



1 July 2016

Mr Bill Potts  
President  
Queensland Law Society  
Law Society House  
179 Ann Street  
BRISBANE QLD 4000

Dear Mr Potts,

Thank you for your correspondence regarding our policies for better access to justice.

**Making justice more accessible**

In government, Labor delivered a boost of \$30 million over two years for Legal Aid Commissions.

The Abbott-Turnbull Government has cut \$24 million from Community Legal Centres, \$15 million from Legal Aid Commissions, and \$13 million from Aboriginal and Torres Strait Islander Legal Services.

That tells you all you need to know about the difference in priorities between Labor and Liberal.

Legal Aid funding is a joint arrangement with the States and Territories. A Shorten Labor Government would work with the States and Territories to negotiate appropriate funding arrangements.

Labor will commit \$43.2 million for representation to protect victims and survivors of family violence from being cross-examined by alleged perpetrators personally.

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A Shorten Labor Government will deliver Community Legal Centres across the country the funding they need to keep their doors open, after three years of devastating cuts under the Abbott-Turnbull Government.

160,000 people were turned away from Community Legal Centres last year alone. Centres face a 30 per cent funding cut on 1 July 2017, which will see many centres having to close their doors to clients. This is not right and Labor will address it. A Shorten Labor Government will invest almost \$43 million in frontline legal services over three years from 1 July 2017 so they can keep doing their vital work.

Access to justice is a fundamental right of all Australians. Only a Shorten Labor Government will ensure that right is safeguarded – the only guarantee you will get from the Turnbull Government is further funding cuts.

### **Resolving family law disputes in a timely way**

Families across Australia are currently waiting years to have their matters resolved. This crisis has been exacerbated by the mismanagement of the Attorney General in replacing retiring judges. A Shorten Labor Government will ensure that retiring judges are replaced in a timely manner.

The impact of this delay has caused backlogs that cannot be made up without additional judges being appointed to share the workload.

A Shorten Labor Government will appoint additional Federal Circuit Court judges to Brisbane and Parramatta, a permanent Federal Circuit Court judge to Wollongong and an additional Family Court judge to Brisbane.

### **Assisting Queensland businesses including law firms**

Small businesses are major employers across Australia's cities and towns. Of the 11.5 million workers in Australia today, over 4.7 million work in a small business.<sup>1</sup> Having a strong small business sector is vital to creating new jobs and growing the Australian economy

A Shorten Labor Government will implement a suite of measures to support small businesses including law firms by:

- **Lowering the small business tax rate to 27.5 per cent**
  - To commence on 1 July 2016.

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<sup>1</sup> Australian Bureau of Statistics, 2016, *Labour Force – Detailed, April 2016*; Parliamentary Library, 2015, *Statistical Snapshot: small business employment contribution and workplace arrangements*

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- For small businesses with a turnover of less than \$2 million a year which is 83 per cent of all businesses.
- Labor will not support changing the definition of small business to include businesses with a turnover of up to \$1 billion: these are not small-businesses.
- Labor is committed to reducing the small business tax rate over the long-term.
- **Establishing New Job Tax Cuts for small businesses:**
  - Making it easier for small businesses to create new jobs.
  - Small businesses will be able to claim a tax deduction of up to \$20,000 per worker to offset the wages of up to five new employees; meaning a deduction of up to \$100,000 a year for new staff.
  - This will apply for small businesses with a turnover of less than \$2 million which has been operating for more than two years.
  - Eligible businesses will be able to claim a 40 per cent deduction on top of the amount they can currently claim for their employees.
  - This measure is targeted to employing Australians who face real barriers to joining the labour market –
    - Unemployed jobseekers aged under 25 or over 55; and
    - Parents or carers returning to work after more than six months away.
  - This will help small businesses and will help 30,000 Australians find a job each year.
  - Paperwork for this tax cut is minimised by claiming the deduction as part of the businesses regular tax return. This is no more complicated than filling out your tax return.
- **Ensuring that all businesses have reliable and fast internet. Arguably, the modern law firm relies on the internet even more than most businesses particularly with the advent of e-filing. The NBN is a critical piece of infrastructure – it needs to be done right:**
  - Labor will scale up the rollout of fibre to the premises and phase out the rollout of fibre to the node.
  - Two million more homes and businesses will get fibre to the premises under a Shorten Labor Government.
  - Modern businesses cannot operate without reliable, fast internet.
- **Creating Access to Justice for Small Businesses:**
  - Will ensure small businesses can seek timely, affordable redress against anti-competitive behaviour.

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- Includes funding for the Small Business Ombudsman to assess whether a private litigant is likely to be granted a 'no adverse' cost order and give Federal Court judges the power to issue such an order.
- Where such an order is made, private litigants will be able to seek redress against anti-competitive behaviour without the threat of an adverse costs order. This will even the playing field for small businesses trying to seek redress.
- **Creating Access to Finance for small businesses:**
  - Nearly every small business at some stage of their life cycle will need access to finance. New businesses need finance to establish themselves and give opportunities to others looking to grow or diversify.
  - Positive credit reporting will benefit small businesses.
  - It will allow banks to share positive as well as negative credit information.
  - This will create competition among lenders by making it easier for small business to access finance.
- **Creating a \$500 million Smart Investment Fund:**
  - To back in great ideas and help them compete on the world stage.
  - The Commonwealth will invest up to 50 per cent of the start-up capital needed to help Australian companies commercialise their smart ideas and innovations.
- **Helping small businesses to incorporate:**
  - By making it easier for small businesses to incorporate without additional red tape.
  - By allowing small businesses to gain the legal protection of limited liability, promote asset protection, retain profits for working capital, succession planning and income distribution.

### **Develop our region and our profession**

A Shorten Labor Government would prioritise developing national regulation of the legal profession to make Australia more attractive to international business and international arbitration.

### **Equal treatment before the law**

The Federal Labor Party applauds the recent legislative changes made by the Queensland Palaszczuk Government to overturn some of the draconian measures aimed at Queensland youth implemented by the former Newman Government.

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One of the legislative changes passed is to end the traumatic transfer of 17 year olds to adult correctional facilities.

Matters of criminal law, including whether defendants are treated as juveniles under the criminal justice system, are matters for State Governments. The Commonwealth can play a role to work to better harmonise the different criminal justice systems across the nation.

**Engaging the not-for-profit sector**

Labor opposed the Abbott-Turnbull Government's planned abolition of the Australian Charities and Not-for-Profits Commission. Labor understands the importance of the Commission to a well-functioning not-for-profit sector.

Further details of our policies can be read at [www.alp.org.au](http://www.alp.org.au) and [www.100positivepolicies.org.au](http://www.100positivepolicies.org.au)

Thank you for the opportunity to discuss these important issues.

Yours sincerely,

**ALP Information Services Unit**

Australian Labor Campaign Headquarters

[www.alp.org.au](http://www.alp.org.au)

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PO BOX 6222, KINGSTON ACT 2604 ABN 38 318 251 221  
T 03 8625 5000, Twitter: @AustralianLabor, facebook.com/LaborConnect, [www.alp.org.au](http://www.alp.org.au)

Authorised by G. Wright, Australian Labor Party, 5/9 Sydney Avenue, Barton, ACT, 2600