

LARISSA WATERS

SENATOR FOR QUEENSLAND



11 May 2022

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By email: policy@qls.com.au

Dear Kara

Response to QLS Election Statement

Thank you for the opportunity to respond to the Queensland Law Society's Call to Parties Statement for the 2022 Federal Election. This election, the Australian Greens have a comprehensive suite of policies addressing the issues raised by your members, offering a vision for a better, fairer future.

Brief responses to the QLS Statement are set out below. For more detail on all our policies, go to <https://greens.org.au/platform>.

Making justice more accessible

The Australian Greens recognise that access to legal assistance is critical to enforcing and protecting human rights. We will double current NLAP funding, investing an additional \$490 million each year. We also recognise the significant pressures resulting from the pandemic and historic under- resourcing, and will provide an additional \$310 million each year under the current term of the NLAP to clear existing backlogs.

Additional, secure funding will facilitate improved service delivery in remote, regional and rural areas, and to vulnerable and under-serviced communities. Funding security will also allow services to offer attractive packages to attract and retain solicitors in regional areas. We are open to discussing the proposal to direct money seized under proceeds of crime legislation towards legal assistance services.

Nearly eight years have passed since the Productivity Commission released its review of Access to Justice Arrangements, and most barriers still exist. The Australian Greens support calls for a new review into barriers to access to justice and, critically, for recommendations from such a review to be implemented. This would include robust and transparent procedures to ensure that legal assistance funding is directed to areas of greatest need.

The Australian Greens support legal assistance services as they are critical to ensure all of us can have access to justice when we are open to working with Aboriginal and Torres Strait Islander Legal Services, community legal centres and Legal Aid Commissions to investigate funding a dedicated specialist consumer credit debt legal assistance services in Queensland and across the country.

Resourcing federal courts, tribunals and commissions

The Australian Greens have consistently called for adequate resourcing of federal courts and tribunals, and the expeditious and transparent appointment of qualified judges and members. We also support funding for more registry and other staff to provide responsive, culturally safe, wrap-around support for parties before the court.

We recognise that access to justice is compromised where court facilities are not able to be accessed easily and safely by parties, particularly victim-survivors of family and domestic violence and parties with disabilities. We support calls for capital investment in upgrading court facilities and IT systems, and the continued use of electronic filing and remote hearing options in appropriate circumstances to reduce the burden on parties in remote and regional areas.

Preserving the integrity of our justice system

The Australian Greens are committed to establishing a strong, effective, independent, and well-resourced integrity commission. Our *National Integrity Commission (No 2) Bill 2019*, which has passed the Senate, outlined a commission with broad jurisdiction, the ability to act on tip offs, initiate investigations, compel witnesses, hold public hearings and publish reports. A Parliamentary Joint Committee on the Australian National Integrity Commission would recommend appointment of the National Integrity Commissioner and oversee the Commission's operations.

Our National Integrity Commission Bill also called for a review of legislative options to establish "a robust system of integrity oversight for Commonwealth judicial officers". The Australian Greens have consistently raised concerns regarding AAT appointments and supported calls for a judicial commission. We will continue to push for both a judicial commission and a national integrity commission in the next term of parliament.

The Australian Greens will also establish nationwide Police Ombudsmen and independent prison monitoring systems to oversee implementation of the Optional Protocol to the Convention Against Torture.

Aboriginal and Torres Strait Islander Peoples

The Australian Greens back the Uluru Statement and its calls for truth, treaty, and a voice to parliament. Our policy affirms that Treaty and truth-telling are foundational processes to make sure any constitutional change meaningfully recognises sovereignty and is not just tokenistic. This is a critical change and we may only get one chance at it. Advancing grassroots Treaty discussions will improve support and make a referendum to establish a voice more likely to succeed.

The Australian Greens will establish a nationally consistent Stolen Generations compensation scheme providing each survivor with \$200,000 to support them and their families as they age and continue to heal, as well as \$7,000 for funeral expenses. The Australian Greens will also provide a range of services to support the emotional and mental health needs of survivors and their families.

