

2024 QUEENSLAND STATE ELECTION

CALL TO PARTIES



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1 Making good law that serves the public good

The development of good law and policy is a hallmark of a robust democracy.

QLS advocates for meaningful consultation and sufficient scrutiny of law and policy by all stakeholders and the Legislative Assembly.

Good law:

- is evidence based and not reactionary
- protects and promotes Australia's human rights obligations and
- reflects the principles that underpin the rule of law.

QLS calls for a commitment to:

1. Increase parliamentary committee reporting timeframes to ensure there is a minimum public consultation period of six weeks to provide written submissions.
2. Ensure that bills and statutory instruments are consistent with the fundamental legislative principles in the *Legislative Standards Act 1992* and are compatible with human rights in accordance with the *Human Rights Act 2019*.
3. Refrain from abrogating the right to claim self-incrimination privilege (including derivative evidence) and review existing instances to determine the appropriateness of any such abrogation.
4. Fund a comprehensive and strategic review of Queensland's civil justice system to identify opportunities for increased efficiency and enhance access to justice.
5. Conduct an academic review of existing legislation to assess the powers of entry, investigation and seizure of evidence conferred on authorised persons, including local governments, statutory agencies and departmental officers to assess whether the powers are proportionate, reasonable and appropriate.

“ Good law...is evidence based and not reactionary ”

2 Accessible Queensland courts, commissions and tribunals – digitisation, infrastructure and support services

Accessible digital options and services within Queensland courts, commissions and tribunals are critical to an effective justice system in our decentralised state.

The current limitations on electronic filing and digital file access adversely affect court users, particularly those located in regional, rural and remote locations and have caused the Queensland Courts to fall behind state and federal counterparts.

QLS calls for a commitment to:

6. Allocate long-term funding for a functional electronic filing system and digitisation of registries, including eTrial infrastructure for all courts in all jurisdictions across Queensland without delay.
7. Improve physical and technological court and tribunal infrastructure to meet the needs of all users, particularly those in regional areas and those with additional accessibility requirements. This should include
 - a. access to reliable internet and devices
 - b. infrastructure for conducting eTrials
 - c. audio-visual facilities in courtrooms and break out rooms, particularly video-conferencing facilities, configured in such a way as to promote accessibility for all users
 - d. security upgrades and the allocation of safe and secure meeting rooms and waiting facilities for court users.
8. Ensure proceedings are supported by appropriate numbers of registrars, court liaison officers and other support services (such as the Court Network Volunteer Service) to assist vulnerable people.
9. Construct replacement courts in Beenleigh and Townsville.
10. Upgrade the Queensland Courts website so that court services can be easily accessed and navigated by all court users.
11. Undertake regular review of QTranscripts to ensure the online platform provides timely, accurate and affordable access to audio recordings and transcripts.
12. Allocate funding for the Coroners Court for family liaison officers and counselling services for family and witnesses involved in coronial inquests.
13. Resource the Mental Health Review Tribunal with technical and administrative support to ensure there are no operational barriers to accessing records of proceedings.



... long-term funding for a functional electronic filing system and digitisation of registries...



3 Queensland Civil and Administrative Tribunal (QCAT) – urgent support required

QCAT is responsible for delivering essential frontline civil justice services to the Queensland public across a range of jurisdictions.

Sustained additional resourcing is needed for QCAT and the statutory, legal and other services that support its increasing workload. This is critical in the guardianship jurisdiction, as recognised by QCAT in its most recent annual report.

QLS calls for a commitment to:

14. Maintain sufficient ongoing QCAT funding for
 - a. additional permanent, experienced tribunal members
 - b. administrative and other support staff, including associates for members and
 - c. preparation and maintenance of a QCAT benchbook for the guardianship jurisdiction.
15. Provide targeted funding to support the guardianship jurisdiction including specific funding for
 - a. comprehensive capacity reports which include consideration of intersectionality and supported decision-making options
 - b. section 125 separate representative appointments under the *Guardianship and Administration Act 2000* including funding to
 - establish a panel of expert separate representatives for complex guardianship matters
 - expand Legal Aid Queensland's Mental Health Legal Practice program to facilitate these appointments



Provide targeted funding to support the guardianship jurisdiction...



