

# 2022 Federal Election

Call to Parties Statement

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# 2022 Federal Election

## Call to Parties Statement

The 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 and support good lawyers in Queensland.

On behalf of Queensland solicitors, the QLS calls on parties and candidates to consider and respond to the following priority issues identified by our members.

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### 1. Make justice more accessible

The Australian Government is dedicated to making the federal justice system more accessible. This means ensuring everyone receives appropriate advice and assistance, no matter how they enter the justice system.

The QLS calls for a commitment to:

- a. increase the level of federal legal assistance funding by an additional \$300-400 million per annum across criminal, civil and family law matters;
- b. ensure funding for legal assistance services is determined by a transparent and evidence-based model that is adequate, predictable, sustainable and long-term, and that the eligibility tests for services, including means tests, are appropriate;
- c. increase the federal government's contribution to NLAP funding by 20% per annum for at least five years, with a requirement that the Queensland state government matches this contribution;
- d. improve the delivery of legal services to regional, rural and remote areas through dedicated and long-term funding solutions, including investigation of funding for programs to encourage solicitors to take-up employment in rural, regional and remote communities;
- e. investigate allocating money seized from proceeds of crime actions as an additional ongoing funding source for legal assistance services;
- f. introduce Justice Impact Tests and/or pipeline funding models to ensure that laws and policies that have downstream impacts on the justice system are identified, and that adequate resourcing is provided to justice system agencies to manage the impacts;
- g. fund specialist consumer credit debt legal assistance services in Queensland;
- h. maintain COVID-19 frontline service delivery and information technology funding;
- i. conduct a review into the barriers to access to justice, such as access to affordable housing, healthcare and other support services, and to implement the recommendations of this review.

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## 2. Resourcing federal courts, tribunals and commissions

In order to promote access to and the administration of justice, federal courts, commissions and tribunals must be appropriately funded and resourced.

The QLS calls for a commitment to:

- a. appropriate resources for the Federal Court of Australia, the Federal Circuit and Family Court of Australia, the Administrative Appeals Tribunal and commissions such as the Fair Work Commission which includes:
  - i. appointing sufficient numbers of judges and members to hear matters expeditiously;
  - ii. promptly filling judicial vacancies;
  - iii. adequately resourcing registries through appropriate staff levels and technology upgrades to provide comprehensive electronic case management systems;
  - iv. providing adequate numbers of hearing and interview rooms, with audio video capabilities in each, to ensure all parties are able to appear in court and access legal advice remotely, together with separate waiting areas for matters involving children and domestic and family violence; and
  - v. properly resourcing courts and court services in rural, regional and remote areas;
- b. amend legislation to allow legal representation as of right in federal commissions and tribunals, in recognition of the benefit this provides to all parties, including assisting matters to proceed expeditiously; and
- c. the development and promotion of Brisbane as the centre for dispute resolution, including arbitration, in the Pacific and surrounding regions.

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## 3. Preserving the integrity of our justice system and public institutions

Preservation of a strong and independent justice system is essential to maintaining public confidence in the administration of justice and the promotion of the separation of powers. Maintaining the integrity of this system, and of government and public institutions requires scrutiny and oversight by a dedicated independent body.

The QLS calls for a commitment to establish two essential institutions:

- a. a judicial commission to enhance the openness, transparency and independence of the judicial system whose role would be to:
  - i. examine complaints against judicial officers, including delays in delivering judgments and inappropriate or unreasonable conduct directed towards persons appearing before the officer;
  - ii. provide training and education to the judiciary based upon advisory guidelines setting out acceptable standards of judicial conduct;
  - iii. provide a pastoral mandate and a role in providing a confidential Employee Assistance Program service for judicial officers;
  - iv. organise and supervise an appropriate scheme of continuing education and training, including First Nations cultural competency training for judicial officers; and
  - v. advise government on improving the efficiency of the administration of justice; and

- b. a Commonwealth Integrity Commission to address allegations of corruption at a federal level, where there is:
  - i. a requirement for bipartisan appointments of the Chair and CEO positions; and
  - ii. scrutiny and oversight of the commission by a discrete committee of the Commonwealth Parliament.