The Australian Greens recognise that our legal system regularly fails First Nations people, often with dire consequences. We will raise the age of criminal responsibility and introduce culturally safe and supportive programs to reduce recidivism in young offenders, including justice reinvestment initiatives.

We will implement all outstanding recommendations from the Royal Commission into Aboriginal Deaths in Custody, the Australian Law Reform Commission's Pathway to Justice report, and the Royal Commission into the Detention and Protection of Children in the Northern Territory. We will also invest \$328M to set up independent police and prison oversight mechanisms to oversee implementation of

the Optional Protocol of the Convention Against Torture and establish a national police ombudsman system to investigate complaints against police.

The Australian Greens will strengthen laws to protect First Nations cultural heritage, knowledge, and intellectual property, and contribute \$767M to expand First Nations ranger programs and Indigenous Protected Areas. Our First Nations legal defence fund will allow communities to access advice and challenge development decisions that threaten cultural heritage.

We recognise the disproportionate impact of family violence on First Nations women. The Australian Greens will fund a standalone, self-determined National Plan to End Violence Against First Nations Women and Children, and ensure that specialist legal assistance services and the National Family Violence Prevention Legal Service peak body are funded. We will also progress the Senate inquiry into missing First Nations women in the next term of parliament.

Greens Senators Lidia Thorpe and Dorinda Cox recently secured support to establish a Senate inquiry into the application of the UN Declaration on the Rights of Indigenous People in Australia. This will provide a basis for ongoing discussions regarding other reforms needed to protect First Nations rights.

Fairly resolve family law disputes

The Australian Greens will work with key legal assistance, court support and advocacy, family violence prevention and legal stakeholders to implement recommended reforms to make the family law system fairer, quicker, easier and safer, particularly for children and adult victim-survivors. In particular, we will implement the recommendations of the inquiry into Australia's Family Law System including specialisation of judges and registrars, ongoing training for court staff, expanding successful pilot projects, increased staffing and judicial officers, and providing adequate wrap-around support for people appearing before the courts.

We will increase funding to legal assistance services and ensure that additional resources are available to implement any recommendations coming from the review of cross-examination provisions.

We will ensure that the next National Plan to End Violence Against Women and Children addresses the interaction of family law and family violence systems.

Addressing violence against women and their children

The Australian Greens have committed to a \$12B, 12 year National Plan to End Violence Against Women and Children, and a standalone, self-determined National Plan to End Violence Against First Nations Women and Children.

These plans will provide secure, long-term funding for prevention, early intervention and behaviour change, response and recovery services, including legal, financial, housing, social and health services. Critically, these plans will:

- be responsive to the particular needs of LGBTIQ+ people, migrants, young people, older women, and people with disabilities, and ensure women on temporary visas can access support
- centre the voices and experiences of victim-survivors
- provide long-term secure funding to Our Watch and ANROWS to develop and evaluate national primary prevention and cultural change programs
- support targeted, best practice behaviour change and early intervention programs

- support workforce development of expertise in prevention and early intervention
- provide explicit measures for harassment (including street harassment), financial abuse, technology-facilitated abuse, and coercive control
- work towards harmonisation of laws relating to domestic, family, and sexual violence, consent, and evidentiary burdens

We also have a suite of policies to increase crisis, transitional and long term affordable housing to ensure women leaving abusive relationships can secure alternative accommodation, and measures to protect renters. We will provide \$10,000 survivor grants to women escaping violence and legislate for 10 days of paid domestic and family violence leave.

Addressing gender inequality and unsafe workplaces

The Australian Greens are committed to the full, timely implementation of all outstanding Respect@Work and Set the Standard recommendations. In addition to the extension of legal assistance sector funding discussed above, we will fund Working Women's Centres in all States and Territories to ensure women can access advice and information about workplace rights.

