

2020

ACCESS TO JUSTICE

Access to Justice Scorecard

Evaluating access to justice in Queensland

2020 Data analysis and report



Queensland
Law Society[®]

Introduction

In its eighth year, Queensland Law Society's Access to Justice Scorecard has sought to assess the views of the legal profession in Queensland about Queenslanders' access to justice. The Scorecard is an initiative of Queensland Law Society's Access to Justice and Pro Bono Law Committee, which is comprised of expert legal practitioners who have a thorough understanding of the issues impacting access to justice in Queensland.

The Scorecard acknowledges and celebrates achievements in improving access to justice, identifies where improvements are necessary and proposes solutions to overcome barriers to accessing justice. The report provides a platform to assist Queensland Law Society in advocating for better access to justice in Queensland.

The Scorecard assesses whether laws achieve fair and intended outcomes in Queensland and whether people have access to legal assistance when they need it. In 2020, QLS received an impressive 407 survey responses and responders gave access to justice in Queensland an overall score of 5.3 out of 10. While this is a minimal increase of 0.3 from the overall score in 2019, it demonstrates there are considerable improvements to be made if all Queenslanders are to have free and equal access justice.

Methodology

This year, the Scorecard adopted the 2017, 2018 and 2019 multiple choice format to create a comparable timeline of access to justice across the years. It focuses on access to legal assistance services, issues in resolving disputes through courts and tribunals and the role of technology in the law.

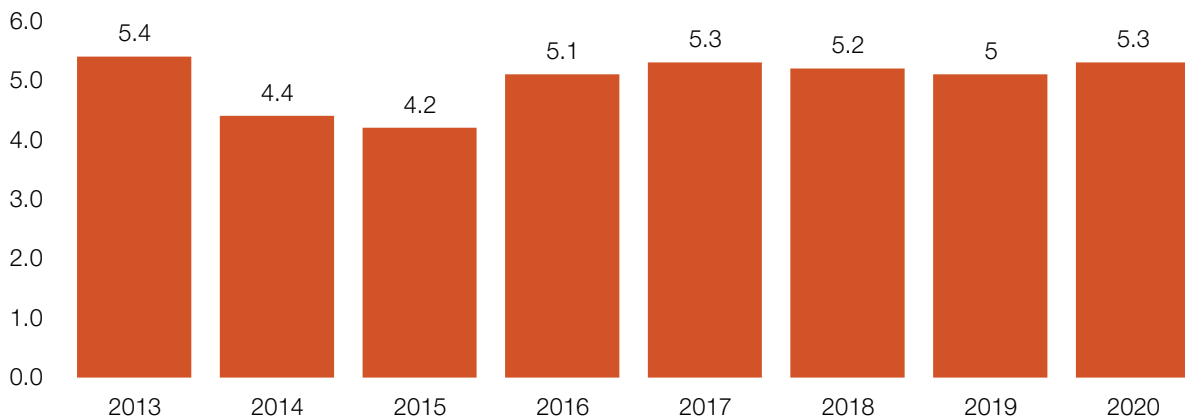
Survey Findings

Access to Justice overall

Question 1

Using a scale 1-10, with 1 being very poor and 10 being very good, how would you score access to justice in Queensland?

Annual Score



On a scale from 1 to 10, survey respondents were asked to score access to justice in Queensland. The average score in 2020 was 5.3, representing an increase against recent years and matching the previous high from 2017. Interestingly, this score has consistently hovered at a moderate 5 out of 10 for the last five years. This suggests there has been little impact (either positive or negative) on access to justice in Queensland. Further, many respondents commented on perceived 'stagnation'.

As in previous years, the most common responses submitted revolved around high costs, inadequate funding (for Legal Aid Queensland and Community Legal Centres particularly) and the complexity and time involved in legal proceedings. Each of these feeds into the other and creates a circumstance where access to justice may be available for some, but not the whole. A number of respondents in 2020 particularly noted the 'missing middle' (middle income earners who often do not qualify for assistance but are unable to afford the cost of private lawyers), as well as challenges faced by remote, regional and rural communities (with the majority of support focused in South East Queensland).