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## 4. Aboriginal and Torres Strait Islander Peoples

The 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 and reports are implemented and progressed.

Real and tangible progress is critically needed to close the gap in all areas of inequality and to remove the entrenched levels of disadvantage for Aboriginal and Torres Strait Islander Peoples and communities within the context of legal and justice outcomes.

The QLS calls for a commitment to:

- a. a referendum to establish a constitutionally enshrined First Nations Voice to Parliament as called for in the Uluru Statement from the Heart;
- b. implement meaningful and evidence-based strategies to address the disparate imprisonment rates and the rates of violence against Aboriginal and Torres Strait Islander Peoples, particularly having regard to the key recommendations of the Australian Law Reform Commission Report into Reducing Indigenous Incarceration, including:
  - i. the establishment of a justice reinvestment body;
  - ii. review of police complaints handling policies and practices;
  - iii. consideration of systemic and cultural factors affecting Indigenous Australians in bail and sentencing decisions;
  - iv. abolition of imprisonment in lieu of, or as a result of, unpaid fines; and
  - v. national criminal justice reforms (including appropriate resourcing and funding commitments to service providers) to reduce the incarceration of, and violence against, First Nations Peoples; and
- c. work closely with peak First Nations bodies, including the Coalition of Peaks, to progress and lead all priority reforms, including:
  - i. increased and sustained funding for Aboriginal and Torres Strait Islander legal services and family violence prevention legal services;
  - ii. raising the minimum age of criminal responsibility;
  - iii. providing additional and appropriate individual, family and community support, including housing support, for people following a period of incarceration to prevent a cycle of reoffending;
  - iv. providing appropriate funding to increase the number of First Nations mental health support services and practitioners;
  - v. increased funding for National Disability Insurance Scheme (NDIS) services in rural and remote communities to better support First Nations People;

- vi. implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) into law, policy and practice, including engaging with First Nations People to develop a National Action Plan to implement the UNDRIP;
- vii. auditing existing laws, policies and practice for compliance with the UNDRIP;
- viii. amending the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) to require an assessment of compatibility with UNDRIP;
- ix. consideration of the establishment of an oversight body with robust powers to investigate and make referrals for prosecution, as required, in relation to deaths in custody; and
- x. consideration of the introduction of national Indigenous heritage protection legislation and to implement the recommendations of the Senate inquiry into the destruction of Juukan Gorge, including giving Traditional Owners and Native Title holders primary decision-making power over their cultural heritage.

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## 5. Fairly resolve family law disputes

The QLS supports family law reforms which promote better outcomes for families. Family law is a complex area of law. The family law courts continue to be overburdened, which creates delays and exacerbates frustration and conflict.

The QLS calls for a commitment to:

- a. appoint judicial officers with specialist family law experience, noting that family law is a highly specialised jurisdiction and the proper determination of family law disputes requires considerable expertise;
- b. additional funding for the legal assistance sector to meet the increased costs of compliance with the new Court rules and procedures and to improve accessibility to the family law system, recognising that access to legal advice and representation is key to the resolution of matters and ensuring litigants are properly informed and understand legal matters;
- c. amend the *Family Law Act 1975* (Cth) to reflect the diversity of family structures and backgrounds of Australians and promote the welfare of all children, without reference to their family structure;
- d. simplify Part VII of the *Family Law Act 1975* (Cth), including the 'legislative pathway' currently provided;
- e. improve the accessibility of the family law system for vulnerable and disadvantaged groups, including Aboriginal and Torres Strait Islander People, people from culturally and linguistically diverse backgrounds and people with disability;
- f. national status of children legislation which creates a consistent approach to parentage;
- g. maintain the principle that the child's best interest is the paramount consideration, recognising that provisions around parenting should not prioritise or favour any particular parenting arrangement as this gives artificial weight to a particular outcome in contradiction of the paramount principle;
- h. ongoing training of family law professionals, including judicial officers, on relevant matters including:
  - i. domestic and family violence;
  - ii. child development;
  - iii. post-separation family dynamics;
  - iv. diverse family structures; and
  - v. cultural awareness; and
- i. implement the recommendations of the Joint Select Committee on Australia's Family Law System.

