

# Call to Parties Statement

Queensland State  
Election 2020

Queensland Law Society represents over 13,000 solicitors across the state and is the peak professional membership body for solicitors. We advocate for good law, good lawyers and the public good.

On behalf of the Queensland legal profession, Queensland Law Society is calling on Queensland's political parties in 2020 to consider and respond to the following priority issues identified by our members.

## How to get involved

Members interested in these issues are encouraged to contact their **local State member**.

We welcome your comments and feedback to the QLS Legal Policy Team.

**[policy@qls.com.au](mailto:policy@qls.com.au)**

---

## Micro economic reforms – supporting Queensland businesses, not for profit organisations and individuals

Fundamental legal structures underpin a vibrant and efficient economic system. As Queensland deals with the COVID-19 pandemic, it is critical that everyone participating in the economy is supported to ensure a successful and speedy economic and social recovery.

QLS and its members have identified the following micro-economic reforms which will make a significant positive difference to doing business in Queensland by modernising document execution, improving transaction processes, streamlining regulation, supporting consumers and encouraging investment in Queensland.

### QLS calls for a commitment to:

1. Maintaining the public ownership of the Queensland Titles Registry to ensure the security of land ownership registration for all Queenslanders.
2. A comprehensive and well-resourced review of the *Justices Act 1886*, encompassing consultation with a wide range of stakeholders and involving legal practitioners. This is essential to creating a modern criminal justice system that promotes the rule of law, provides certainty for the community about their rights and responsibilities and permits the Courts to operate in a more efficient and technology inclusive manner.
3. Working with stakeholders, including QLS, to evaluate the measures introduced in response to the COVID-19 pandemic to ensure that those which have a lasting benefit for the community are retained and implemented on a permanent basis.
4. Facilitate the use of electronic signatures by corporations and individuals by updating the *Property Law Act 1974* requirements for signing documents including maintaining the reforms introduced in response to the COVID-19 pandemic.
5. Implement the seller disclosure framework as proposed in the recommendations of the Commercial and Property Law Research Centre of the Queensland University of Technology in its paper, *Final report: Seller Disclosure in Queensland*.
6. Release a draft of a modernised Property Law Act, which will ultimately replace the *Property Law Act 1974*, for community and stakeholder consultation based on the reforms recommended by the Commercial and Property Law Research Centre of the Queensland University of Technology in the extensively researched paper, *Final report: Property Law Act 1974*.
7. Implement a system to enable subscribers to an electronic conveyancing platform to pay transfer duty directly to the Office of State Revenue when parties to a transaction elect to settle the transaction by way of an electronic conveyancing platform.
8. Make a reference to the Queensland Law Reform Commission to investigate the law relating to powers of attorney generally, including enduring powers of attorney and general powers of attorney. General powers of attorney are less regulated than enduring powers of attorney and can be used as tools for financial abuse.

9. Reform the duty position in Queensland:
  - a. to reflect the position in most other Australian states, so that duty is not payable on non-land business asset transfers;
  - b. to abolish all duty payable on the restructure of a business where the beneficial ownership of the entity does not change, such as the restructure of a partnership or individual owner to a corporate structure;
  - c. reform the *Duties Act 2001* to ensure that primary production businesses can be passed from one generation to the next with access to appropriate transfer duty concessions, particularly by ensuring that businesses that are operated by family-owned companies and trusts (rather than by individuals) qualify for the exemption;
  - d. provide a specific exemption to the 'sole use' test in section 53 of the *Land Tax Act 2010* for carbon farming activities that may be conducted on primary production land to encourage such carbon farming projects;
  - e. remove the ownership criteria that limits the availability of the primary production land tax exemption in section 53 of the *Land Tax Act 2010*, such that the exemption is a 'use only' test as it is in NSW;
  - f. clarify the application of the land tax surcharge (and the ex-gratia relief from that surcharge) to foreign-owned land used for primary production to encourage appropriate investment in Queensland.
10. Reduce compliance obligations on charities and not-for-profits by working with the Commonwealth to progress a nationally-consistent approach to fund-raising regulation across Australia, as recommended by the Commonwealth Select Committee on Charity Fundraising in the 21st Century in its report, *Charity Fundraising in the 21st Century – Senate Committee Report* (14 February 2019).
11. The office of the Attorney-General being active in the exercise of the role and function of the Attorney to protect charitable assets when material mis-application of charitable assets is in question. To this end a commitment is also sought that in the next term of government:
  - a. the office of the Attorney-General will work actively and co-operatively with the Australian Charities and Not-for-profits Commission in the preservation of charitable assets; and
  - b. consideration be given to the office of the Attorney-General adopting a named function of 'State Commissioner of Charities' (or other similar name) to aid in public trust and confidence in charities and to demonstrate that the protection and preservation of charitable assets is an inherent role of the Attorney.
12. A review of the standard Queensland Government contracts typically used when engaging community organisations, including charities and not-for-profit organisations, to deliver services. The review must:
  - a. address opportunities for standardising and simplifying the documentation, including consistency with the equivalent Commonwealth documentation;
  - b. have regard to the unfair contracts framework, particularly when dealing with risks; and
  - c. consider the introduction of model contracting rules, similar to the model litigant rules which have been promulgated by government.

