

11 November 2024

Our ref: MC-LP

The Hon Deborah Frecklington MP  
Attorney-General and Minister for Justice and  
Minister for Integrity  
1 William Street  
Brisbane QLD 4000

[REDACTED]

Dear Attorney-General

On behalf of the Queensland Law Society (QLS), I again extend my congratulations to you on your appointment as Attorney-General, Minister for Justice and Minister for Integrity.

I take this opportunity to offer the assistance of the legal profession and in particular, QLS's legal policy committees, where your responsibilities involve legislative and policy reform. QLS has 30 policy committees, comprised of volunteer legal practitioners, with substantial expertise across many different practice areas relevant to your portfolio. We welcome engagement and consultation with QLS and our committees which might be helpful to progressing the policy objectives of the government on the issues discussed below and in your portfolio generally.

As indicated in my letter of 1 November 2024, I would welcome the opportunity to meet with you at your earliest convenience to discuss these issues further.

**Making Queensland Safer Laws**

QLS recognises that it is a priority of the new government to introduce the Making Queensland Safer Laws by the end of 2024. The reforms relate to a number of ministerial portfolios including the youth justice portfolio of the Honourable Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services.

The Queensland justice system is a complex network, with reforms in one area often having significant and far reaching impacts. QLS highlights that any reforms seeking to address broader crime and justice issues must take into account the unique needs and challenges faced by young offenders, ensuring that policies not only promote safety but also foster positive pathways for young people.

As such, QLS welcomes the government's election commitments focussed on keeping children on the right track by getting them back into education or work and providing mentoring, life skills and community connection. However, we maintain our strong opposition to law reform that will

result in youth offenders being subject to the same sentencing principles as adults, abolish detention as a last resort and allow courts to consider youth offenders' full criminal history when sentencing. We have outlined the reasons for our principled opposition to law reform of this kind in response to earlier legislative reforms.<sup>1</sup>

It is absolutely critical to monitor the effectiveness of significant law reform in achieving its desired objectives. We recommend that, when passing the legislation, the government also set indicia for measuring the success of the Making Queensland Safer reforms, developed in consultation with experts and covering both qualitative and quantitative data.

We also call on the government to refrain from exercising its override power under section 43 of the *Human Rights Act 2019* (Qld) when seeking to progress these reforms.

I offer QLS's assistance in any way that may be useful as the government works towards shaping these legislative reforms.

### **Implementing the Criminal Procedure Review - *Justices Act 1886* (Qld)**

QLS is a long standing advocate for the modernisation of the *Justices Act 1886* (Qld) and was an active participant in the recent review of the legislation. We would welcome the opportunity to work with you and your department in regard to the efficient implementation of the recommendations of the *Criminal Procedure Review—Magistrates Court Summary Report 2023*.<sup>2</sup>

### **Courts and tribunals**

QLS highlights the need for increased funding and resourcing to Queensland's courts and tribunals to address delays and casework overload and to improve physical court infrastructure.

We seek a commitment for adequate resourcing of courts and tribunals throughout Queensland, including regional circuits and all support services required for full operation, such as video-conferencing facilities and adequate safety and security measures. The allocation of sustained funding is also required for court digitisation projects, including a functional electronic filing system, digitisation of registries and eTrial infrastructure for all courts in all jurisdictions across Queensland.

Increased resourcing is especially relevant to the operation of the Queensland Civil and Administrative Tribunal (QCAT). Our members report significant delays in matters before QCAT on a regular basis, due to an insufficient number of hearing rooms and other resources including resources for support services related to the work of QCAT.

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<sup>1</sup> QLS submissions in response to the Strengthening Community Safety Bill 2021 <https://www.qls.com.au/Submissions/2024/Queensland-Community-Safety-Bill-2024> and question on notice - <https://www.qls.com.au/Submissions/2024/Queensland-Community-Safety-Bill-2024-QLS-Response>

<sup>2</sup> <https://www.justice.qld.gov.au/initiatives/criminal-procedure-review-magistrates-courts/report>

## **Legal profession issues**

We also urge the government to release the QCAT Act Review consultation paper based on the terms of reference approved by the former Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman by early 2025.

### **Legal assistance sector funding**

QLS welcomes the commitment of the government to appropriately resourcing the Community Legal Centre network for the future, recognising it is an essential part of Queensland's justice service.<sup>3</sup> QLS highlights that sustained and increased funding to the legal assistance sector generally is critical for all Queenslanders to access justice. We would be pleased to discuss in further detail with you the unmet legal needs in the community and the ongoing need for legal assistance sector funding to support all Queenslanders.

### **Judicial Commission**

QLS has long advocated for the establishment of a judicial commission for Queensland. We believe a commission is necessary for the maintenance of a strong and independent judiciary, which in turn is essential for maintaining public confidence in the administration of justice and the promotion of the separation of powers.

QLS has established a working group to formulate an effective model for a commission in Queensland. We would be pleased to consult with the government and judiciary on its key features, roles and structure.

### **DNA review**

We call on the government to allocate a standalone stream of funding to the criminal justice sector to address the delays being experienced as a result of Queensland Health's DNA testing failures. The impact of the DNA inquiry will be felt by the criminal justice system for many years come.

We also highlight the particular significance of delays for children who may turn 19 before their matter is heard. We recommend prioritising DNA testing for matters in the Childrens Court in general, but particularly for those matters where the child is about to turn 19 years old.

### **Integrity matters**

Queensland needs a strong and effective anti-corruption body such as the Crime and Corruption Committee (CCC) and it must have appropriate powers adapted to achieve its statutory purposes. QLS is of the strong view, however, that there must be an enduring recognition of the extraordinary nature of the powers, and the ever-present risk of an abuse of power and/or oppression occasioned by their exercise.

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<sup>3</sup> LNP response to QLS 2024 Queensland State Election – Call to Parties  
<https://www.qls.com.au/Pages/Legal-Policy/Call-to-parties/State-Election-2024-Call-to-Parties-Statement>

In the event statutory reform is progressed to enlarge the CCC's current reporting powers, the QLS suggests prescribing that any corruption report with adverse findings falling short of criminal offending and/or misconduct de-identify the subject individual(s).

### **Regulatory reforms to support the legal profession and administration of justice.**

QLS looks forward to an opportunity to discuss with you the need for certain reforms to the *Legal Profession Act 2007* (Qld) and *Uniform Civil Procedure Rules 1999* (Qld) to support the conduct of the profession and the administration of justice generally. We would be pleased to provide details of these issues in separate correspondence in due course.

### **Proposal for quarterly meetings**

QLS has previously participated in quarterly meetings with the Attorney-General to discuss critical and important policy issues that impact upon the legal profession. I believe there is value in regular meetings to provide the government and QLS an opportunity to discuss these policy matters as well as providing QLS an opportunity to bring critical issues to your attention.

We would be very pleased to meet with you to discuss issues of mutual concern and interest under your new portfolio and I invite an appropriate member of your team to contact my Executive Assistant [REDACTED] to arrange a convenient time.