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## 6. Addressing violence against women and their children

The QLS recognises the impact of domestic and family violence in our community and 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.

The QLS calls for a commitment to:

- a. increased court and legal assistance funding to better respond to demand, including specialist and culturally competent service responses;
- b. long-term and sustained funding for non-government stakeholders to support implementation of the National Plan to End Violence against Women and Children;
- c. prioritise homelessness prevention for women experiencing violence through access to safe, secure housing, including crisis accommodation and medium and long-term housing, noting the strong links between homelessness and poor justice outcomes;
- d. develop and implement evidence-based behaviour change programs for perpetrators to break the cycle of violence;
- e. address the specific needs of vulnerable communities, particularly Aboriginal and Torres Strait Islander Peoples and older women who are critically over-represented as family violence victims;
- f. adequate and sustained funding for ongoing primary prevention and early intervention initiatives, including holistic family support programs and education campaigns;
- g. ensure the new National Domestic, Family and Sexual Violence Commission works efficiently with existing frameworks in its role to oversee the implementation of the National Plan;
- h. address the fragmentation of federal, state and territory family violence systems; and
- i. analysis and recognition of the prevalence of domestic and family abuse experienced in 'non-intimate' relationships, for example, in multi-generational or carer/vulnerable person relationships, including developing the national principles for addressing coercive control.

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## 7. Addressing gender inequality and unsafe workplaces

Gender inequality has significant consequences for women, their children and the community more broadly. The QLS calls for the implementation of measures to address unsafe workplaces, gender inequality, sexual harassment and discrimination.

The QLS calls for a commitment to:

- a. implement the outstanding recommendations of the Respect@Work Report;
  - b. amend the *Sex Discrimination Act 1984* (Cth) so that sexual harassment is unlawful in all settings;
  - c. implement the recommendations of the Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces;
  - d. continued resourcing of the roll-out of campaigns aimed at challenging the drivers of gender inequality, such as the Stop it at the Start Campaign; and
  - e. support and fund a full national roll-out of Our Watch's whole-of-school respectful relationships program.
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## 8. Protecting children

Children occupy a vulnerable place in our society. In recognition of their age and vulnerability, the 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.

The 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 and the high numbers of youth in remand. Almost one in 15 Aboriginal and Torres Strait Islander children was in out-of-home care at 30 June 2020. In addition, the QLS notes the impact of barriers children and young people face in participating in the education system, including the rising number of school exclusions in Queensland, the overrepresentation of Indigenous students and students with disability in these figures and the 'child protection-to-prison pipeline'.

The QLS calls for a commitment to:

- a. facilitate reform through the Council of Attorneys-General and other forums to increase the minimum age of criminal responsibility to at least 14 years old and ensure that such reforms coincide with bipartisan commitment to requisite funding and provision of wrap around services, including:
  - i. family and housing support;
  - ii. mental health, disability assessments and support; and
  - iii. youth engagement and rehabilitation;
- b. work with state and territory governments, in partnership with Aboriginal and Torres Strait Islander Peoples, to implement recommendations of the 2021 Family Matters report to address the unacceptable and disproportionate number of Aboriginal and Torres Strait Islander children in out-of-home care, noting that appropriate policy and legislative responses must be underpinned by self-determination, participation and partnerships in decision-making with Aboriginal and Torres Strait Islander families and communities;
- c. prioritise the processing of citizenship or permanent visa applications for children and young people in state care, including provision of appropriate legal advice and representation throughout this process; and
- d. in consultation with peak First Nations bodies, including the Coalition of Peaks, commit to achieving school attendance targets in accordance with the National Agreement on Closing the Gap and other policies.

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## 9. Implementing measures to combat elder abuse

The incidence of elder abuse and its direct impacts upon a growing cohort of the community requires attention. The recently released National Elder Abuse Prevalence Study highlights that 15% of the population aged 65 and over living in the community have experienced elder abuse in the previous 12 months. This is in addition to incidents of elder abuse in various institutional settings such as aged care facilities, which were partially considered by the Royal Commission into Aged Care Quality and Safety.