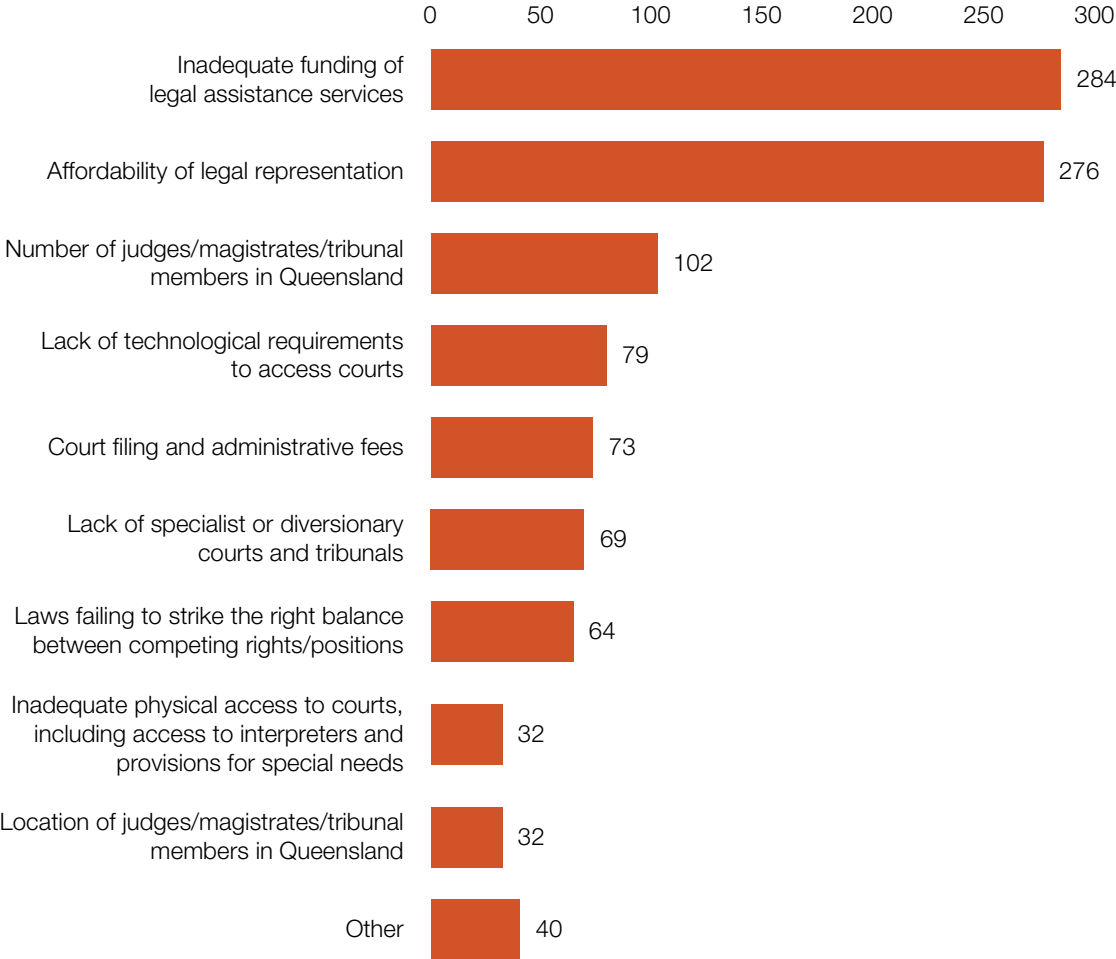
Queensland Law Society has highlighted the need to increase the level of per capita funding for legal assistance in successive Call to Parties Statements. Despite these and others' calls, these vital legal services remain underfunded by both the State and Federal governments. Respondents also called out for the broader legal community to assist in contributing towards access to justice (for example through pro bono work).

A number also commented on difficulties that can be faced by certain demographics (notably youth, Aboriginal and Torres Strait Islander people and those with a mental health condition), who can face additional challenges in accessing services and communicating effectively in a complex system.

While Queensland is not failing at access to justice, significant work can still be done to ensure that Queenslanders as a whole are supported.

Question 2

In previous years the following were identified as barriers to access to justice. From the list below, please select up to three issues which you believe are the most significant barriers to accessing to justice in Queensland.



For the last five years, respondents have consistently identified the same three barriers to accessing justice in Queensland: ‘affordability of legal representation’, ‘inadequate funding of legal assistance services’, and the ‘number of judges/magistrates/tribunal members in Queensland’.

Respondents have highlighted ‘inadequate funding of legal assistance services’ as the number one barrier to accessing justice in 2020. ‘Affordability of legal representation’ has moved to the second spot (down from number one in 2019 and 2018). The number of judicial officers in Queensland remains the third major concern for respondents, consistent with the previous four years.

In the ‘other’ category, a major theme in the survey responses related to the complexity and inflexibility of the court processes. The complexity of court processes being a major barrier to access to justice has consistently been raised in the last four surveys.

Also highlighted is the adequacy of court processes to deal with persons with particular vulnerabilities (including persons with a disability, mental health conditions, or culturally and linguistically diverse backgrounds).

Question 3

In previous years the following were identified as ways to improve access to justice. From the list below, please select up to three factors which you believe would most significantly improve access to justice in Queensland.



Similar to last year, respondents identified ‘ongoing support from legal assistance services’ and ‘access to pro bono representation’ as the two key ways of improving access to justice in Queensland.