13. Release an updated consultation draft of the Trusts Act for consultation with stakeholders with a view to drafting and passing a modern, fit-for-purpose Trusts Act within the next term of the government. A commitment is sought that the consultation draft will:
  - a. re-consider the reforms recommended by the Queensland Law Reform Commission in its report, *A Review of the Trusts Act 1973 (Qld)* (published June 2013), as the report was premised on the anticipated abolition, at the time, of the Australian Charities and Not-for-profits Commission and the recommendations are based on assumptions that are now out of date; and
  - b. consider conferring standing to the Australian Charities and Not-for-profits Commission to make an application in State courts to assist the Attorney-General in the Attorney's role in the preservation of charitable trust assets. Often the Australian Charities and Not-for-profits Commission will have undertaken significant investigation and evidence-gathering before submitting a brief to the Attorney.
14. An academic or subject matter expert review of the *Succession Act 1981* with a view to publishing a discussion paper for stakeholder consultation that scopes a modern, accessible and efficient legislative framework.

---

## Advancing the rights of Aboriginal and Torres Strait Islander Peoples

**QLS calls for urgent change to the way government implements policies and laws which affect Aboriginal and Torres Strait Islander Peoples.**

**There must be clear action and accountability to ensure that recommendations from previous consultations, inquiries, reports and recommendations are implemented and progressed.**

**QLS calls for a commitment to:**

15. Meaningful ongoing conversations with Aboriginal and Torres Strait Islander Peoples in Queensland about continuing the 'path to treaty' process. In continuing this process, it is critical that:
  - a. governments undertake adequate due diligence and consult and engage with the right Community member/s and Elders to speak on behalf of their Communities;
  - b. Aboriginal and Torres Strait Islander Peoples frameworks are utilised as a primary tool, with the standard mode of government consultation processes supporting these frameworks, including ensuring that there are culturally respectful consultation timeframes which recognise Aboriginal and Torres Strait Islander Peoples' ways of decision making;
  - c. the processes are sufficiently supported to ensure the cultural and psychological safety of Aboriginal and Torres Strait Islander contributors, whether they are staff, community members or otherwise;
  - d. consideration be given to financial compensation to compensate contributors to the process for their time and out-of-pocket expenses in regularly contributing their time, knowledge and expertise to these processes.

16. The foundations for a path toward Treaty should be informed by the extensive work, proposals and recommendations which have already been undertaken to date; including the 2017 National Constitutional Convention of 'The Uluru Statement From The Heart' and the recommendations of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples 2015. To ensure these reforms are informed and guided by Aboriginal and Torres Strait Islander decision makers, QLS calls for the establishment of:
  - a. An Aboriginal and Torres Strait Islander Peoples' representative council for Queensland whose members are elected by their Communities to facilitate a stronger link between Government and Aboriginal and Torres Strait Islander Communities;
  - b. an independent Aboriginal and Torres Strait Islander Ombudsman with an audit function with respect to the Aboriginal and Torres Strait Islander Peoples' representative council and with the power to receive and resolve complaints from Aboriginal and Torres Strait Islander Peoples who are impacted by decisions of all public authorities.
17. The efficient and effective resolution of native title compensation claims, including:
  - a. Early, comprehensive and free access to all tenure information held by the State that relates to extinguishing acts done prior to the commencement of the *Racial Discrimination Act 1975* (Cth). This will assist Traditional Owners in case preparation and settlement negotiations.
  - b. A commitment that, where there is a contiguous native title determination (often by way of consent), the State will admit that that native title would exist but for the compensable act. This would reduce the number of issues to be resolved.
  - c. A commitment to enter into good faith negotiations to explore comprehensive settlements, rather than a piecemeal 'lot by lot' approach.
18. Ensuring that Community Controlled Services are adequately resourced and funded to meet service delivery demands, particularly in the context of emerging issues and services needed arising from the COVID-19 pandemic.
19. Implementing a statutory requirement in Queensland under which police must contact an Aboriginal and Torres Strait Islander legal service whenever an Aboriginal or Torres Strait Islander person is detained in custody for any reason, including protective reasons. This is consistent with the recommendation of the Australian Law Reform Commission's "Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples" (**ALRC Report 133**) (tabled 28 March 2018).