The QLS calls for a commitment to:

- a. support a new international Convention on the Rights of Older Persons;
- b. urgently implement the outstanding items in the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023;



- c. work with the states and territories to develop more nationally consistent laws which contribute to the prevention of elder abuse, including relating to enduring powers of attorney (EPA) and a model enduring document, recognising that this should occur prior to the proposed EPA register, in accordance with the Australian Law Reform Commission final report, “Elder Abuse – A national legal response” (ALRC report);
- d. provide timeframes for implementation of all remaining recommendations of the ALRC report;
- e. implement the recommendations of the ALRC report on Equality, Capacity & Disability in Commonwealth Laws relating to a stronger supported decision-making approach in both the aged care and disability space;
- f. develop standardised national capacity assessment guidelines resulting from a multi-disciplinary approach combining input from legal practitioners, consumers, medical and health professionals;
- g. implement the remaining recommendations set out in the report by the Royal Commission into Aged Care Quality and Safety, in particular 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, along with a new rights based Aged Care Act;
- h. implement the proposed nationally-consistent centralised pre-employment screening check with a register of cleared and excluded workers that has appropriate privacy safeguards; and
- i. increase funding to community legal centres delivering services to people suffering elder abuse across varied areas, particularly regional, rural and remote, as well as discrete funding for legal advice and representation in guardianship matters across all jurisdictions.

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## 10. Removing criminal law barriers to access legislated voluntary assisted dying schemes

A number of Australian jurisdictions have enacted voluntary assisted dying legislation. A key consideration for delivering health services in regional, rural and remote communities in Queensland is access to telehealth services. Queensland’s telehealth program enables patients to receive medical care via telecommunication technology, reducing the need to travel for specialist advice.

There remains uncertainty as to the operation of the Commonwealth carriage laws, in particular sections 474.29A and 474.29B of the *Criminal Code Act 1995* (Cth), which make it an offence to use a carriage service for suicide-related material and an offence to possess, control, produce, supply or obtain suicide-related material for use through a carriage service. It is unclear whether providing information about voluntary assisted dying via telehealth services by telephone, videoconference, email or other forms of electronic communication will contravene the Commonwealth criminal provisions.

To enable voluntary assisted dying laws to be given full effect, and to ensure equity of access to voluntary assisted dying for those in regional, rural and remote areas, the QLS calls for a commitment to:

- a. amend the *Criminal Code Act 1995* (Cth), or in the alternative, issue prosecutorial guidance to provide medical practitioners with certainty as to their criminal liability under Commonwealth legislation.

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## 11. Supporting disability services

Central to laws and policies aimed at providing assistance for vulnerable persons in our society is the need to support those with a disability in all areas of their lives.

The QLS calls for a commitment to:

- a. urgently implement the remaining recommendations of the review by David Tune AO to improve the operation of the National Disability Insurance Scheme (NDIS);
- b. an independent review of the National Disability Insurance Agency's management, use and costs of external legal practitioners; and
- c. increase funding for the continuation of the NDIS outreach program to reach potential NDIS participants based in remote and regional Australia, including in remote Aboriginal and Torres Strait Islander communities.

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## 12. Enshrining human rights

Protection of human rights is fundamental to Australia's legal and justice systems, as well as to the advancement of our broader society. While some rights are expressly protected under statute and common law, there is a need for an overarching, comprehensive human rights framework to ensure Australia complies with its international obligations and that rights are not unjustly infringed upon by government decisions and actions.

The QLS calls for a commitment to:

- a. introduce a Federal Human Rights Charter; and
- b. appropriately resource the Australian Human Rights Commission and related services.

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## 13. Fairness and assistance in migration

The QLS acknowledges the considerable challenges faced by government in responding to migration. The QLS is concerned about a number of migration policies which are inconsistent with Australia's international obligations and about the lack of funding for legal assistance for asylum seekers and other vulnerable visa applicants and visa holders in Australia. Barriers to accessing legal assistance and advice impact both individuals and families seeking support as well as the overall efficiency of the legal system. The QLS does not support restrictions on access to administrative review and judicial review of decisions affecting asylum seekers.