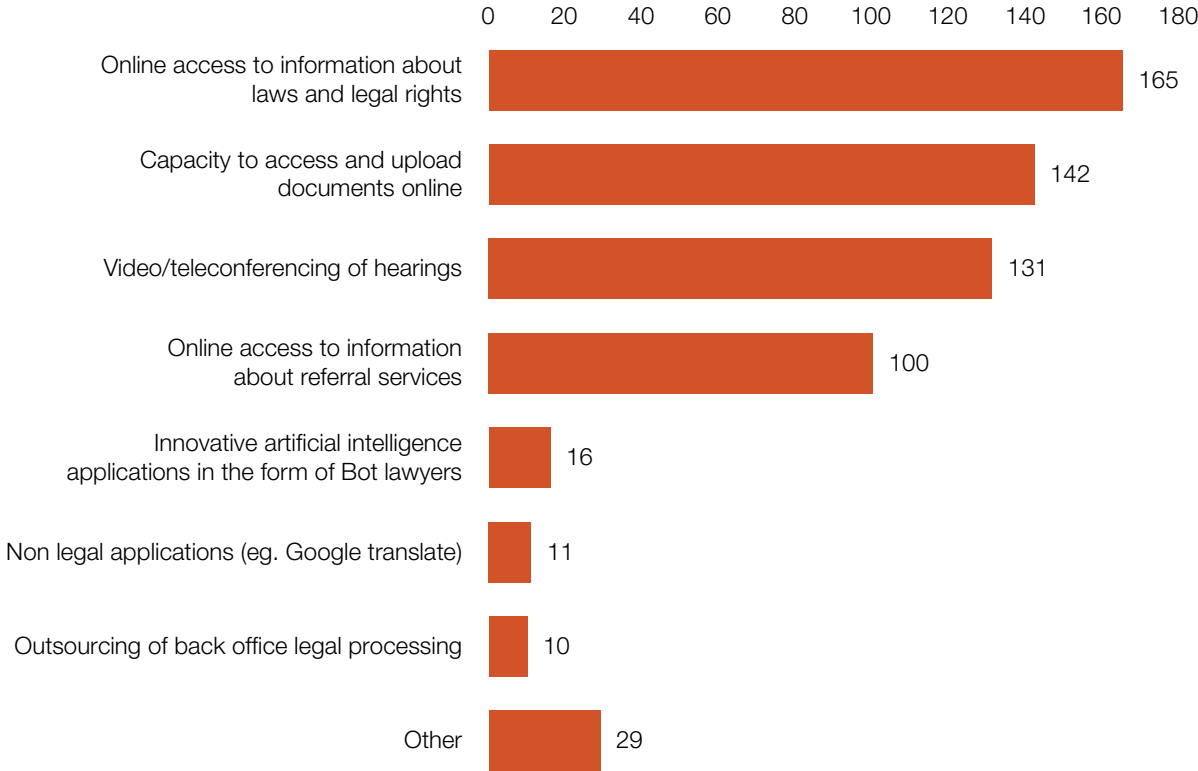
Interestingly, this year’s respondents have emphasised the need for ‘better supports for marginalised groups’ as a key factor that would improve access (in third position this year, up from fifth in 2019). This is consistent with responses received to other questions in the survey and points to an increased need of (or focus on) these more vulnerable members of the community.

Alternative fee structures has also remained a top five strategy for improving access to justice.

‘Other’ responses have highlighted a range of suggestions, with an emphasis on increased funding for services, development of regional and rural legal services and the smarter use of technology as emerging themes.

Question 4

Technology has been identified as having an important role in access to justice. From the list below, please select up to three technological advancements which you believe have most significantly improved access to justice in Queensland.



Over the past five years, ‘online access to information about laws and legal rights’, ‘capacity to access and upload documents online’, ‘video/teleconferencing of hearings’ and ‘online access to information about referral services’ have been the top rated responses, with each being selected by between 40% and 70% of respondents.

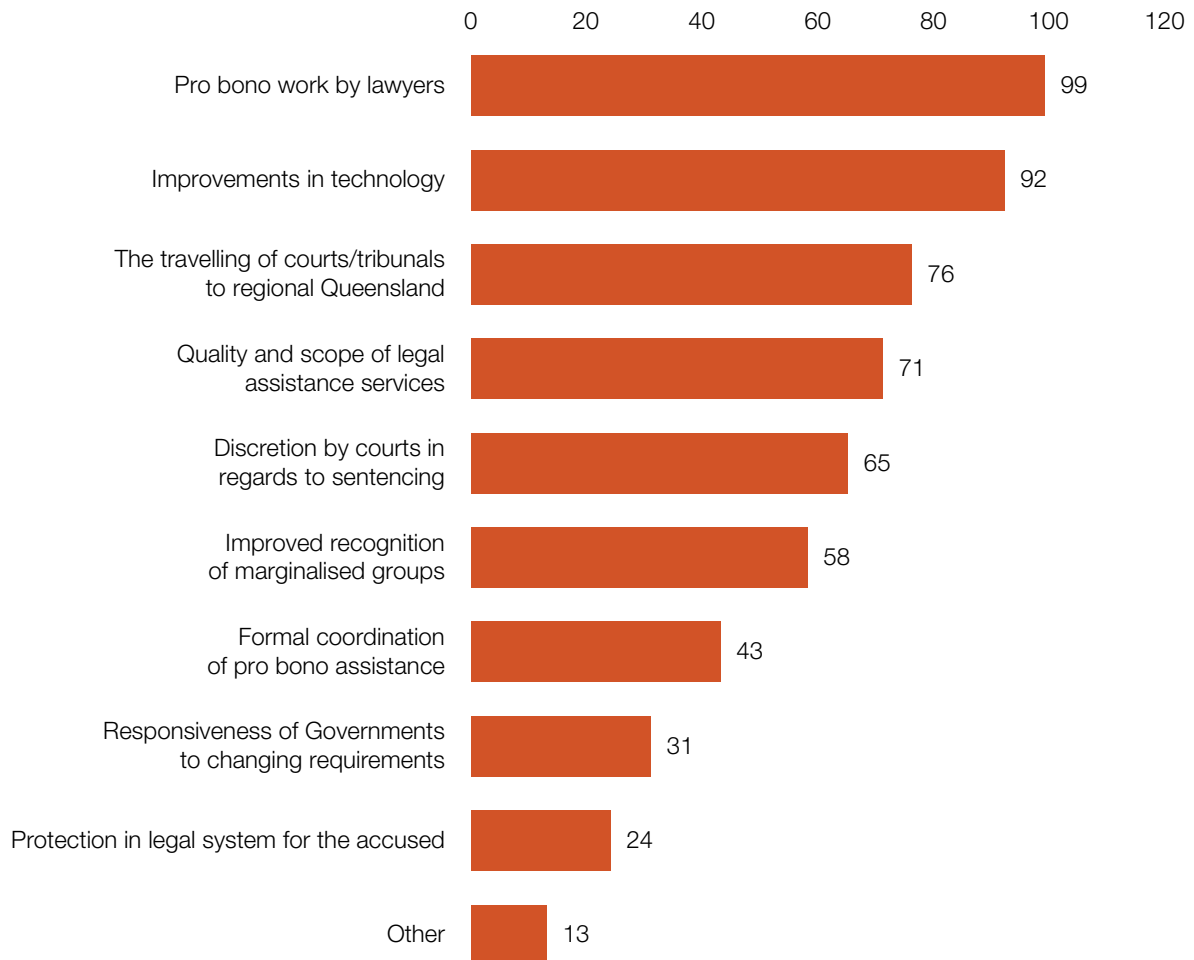
In a similar trend, the remaining responses have remained of low value each year, rarely being selected by more than 20% of respondents.