- the legal assistance sector to promote the adult's rights and interests before, during and after a hearing and
 - c. independent legal representation to support the QCAT hospital hearing program, particularly for complex matters.
16. Deliver the five yearly review of QCAT. This should encompass a broad strategic, legislative and process review.
 17. Conduct the five yearly review of the Queensland Capacity Assessment Guidelines.

4 Judicial commission for Queensland

Preservation of a strong and independent judiciary is essential to maintaining public confidence in the administration of justice and safeguarding the separation of powers.

QLS calls for a commitment to:

18. Establish and resource a Queensland judicial commission that has the core functions of
 - a. preparing and implementing programs for the continuing education and training of judicial officers and
 - b. receiving complaints, investigating and recommending action against judicial officers.

“Establish and resource a Queensland judicial commission...”

5 Responding to the legal needs of all Queenslanders

The 'Justice on the Brink' report of November 2023 highlighted the large justice deficit driven by a combination of means testing for legal services and rising demand for services.¹

The Community Legal Centres Australia, State of the Sector 2022-23 survey report similarly echoed that 'legal need in the community is high and growing, and centres simply cannot meet it'.² The comprehensive review of the National Legal Assistance Partnership by Dr Warren Mundy provides a framework for improvement, and quantifies the required resources, to enhance access to justice.³

The effects of unmet legal need are compounded by the challenge of recruiting and retaining regional solicitors. This has a significant and adverse impact on the ability of all Queenslanders to access justice.

Culturally appropriate services must be available to Aboriginal and Torres Strait Islander Peoples and culturally and linguistically diverse communities.

QLS calls for a commitment to:

19. Implementing a new Access to Justice Partnership to replace the National Legal Assistance Partnership Agreement consistent with the recommendations of the Independent Review of the National Legal Assistance Partnership 2020-25.
20. Increased funding to Queensland's community legal centres to ensure community legal services can respond to workforce and operating demands.
21. Implement recommendations of the Independent Review of the National Legal Assistance Partnership Final Report to reform existing modes of funding distribution, including indexation of all state funding streams and the removal of competitive tendering for legal assistance.
22. Maintaining the increased funding provision provided to the Aboriginal and Torres Strait Islander Legal Service for the 2023-2024 period to support ongoing workforce demands.
23. Increase the rates paid for grants of legal aid to private practitioners so that they are set at the same level as provided in the relevant court scales.

“ Increase funding for civil law services...”

¹ <https://www.nationallegalaid.org/resources/justice-on-the-brink/>

² https://clcs.org.au/wp-content/uploads/2024/03/SotS22-23SurveyReport_ASectorInCrisis.pdf

³ <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>

24. Targeted legal assistance funding for prisoners to address the high numbers of people, including children, in correctional facilities, youth detention centres and watch houses.
25. Increase funding for civil law services including family law disputes, LGBTIQ+ legal services, domestic and family violence matters, immigration and citizenship law issues, housing disputes (including renting), consumer disputes, anti-discrimination and vilification matters, elder law issues, guardianship issues, disability issues and employment and workplace relations disputes.
26. Funding for a state-wide specialist financial rights legal service for persons with consumer, credit and debt issues, similar to the Financial Rights Legal Centre NSW and the Consumer Law Action Centre in Victoria.
27. 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.
28. Resource a free court transcription service to ensure that parties can access free transcripts in appropriate cases.



Resource a free
court transcription
service...



29. Maintain sufficient funding for the Queensland Human Rights Commission and for legal assistance for those whose rights under the *Human Rights Act 2019* have been breached.
30. Allow legal representation, as of right, in all actions in QCAT, the Queensland Industrial Relations Commission and the Queensland Human Rights Commission and legal assistance sector funding for this to be provided.