The Australian Greens will develop a National Gender Equality strategy and implement a range of policies to close the gender pay gap and remove structural barriers to women's workforce participation.

The Australian Greens will maintain funding for prevention campaigns under the National Plan, and provide an additional \$477M for a national roll out of Our Watch's Respectful Relationships Education program from early childhood education onwards.

Protecting children

The Australian Greens are committed to raising the age of criminal responsibility to 14 and introducing culturally safe, wraparound services to reduce recidivism in young offenders, including justice reinvestment initiatives. In Queensland, Greens MP Michael Berkman introduced the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021*.

We support the 2021 Family Matters report, subject to ongoing consultation with First Nations communities regarding options to implement the recommendations of the report. The Australian Greens will support any policy or commitment to achieving all Closing the Gap targets.

Sustainability, climate and disaster response

The Australian Greens have released a comprehensive, evidence-based and fully-costed plan to phase out coal and gas, reduce emissions by 75% of 2005 levels by 2030 and achieve net zero emissions by 2035. The plan supports a rapid transition to renewable energy and will create over 800,000 jobs in new industries, critical minerals mining, green manufacturing and renewables. We will also support coal workers throughout the transition with a 10 year wage guarantee and support to retrain, and will fund regional communities to develop new local industries and plan for the future.

The plan recognises that any transition planning must be supported by prior informed consent of First Nations custodians and be subject to rigorous environmental assessment.

The Australian Greens also recognise the impacts of the climate crisis on our regional neighbours. We will increase regional foreign aid programs and provide \$4.5B in climate finance for mitigation and adaptation work.

Implementing measures to combat elder abuse

The Australian Greens strongly support the recommendations made by the Royal Commission, and to address the funding gap identified by the Royal Commission we will provide \$6B each year to improve conditions in aged care, including increased hours of care, staff:resident ratios, 25% wage rises and better conditions and training for aged care workers.

The Australian Greens supported passage of the *Aged Care and Other Legislation Amendment (Royal Commission Response No. 2) Bill 2021*, to ensure implementation of the proposed nationally-consistent centralised pre-employment screening check with a register of cleared and excluded workers that has appropriate privacy safeguards.

The Australian Greens will guarantee a human rights based approach to aged care, underpinned by a new Aged Care Act that enshrines the rights of older people who are receiving aged care, guaranteeing universal access to the level of care and support they need.

The Australian Greens will work to improve governance, transparency and accountability in the aged care sector, starting with mandatory public reporting on how providers are spending Government funds. We will ensure the Aged Care Quality and Safety Commissioner acts as an independent, strong regulator that resolves complaints in a timely manner.

We will work with States and Territories on nationally consistent laws and policies to prevent elder abuse and implementation of the National Plan to Respond to Elder Abuse.

The broader increase in funding to the legal assistance sector will assist in delivering guardianship advice and services to people suffering elder abuse, and participation in policy reform processes.

Removing criminal law barriers to access legislated voluntary assisted dying schemes

The Australian Greens have supported the introduction of voluntary assisted dying legislation in a number of jurisdictions, including Queensland, and called for repeal of restrictions on the capacity of ACT and Northern Territory to introduce such legislation.

We support amendments to the *Criminal Code Act 1995* (Cth) to remove any ambiguity regarding federal criminal liability for medical practitioners acting in accordance with State laws.

Supporting disability services

The Australian Greens will fully resource the NDIS so it meets the needs of disabled people, their families and carers. We will continue to oppose the individual assessment scheme proposed by the Morrison government.

We have a range of policies to support inclusive education, employment, housing and healthcare strategies, and will increase funding to disability advocacy organisations to ensure that people with disabilities are at the centre of decision-making, policy and planning.

Enshrining human rights

The Australian Greens will deliver a comprehensive national Charter of Human Rights, including the right to a healthy environment.