These results, maintained over time, send a clear message about how technology can continue to play a role in supporting access to justice. In particular, the ‘top 4’, which are working, should continue to be developed and refined.

However, respondents frequently noted that the technology solutions assume that members of the community will have access to technology, which is not a reality for many. As such, while technology can and should continue to play a role in improving Queenslanders’ ability to access justice, care should be taken to ensure that there is not a creation of a digital divide that further entrenches the access difficulties of disadvantaged and marginalised people.

Question 5

In previous years the following were identified as aspects of the law that are working well for access to justice. From the list below, please select up to three areas which you believe best support access to justice in Queensland.



'Pro bono work by lawyers' continues to be a leading response for best supporting access to justice in Queensland, being ranked in the top two over the last five years. 'Quality and scope of legal assistance services' has similarly remained highly ranked over the years. Each of these shows the clear importance of the contribution of legal practitioners (both in private practice and the legal assistance sector) in promoting access to justice.

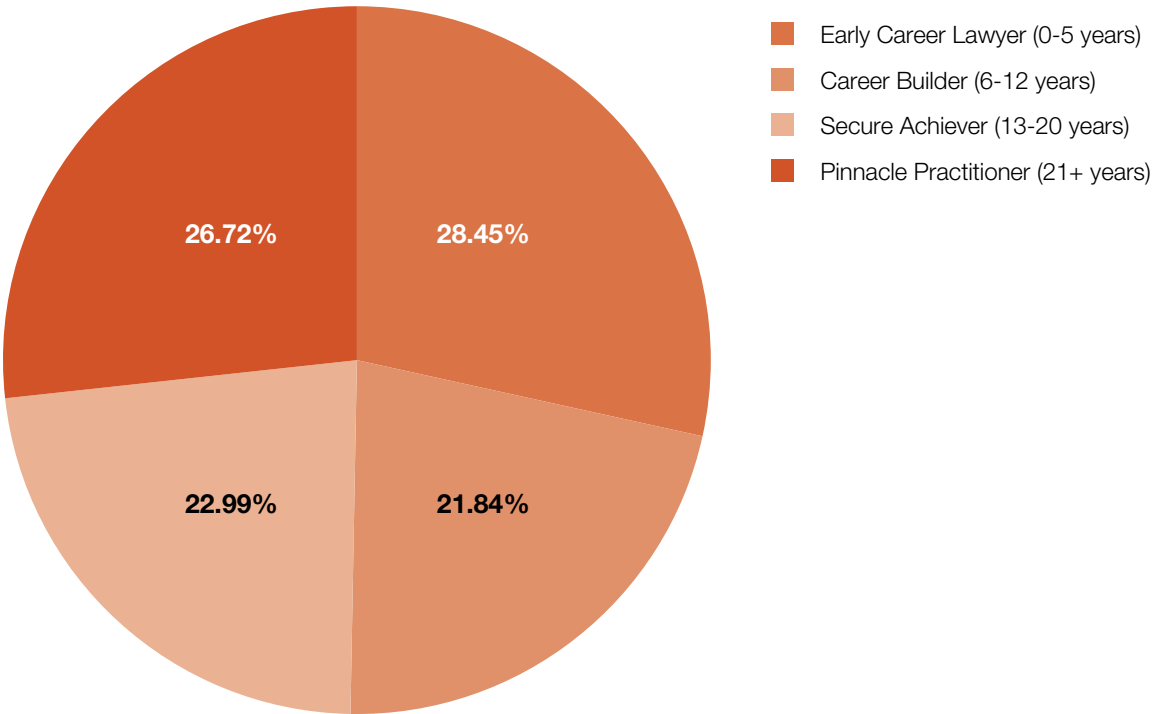
'Improvements in technology' has increased year on year since 2016, showing a continued focus on, and interest in, the role of technology, though concerns around accessibility issues for some demographics should be borne in mind. Included in this were calls for courts and tribunals to invest in technology upgrades and ensure these technologies are effectively used.

While not identified in this survey, other consultations conducted by Queensland Law Society about the impacts of the technological changes made by the courts in response to the COVID-19 pandemic have identified that there are substantial access to justice benefits. Queensland Law Society is continuing to advocate for appropriate use of technology to improve efficiency and thereby reduce costs of participating in the legal process, while continuing to safeguard fundamental rights to a fair hearing.

Question 6

What is your current Post Admission Experience (PAE)?