6 Youth justice and child protection

Children and young people occupy an important place in our communities. Their rights, interests and wellbeing must be protected and promoted.

Queenslanders have the right to feel safe in their communities. This can only be achieved through implementation of evidence-based programs, policies and legislation to reduce recidivism and enhance community safety.

QLS maintains its longstanding position that children should only be detained in custody as a last resort and for the shortest appropriate amount of time. The more time a young person spends in custody, the more likely they are to become entrenched in the criminal justice system.

QLS highlights the over-representation of Aboriginal and Torres Strait Islander children and young people in the youth justice and child protection systems. We support culturally appropriate and community-led programs that reflect the perspectives and needs of Aboriginal and Torres Strait Islander Peoples and communities.

QLS calls for a commitment to:

31. Increase the minimum age of criminal responsibility to at least 14 years old or, at the very least, commit to not detaining children and young people under 14 years of age.
32. Appoint more judges to the Childrens Court to manage its increasing workload.
33. Enhance strategies to reduce the high rate of young people on remand, that is, those awaiting a court hearing. This should include
 - a. maintenance of 'detention as a last resort'
 - b. repeal of the breach of bail condition offence as it relates to children
 - c. ensuring there are appropriately funded and safe housing options for children in the youth justice and child protection systems including those seeking bail and
 - d. resourcing fast-tracking programs (including targeted legal assistance sector funding) being trialled across the state to ensure children and young people spend less time on remand.

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...as far as practicable, children and young people should not be held in a watch house...

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34. Implement a legislative requirement consistent with the Queensland Police Service operation manual that, as far as practicable, children and young people should not be held in a watch house. Where children are held in a watch house it should be for no longer than 24 hours.
35. Address the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the child protection and youth justice systems. This must include sufficient and ongoing resourcing of First Nations organisations and bodies to provide culturally appropriate programs and support.
36. Review 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.
37. Ensure that the best interests of all children are protected and that child protection system failures and inequities are addressed by
 - a. ensuring 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*
 - b. implementing a legislative mechanism of review with respect to whether an application is made by an officer of Child Safety to approve or not approve a decision to refer a child into care, including allocation of legal assistance sector funding
 - c. implementing a transparent and accessible complaints mechanism in the child protection system, and
 - d. increase funding to all parts of the legal assistance sector to facilitate legal assistance for parents and caregivers in child protection proceedings.



Address the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the child protection and youth justice systems.



7 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.

QLS calls for a commitment to:

38. Meaningfully engage and take active steps to implement all of the recommendations in the Productivity Commission's final report on its review of progress on the National Agreement on Closing the Gap.
39. Consider new targets, including justice targets, under the National Agreement on Closing the Gap, to ensure they are achievable and work towards reducing rates of Indigenous imprisonment.
40. Prioritise the finalisation of the review of the Cultural Heritage Acts, namely, the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* and introduce meaningful reform to ensure the Cultural Heritage Acts meet their purpose and provide for First Nations justice.
41. Continuing the Path to Treaty Process, through culturally safe and respectful engagement with Aboriginal and Torres Strait Islander Peoples. Governments must undertake due diligence and consult with the right community member/s and Elders to speak on behalf of their communities and ensure contributors are financially compensated for their time and expertise. Aboriginal and Torres Strait Islander Peoples frameworks must be utilised as a primary tool and that the cultural and psychological safety of contributors are prioritised.
42. 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

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Consider new targets, including justice targets, under the National Agreement on Closing the Gap...

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- 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, and
 - d. assisting with legal funding for Aboriginal and Torres Islander Peoples unable to access Native Title related legal assistance.
43. 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.⁴
44. A culturally viable and equitable Blue Card system that promotes better outcomes for Aboriginal and Torres Strait Islander Peoples.