The QLS acknowledges the impact of violence on visa holders in Australia can be exacerbated by a range of factors. These include language barriers and reliance on interpreters to seek help, lack of familiarity with Australian laws and processes, mistrust of police as a result of past experiences, isolation from family and a concern that speaking out would betray or bring shame to their extended family and community.

Temporary migration status creates significant leverage for control and intimidation by an abusive partner. Visa dependence is a key barrier to accessing legal support for domestic and family violence. Where a victim of domestic and family violence holds a visa that is conditional upon the existence of the relationship with their perpetrator, the capacity for the victim to access support and escape the violence is limited.

The family violence provisions under the *Migration Regulations 1994* (Cth), which were introduced to avoid circumstances where visa applicants and holders are compelled to remain in violent relationships for migration reasons, are only available to a very narrow cohort of visa holders.

The QLS calls for a commitment to:

- a. long-term, durable solutions for all refugees and asylum seekers who remain in offshore processing, in line with Australia's international obligations;
  - b. work with Australia's regional neighbours, the Office of the High Commissioner for Refugees and the International Organisation for Migration to establish a long-term, cooperative, transparent approach to address the flow of asylum seekers into the Asia-Pacific region, in line with Australia's international obligations;
  - c. provide access to free legal advice and interpreter services to asylum seekers and vulnerable visa holders and applicants to enable more efficient processing and assure procedural fairness;
  - d. enable individual assessment of the need to detain asylum seekers, and enact legislative limits on immigration detention and periodic reviews of detention;
  - e. ensure that the best interests of the child are a primary consideration in all actions concerning children, noting that children should only be detained as a last resort, for the shortest appropriate period of time, and in community-based detention;
  - f. reintroduce full merits and judicial review of all adverse decisions concerning protection status;
  - g. implement consistent legal processes for determining protection status, which do not discriminate against applicants based on their mode of arrival;
  - h. improve the migration program so that all temporary visa holders who experience family violence can access protection and services;
  - i. expand access to the family violence provisions to any person who has applied for a permanent visa onshore;
  - j. create pathways to permanent residency for all people on temporary visas who have Australian citizen or permanent resident children;
  - k. ensure that vulnerable visa applicants and visa holders, including children in care, prisoners and persons with a disability and/or mental illness, have access to appropriate migration and citizenship legal advice and assistance;
  - l. ensure eligibility for government support is based on a person's need for protection or services, or their particular vulnerability, irrespective of their visa status;
  - m. ensure that temporary visa holders who have experienced family violence are eligible for and have access to fully funded specialist legal advice and representation;
  - n. reform the mandatory character visa cancellation process to ensure appropriate natural justice and procedural fairness, in particular for persons with a severe mental illness, intellectual disability or cognitive impairment; and
  - o. review pathways for permanent residency and citizenship for New Zealand citizens to enable access to services such as the NDIS.
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## 14. Sustainability, climate and disaster response

The QLS calls for a commitment to an effective, evidence-based legislative framework to mitigate and adapt to climate change that:

- a. is informed by the independent advice of a commission or authority, drawing on the latest science-based 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 and ambitious pathways, sector-based short-term and medium-term targets and regular transparent reporting to achieve Australia's policy outcomes and contribute to Australia's international undertakings in response to climate change to limit global warming to 1.5 degrees above pre-industrial levels;
- c. makes additional funding available to the legal assistance sector, to both meet immediate demand for services as well as to assist in the development of disaster response resources, recognising 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. assists other nations, particularly in the Asia-Pacific, to create safer climate economies and adapt to the climate crisis; and
- f. provides a certain, timely and equitable pathway for the transition of those relying on carbon intensive industries to sustainable alternatives.

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## 15. Protecting consumers

The QLS is committed to working with the Australian Government to protect the rights of consumers.