A total of 348 respondents answered question 6. Respondents fell into the following categories:

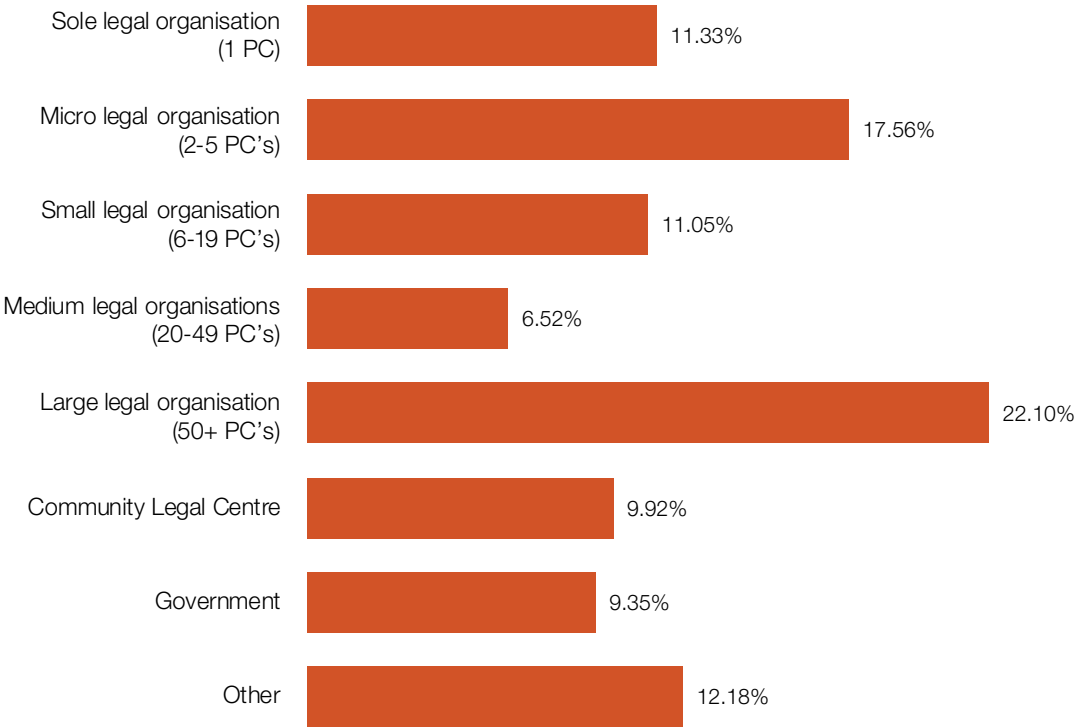


The even split of respondents from Early Career Lawyer to Pinnacle Practitioners demonstrates that access to justice is important to all segments of the solicitors branch of the legal profession.

Question 7

What is your current organisation type?

A total of 353 respondents answered question 7. Respondents fell into the following categories:



Large legal organisations with 50 practising certificates or more were the greatest respondents at 22.10%. Micro legal organisations (2-5 practising certificates) made up 17.56% with medium legal organisations (20-49 practising certificates) at 6.52%

Question 9

What is your gender?

A total of 353 respondents answered question 9.



The split of male and female practitioners is representative of the legal profession.

Actions in response to survey findings

1. Advocating for better access to justice

Queensland Law Society believes that everyone should have access to legal services. Limited or no access to legal services can have a serious impact on a person's ability to obtain a just outcome from a legal process. Queensland Law Society, and its members, have undertaken action in a range of areas in response to findings in the Access to Justice Scorecard in previous years.

We have 29 standing policy committees comprising over 350 volunteer committee members who contribute their expertise, knowledge and valuable time to advocating for good law for the public good. Their dedication enables Queensland Law Society to develop sound and balanced submissions to government when seeking legislative and policy reform which will have a positive impact for both the legal profession and the Queensland community. Our committee members come from a range of professional backgrounds, ensuring that our advocacy is truly representative on key issues affecting practitioners in Queensland and the industries in which they practise.

The dedicated expert committee members work to further Queensland Law Society's advocacy to encourage government to draft and amend legislation and policy to increase the positive impact on both the legal profession and the community.

Queensland Law Society values its relationship with the Queensland Government and the Opposition, and is regularly consulted on the development of policy positions and proposed legislative amendments, leading to better outcomes and responsive legislation. Queensland Law Society also engages with the courts on procedural reform and practical issues affecting court users, including consultation on draft practice directions. We also appreciate the ongoing opportunities to be involved in a number of other Queensland Government consultative groups as outlined below.

In the 2019-20 financial year, Queensland Law Society made a total of 256 submissions, provided evidence at 23 Parliamentary Public Hearings and attended 171 stakeholder consultations, many of which aimed to improve access to justice for Queenslanders. Some of the most significant submissions were:

- Proposed Single National Mechanism for Commonwealth Legal Assistance
- QLS Implementation of Recommendations under the Not Now, Not Ever Report
- Health Transparency Bill 2019
- Child Death Review Legislation Amendment Bill 2019
- Inquiry into Centrelink's Compliance Program
- Best Practice Guide for Practitioners in Relation to Elder Abuse
- Guardianship implementation project
- Health Legislation Amendment Bill 2019
- Inquiry into Australia's Family Law System
- Path to Treaty in Queensland Consultation Paper
- Justice and other Legislation Amendment Bill 2019
- Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019
- Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019
- Senate inquiry into unlawful underpayment of employees' remuneration
- Development of a Law Council policy position on climate change
- Council of Attorneys-General Age of Criminal Responsibility Working Group

Review

- Paid Parental Leave Amendment (Flexibility Measures) Bill 2020
- Section 651 applications and bail applications via videolink