---

## Responding to domestic and family violence in our community

**QLS recognises the devastating impact of domestic and family violence in our community. QLS is committed to advocating for measures which reduce the prevalence of all forms of domestic and family violence, shift cultural attitudes and behaviours and better protect victims.**

**QLS calls for a commitment to:**

20. Maintain existing specialist domestic violence courts and continue the roll out of additional specialist domestic violence courts throughout Queensland.

21. The urgent allocation of funding for modern infrastructure at all Magistrates Courts to facilitate court appearances in a safe way, including:
  - a. proper teleconference and videoconference facilities, to facilitate mentions by way of technology and avoid the need for parties in unsafe situations to attend in person;
  - b. safety rooms;
  - c. panic buttons in interview rooms;
  - d. safe entry and exits of courthouses for aggrieved parties;
  - e. increased and improved security at courthouses to protect vulnerable parties.
22. Conduct specialist training and in particular, trauma-informed training for judicial members addressing the particular considerations and needs relevant to minority groups including Aboriginal and Torres Strait Islander women, the LGBTIQ+ community and young adults (under 21 years of age) in domestic and family violence matters.
23. Continue and expand perpetrator programs, domestic and family violence services and court-based support for victims of domestic and family violence and respondents to ensure that:
  - a. all major regional centres have sufficient access to these resources;
  - b. programs are available free-of-charge for self-referred perpetrators seeking assistance;
  - c. DFV perpetrator programs in prison are accessible and available for convicted DFV offenders.
24. Fund culturally appropriate perpetrator programs developed with Aboriginal and Torres Strait Islander communities, including funding for long term follow up and support within communities.
25. Fund a trial of early intervention strategies to address perpetrator behaviour from point of first contact with the Queensland Police Service.
26. Fund ongoing training and education for QPS officers on domestic and family violence to enhance understanding of the dynamics of relationships involving violence and to improve the capacity of first responders to properly identify perpetrators of violence.
27. The development of a renewed Queensland Women's Strategy beyond 2021, to review and continue strategies developed in the "Queensland Women's Strategy 2016-21" towards promoting gender equality and protecting the rights of women and girls and to drive cultural and structural change which will contribute to addressing domestic and family violence in Queensland.

---

## Supporting older and vulnerable Queenslanders

**The incidence of elder abuse and its direct impacts upon a growing cohort of the community requires urgent attention. The prevalence and scale of elder abuse and neglect is increasingly recognised as occurring in the community and in various institutional settings such as hospitals, retirement villages and aged care facilities. These issues have been highlighted by the Royal Commission into Aged Care Quality and Safety, with its Interim Report providing a scathing summary of the current systems, concluding there is a prevalence of substandard care, significant breaches of human rights, fear of retribution if one makes a complaint, a fundamental lack of transparency, and severe underfunding.**

### **QLS calls for a commitment to:**

28. Urgently implement key recommendations set out in the report by the Australian Law Reform Commission: 'Elder Abuse – A National Legal Response' including the National Plan to Combat Elder Abuse. This must be guided by timely stakeholder consultation, including with older persons, themselves. There must be a whole of government strategy focussing on prevention, education and awareness raising, collaborative frameworks, financial elder abuse interventions, responses and redress and include addressing barriers to accessing justice (both formal and informal). Collaboration with National Cabinet in relation to ageism, discrimination, agency of older people and building an evidence base is necessary to achieving a cohesive strategy and national consistency on these issues.

