile justice, domestic violence and seniors.⁹ Such advocacy plays an undeniably crucial role in promoting human rights, a matter important to the dignity of all Queenslanders. The defunding of CLC advocacy in relation to systemic issues and law reform will have the effect of diminishing rather than protecting Queenslanders' human rights.

Conclusion

It is in the interests of Queenslanders' human rights that the Bill be amended by deleting Clause 80(1). It is suggested that section 289(1)(h) of the *Legal Profession Act 2007* retain its current wording.

Yours faithfully

Greg Brown LLB



⁶ Productivity Commission, (n3 above), 709.

⁷ Ibid.

⁸ Ibid.

⁹ For example see Queensland Association of Independent Legal Services Inc, Human Rights and Social Justice, http://www.qails.org.au/01_cms/details.asp?ID=114 at 1 January 2015.