- Chief Health Officer’s public health directions – Hospital Visitors Direction
- Federal Circuit and Family Court of Australia Bill 2019 and Federal Circuit and Family
- Court of Australia (Consequential Amendment and Transitional Provisions) Bill 2019
- COVID-19: Seeking changes to the Legal Services Award 2020
- Urgent response needed to COVID-19 in Places of Detention
- JobKeeper Payment – eligibility of charities and not-for-profits
- Witnessing solemn documents and crossing State & Territory borders
- Office of State Revenue – impacts of COVID-19 pandemic – JobKeeper package and wages – delivery of correspondence and documents to legal practitioners
- COVID-19 Protections for residential tenants and owners
- Corrective Services and Other Legislation Amendment Bill 2020
- Raising the minimum age of criminal responsibility
- COVID-19 protocol and children’s law matters
- COVID-19 laws and public health orders across Australian jurisdictions
- Elder Law Issues – proposed engagement with the Australian Banking Association and Best Practice Guide in relation to Elder Financial Abuse
- Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020
- Access to legal mail to Queensland correctional centres
- Inquiry into food pricing and food security in remote Indigenous communities

2. Pro bono work

Queensland Law Society members across the state undertake an average of 19.48 hours (a decrease from 21.78 hours in 2019) of pro bono work each year. This totals almost 243,414 hours (300,344 in 2019 and 239,177 hours in 2018) of pro bono work in Queensland.

Pro bono work is an integral part of the legal profession. The benefits of pro bono work include improved skills and experience for practitioners, but importantly it is direct provision of legal services to people who would otherwise be unable to retain legal assistance.

The Queensland Law Society Pro Bono Scheme is managed by LawRight. This valuable initiative aims to enhance the standing of the profession and gives Queensland Law Society members a structured system in which to demonstrate practical support for their communities. The Scheme provides a central point of contact for pro bono referrals in civil matters where legal assistance is needed and where the applicant cannot afford private legal services or obtain Legal Aid. The Scheme focuses on people experiencing hardship to maximise use of pro bono resources and covers all areas of civil law. However, outside this Scheme, many firms give significantly to their communities by providing services free or at low cost to those in need.

3. Low Bono

Low Bono is emerging as an interesting part of the solution to bridging the access to justice gap. Low Bono can mean just accepting a discounted fee for work, but is also becoming understood to encompass:

- Unbundled or limited scope services
- Passing on the benefits of improved efficiency
- Self-help tools and emerging Artificial Intelligence (AI) solutions

In an increasing range of matters that have traditionally been handled by a solicitor from start to finish, solicitors are assisting clients with discrete tasks only, under partial or limited retainers. This can make legal services affordable and accessible for someone who could not afford to pay for full representation. Many lawyers who offer unbundled legal services think of them as ‘low bono’ services, even though lawyers are not necessarily lowering their prices; instead, they are limiting the scope of their work.

Providing discrete task services (where a solicitor undertakes agreed tasks, rather than representing a client for the whole case) is one way of making legal services accessible to a greater number of people. This is an important way to enhance access to legal services for those who are ineligible for free legal assistance, but cannot afford the cost of a traditional full service retainer. This has been highlighted in previous Scorecard reports and identified in the Productivity Commissioner's review of access to justice arrangements. However, many solicitors remain somewhat cautious about providing service in this way. 'Guidance Statement No.7 – Limited scope representation in dispute resolution' was published by Queensland Law Society Ethics Centre in 2017 as a tool to assist practitioners. The Statement is specifically concerned with limited scope representation in the dispute resolution context. For solicitors acting in dispute resolution, limited scope representation may mean providing advice on drafting or checking documents alone or providing discrete advice about a particular step. The Guidance Statement outlines some of the ethical principles and issues which solicitors should consider when acting on a limited scope representation retainer.

The LAW Survey conducted by the NSW Law and Justice Foundation found that only 51% of people with a legal problem sought formal advice. Low Bono provides an opportunity to serve those who are not currently accessing legal services. This holds benefits for community members accessing legal services and benefits for the legal profession.

4. QLS Initiatives

a. Call to Parties

For each State and Federal Election, Queensland Law Society releases an Election Call to Parties Statement to demonstrate its advocacy on behalf of members and as an engagement exercise with both external and internal stakeholders.

The Call to Parties – Queensland State Election 2020 was prepared in consultation with Queensland Law Society policy committees, our membership, District Law Associations, legal policy solicitors and other selected stakeholders. It highlights the key issues identified by the legal profession as we approach the next State election and calls for commitments to address these concerns.

The Call to Parties – Queensland State Election 2020 included the following topics:

- Micro economic reforms – supporting Queensland businesses, not for profit organisations and individuals
- Advancing the rights of Aboriginal and Torres Strait Islander Peoples
- Responding to domestic and family violence in our community
- Supporting older and vulnerable Queenslanders
- Child protection and youth justice
- Sustainability, climate and disaster response
- Responding to the legal needs of the community – ensuring justice for all Queenslanders
- Criminal law reform
- Supporting legal practices as essential community infrastructure
- Maintaining the right to fair injury compensation for all Queenslanders
- Judicial commission
- Better resourcing for the justice system in Queensland – court resources and dispute resolution
- Making better laws and good policy

b. COVID-19

In 2020, the COVID-19 pandemic posed enormous and unprecedented access to justice challenges. Queensland Law Society has worked closely with state and federal courts and tribunals throughout 2020 in adapting processes during the COVID-19 pandemic and provided ongoing, up-to-date information to the legal profession as circumstances evolved.

