

8 June 2016

Dear Candidate,

Your plan for addressing the access to justice crisis in Queensland

The law is fundamental to Australian society. It is the glue which holds our society together and regulates the relationships and behaviour of citizens, corporations of all kinds and government itself. The rule of law ensures that everyone is accountable for their actions in an orderly and open manner.

However, the law is also complicated. In the same way that medical professionals assist us with health issues we do not have the requisite knowledge about, we need legal professionals to provide information, advice and assistance when we need to use the law.

“Access to justice” describes people’s ability to access the legal information, advice or assistance which they need, when they need it. Unlike the Australian health and education systems, there is no universal safety net for legal help, yet there are many people who cannot afford to pay for a private lawyer and are at risk of not being able to “access justice”.

Community legal centres are an integral part of the legal assistance sector. There is significant unmet need at the moment – last year, Queensland’s community legal centres had to turn away at least three in five of the vulnerable Queenslanders who reached out for help. This crisis is likely to be exacerbated if the planned cut to funding from 2017 onwards is implemented.

In the context of the forthcoming election, Community Legal Centres Queensland seeks your views on the current access to justice crisis and invites you to outline your proposals to address the unmet demand for free quality legal help for members of the community in this area who cannot afford to pay for a private lawyer.

ABOUT COMMUNITY LEGAL CENTRES

Community legal centres are community organisations that provide free legal advice, information and representation, focussing on the disadvantaged and are a vital part of the existing access to justice system. Based on their community service experiences, community legal centres also encourage governments to reform laws and policies to remove the structural and systemic issues that create legal problems, and educate communities about their legal rights and responsibilities to help prevent legal problems from occurring.

By providing support and representation to vulnerable Queenslanders, community legal centres make a significant impact on clients’ social circumstances and reduce costs to governments, through savings made in diverting matters from the court system and reducing related health and welfare costs. There is a clear connection between people’s legal problems and health (physical and mental), well-being and social welfare needs.

As the peak body, Community Legal Centres Queensland provides support, leadership and advocacy for Queensland’s 34 community legal centres. Find out more on [our website](http://www.communitylegalqld.org.au).

1. COMMUNITY LAW AUSTRALIA - FUND EQUAL JUSTICE

Over 216,000 people receive free legal help each year from community legal centres across Australia. Assistance is provided on a range of legal matters including family violence and family law, tenancy, credit and debt and consumer issues. The Productivity Commission has confirmed government investment in these services makes good economic sense. Community legal centres prevent the escalation of often relatively simple issues into complex legal matters that have expensive implications for Legal Aid Commissions and the Courts, as well as other essential community service systems.

Community Legal Centres Queensland supports [Community Law Australia](#)'s Fund Equal Justice campaign to provide for the urgent legal needs across the community and place legal assistance funding on a sure foundation. ([More details here.](#)) Specifically, the campaign calls for:

- Reversal of the Commonwealth funding cuts under the National Partnership Agreement on Legal Assistance amounting to \$34.83 million over the period 2017/18 to 2019/20
- An immediate injection of \$200 million per year into the broader legal assistance service system to be shared between the Commonwealth (60%) and states/territories (40%). This should equate to at least an additional \$24 million per year allocated to community legal centres (\$14.4 million pa. Commonwealth and \$9.6 million pa. from states and territories).
- A commitment by all levels of Government to implementing an appropriate process for determining adequate and sustainable longer-term funding contributions for legal assistance in consultation with service providers.

QUESTION 1: WHAT COMMITMENTS WILL YOU MAKE IN RESPONSE TO THESE URGENT LEGAL ASSISTANCE NEEDS?

2. PREVENTING AND RESPONDING TO FAMILY VIOLENCE

Regrettably, community legal centres assist a huge number of people each year who are experiencing family violence. As well as providing significant legal help to people in these traumatic situations, community legal centres actively work to both improve the systems that respond, and prevent violence before it happens. No-one, especially women and children, should be unsafe within their own homes.

We support the findings of the Special Taskforce on Domestic and Family Violence's report **Not Now, Not Ever**, but much more action is needed to address family violence across Queensland.

QUESTION 2: HOW WILL YOU SUPPORT COMMUNITY LEGAL CENTRES TO MEET THE INCREASING DEMAND FOR FAMILY VIOLENCE HELP?

3. SAFETY FIRST IN FAMILY LAW

Community Legal Centres Queensland supports Women's Legal Service Australia's five step plan, [Safety First in Family Law](#), launched by Rosie Batty as part of the [Never Alone](#) campaign. We were one of 90+ organisations that formally endorsed this approach to fixing the family law system, which includes recommendations to:

1. Develop a specialist pathway for domestic violence cases in family courts
2. Reduce trauma and support those are most at risk of future violence and death
3. Intervene early and provide effective legal help for the most disadvantaged
4. Support women and children to financially recover from domestic violence
5. Strengthen the understanding of all family law professionals on domestic violence and trauma

QUESTION 3: WHAT COMMITMENTS AND RESPONSES ARE YOU MAKING TO THE PROPOSALS OF THE SAFETY FIRST IN FAMILY LAW FIVE-STEP PLAN?

4. PEOPLE WITH DISABILITY

People with disability have increased vulnerability to experiencing a wide range of legal problems, including civil, criminal and family law problems. People with disability are more vulnerable to experiencing spiralling problem sequences which are likely to have serious negative effects on their life circumstances. Research has found that people with disability take longer to contact a support person or seek legal assistance to get help, and even once a person with disability obtains legal assistance, they are less likely to resolve their problem.

QUESTION 4: WHAT PLANS AND PROPOSALS DO YOU HAVE TO PREVENT AND RESPOND TO LEGAL PROBLEMS EXPERIENCED BY PEOPLE WITH DISABILITY?

5. ABORIGINAL AND TORRES STRAIT ISLANDER JUSTICE REINVESTMENT

Community legal centres work in partnership with key Aboriginal community organisations to address legal, family violence and health issues. We support the work of Change the Record and its [Blueprint for Change](#) that seeks to address the alarming rates at which Aboriginal and Torres Strait Islander people are experiencing violence and being put in prison. It calls for action to:

- “Close the gap in rates of imprisonment by 2040; and
- Cut the disproportionate rates of violence to at least close the gap by 2040 with priority strategies for women and children,

by calling on all levels of government to:

- Invest in early intervention, prevention and diversion strategies, which address the root causes of violence and imprisonment; and
- Work in partnership with Aboriginal and Torres Strait Islander people, communities, services and their representatives, to develop and implement solutions.”

QUESTION 5: WHAT IS YOUR RESPONSE TO THE CHANGE THE RECORD BLUEPRINT AND PROPOSALS, AND WHAT OTHER POLICIES TO YOU HAVE FOR ADDRESSING THESE ISSUES?

YOUR RESPONSE

We respectfully invite your response outlining the actions that you will take to address the issues above by Friday 17 June 2016. Community Legal Centres Queensland will publish responses on our website (www.communitylegalqld.org.au) and through our e-newsletter, so that our stakeholders can consider these responses as they prepare to vote.

If you have any questions or would like to speak or meet with us, please contact me.

Yours sincerely,



James Farrell OAM
Director
Community Legal Centres Queensland