The QLS calls for a commitment to:

- a. adequate resourcing of regulators, particularly the Australian Competition and Consumer Commission to enable its enforcement program to be carried out, which includes the ability to take action against *Australian Consumer Law* and other consumer law breaches;
- b. work towards consistent regulation of credit products and unify e-disclosure across the National Credit Code, the *Corporations Act 2001* (Cth) and the E-Payments Code;
- c. retain existing responsible lending obligations, consistent with the recommendations in the Final Report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry;
- d. ensure all Australians, regardless of their geographical location, have equitable access to regulated and accredited lenders;

- e. implement recommendations 6 and 13 of the Parliamentary Joint Committee on Corporations and Financial Services 'Mobile Payment and Digital Wallet Financial Services' final report and commit to:
  - i. continued monitoring of the Buy Now Pay Later industry, building on the work undertaken by the Australian Securities and Investments Commission, including examining impacts on particular consumer groups and ensuring that the Buy Now Pay Later Code of Practice is updated and responsive to industry changes; and
  - ii. conduct an inquiry into the Buy Now Pay Later Industry 18 months after the Industry Code of Practice comes into effect to consider the effectiveness of recent regulatory responses; and
- f. a national market study by the Australian Competition and Consumer Commission (ACCC) of the e-conveyancing market to identify risks to consumers and the competitive process that may require intervention by the ACCC.

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## 16. Supporting small and family business

The ongoing effects of the COVID-19 pandemic and natural disasters continue to have significant impacts upon all businesses, but especially small and family businesses. Most Queensland law firms are sole, micro or small businesses which have continued to provide essential services to their communities during these difficult times.

The Australian Bureau of Statistics (ABS) estimates that in the March 2022 Quarter:

- almost one in five (19%) of employing businesses had staff unavailable due to Covid-19;
- 40% of businesses experienced increased operating costs;
- 35% of businesses expect their operational costs to increase; and
- 22% of businesses expect it to be difficult or very difficult to meet their financial commitments.

In particular, the ABS found small businesses were more likely than medium and large businesses "to anticipate it being difficult or very difficult to meet their financial commitments" over the next quarter (ABS *Business Conditions and Sentiments* survey data released 31 March 2022).

The QLS calls for a commitment to:

- a. a review to identify and reduce unnecessary red-tape, compliance and regulatory burdens impacting small and family businesses;
  - b. provide targeted and accessible economic and other supports, including tax relief, grants and training, to small and family businesses as they recover from the pandemic and recent natural disasters;
  - c. appropriately resource the Australian Small Business and Family Enterprise Ombudsman;
  - d. provide support, training and education for small and family businesses to comply with their obligations under the Director ID Number (DIN) scheme and in transitioning to the modernised business registers scheme;
  - e. provide small and family businesses with support, training and education to meet growing cybersecurity resilience challenges, including by resourcing services such as the Australian Cyber Security Centre and ID Care;
  - f. provide guidance to small and family businesses about government contracts and procurement processes to increase participation and engagement in new business opportunities; and
  - g. support small and family businesses to engage in innovation activity, generation of intellectual property and adoption of technology to improve business management processes.
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## 17. Providing certainty and security for workers and employers

Safe and productive workplaces are dependent on workers being able to access to their full entitlements, and on both employers and workers being able to resolve disputes in an efficient and effective way.

The QLS calls for a commitment to:

- a. review the Pacific Labour Mobility Scheme, and similar schemes and programs, to ensure workers have access to legal assistance to protect their rights and entitlements, as well as an independent complaints mechanism;
- b. increase resources for courts and commissions located in Queensland to ensure workers are able to pursue claims for entitlements in an efficient manner, including the provision of greater resources for mediating claims at an early stage;
- c. consult with federal, state and territory stakeholders with respect to greater regulation of the 'gig economy' workforce, including consideration of the recommendations of the Select Committee on Job Security;
- d. increase funding for the legal assistance sector so that workers can access advice and representation from qualified legal professionals, irrespective of their financial situation;
- e. improve superannuation outcomes for women and review the impact of recent reforms, including those relating to 'super stapling', to ensure that a person's superannuation fund and related insurance benefits are appropriate for their circumstances;
- f. simplify modern awards, which will assist employers and employees understand rights and obligations; and
- g. review the effectiveness of whistleblower protections.

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## 18. Ensuring compensation schemes are efficient and effective

Efficient and effective compensation schemes are critical to assisting injured persons.