29. Develop capacity assessment guidelines resulting from a multi-disciplinary approach combining input from legal practitioners, consumers, medical and health professionals which draws upon the model utilised in the USA and developed by the American Bar Association and the American Psychological Association's 'Assessment of Capacity in Older Persons'.
30. Recognise and act on the extensive evidence and research which indicates the need to take immediate action with respect to the abuses, harm and neglect occurring in residential aged care facilities, including the proper regulation, mandatory reporting and adequate training for staff, with a view to minimising and substantially reducing the use of restrictive practices in this sector. This should include the provision of increased funding to established groups and regulatory authorities such as the Australian Aged Care Quality and Safety Commission at the Federal level, and the Office of the Public Guardian (Qld).
31. Increase funding to community legal centres delivering services to people suffering elder abuse across varied areas, particularly regional, rural and remote.
32. Increase funding to Aboriginal and Torres Strait Islander legal centres and community controlled services so that culturally appropriate services are available to Aboriginal and Torres Strait Islander older persons experiencing elder abuse.
33. Make a reference to the Queensland Law Reform Commission to determine the most appropriate and effective legal (including legislative) response (criminal, civil or equitable, including restitution) to incidents of elder abuse.

---

## Child protection and youth justice

**Children occupy a very vulnerable space in our society. In recognition of their age and vulnerability, QLS has advocated for better treatment of children and young people in our legal system through systems advocacy and our policy position paper on children and young people's issues.**

**QLS also draws attention to the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection and youth justice systems. As such, we highlight that appropriate and effective policies can only be developed by listening to and understanding the perspectives and needs of Aboriginal and Torres Strait Islander peoples.**

**QLS calls for a commitment to:**

34. Increase the minimum age of criminal responsibility to at least 14 years old.
35. Increased Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service and legal assistance sector funding for families responding to child protection investigations.
36. Increase specialisation of the Childrens Court, which would include:
  - a. In Brisbane, holding Childrens Court matters in a standalone Childrens Court building and making a commitment to rolling out new standalone courthouses across Queensland.
  - b. The appointment of more Childrens Court Magistrates.
37. Maintain and enhance strategies to reduce the high rate of young people on remand in Queensland. This would include breach of bail not being an offence and maintenance of 'detention as a last resort'.
38. Review of the effectiveness of the Joint agency protocol to reduce preventable police call-outs to residential care services with a view to reducing the criminalisation of children in care.
39. Ensure that the statement of standards under section 122 of the *Child Protection Act 1999* is enforceable under the mechanisms of the *Human Rights Act 2019*.
40. Implement a transparent and accessible complaints mechanism in the child protection system.
41. Review the unimplemented recommendations of the Queensland Child Protection Commission of Inquiry and the barriers to implementation.



42. Allow for intermediaries, such as speech and language therapists and speech pathologists, to be provided to children in the youth justice system. There are a number of benefits flowing from such an initiative including better outcomes during the legal process and longer term.
43. Undertake a culturally appropriate community conversation with Aboriginal and Torres Strait Islander children and young people about the issues affecting them particularly with respect to their interactions with the justice system. QLS commends the approach taken by the NSW Advocate for Children and Young People in the report *'What Aboriginal children and young people have to say'*.

---

## Sustainability, climate and disaster response

### QLS calls for a commitment to:

44. A Queensland Productivity Commission review of laws relating to disaster response in Queensland and the impacts on our community and economy.
45. An effective, evidence-based legislative framework to respond to climate change that:
  - a. is informed by the independent advice of a Productivity Commission-style body, drawing on evidence and research to ensure that the legislative framework:
    - i. is clear, consistent and in accordance with the principles of good law; and
    - ii. sets out the intended policy objectives with clear processes and mechanisms to achieve those objectives;
  - b. includes clear pathways, targets and reporting to achieve Queensland's policy outcomes and contributes to Australia's international undertakings in response to climate change, including the Paris Agreement;
  - c. makes additional funding available to the legal assistance sector in recognition of the ongoing increased legal need of climate impacted vulnerable and disadvantaged communities;
  - d. involves meaningful consultation with Aboriginal and Torres Strait Islander People about the impacts of climate change on land that they, as original custodians, have cared for and managed for over 60,000 years;
  - e. provides a certain, timely and equitable pathway for the transition of those relying on carbon intensive industries to more sustainable alternatives.

---

## Responding to the legal needs of the community – ensuring justice for all Queenslanders

QLS is committed to ensuring that Queenslanders can access justice in an effective and efficient way. To deliver on this commitment, QLS publishes an annual Access to Justice Scorecard which reports on the legal profession's views about how well the Queensland legal system responds to the legal needs of our community and identifies the barriers preventing Queenslanders from seeking legal assistance. The impact of the COVID-19 pandemic on the most vulnerable of our community will be ongoing for years. Our members and community legal centres are already reporting a significant increase in demand for legal assistance.

