

Notes from a speech delivered by the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Leader of the House at the Launch of Community Legal Centres Queensland's Impact Report, 29 October 2018

CLCQ Impact Report

I would like to acknowledge the tireless and invaluable work of Community Legal Centres Queensland (CLCQ), and thank them for the immeasurable positive impact they have on the Queensland legal assistance sector.

I also wish to thank CLCQ for inviting me to today's event and for the opportunity to launch its latest invaluable piece of work, the 2017-18 Impact Report.

The Department of Justice and Attorney-General (DJAG) allocated \$75,000 to CLCQ to provide Queensland Community Legal Centres (CLCs) with a practical self-evaluation toolkit with which to undertake outcomes evaluation, and to contribute to building a culture within the CLC sector of measuring and reporting on outcomes and impacts.

The main purpose of the project was to develop a toolkit, which could:

- capture, measure and report outcomes for clients and other stakeholders more systematically;
- build the measurement and evaluation capacity of CLCs and the broader legal assistance sector;
- effectively capture and communicate what works to funders and the sector; and

- use the information and insights to highlight possible improvements to individual CLCs.

Having a better appreciation of the impact of your services means that you can be more proactive and flexible in the way you deliver services; and have a more informed understanding of their value. This is vital when operating in an environment of finite resources.

I would like to congratulate CLCQ on this report and acknowledge the contributions and achievements of CLCs in Queensland, many of which are celebrated in the Impact Report. The report provides vital insights for government on the unique role of CLCs and demonstrates that they are a vital part of our justice system. The report is a credit to the community legal sector in Queensland and demonstrates strongly why Queensland is leading the way in collaborative service planning and client focused service delivery.

Funding for legal assistance services

The Queensland Government has allocated \$61.2 million of Queensland and Commonwealth funding over 2017-20 to community organisations (mainly CLCs) to deliver these services. The Commonwealth component of this funding is provided to Queensland to allocate to individual organisations under the *National Partnership Agreement on Legal Assistance Services 2015-20*.

As many of you are aware the NPA expires on 30 June 2020 and a review is currently being undertaken in parallel to a number of other Commonwealth reviews and evaluations.

It was pleasing to hear that Queensland CLCs actively participated in the review offering constructive commentary to the reviewers around reporting, regional and rural challenges and funding. My department offered feedback that closely aligned and also celebrated the excellent work of the sector.

As you have heard earlier today the outcomes of the NPA review will inform Commonwealth funding decisions from 1 July 2020. With the review due to be completed in December 2018, Queensland is hopeful that the Commonwealth will make an announcement about funding for legal assistance services as part of its May 2019 budget outcomes. Leaving it another year until May 2020 provides organisations with no funding certainty and leaves them unable to plan to deliver services efficiently and effectively.

I can assure you I am being vocal in this area and recognise that funding certainty is one of your top priorities.

Domestic Violence Best Practice Training Program

It is my pleasure to announce today that CLCQ has been successful in its application for Victim Services Building Capacity Funding and has been allocated \$31,000 by DJAG to provide a Domestic Violence Best Practice Training Program.

CLCQ will provide a one-year training program comprising 12 online webinars, a written DV Best Practice Toolkit and establish a DV peer-mentoring network within the community legal sector. This training will be targeted to generalist staff and volunteers with a focus on rural, regional and remote Queensland, and seeks to promote best practice when working with clients affected by DV.

The Program will provide practical tools, skills and strategies for workers to enable early identification of DV, work appropriately with DV victims and relevant agencies, and protect workers exposed to vicarious trauma.

I look forward to hearing about the outcomes of this program in the near future.

Other Domestic and Family Violence and Child Protection reforms

As is well known, CLCs are often at the forefront of dealing with the harrowing effects of domestic and family violence. This might include coming to the aid of a victim, or providing advice to an alleged perpetrator.

The Queensland Government continues to implement a wide range of reforms to strengthen the justice system's response to domestic and family violence, which prioritise victim safety and hold perpetrators to account.

This includes the investment of \$69.5 million over four years and ongoing annual funding to permanently fund the Southport specialist domestic and family violence court and roll out of four more specialist domestic and family violence courts in Beenleigh, Townsville, Mount Isa and Palm Island.

A further \$8.052 million over four years has been committed and annual ongoing funding to expand the scope of and the support services for the domestic and family violence court in Townsville, Mount Isa and Palm Island. Complementing this work is the rollout of the domestic and family violence duty lawyer scheme to 22 sites by 2020.

Closely linked to the prevention of domestic and family violence is the **Government's commitment to improving the protection of children.**

To this end, the third and final stage of amendments from the *Child Protection Reform Amendment Act 2017* commenced today. Some of these amendments will have an impact on court processes, including the:

- introduction of a new permanent care order, to provide a more permanent arrangement than a long-term guardianship order to a suitable person, and improving stability and permanency outcomes for children in out-of-home care; and
- introduction of the new concept of an Independent Aboriginal or Torres Strait Islander Entity for a child or young person, to help facilitate the child or young person and their family's participation in the decision-making process for significant decisions, including a decision about where or with whom a child will live.

The ***Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*** commenced on 30 June 2018, implementing the Queensland Government's commitment to establish a scheme for the expungement of convictions and charges for particular historical homosexual offences.

Applications for the expungement of certain 'eligible offences' can be made to, and decided by the Director-General of the Department of Justice and Attorney-General on a case-by-case basis.