We recognise the importance of an effective, independent Australian Human Rights Commission and are very concerned that the lack of transparency in recent appointments to the AHRC may threaten its

global standing. We will ensure the AHRC is independent and has the resources needed to perform its duties.

Protecting consumers

The Australian Greens will amend the federal consumer laws and the Copyright Act to deliver a right to repair, including allowing repairers to access embedded information protected by TPMs necessary for issue diagnosis and repair.

The Australian Greens will also ensure consumers are entitled to seek a refund, rather than credit, on purchased services that they are unable to use, such as travel or concert tickets.

Small and family business

The Australian Greens are very keen to work with small businesses and their peak bodies to support genuine competition across the economy, by reducing the market power of the biggest players and levelling the playing field for small businesses around the country.

The Greens support any review that will examine sustainable measures designed to relieve unnecessary burdens on small and family businesses. We led the call for an effects test, to reduce the ability of big business to use their overwhelming market power to constrict competition and push small businesses into the red.

The Greens will push any future government to ensure appropriate funding is provided to the Australian Small Business and Family Enterprise Ombudsman.

Providing certainty and security for workers and employers

The Australian Greens support the recommendations of the Senate Select Committee on Job Security and will work to implement those in the next term of parliament. In particular, we will consult with stakeholders regarding reforms to existing labour laws to simplify awards and:

- Prevent insecure work and establish a legislated presumption in favour of ongoing employment
- Require all reasonable requests for flexible working arrangements to be considered
- Ensure workers have the right to strike and more bargaining power
- Increase the minimum wage across all sectors to at least 60% of the full-time adult median wage
- Make achieving gender pay equity an explicit objective of the Fair Work Act
- Give casual and contract workers access to the same protections and entitlements as permanent employees.

We will implement all Repect@Work recommendations to make workplaces safe, and increase legal assistance sector support, including funding Working Women's Centres in each State and Territory.

Our Women's Economic Security policy outlines a range of measures to improve superannuation outcomes for women, including paying superannuation on parental leave, carer credits for low income parents with children under 6 (or under 16 if the child has a significant disability), and greater transparency for superannuation in family law proceedings.

The Australian Greens have condemned the prosecutions of Richard Boyle, David McBride, Bernard Collaery and Witness K, and the ongoing imprisonment of Julian Assange. We will protect the rights of people to advocate and protest, and strengthen protections under the Public Interest Disclosures Act for those who expose misconduct. We will also establish a Whistleblower Protection Commission as part of the national integrity commission.

Ensuring compensation schemes are efficient and effective

The Australian Greens will support a review of the Comcare scheme to ensure workers have appropriate access to rights and compensation.

The Australian Greens are committed to making the Medicare system as efficient and accessible as possible so that Australians can have confidence in accessing medical services without concerns about financial delays. We support measures that will speed up the issuing of Claims History Statements and Notices of Past Benefits, in consultation with relevant stakeholders, to ensure the efficiency of the claims process.

Engaging the not-for-profit sector

The Australian Greens will continue to stand up for the rights of charities and the not-for-profit sector to engage in public interest advocacy to ensure that policies are informed by the voices of the people impacted by them. We also support the development of a public interest test case fund.

Australian Greens Senator Rachel Siewert was deputy chair on the [Select Committee on Charity Fundraising in the 21st Century](#) which made key recommendations, including on harmonisation. The Australian Greens will continue to advocate for a consistent national scheme to regulate fundraising by charities and not-for-profit entities, including standardised reporting obligations.

We will consult with charities and not-for-profits to make sure any administrative reforms do not silence them, threaten their tax deductible gift recipient status, or tie up their resources in unnecessary administrative compliance rather than supporting their work. Funding for NFPs must be sufficient to enable administrative compliance without detracting from service delivery.

We have called for more independence and transparency in appointments to senior public sector and advisory roles, including the ACNC Commissioner.