### QLS calls for a commitment to:

46. Increase the level of per capita state government community legal centre, Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service and Queensland Indigenous Family Violence Legal Service funding to match the levels in other Australian States and Territories.

47. A short term investment of \$5.1 million over 2 years in Queensland's community legal centres to respond to the increased demand for legal assistance services as a result of the COVID-19 pandemic restrictions and the flow-on social and economic consequences.
  48. Increased resourcing of the Queensland Human Rights Commission to ensure that assistance is available to those whose human rights are at risk, particularly given the adverse impacts of the pandemic already identified with respect to the justice system, the health system, racial vilification, restrictions of movement, people with disability and Aboriginal and Torres Strait Islander communities.
  49. Allow legal representation, as of right, in all actions in the Queensland Civil and Administrative Tribunal, the Queensland Industrial Relations Commission, the Queensland Human Rights Commission and other tribunals.
  50. Establish a small grants program for innovation and technology access to justice concepts to permit community legal centres, not-for-profits and law practices to invest in pilot technology projects which will bring significant access to justice benefits to Queensland.
  51. Increase legal assistance funding and services for members of the community in need of advice on civil law matters, such as family law disputes, domestic and family violence matters, housing disputes (including renting), consumer disputes, substituted decision-making matters arising from advance health directives and enduring powers of attorney documents and other elder law issues. Funding is particularly critical for:
    - a. adults with impaired capacity for assistance with legal disputes;
    - b. workers seeking to retrieve unpaid wages;
    - c. communities in regional and remote areas of Queensland; and
    - d. assisting those whose rights under the *Human Rights Act 2019* have been breached.
- 

## Criminal law reform

**Criminal law outcomes have significant impacts on the rights and liberties of Queenslanders. To this end, criminal law reform must be evidenced-based and the subject of comprehensive consultation and consideration.**

**There is also an urgent need to address the high incarceration rates of Aboriginal and Torres Strait Islander men, women and children. This should be done through engaging with Aboriginal and Torres Strait Islander communities, supporting community-developed and led diversionary initiatives and bail programs and by holistically addressing the underlying social and economic causes.**

**Priority must be given to the creation of an independent investigative body in Queensland to investigate and make prosecutorial recommendations with respect to Aboriginal and Torres Strait Islander deaths in custody.**

**QLS calls for a commitment to:**

52. Increase funding for empirically-based drug and alcohol rehabilitation programs and to facilitate greater access for suitable candidates.
53. Implement the recommendations of the Queensland Productivity Commission of Inquiry into Imprisonment and Recidivism, including the establishment of a Justice Reform Office to oversee criminal justice reform. This must include establishing an independent statutory body as recommended in the report with its objects being carefully developed so that achieving efficiency is balanced with improving the effectiveness of the criminal justice system.
54. Review the effect of the Moynihan stage one reforms including their effect on access to justice and contribution to delay and additional applications in the superior courts.
55. Refrain from the creation of new mandatory sentencing regimes and to take steps to repeal the current mandatory sentencing regimes.

56. Reducing rates of remand by investigating bail assistance programs for young people and adults, with specific reference to the incarceration rates of Aboriginal and Torres Strait Islander people.
57. Implement community-led Aboriginal and Torres Strait Islander Elder visitor and other culturally relevant programs in Queensland correctional facilities with a view to reducing incarceration and recidivism rates.
58. Investigate and implement pilot programs that are alternatives to incarceration.
59. Implement programs to deal with low-level offending, such as increased police drug diversion, adult cautioning, increased ticketing, increased funding for justice mediation and deferred prosecution arrangements for a broader range of offences.
60. Maintain all diversionary and specialist courts.
61. Refrain from abrogating the right to claim self-incrimination privilege (including derivative evidence) and draft revised provisions removing any such abrogation.
62. Refrain from reversing the onus of proof for criminal and regulatory offences.
63. Ensure that QPS officers and staff are adequately resourced and trained to respond appropriately to sexual assault reports and complaints, including staff in regional areas. In this regard:
  - a. complainants should be provided with gender appropriate investigative officers;
  - b. officers who are investigating sexual offences should have specialist training regarding sexual offences and trauma informed practice, as has occurred in Townsville with the specialist sexual offences police unit;
  - c. complainants should be provided with one contact point, such as a victim support person, who is appointed at the initial stage and is able to support the complainant throughout the process;
  - d. further training should be directed towards focussing upon the credibility of the complaint as opposed to the credibility of the complainant. This should include protecting complainant's information that may be privileged and not disclosing protected counselling communications.
64. To better resourcing of the Queensland Sentencing Advisory Council and the maintenance of the Council as part of the Department of Justice and Attorney-General. The Council has maintained a principled and evidence-based stance against mandatory sentencing and has provided a calm and informed voice in public discourse in this often highly-contentious area of public policy. Since its re-formation in 2016, the Council has not only responded to four references from the Attorney-General and Minister for Justice, it has produced many materials, including videos, to assist the public to understand the role of sentencing in the justice system. The Council has established an Aboriginal and Torres Straights Islander Advisory Panel to assist it in dealing with the shocking over-representation of their people in prison, often serving very short sentences or on remand.