The eligible offences include: offences that related to anal intercourse; acts of gross indecency and certain public morality offences.

A successful applicant will, as far as possible, be treated in law as if the conviction had never been imposed.

This demonstrates this Government's strong commitment to law reform providing equality to LGBTI Queenslanders and to address, as far as practicable, the institutionalised injustices of the past.

Last year I announced a directed allocation of \$420,468 over three years to the LGBTI Legal Services Inc to assist in the implementation of Government reforms that may impact on the LGBTI community. This is the first time the LGBTI Legal Services Inc has received such funding.

Vulnerable and disadvantaged Queenslanders are helped every day by the work undertaken by CLCs and legal assistance more broadly. Many of these people have their human rights impinged upon. **Human rights** are about promoting and protecting the values of respect, dignity and equality for every person, irrespective of their race, sex, religion, impairment, political belief, sexuality, age or any other characteristic.

This week I will be introducing a Bill into the Queensland Parliament for a Human Rights Act for Queensland.

This delivers on the Government's election commitment to introduce a Human Rights Act based on the Victorian *Charter of Human Rights and Responsibilities*, and is in keeping with our longstanding commitment to government accountability and protecting the rights of individuals.

Twenty-three human rights are recognised in the Bill, including the same civil and political rights protected by the Victorian Charter; as well as two

social and economic rights: the right to education and the right to health services.

Cultural rights are explicitly recognised, in particular, the distinct cultural rights held by Aboriginal peoples and Torres Strait Islander peoples, as Australia's first people.

The Bill acknowledges human rights are not absolute and are subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The Bill places obligations on public entities to make decisions in a way that is compatible with human rights. Public entities will include core public entities, like government departments, statutory bodies and local government. Public entities will also include functional public entities, which are captured when they are performing functions of a public nature on behalf of the State.

This reflects the modern operation of the government, where non-government entities, including statutory bodies, non-government organisations, private companies and government owned corporations, are frequently engaged to deliver services to the public on behalf of the government or another public entity.

Consistent with the Victorian Charter, there is no stand-alone legal remedy for a contravention of the Human Rights Act. However, the Bill will provide for an additional ground of 'unlawfulness' so that a remedy for a breach of human rights can be sought where a person has an existing right to seek a legal remedy or relief.

We have decided to go a step further than the Victorian Charter and include a disputes resolution system for dealing with human rights complaints. The Anti-Discrimination Commission Queensland will be renamed the Queensland Human Rights Commission, with important educative and disputes resolution functions under the Bill.

The Commissioner will have the power to direct a person to take part in a conciliation conference. In response to stakeholder feedback, the Commissioner will have discretion to allow legal representation at these conferences. This will address the potential for a power imbalance between parties and will ensure that vulnerable complainants are not disadvantaged in the conciliation process.

I encourage you to participate in the Parliamentary committee process and help build community support for this exciting step for Queensland.

The Queensland Government is committed to a zero tolerance approach to child sexual abuse and fully supports the work of the **Royal Commission into Institutional Responses to Child Sexual Abuse**, which handed down its final report on 15 December 2017.

The Government has already acted on a number of recommendations contained in the *Redress and Civil Litigation Report* including:

- amending the Limitation of Actions Act 1974 to remove the limitation period in which to commence an action for civil damages for personal injury arising from child sexual abuse; and

- the release of whole-of-Government guidelines for responding to claims for compensation concerning allegations of child sexual abuse.

In terms of the Working with Children Checks Report, the Government commissioned the Queensland Family and Child Commission (QFCC) to undertake a whole of system review of Queensland's blue card system. The QFCC had regard to the Royal Commission's report in making its findings. The Government has indicated its broad support for the intent of all 81 recommendations made by the QFCC and has commenced work on making the blue card system even stronger and more responsive to the needs of the community.

The Government is committed to increasing safeguards for children by introducing a '**No Card, No Start**' approach. This will require people working in paid employment to be issued with a blue card before they can start work with children.

The last parliamentary sittings saw the debate and passage of the Government's **Termination of Pregnancy Bill 2018**, which delivered on our election commitment to modernise and clarify the laws relating to termination of pregnancy, based on the recommendations of an almost year long inquiry by the Queensland Law Reform Commission.

The reforms recognise that generally terminations should be treated as a health matter and not a crime, and affirm the Government's commitment to respecting the rights and autonomy of women.

The key provisions:

- repeal the previous provisions in the Criminal Code criminalising termination and insert new offences relating to unqualified persons;
- allow terminations 'on request' up to a gestational limit of 22 weeks;
- allow terminations after 22 weeks gestation where two medical practitioners agree that it is appropriate;
- provide for registered health practitioners to conscientiously object to advising about, assisting in or performing a termination;
- require registered health practitioners with a conscientious objection to inform and refer or transfer the woman to another health practitioner or health service provider who does not have a conscientious objection; and
- establish safe access zones of 150 metres around premises where termination services are ordinarily provided.

Queensland Health is rolling out a comprehensive implementation plan, ahead of the reforms commencing on 3 December 2018.

In conclusion, I would again like to thank James and the team at CLCQ for extending me the invitation to speak today and share with you the many exciting things the Government is delivering on – and celebrate the many exciting things that are occurring in the CLC space, not the least the preparation and release of the 2017-18 Impact Report which it is now my pleasure to officially launch.