...police must contact an Aboriginal and Torres Strait Islander legal service whenever an Aboriginal or Torres Strait Islander person is detained in custody



⁴ This is consistent with the recommendation of the Australian Law Reform Commission: Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples” ([ALRC Report 133](#)) (tabled 28 March 2018).

8

Criminal law reform

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

Priority must be given to reducing the high incarceration rates of Aboriginal and Torres Strait Islander men, women and children.

QLS calls for a commitment to:

45. Refrain from the creation of new mandatory sentencing regimes and to take steps to repeal the current mandatory sentencing regimes.
46. Expand and appropriately resource the Committals Project to allow the Office of the Director of Public Prosecutions to conduct the prosecution of all matters listed for committal across the state.
47. Implement, following appropriate stakeholder consultation, the recommendations of the Criminal Procedure Review Magistrates Courts Summary Report 2023.
48. Establish an independent body to investigate and make prosecutorial recommendations with respect to Aboriginal and Torres Strait Islander deaths in custody.
49. Greater resourcing of existing and new projects, processes and programs to address the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system.
50. Reduce 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.
51. Implement community-led Aboriginal and Torres Strait Islander Elder visitor and other culturally appropriate programs in Queensland correctional facilities with a view to reducing incarceration and recidivism rates.
52. Continue to investigate and implement rehabilitative programs as alternatives to incarceration, including empirically-based drug and alcohol rehabilitation programs.
53. Expand and appropriately fund adult restorative justice and justice mediation options.
54. Maintain all diversionary and specialist courts.
55. Specialist training for the Queensland Police Service and prosecutorial bodies to respond to the new coercive control offence, sexual assault reports and complaints.



Establish an independent body to investigate and make prosecutorial recommendations with respect to Aboriginal and Torres Strait Islander deaths in custody.



9 Responding to domestic and family violence in our community

The devastating impact of domestic and family violence in our community is well recognised and has been the subject of various reports and recommendations, including those of the Women’s Safety and Justice Taskforce.

QLS advocates for measures that reduce the prevalence of domestic and family violence in all its forms, better protect victims, and shift cultural attitudes and behaviours that lead to domestic and family violence.

QLS calls for a commitment to:

56. Maintain existing specialist domestic violence courts and continue the roll out of additional specialist domestic violence courts throughout Queensland.
57. Appropriately fund modern infrastructure at all Magistrates Courts across Queensland 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 and
 - e. increased and improved security at courthouses to protect vulnerable parties.
58. Develop appropriate protocols to allow remote appearances where physical infrastructure upgrades are not yet available.
59. Ensure a sufficient allocation of funding for domestic violence duty lawyers, including in regional areas.
60. Provide ongoing information and training for magistrates and Magistrates Court staff regarding:
 - a. exchange of information with the Federal Circuit and Family Court of Australia and
 - b. effective use of information gathering powers.
61. Adequately fund diversion programs contemplated under the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024*.

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...fund modern infrastructure at all Magistrates Courts across Queensland to facilitate court appearances in a safe way...

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62. Finalise and implement the Queensland domestic and family violence perpetrator strategy addressing primary prevention, early intervention, response and systemic reform. This will include continuation and expansion of perpetrator programs, education programs, domestic and family violence services and court-based support for victims of domestic and family violence and respondents to ensure
- a. timely access to services, including in regional and rural areas
 - b. availability of free-of-charge programs for self-referred perpetrators
 - c. ongoing DFV prevention education in schools and availability of appropriate DFV education and counselling in youth detention centres
 - d. availability of DFV programs and counselling for perpetrators in custody in all correctional centres across Queensland
 - e. availability of culturally appropriate perpetrator programs developed with Aboriginal and Torres Strait Islander communities and funding for long term follow up and support within communities and
 - f. availability of perpetrator programs to meet the needs of a diverse range of participants, including women, the LGBTIQ+ community and young people.



Increase funding
for emergency
accommodation...