---

## Supporting legal practices as essential community infrastructure

**In a post-COVID-19 environment, there must be consideration of measures to ensure the viability of law practices to continue to provide essential services to their communities.**

**QLS calls for a commitment to:**

65. Increase hourly Legal Aid rates for preferred suppliers and family law report writers and institute an annual review to take account of CPI and cost of business increases.
66. The creation of a discrete funding pool for Legal Aid preferred suppliers to increase the referral of work to law practices with a particular emphasis on allocating funds to rural, regional and remote areas.

67. Adopt a broader definition of 'pro bono work' for firms involved in the tendering process for government contracts to include volunteer work of a legal nature done for the public good, including holding positions on the boards of charities and not-for-profit associations and work done to promote good law in law reform. This approach would assist smaller practices, particularly smaller regional firms, to qualify for certain panel work where they may not otherwise be able to undertake formal pro bono work through their firm. This would also acknowledge the valuable contributions made by lawyers to their communities in these roles.
68. A legislative amendment to permit a law practice to dispose of routine client documents seven years following the end of a client matter if the practice has been unable, despite making reasonable efforts, to obtain client instructions about their disposal.
69. A legislative amendment to permit a law practice to transfer possession of wills to the Public Trustee of Queensland.
70. Increasing the prescribed amount for section 311 of the *Legal Profession Act 2007* to \$3,000 to align with the higher threshold in the New South Wales and Victorian legislation.
71. A legislative amendment to permit the Legal Practitioners Fidelity Guarantee Fund to invest in education, materials and processes designed to assist law practices meet their trust accounting compliance obligations and reduce the risk of defalcations.

---

## Maintaining the right to fair injury compensation for all Queenslanders

The Queensland public has longstanding and financially strong workers' compensation and CTP schemes in this State. Similarly, the provision of damages for personal injuries under the *Personal Injuries Proceedings Act 2002* plays an important role in ensuring access to justice and adequate compensation.

QLS strongly supports the right to fair injury compensation for all Queenslanders. In doing so, we call for a commitment to maintaining the existing legislative frameworks and resisting any attempt to curtail or alter the benefits provided under the current schemes.

### QLS calls for a commitment:

72. That the fair and working compensation schemes in Queensland will not be changed and in particular, that the integrity of the Queensland CTP scheme will be preserved and maintained.
73. That impairment thresholds for access to common law damages will not be introduced.
74. That lump sum payments for minor injuries will not be replaced with "guaranteed defined benefits".
75. To the investigation of contingency fees in Queensland, which involves the consideration of ethical concerns and the need for a control mechanism, as well as the meaningful benefits contingency fees may provide, including greater certainty of a solicitor's retainer and a greater proportion of damages being received by the plaintiff.

---

## Judicial commission

**Preservation of a strong and independent judiciary is essential to maintaining public confidence in the administration of justice and the promotion of the separation of powers. A judicial commission will enhance openness, transparency and independence of the judicial system.**

**QLS calls for a commitment to the establishment of a judicial commission, initially to:**

76. Organise and supervise an appropriate scheme of continuing education and training, including Aboriginal and Torres Strait Islander cultural capability training of judicial officers. The commission should also be responsible for considering ways to increase the number of Aboriginal and Torres Strait Islander judicial officers across the State.
77. Examine complaints against judicial officers, including delays in delivering judgments and inappropriate or unreasonable conduct directed towards workers or persons appearing before the officer.

