



State election issues 2015

Call to Parties

For Good.

Queensland Law Society has more than 11,000 members across the state and is the peak professional membership body for solicitors. We advocate for good law and support good lawyers in Queensland. Our stakeholders include solicitors, barristers, state and federal governments, the judiciary and the community.

On behalf of the Queensland legal profession, Queensland Law Society is calling on the LNP and ALP in 2015 to consider and respond to the following priority issues identified by our members.

1. Queensland's law reform processes

The government is responsible for making laws for the peace, welfare and good government of Queensland. This mandate extends to the creation of good laws and policies that:

- are grounded in cogent evidence
- are the result of proper consultation processes (such as those employed by the Australian Productivity Commission)
- serve the long term interests of the Queensland community.

Queensland Law Society calls for a commitment:

- to evidence-based policy-making
- to implement a comprehensive consultation process for the formation of legislation. This process should include a one month consultation period prior to the introduction of a Bill in Parliament, with any departures from the process documented and tabled in Parliament
- to the use of justice impact statements upon the introduction of a Bill to detail what 'cost' will be imposed on the justice system
- to remove existing clauses in community legal centre contracts that restrict engagement in advocacy activities and to refrain from imposing such restrictions in future contracts.

2. Queensland's judicial appointments process

Maintaining an independent judiciary is one of the pillars of our democracy and is central to the separation of powers. The integrity of judicial appointments is a fundamental tenet of our democratic system. To maintain public confidence in the administration of justice, all processes surrounding the judicial system should be open, transparent and independent.

Queensland Law Society calls for a commitment:

- to establish a protocol for judicial appointments in Queensland, by reviewing current processes and consulting with stakeholders.

3. Access to justice in Queensland courts and tribunals

Effective access to justice means that all people are able to bring and respond to court proceedings, regardless of their financial, social or geographic status. All Queenslanders should be able to rely on a sustainably funded legal aid system and well-resourced courts and tribunals.

Queensland Law Society calls for a commitment:

- to increase the level of state government Legal Aid Queensland funding so that Queenslanders have a similar level of access to state-funded legal assistance services as is available in the rest of Australia
- to allow legal representation as of right in the Queensland Civil and Administrative Tribunal
- to undertake a comprehensive audit of all Queensland courts and tribunals with a view to providing in each courthouse:
 - at least one soundproof interview room
 - access for mobility impaired persons
 - facilities to assist persons with disabilities
 - videoconferencing facilities
 - e-filing
 - easy access to interpreter services.

4. Criminal law in Queensland

Criminal law outcomes have significant impacts on Queenslanders. Criminal law reform must be carefully considered.

Queensland Law Society calls for a commitment:

- to refrain from the creation of new mandatory sentencing regimes and to evaluate the current mandatory sentencing regimes
- to repeal anti-association legislation
- to make a referral to the Queensland Law Reform Commission to investigate alternatives to incarceration, including but not limited to justice reinvestment and court-ordered parole
- to amend the *Crime and Corruption Act 2001* so that all Commissioner appointments require bipartisan support and that the offices of Chief Executive Officer and Commissioner cannot be filled by the same person
- to reinstate Queensland's specialist courts, in particular the Murri Court, the Special Circumstances Court and the Drug Court.

5. Children's law in Queensland

Queensland Law Society has advocated for better treatment of children and young people in our legal system through our submission work and our policy position paper on children and young people's issues. In contrast to other states and territories, Queensland is the only state where 17 year olds are subject to the adult criminal justice system and where children's law matters are not heard in a stand-alone Children's Court building.

Queensland Law Society calls for a commitment:

- to remove 17 year old offenders from Queensland's adult correctional facilities and place these young people within the jurisdiction of the *Youth Justice Act 1992*
- to repeal recent amendments to the *Youth Justice Act 1992* so that:
 - there is no publication of repeat offenders' identifying information, other than in exceptional circumstances and at the court's discretion
 - breach of bail is no longer an offence
 - all children's law matters are held in closed court
 - childhood findings of guilt for which no conviction was recorded are inadmissible in court when sentencing a person for an adult offence
 - the principle of detention as a last resort is reinstated
 - 17 year olds who have six months or more left to serve in detention are not automatically transferred from detention to adult corrective services facilities
- to review the Youth Boot Camps model, with the review to involve collecting objective empirical data, consulting with stakeholders and examining similar systems in other jurisdictions
- to publish and implement the findings of the review.

6. Public administration decisions that impact elderly Queenslanders

The Australian Bureau of Statistics predicts that by 2056, one quarter of Australia's resident population will be aged 65 years and over. It is important to ensure there is adequate resourcing for those government agencies associated with service delivery for this growing demographic.

Queensland Law Society calls for a commitment:

- to increase funding for the Office of the Public Guardian each year by at least 3% or CPI (whichever is the greater) in light of its new and expanded statutory powers.

7. Access to fair injuries compensation

Queensland Law Society supports access to fully funded, accessible and fair common law compensation schemes.

Queensland Law Society calls for a commitment:

- to repeal the impairment threshold for access to workers' compensation claims
- to introduce a right of appeal to a court from decisions of the Medical Assessment Tribunal
- to guarantee that the introduction of the National Injury Insurance Scheme in Queensland will not result in the removal or reduction of existing common law claims entitlements.

8. Public education about the Queensland justice system

Educating the community about Queensland law, justice matters and the legal system is an important feature of responsible government. Misinformation and misunderstandings can lead to community fears and assumptions that are simply not supported by the facts.

Queensland Law Society calls for a commitment:

- to establish and fund an independent statistical research body (or develop a partnership with an existing organisation) to publish regular analysis of Queensland crime and sentencing data
- to fund and implement a public education campaign to promote understanding and awareness of the Queensland legal system.

9. Appointments to key public service positions

In order to achieve a respected and functioning government, it is essential for the public to have trust and confidence in the people appointed to key positions in the public service, and for these appointments to be made following a transparent, merit-based recruitment process.

Queensland Law Society calls for a commitment:

- to fill key public service positions and statutory appointments (such as the Public Trustee and Public Guardian) within three months following merit-based selection processes.



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