63. Review the impact and effectiveness of domestic violence orders in respect of respondents with impaired capacity.
64. Continue to fund ongoing training and education for Queensland Police Service officers on domestic and family violence, including coercive control, to enhance understanding of the dynamics of relationships involving violence and to improve the capacity of first responders to properly identify perpetrators of violence.
65. Increase funding for emergency accommodation and medium term housing for victim-survivors of domestic and family violence.

10

Health law reform, disability and meeting the needs of older Queenslanders

Access to justice is essential for vulnerable members of our society with increased and complex legal needs.

People with mental and cognitive conditions or other disabilities can face additional barriers, including compounding social issues.

For older persons, it is essential to fund services to reduce the impact of elder abuse upon a growing cohort within our community.

QLS calls for a commitment to:

66. Fund a dedicated team to examine the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability ('Disability Royal Commission') and publish the Queensland Government's response, including an implementation and funding plan.
67. Appoint a state monitor to oversee Queensland's response and implementation of the Disability Royal Commission recommendations.
68. Provide a meaningful response to the Public Advocate's November 2022 'Adult Safeguarding in Queensland Volume 2: Reform Recommendations' report.⁵
69. Fund health justice partnerships to support vulnerable people with complex legal, health and social needs, with a focus on intersectional responses and resources, particularly for prisoners and young people.
70. Expand the Queensland Intermediaries Scheme to facilitate allied health assistance to all parties and provide assistance to the courts and tribunals in civil, criminal and youth justice matters.

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Expand the Queensland Intermediaries Scheme to facilitate allied health assistance to all parties and provide assistance to the courts and tribunals...

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⁵ https://www.justice.qld.gov.au/__data/assets/pdf_file/0011/749027/adult-safeguarding-vol-2-final.pdf

71. Increase access to justice for people receiving mental health care or those requiring support for their decision making, particularly those involved in complex QCAT matters.

This includes

- a. supporting multidisciplinary approaches to assessing decision-making capacity by adequately funding allied health and other supports and funding effective training and resources for people carrying out capacity assessments and
 - b. funding for effective education to increase genuine understanding of human rights, capacity, and supported as well as substitute decision-making across all stakeholder organisations and bodies and for community members including for principals, attorneys, family/friend and other supports.
72. Funding to ensure that persons who are the subject of a hearing in the Mental Health Review Tribunal have access to legal representation.
73. Coordination of state and national regulation of restrictive practices and resourcing training across all sectors with a view to minimising their use across all health, aged care and disability care settings.
74. 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 including effective strategies for public education about elder abuse and ensuring avenues of response are accessible.
75. Commit to a whole of government strategy to respond to elder abuse focussing on prevention, education, training, collaborative frameworks, elder abuse interventions, responses and redress across a range of stakeholders including financial institutions.



Commit to a whole
of government
strategy to respond
to elder abuse...



76. Collaboration with National Cabinet on a strategy to address ageism, discrimination and agency of older people to achieve national consistency on these issues.
77. Continued pursuit of harmonisation of financial enduring power of attorney laws.
78. Modernise the *Retirement Villages Act 1999* and develop an overarching strategy to regulate retirement villages and manufactured homes, including addressing the disconnect between state and Commonwealth legislation with respect to retirement villages, aged care and the frameworks for ageing in place.
79. Refer the issue of litigation guardians to the Queensland Law Reform Commission to undertake an updated consultation and review to determine the most appropriate options for law reform in this area.
80. Review the *Guardianship and Administration Act 2000* to ensure it aligns and is applied with supported decision-making and reflects human rights principles.
81. Review the *Surrogacy Act 2010* to consider whether it meets the current needs of Queenslanders.

11

Reforming Queensland's anti-discrimination laws

In reviewing the *Anti-Discrimination Act 1991*, the Queensland Human Rights Commission identified a need for changes to recognise the harm caused by discrimination and sexual harassment and to shift the focus to a preventative framework.

