

8 October 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

By email only: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Summary Offences and Other Legislation Amendment Bill 2019

Community Legal Centres Queensland ('CLCQ') is the peak body representing 34 funded and unfunded community legal centres across Queensland. Community legal centres are independently operated, not-for-profit, community-based organisations that provide free legal advice to disadvantaged and vulnerable Queenslanders who present with a range of legal issues.

We welcome the opportunity to provide a submission to the *Summary Offences and Other Legislation Amendment Bill 2019* (Qld) ('the **Bill**') and wish to briefly draw your attention to two key points:

1. Burdening the system:

CLCQ is concerned that the Bill will unduly impact the already overburdened community legal sector, as protest participants reach out for free legal assistance and support in the face of additional charges.

In the 2018-2019-year, Queensland community legal centres saw more than 51,000 clients, but turned away an additional 50,000 due to sector wide under resourcing. The additional penalties proposed in the Bill will unduly impact community legal centres, as well as the overstretched Legal Aid, Police and courts system.

We would like to refer the Committee to what the Law Council of Australia terms the 'Justice Impact Test'.¹ This test asks the policy maker to consider the downstream costs and impacts of any proposed legislation, by undertaking a cost benefit analysis of any or all impacts these changes will have on the requisite service system. This

¹ Michaela Whitbourn, 'Push for UK-style 'justice impact test' to improve policy making', *Sydney Morning Herald* (online) 23 August 2018 <<https://www.smh.com.au/national/push-for-uk-style-justice-impact-test-to-improve-policy-making-20180822-p4zz0k.html>>.

analysis can then assist the policy maker to determine if the burden or cost on the system is warranted, how any extra costs would be funded, or if there are alternative methods to achieve change.

We ask the Committee to appropriately consider these downstream impacts and whether they are justifiable, given current legislation which can respond to these types of legal breaches.

2. Human Rights

CLCQ are concerned that the proposed Bill would not be compatible with the *Human Rights Act 2019* (Qld) ('the **Act**').

The Act will commence on 1 January 2020. The main objects of the Act are to 'protect and promote human rights', to build a 'culture ... that respects and promotes human rights' and uses a dialogue model to increase understanding of human rights in Queensland.² In passing the Act, the Queensland Government became one of the few states in Australia to enshrine human rights into law, including the freedom of expression³ and the right to peaceful assembly and freedom of association.⁴

Given the timing of this Bill and the commencement date of the Act, CLCQ wishes to refer the Committee to this commitment made by the Queensland government, to ensure every person in this State has their fundamental human rights afforded to them, including the right to peaceful assembly. It would be an unfortunate coincidence to commence a dialogue on human rights, by passing a Bill which seeks to silence them.

Thank you for the opportunity to provide comment on the Bill. At this stage we would not be prepared to attend the public hearing, however we will continue to watch the passage of the Bill closely.

Kind Regards,



Rosslyn Monro
Director

² *Human Rights Act 2019* (Qld) s 3.

³ *Ibid* s 21.

⁴ *Ibid* s 22.