We acknowledge the considerable work undertaken by courts and tribunals to proactively respond to the crisis and implement new measures that allows ongoing access to judicial processes. Queensland Law Society has engaged with Queensland and Federal courts and tribunals concerning the significant utility there may be in many of the newly implemented measures enduring once the effects of the pandemic ease.

The ability to conduct interim hearings and mentions by telephone or on the papers, for example, was generally found to be significantly more effective than requiring these hearings to take place in person. Conducting mentions and interim hearings by telephone represents significant cost saving for clients and has avoided the need to wait in court for up to several hours for a brief appearance.

For practitioners and clients from regional areas, this practice has eliminated the need to travel and costs associated with that travel. It also means that interim hearings could potentially run on days when the circuit judge is sitting in another location and thereby allow for other matters to be heard on circuit days.

Our members were supportive of matters proceedings in chambers, without the need for any appearances. Importantly, in circumstances where a client feels intimidated or fearful of their former partner, the ability to conduct matters in this manner is considerably less stressful.

The ability to have documents witnessed electronically, rather than in person, is also considered an improvement from an access to justice perspective in reducing costs for clients and improving efficiency.

c. Aboriginal and Torres Strait Islander Peoples matters

In consultation with the First Nations Legal Policy Committee, Queensland Law Society continues to advocate on issues that affect Aboriginal and Torres Strait Islander communities and is working to build relationships with key Aboriginal and Torres Strait Islander stakeholders and community.

Our advocacy over the past financial year has included a submission to the State Attorney-General opposing the proposed single national mechanism for Commonwealth legal assistance. Various concerns were raised in this proposal. Queensland Law Society strongly supported the Indigenous Legal Assistance Program which specifically sought to address the unique disadvantage experienced by many Aboriginal and Torres Strait Islander people which requires culturally appropriate services to be available for legal assistance. We are committed to substantially increasing the numbers of Aboriginal and Torres Strait Islander solicitors and students in the Queensland legal profession.

Queensland Law Society also provided a submission on the Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019 and raised specific concerns with the expansion of the Cashless Debit Card and the disproportionate impact that the measures would have on Aboriginal and Torres Strait Islander Peoples. We are particularly concerned about proposed post-implementation consultation which is simply inadequate and infringes on the right of Aboriginal and Torres Strait Islander Peoples to self-determination and other rights set out in the United Nations Declaration on the Rights of Indigenous Peoples.

In late 2019, the Queensland government commenced the Path to Treaty process. We are pleased to see the steps being taken towards reconciliation and meaningful conversations with Aboriginal and Torres Strait Islander Peoples in Queensland. Queensland Law Society, however, outlined some reservations with the process undertaken to date. We supported the continuation of the Path to Treaty process in our Call to Parties – Queensland State Election 2020 document and consider that bipartisan support of these processes, together with meaningful and culturally appropriate engagement with Aboriginal and Torres Strait Islander Peoples on all aspects, is essential.

d. Criminal justice and youth justice matters

Raising the minimum age of criminal responsibility

Queensland Law Society has continued its advocacy on raising the minimum age of criminal responsibility to at least 14 years. The age of criminal responsibility is the age a child is considered capable of understanding they have done something wrong and can be dealt with in the criminal justice system. The age of 10 years is the minimum age set by our governments that allow a child to be charged, brought before a court, sentenced and imprisoned.

In June 2019, the Law Council of Australia Directors unanimously voted in favour of a new policy regarding the minimum age of criminal responsibility and supported an increase from 10 to 14 years.

In response to the Law Council of Australia, Queensland Law Society contributed to a joint submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group Review, tasked with investigating whether the minimum age of criminal responsibility should be increased.

We strongly supported raising the minimum age of criminal responsibility to at least 14, and we made submissions with the assistance of Queensland Law Society Committees for the First Nations Legal Policy, Children's Law, Human Rights and Public Law and Criminal Law. This position has been supported by national and international legal and medical bodies, Aboriginal and Torres Strait Islander organisations, expert United Nations bodies, academics and human rights organisations. In their report, the Royal Commission into the Protection and Detention of Children in the Northern Territory also recommended an increase to the minimum age.

In our submission, Queensland Law Society highlighted the prevalence of young people with mental health and cognitive disabilities within the justice system and also the over-representation of children from the child protection system within the youth justice system.

In line with the evidence, we noted that early intervention and diagnosis, coupled with preventative justice reforms, are crucial, as is access to services in regional and remote regions and communities. We maintained that a whole-of-government approach across departments is needed to ensure that the diagnosis of young people can occur at the earliest opportunity to support rehabilitation and reduce recidivism.

We also reiterated our commitment to reducing the disproportionate rates of Aboriginal and Torres Strait Islander men, women and children in correctional facilities and noted that increasing of the age of criminal responsibility was an important step in this process. Policy approaches must be premised and developed in accordance with the principles of self-determination. The release of the 'Closing the Gap Report 2020' is a significant and timely reminder that urgent change in this respect is needed.

Children occupy a very vulnerable space in our society. Queensland Law Society will continue to advocate for early intervention and diversionary programs as an alternative to punitive justice, which has long-term and detrimental outcomes.

e. Domestic and family violence

In November 2020, Queensland Law Society released the Domestic and Family Violence Best Practice Framework, in collaboration with Legal Aid Queensland. This follows the publication of our Domestic and Family Best Practice Guidelines in 2016, which were published in direct response to recommendation 107 of the Taskforce Report – 'Not Now, Not Ever – Putting an End to Domestic and Family Violence in Queensland'. The new Best Practice Framework builds on this earlier versions and brings together the combined expertise of both organisations.