---

## Better resourcing for the justice system in Queensland – court resources and dispute resolution

**An efficient and effective justice system, which provides for an up-to-date and user-friendly court system together with appropriate alternative dispute resolution, is central to ensuring all Queenslanders have access to justice in the way that best suits their needs. Further, the operation of these systems also impacts on business and the Queensland economy generally.**

**Queensland needs to improve its delivery of justice in a way that recognises the needs of our population, given the decentralised nature of the state, and the needs of individuals and business by utilising technology and funding appropriate support services, which will build a pathway to better outcomes.**

**QLS calls for a commitment to:**

78. Reduce delays in state courts, commissions and in the Queensland Civil and Administrative Tribunal by:
  - a. appointing more judges, magistrates, commissioners and judicial members; and
  - b. better resourcing registries,particularly dedicating resources in jurisdictions and regions where there are longstanding delays in:
  - c. obtaining hearing dates and other related matters;
  - d. obtaining a decision or judgment including default and reserved judgments.
79. Improve access to Queensland Courts by:
  - a. delivering electronic filing for all State courts, tribunals and commissions by 2022;
  - b. facilitating the use of electronic signatures by individuals, corporations and legal practitioners in the signing of court documents, including permanently retaining the virtual execution and witnessing arrangements introduced in response to the COVID-19 pandemic;
  - c. improving physical and technological Court infrastructure to meet the needs of users, particularly in regional areas to ensure circuit courts, tribunals and commissions are able to sit without disrupting local court matters;
  - d. ensuring court proceedings are supported by an appropriate numbers of registrars, court liaison officers and other support services (such as the Court Network Volunteer Service) to assist vulnerable people in the court system;
  - e. updating the Queensland Courts website so that court services can be easily accessed and navigated by all court users, including vulnerable people and people who require interpretation services.

80. Establish a Dispute Resolution Hub in Queensland to provide information on alternative dispute resolution modes and provide a register of qualified and accredited practitioners for each of these mode which parties to a dispute can be directed to. The Hub should be an all-inclusive, state-wide resource which eliminates the difficulty for parties in navigating multiple resources.
81. Allocate temporary funding for the courts to address any backlog created by court closures during COVID-19.
82. Allocate funding for the Coroners Court for family liaison officers and counselling services for family and witnesses involved in coronial inquests.
83. Allocate funding to implement electronic recording in the Mental Health Review Tribunal as a priority.
84. Investigate the impacts on the justice system of lay representatives appearing in legal matters, including risks to consumers and delays to judicial processes. The investigation should address the right to claim damages from the lay representative in cases of negligence, the implementation of an insurance scheme to protect consumers and a commitment to prosecute those holding themselves out as lawyers.

---

## Making better laws and good policy

**The development of better laws and good policy are hallmarks of a healthy and successful democracy. These reforms will support Parliament and governments to ensure laws are enacted following effective consultation and that the resulting laws reflect the principles which underpin the rule of law.**

### **QLS calls for a commitment to:**

85. Increasing Parliamentary committee reporting timeframes so that standard timeframes are 8 weeks between introduction of the bill and committee reporting date, with a view to facilitating a standard public consultation process of 6 weeks between introduction of the bill and public submission due dates.
86. The establishment of a dedicated Parliamentary committee to evaluate the consistency of all bills with the *Human Rights Act 2019*.
87. Prepare and invite public comment on draft privacy impact assessments on all proposed technology-enabled initiatives which may have material use or disclosure impacts on an individual's personal information.
88. An independent review of the accessibility of government information in Queensland. The review should assess the administration of the *Right to Information Act 2009* and other legislation, including the *Environmental Protection Act 1994*, under which public sector agencies are obliged to make government information publicly available, with a view to determining whether the objectives are being met and evaluating the transparency and accountability of government administration in Queensland.
89. Commissioning an academic review of existing legislation to assess the powers of entry, investigation and seizure of evidence conferred on authorised persons by a myriad of Queensland legislation, including local governments, statutory agencies and Departmental officers, with a view to:
  - a. assessing whether the powers in each act are proportionate, reasonable and appropriate for the particular circumstances; and
  - b. drafting revised model provisions for entry and investigative powers which are consistent with the fundamental legislative principle that entry to premises is not without a warrant as provided for in section 4(3)(e) of the *Legislative Standards Act 1992*.