The final report, 'Building belonging',⁶ was tabled in parliament on 1 September 2022 and contains 46 recommendations to modernise and strengthen Queensland's anti-discrimination law.

QLS calls for a commitment to:

82. Release an updated consultation draft of the Anti-Discrimination Act Bill 2024 for consultation with stakeholders with a view to passing a modernised anti-discrimination act within the next term of government.

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...passing a modernised anti-discrimination act within the next term of government.

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⁶ https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0012/40224/QHRC-Building-Belonging.WCAG.pdf

12 Sustainability and climate response

Queensland regularly experiences an array of natural disasters, many of which are expected to become more intense and frequent as a result of climate change. Climate change has a disproportionately adverse impact on those who are already disadvantaged, including through increasing their need for legal assistance.

To build on recent developments, Queensland's legislative landscape in respect of climate change mitigation and adaptation must continue to improve. Queensland should contribute fairly to Australia's undertakings in respect of climate change and the international community's efforts to limit global warming to 1.5 degrees above pre-industrial levels.

QLS calls for a commitment to:

83. Additional funding to the legal assistance sector in recognition of the ongoing increased legal need of climate impacted vulnerable and disadvantaged communities.
84. A consultation framework requiring meaningful consultation with
 - a. 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 and
 - b. communities and stakeholders affected by proposals to mitigate and adapt to climate change.
85. Ongoing effective and evidence-based action on climate change delivered under a legislative framework that
 - a. mandates regular independent review to assess performance and allows for current targets to be increased or accelerated as evidence and technology changes
 - b. requires specific sectors to be covered by appropriate sector based emission reduction plans
 - c. provides a certain, timely and equitable pathway for the transition of those relying on carbon intensive industries to more sustainable alternatives and
 - d. appropriately addresses the legal and policy settings necessary to physically, socially, and economically adapt to the challenges of a changing climate.



...a legislative framework that...addresses the legal and policy settings necessary to physically, socially, and economically adapt to the challenges of a changing climate.



13 Supporting the Queensland economy, businesses, consumers and not for profit organisations

Fundamental legal structures underpin a vibrant and efficient economic system.

QLS has identified the following micro-economic reforms with the potential to make a significant positive difference to doing business in Queensland, improving transaction processes, streamlining regulation, supporting consumers and encouraging investment in Queensland.

QLS calls for a commitment to:

86. Allocation of funding to support the community and the property industry with the implementation of the seller disclosure framework in the *Property Law Act 2023*, to
 - a. develop a single state government database and portal which collates all information prescribed in the seller disclosure framework as a reliable and cost-effective way of delivering search results to sellers and their advisors – such a database could ultimately form the basis of a standardised local government report in Queensland, to provide consistent information from local governments across Queensland including flooding data and
 - b. the Department of Justice and Attorney-General to deliver a public education program about the seller disclosure framework including the documentation and details a buyer should expect to receive from a seller when purchasing property.
87. Prohibit the payment of referral fees or financial consideration between real estate agents and legal practices to remove any perception of conflicts of interest, protect consumers and improve transparency in the conveyancing industry.

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funding to support the community and the property industry with the implementation of the seller disclosure framework in the *Property Law Act 2023*