Domestic and family violence has a devastating impact on all Australian communities. The Best Practice Framework aims to assist practitioners to respond once they become aware that a person is at risk, or poses a risk, of domestic and family violence and ultimately aims to improve outcomes for people impacted by violence in Queensland.

Domestic and family violence can impact on all practitioners, as well as their clients, employees, family members, colleagues and friends. The revised Best Practice Framework was produced with the aim of being relevant to a broader audience of both legal and non-legal practitioners.

f. Family law

Queensland Law Society's Family Law Committee have continued to engage in family law reform processes, including the Inquiry into Australia's Family Law System.

In our submission to the Joint Select Committee, we reiterated our view that access to legal assistance in the early stages of a dispute can prevent or reduce the escalation of legal problems and reduce cost to the justice system overall. Private legal practitioners generally provide high quality, tailored family law advice and play an important role in resolving family law matters, including by identifying relevant issues and providing relevant information to the court. Access to legal advice and representation is key in the resolution of matters and helps to ensure litigants are properly informed.

Sustained cuts to the legal assistance sector, including Legal Aid Queensland, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services, have impacted the ability of a significant proportion of the community to obtain access to specialist family law advice. Additional funding to the legal assistance sector is essential to improving accessibility to the family law system and reducing costs.

We intend to continue our advocacy in relation to these issues.

g. Elder, health and disability

The Health and Disability, Succession and Elder Law Committees have made numerous submissions of particular relevance to the rights of older people and people with disabilities. The Committees have provided feedback on documents and proposals relevant to enduring documents, including a national guide to enduring financial powers of attorney, the proposal for a national register of enduring powers of attorney, and extensive feedback regarding the upcoming new enduring document forms and capacity guidelines.

Queensland Law Society continues to advocate against abuse of older people and published and update to its joint report with the Public Advocate, 'Elder Abuse: How well does the law in Queensland Cope?', in the June 2020 edition of Proctor. The Committees have also made submissions in relation to professional guidance on best practice to recognise and avoid elder abuse and to the Royal Commission into Aged Care Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Committees were heavily involved in advocating for appropriate emergency measures to ensure that Queenslanders had access to signing wills and enduring documents during the COVID-19 pandemic.

h. Climate change

In early 2020, Queensland Law Society developed its first policy position on climate change. We recognised that mitigation of human induced climate change and adaptation to the changing climate are amongst the greatest challenges facing Queenslanders. The impacts of climate change will increase legal need for those who will be impacted due to income, age, health status, location and housing status.

Climate change has significant consequences for human rights, including those now explicitly recognised in the new *Human Rights Act 2019* (Qld) and international instruments. These include the right to life, the right to privacy, family and home, the rights of children and cultural rights.

As climate change is expected to result in natural disasters shifting from being discrete events to frequent, ongoing events, the ability of the legal assistance sector to absorb the increased workload will be stretched. We continued our advocacy on legal assistance sector funding as a climate change adaptation measure in light of these new challenges. In addition, we advocate for a properly funded national framework within which private lawyers, community and government can work to improve access to justice and achieve improved outcomes for those affected by climate change.

5. Technology and new law

The legal landscape is changing due to developing technologies and the reduction of barriers of entry to the profession. These advances have functioned to create efficiencies in the operation of legal practice. Firms are able to operate more efficiently with fewer overheads than have been required in traditional legal practices, meaning that firms can pass on some of the benefits of these efficiencies to clients and offer services at lower rates that some consumers can afford.

Many legal practices provide free legal information on their websites, or provide links to material that can assist individuals navigate the legal system. Artificial Intelligence (AI) can tailor the information a person receives via digital devices to their own circumstances and is emerging as a significant opportunity for solicitors to engage with and provide solutions to people who could not otherwise access services.

The Scorecard data has highlighted the integral role that technology can play in enhancing access to justice. Queensland Law Society recognises the important role of technology as an integral part of legal practice, including in relation to back office processes and in the provision of legal advice and information. We aim to support the legal profession in embracing technology in the practice and delivery of legal services. As a result, the Queensland Law Society Council established the Innovation Committee in February 2019.

The Innovation Committee's primary purpose is to assist members with the change associated with the digital future of legal services and to best position the profession to remain relevant through this disruption. The Innovation Committee is considering the skills and experience lawyers will require, the impact of tools and technology on the profession, and what business structures will support legal practice into the future. In turn, these will assist to ensure more Queenslanders have access to affordable legal assistance.

Queensland Law Society continues to advocate for electronic filing and document management in Queensland courts. Queensland is a decentralised state with the highest number of regional legal practitioners in the country. Electronic court filing is currently available in the Federal Court and in other state jurisdictions across Australia. It is not, however, available in most Queensland courts.

We have maintained that court users and judicial officers should be able to use existing technology to easily and cost effectively conduct all matters in an electronic environment – both prior to and at trial stage. In this regard, our members have proposed a comprehensive end-to-end electronic court process. Ideally, this would be a seamless and entirely paperless system.

Queensland Law Society also remain committed to ensuring that advances in technology and its use in the legal system do not inadvertently further disadvantage vulnerable members of the community, who may be unable to access or utilise these resources.



Law Society House
179 Ann Street, Brisbane Qld 4000

1300 367 757 | info@qls.com.au | qls.com.au

