

1 January 2015

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Submission by email: lacsc@parliament.qld.gov.au

Dear Research Director,

Justice and other Legislation Amendment Bill 2014

Thank you for the opportunity to respond to the Justice and Other Legislation Amendment (JOLA) Bill 2014.

The focus of this submission is on Clause 80 of the JOLA Bill which purports to cease funding for law reform and community legal education for Community Legal Centres (CLCs) via an amendment to section 289(1)(h) of the *Legal Profession Act 2007 (Qld)*.

UQ Pro Bono Centre

The UQ Pro Bono Centre (the Centre) was established in 2009 as an initiative of the UQ Law School. The Centre's primary function is to provide Clinical Legal Education (CLE) and pro bono learning opportunities for law students.

The Centre facilitates the Law School's attainment of the Council of Australian Law Deans (CALD) Standards for Australian Law Schools, which requires all Australian law schools, 'to provide, so far as is practicable, experiential learning opportunities for students including clinical programs, internships, workplace experience and pro bono community service.'¹ The CALD Standards also require, 'law schools to engage with the wider community by encouraging its staff and students to use their knowledge and skills for the benefit of the community in outreach programs, including... clinical programs, law reform, public education, and other forms of pro bono community service.'²

Our relationship with Community Legal Centres

The UQ Pro Bono Centre enjoys strong and strategic partnerships with many Queensland CLCs, and is illustrated as follows:

- CLC representatives, including the Directors of QPILCH, QAILS and Caxton Legal Centre sit on the Centre's Advisory Board;
- The Law School's Clinical Legal Education Program annually offers approximately 80 student placements across seven CLCs whereby law students participate in specialist legal clinics for a full academic semester (13 weeks);
- Two thirds of the annual pro bono activities undertaken by law students via the Centre's Pro Bono Roster are in partnership with CLCs.

¹ CALD Standards for Australian Law Schools at 2.2.4, formally adopted at CALD meeting 2009/3, Canberra, 17 November 2009: <<http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>> Accessed 2 January 2015.

² Ibid, CALD Standards, 9.6.2

Clinical Legal Education

CLE is a method of teaching law students practical legal skills in a social justice setting. CLE has been described as an example of 'service learning' as it integrates meaningful community service with instruction and reflection.³

The pedagogical benefits of CLE are well documented. In addition to practical legal skills such as client interviewing and letter writing, legal clinics teach students the important skill of reflective practice.⁴ Clinic students learn about the intertwined nature of CLC casework, community legal education and law reform - especially in those legal clinics with a mixed policy/casework focus. CLE often inculcates an understanding of social justice amongst law students and demonstrates to them that the law can be a tool for responding to social injustice.⁵ A set of nationally recognised Best Practices for CLE approved in 2013 demonstrates the growth in CLE as a contemporary feature of quality legal education in Australia.⁶

Through their pro bono activities and their involvement in CLE Program, UQ law students are often exposed to the law reform and community legal education activities of CLCs. The Centre views this as a central feature of a well-rounded legal education. The decision to cease funding to CLCs via the clause 80 amendment does not simply put at risk the cost efficiencies outlined in other submissions (for example, NACLC submission 01); it will also undermine the important educative role that this function provides for the future generation of Queensland lawyers. Furthermore, law schools in Queensland will find it increasingly difficult to uphold the CALD Standards requiring them to engage with their communities through programs such as community outreach and law reform.

The Centre recommends that Clause 80 be removed from consideration and that section 289 *Legal Profession Act 2007 (Qld)* be retained in its current form.

I would be happy to answer any further questions by email m.taylor@law.uq.edu.au or phone (07) 3346 9351.

Yours faithfully,



Monica Taylor

Director
UQ Pro Bono Centre

³ Best Practices Australian Clinical Legal Education: Final report of the project *Strengthening Australian legal education by integrating clinical experiences: identifying and supporting best practices* 2013 at 10.

⁴ See generally Rachel Spence, 'Holding up the mirror: A theoretical and practical analysis of the role of reflection in clinical legal education' (2012) 18 *International Journal of Clinical Legal Education* 181-216 for an overview of the importance of reflection in clinical legal education.

⁵ Tamara Walsh, 'Putting Justice Back Into Legal Education' (2007) 17 *Legal Education Review* 119. See also Adrian Evans and Ross Hyams, 'Independent evaluations of clinical legal education programs: Appropriate objectives and processes in an Australian setting' (2008) 17 (1) *Griffith Law Review* 52-86 at 53, where the authors suggest that 'the best [clinical] programs may be progressively humanising Australian legal education...'

⁶ Above n 3.