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88. In light of the eConveyancing mandate for settling the majority of property transactions, allocate funding to Titles Queensland and Queensland Revenue Office (QRO) to
 - a. revisit the current exemptions from the mandate in light of the proposed phasing out of the Australian cheque system by 2030, with a view to reducing the out of scope transactions and ensuring any disruption to the property settlements process is limited, for example, enabling the processing of transactions involving exemptions for transfer duty for charitable institutions and
 - b. progress improvements to all government systems to enable the payment of transfer duty directly through an Electronic Network Lodgment Operator to QRO.
89. Clarify the status of Queensland's digital driver licence as a form of identification which can be relied on by legal practitioners and members of the community to verify an individual's identity for all circumstances and transactions.
90. Review the validity of the state's taxes in light of the High Court's decision in *Vanderstock v Victoria* [2023] HCA 30 and liaise with federal and state and territory counterparts to clarify its implications on state duties, taxes levies and surcharges.
91. Reform the duty position in Queensland to reflect the position in most other Australian states, so that duty is not payable on non-land business and asset transfers.
92. Allocate funding to
 - a. the Queensland Government's Dispute Resolution Centres to ensure qualified mediators with not for profit sector experience are available to respond to the referral of grievances from incorporated associations⁴ and
 - b. the Office of Fair Trading to design and implement a digital register to enable charities and incorporated associations electronically file compliance documents required under the *Associations Incorporations Act 1981* and the *Collections Act 1966*.



Reform the duty position in Queensland...so that duty is not payable on non-land business and asset transfers.



93. 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 misapplication of charitable assets is in question. 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. the office of the Attorney-General include the title 'Minister for Charities', to reflect the essential role of charities in the Queensland community and demonstrate that the protection and preservation of charitable assets is an inherent role of the Attorney.

⁴ Increased demand is expected from 1 July 2024, with changes to incorporated association model rules requiring grievance procedures that provide for unbiased mediation if the dispute cannot initially be resolved between the parties.

14 Food security, planning and land use

Access to adequate food and water is critical to sustaining Queensland's population and economy and must be balanced with the need to develop new industries and a renewable energy response for Queensland.

QLS calls for a commitment to:

94. Establishing a food security strategy to ensure significant legal and policy decisions take into account their impact on Queensland's good quality agricultural land and food security. The strategy must address the consequences of new planning and development decisions (including housing, energy and other projects) for agribusiness and regional industries involved in producing food and fibre.
95. Developing a coordinated legislative framework for promoting and building renewable energy projects, together with finalising the announced code of conduct for renewable energy developers. The legislative framework must balance the needs of regional communities, Aboriginal and Torres Strait Islander Peoples and industry, and prescribe consultation not only with affected landholders but with peak bodies supporting agribusinesses, farmers and graziers.

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... a coordinated legislative framework for promoting and building renewable energy projects...

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15

Housing affordability and availability

QLS recognises the significant challenges for the Queensland community in accessing housing and the state government's role in developing the policy response to improve housing affordability and availability.

QLS supports the continued analysis of options to respond to the housing crisis and related cost-of-living pressures, with a sound evidence base for legislative reform.

QLS calls for a commitment to:

96. Establish a legal stakeholder reference group of practitioners with expertise in tax law, property law, planning and environment law, elder law (including retirement villages and aged care), Aboriginal and Torres Strait Islander stakeholders and experts from the legal assistance sector. Seeking input from a wide range of perspectives will identify the legal consequences of housing reform initiatives and deliver the greatest possible benefit of new proposals.



Seeking input from a wide range of perspectives will identify the legal consequences of housing reform initiatives...



16

Supporting legal practices as essential community infrastructure

Legal practices provide essential services to their communities and their viability is critical. Policy responses should reflect Queensland’s size and geographically dispersed population.

QLS calls for a commitment to:

97. Fund scholarships for regional law students and provide benefits to solicitors working in regional, rural and remote communities to support retention of local legal talent.
98. The creation of a graduate solicitor program providing financial support for legal practices to recruit and retain early career lawyers (up to 5 years post admission experience) to practice in rural, regional and remote areas.
99. 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 undertaken for the public good, including holding positions on the boards of charities and not-for-profit associations and work carried out to promote good law in law reform.
100. Reduce the regulatory burden for law practices and promote access to justice, particularly for low bono and smaller matters by
 - a. implementing a \$5,000 upper threshold for the use of abbreviated cost disclosure and
 - b. regularly reviewing prescribed cost disclosure amounts in the legislation to account for inflation and to ensure they remain consistent with their intended purpose.
101. Consult on legislative amendments to the *Legal Profession Act 2007* and subordinate legislation to reflect modern legal practice and technological developments, including
 - a. enabling the use of modern payment processes and technologies in relation to trust accounts and legal practice more generally and
 - b. to address regulatory and procedural issues and provide for the timely outcome of conduct matters.