The Australian Greens will also boost funding to non-profits across a wide range of sectors, starting with our \$4 billion funding boost to essential social services, to bridge immediate gaps in community service provision, determined in partnership with the community sector.

Preserving privacy

The Australian Greens are open to creating a statutory framework to provide greater protection of privacy, including harmonising laws across the Federation.

The Australian Greens will:

- establish a Digital Rights Commissioner within the Australian Human Rights Commission to work with the Office of the Australian Information Commissioner and the Privacy Commissioner, but without the statutory limitations the Privacy Commissioner faces;

- update and strengthen Australian privacy laws to be inline with the EU GDPR and uphold a right to privacy. Until a right to privacy with fit-for purpose protections is enshrined, we will impose a moratorium on government mass surveillance and biometric systems;
- tear up the Intergovernmental Agreement on Identity Matching Services, decommission the National Driver Licence Facial Recognition Solution, and destroy all biometrics and associated metadata held in it; and
- repeal the mandatory data retention scheme and assistance and access encryption laws.

Migration

The Australian Greens are committed to a human rights approach to migration, refugees and those seeking asylum, in line with our international obligations. We will immediately increase Australia's humanitarian intake to 50,000 per year and provide an additional 3,500 humanitarian places for refugees from Afghanistan (on top of the Government's additional 16,5000 humanitarian places), and an additional 20,000 humanitarian places for refugees from Ukraine.

The Australian Greens will also create a program to allow for the private sponsorship of 10,000 refugees per year in addition to our annual humanitarian intake, based on Canada's Private Sponsorship of Refugees program.

The Australian Greens will establish an internal target for LGBTIQ+ refugees and provide dedicated funding and appropriate support for supporting them with \$40 million over four years funding for local organisations and sponsor groups working on LGBTIQ+ refugee resettlement within the private sponsorship of refugees program.

The Australian Greens will close the camps and end offshore detention on Manus Island and Nauru, bringing refugees in those camps to safety and freedom in Australia. We will work with neighbouring countries to establish a regional solution for people seeking asylum, introduce a 7 day limit for onshore detention, and provide for merits and judicial review of protection status decisions.

The Australian Greens will give refugees more certainty to rebuild their lives in Australia by abolishing Temporary Protection Visas, and ensuring all refugees and people seeking asylum have access to adequate legal, social, and income support (including ensuring that visa holders experiencing family violence can access support services). We also believe Australia needs a faster, fairer, and more affordable family reunion visa system.

The Australian Greens will also abolish the Australian Border Force, and terminate all activities conducted specifically for Operation Sovereign Borders. To protect our coastlines, oceans, environment, and economic activity, and for search and rescue of people in trouble in Australia's waters, the Australian Greens will create a dedicated civil maritime agency, the Australian Maritime Service (AMS). This policy also includes the reestablishment of the Australian Customs Service to manage border traffic and trade measures.

The Australian Greens will provide \$500 million over four years to support the UNHCR and partner countries in our region to assess people's claims for asylum made from Indonesia and Malaysia in a timely fashion, and provide a 'dignity package' to support people while they wait for their assessments and resettlement, and we will also provide \$60 million to establish a Royal Commission into Australia's onshore and offshore immigration detention facilities.

Commonwealth law reform processes

The Australian Greens agree that parliamentary oversight is only effective when members are provided with sufficient time and information to interrogate legislative proposals. We support QLS calls for Bills and significant subordinate legislation to be subject to meaningful consultation (including allowing adequate time for submissions), supported by detailed explanatory memoranda, and robust parliamentary scrutiny through the Committee process.

The Australian Greens will also continue to push back against the government's misuse of delegated legislation for substantive reforms and reliance on National Cabinet exemptions to avoid scrutiny.

We will also establish an independent parliamentary Office of Science and Technology to provide objective scientific advice to members of Parliament so decisions are underpinned by accurate scientific information.

Yours sincerely,



Larissa Waters
Co-Deputy Leader, Australian Greens
Queensland Greens Senator