The QLS calls for a commitment to:

- a. review and reform the Comcare scheme to ensure workers have appropriate access to rights, including appropriate compensation; and
  - b. address Medicare delays in issuing Claims History Statements and Notices of Past Benefits and develop effective responses to the delays, in consultation with legal and other stakeholders, noting the impact these delays have on claimants receiving their full entitlement to settlement funds and finalisation of their matters.
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## 19. Engaging the not-for-profit sector

The not-for-profit and charitable sector contributes significantly to the common good and the Australian economy, but regulatory reform is needed to enhance that public benefit.

The QLS calls for a commitment to:

- a. support the growing movement for a consistent national scheme to regulate charitable fundraising so that charities and not-for-profit entities can fundraise in all Australian states and territories with consistent reporting obligations, which will reduce the financial burden on charities when raising funds online in national campaigns;
- b. the establishment of an advisory group to assist in developing the required fundraising reforms, consistent with the recommendation of the ACNC Review Panel report that such an advisory group be established, comprising experts, to assist the Australian Charities and Not-for-profits Commission (ACNC);
- c. active consultation with the not-for-profit sector on progressing appropriate reforms as recommended by the Australian Charities and Not-for-profits Commission Legislation Review 2018 with a view to achieving effective regulation of the not-for-profit and charity sectors and the reduction of red tape, for the benefit of the community;
- d. provide the ACNC with test case funding to develop the law in matters of public interest, as recommended by the Australian Charities and Not-for-profits Commission Legislation Review 2018;
- e. an open and transparent appointments process for the significant roles of the Australian Charities and Not-for-profits Commissioner and members of the Australian Charities and Not-for-profits Commission Advisory Board, including advertising nationally for applications from suitably qualified persons and engaging with relevant parliamentary committees and shadow ministers with responsibilities for charities and not-for-profits at preliminary stages in the appointment process; and
- f. sufficient and appropriate government funding for service providers for vulnerable people to ensure that all legal obligations are met and that they provide sustainable and quality care to their clients.

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## 20. Preserving privacy

The preservation of privacy and personal information is essential to civil society. It is necessary that the law and regulatory responses be developed to keep pace with technological advancements, noting these important principles.

The QLS calls for a commitment to:

- a. investigate the creation of a statutory framework to provide greater protection of the privacy of Australians and prohibit the invasion of privacy and the misuse of private information;
  - b. harmonise federal, state and territory privacy laws;
  - c. consider reform and greater oversight of automated decision-making, underpinned by ethical frameworks as well as recognised privacy and governance principles; and
  - d. ensure digital identity systems are carefully constructed in a way that prioritises reliability, information security and privacy and consumer safeguards, and minimises burdens on business where verification of identity is required.
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## 21. Commonwealth law reform processes

The Australian Government is responsible for making laws across a wide range of areas which affect the lives and livelihoods of Australians. Government should make good laws and policies that:

- are grounded in cogent evidence;
- are clearly drafted and provide certainty to affected individuals;
- are the result of proper consultation processes (such as those employed by the Australian Productivity Commission and Australian Law Reform Commission); and
- serve the long-term interests of the Australian community.

The QLS calls for a commitment to:

- a. evidence-based policy-making;
  - b. implement a comprehensive consultation process for the formation of legislation, which should include a one-month stakeholder consultation period (excluding the Christmas and New Year period) prior to the introduction of any bill in Parliament, with any departures from the process documented and tabled in Parliament;
  - c. refer all bills to Parliamentary Committees, and allow committees at least two months, from the date of referral, to provide their report;
  - d. provide complete Explanatory Memoranda, including comprehensive justification for a bill's deviation from the fundamental principles of law, common law protections and established rules of international law and custom, as well as its impacts on specific groups, including vulnerable people;
  - e. a Community Legal Education Plan for all new legislation, to be produced in consultation with relevant stakeholders, which sets out how the community is to be advised of new laws or amendments;
  - f. provide bills to show tracked changes where these bills propose amendments to existing legislation;
  - g. avoid the use of omnibus bills or ensure that omnibus bills only contain new laws, or amendments to laws, of similar subject matter; and
  - h. reasonable consultation periods on new subordinate legislation and significant amendment to existing subordinate legislation.
-