Reduce the regulatory burden for law practices and promote access to justice...



17

Privacy, data and technology

The preservation of privacy and personal information is essential to modern society.

The use of automated decision making and the uptake of artificial intelligence (AI) requires that legal and policy responses be developed to encourage innovation whilst ensuring that fundamental legal principles continue to underpin legislative frameworks.

QLS calls for a commitment to:

102. Reduce inconsistency with a view to harmonising state and federal privacy laws including participation in a Commonwealth, state and territory working group, as proposed by the *Privacy Act 1988* (Cth) review (Privacy Act review), to consider harmonisation of key issues in privacy law frameworks.
103. Consider privacy impacts when implementing new policy and legislative initiatives, particularly surveillance and data sharing initiatives, and to provide sufficient safeguards with respect to all dealings with personal information, including its use and retention.
104. Measures which promote protection of children's online data and personal information including funding education and accessible resource initiatives.
105. Transparency around the commercialisation of government datasets including public facing guidelines and oversight mechanisms.
106. Enhanced and harmonised legal and regulatory responses to ensure AI is developed and used safely in the public and private sectors.
107. Transparency in the use of automated decision making and AI in the exercise of statutory power and government policy including independent scrutiny and review mechanisms.
108. Ensure government digital identity systems prioritise reliability, information security, privacy and consumer safeguards. Systems should minimise burdens on business where verification of identity is required including the development of appropriate safe harbour processes and standards.

“Measures which promote protection of children's online data and personal information...”

109. Increase funding for the Office of the Information Commissioner to
- a. support agencies in appropriately responding to data breaches including sufficient additional resources to provide guidance to clearly outline the functions and responsibilities of each regulator in the event of a data breach to ensure clarity and avoid regulatory overlap and
 - b. respond to any increased scope and workload as a result of the ongoing Commonwealth Privacy Act review.

110. Fund a small business grants program to support law practices, particularly those located in regional, rural and remote areas in navigating technology adoption (including training and technology literacy) and increased regulatory privacy, cyber and technology requirements to enhance capability, compliance and awareness of AI and other digital technologies.

111. Refer the existing standing provisions in the *Judicial Review Act 1991* to the Queensland Law Reform Commission for review in light of various developments including in relation to public interest litigation, automated decision making and AI, with the review to include consideration of costs rules for public interest litigation.

112. Improve access to information including proactive open governance policies to reduce the need for right to information requests, clarifying exemptions and adequate funding of RTI units.



Fund a small business grants program to support law practices, particularly those located in regional, rural and remote areas in navigating technology adoption...



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Maintaining the right to fair injury compensation for all Queenslanders

QLS strongly supports the right to fair injury compensation.

Queensland has longstanding and financially strong workers' compensation and CTP schemes. These schemes, together with the legislative regime for the provision of damages for personal injuries under the *Personal Injuries Proceedings Act 2002*, play an important role in ensuring access to justice and adequate compensation for people injured in Queensland.

QLS calls for a commitment to:

113. Preserve the integrity of Queensland's workers' compensation scheme, including continued access to common law damages without impairment thresholds.
114. Preserve the integrity of Queensland's compulsory third party motor accident insurance scheme, including
 - a. continued access to common law damages without impairment thresholds
 - b. that lump sum payments for minor injuries will not be replaced with "guaranteed defined benefits" and
 - c. that premium ranges will be set at an appropriate level to ensure sustainability of the scheme.
115. Improve access to treatment and rehabilitation for injured people in rural, regional and remote settings throughout Queensland.

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Preserve the integrity of Queensland's compulsory third party motor accident insurance scheme...

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