

# **Postal Services Modernisation Discussion Paper**

Submission by Legal Aid Queensland

24 April 2023

## Postal Services Modernisation Discussion Paper

### Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to make a submission in relation to the Postal Services Modernisation Discussion Paper.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way” and is required to give this “legal assistance at a reasonable cost to the community and on an equitable basis throughout the State”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ’s services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ always seeks to offer policy input that is constructive and is based on the extensive experience of LAQ’s lawyers in the day-to-day application of the law in courts and tribunals. We believe that this experience provides LAQ with valuable knowledge and insights that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

We have only answered those questions which we consider relevant to the above.

### Submission

#### Consultation Questions

*1. What services provided by Australia Post are most relevant to you?*

LAQ uses the following Australia Post services:

- Letter delivery services, particularly to receive applications for legal aid, communicate decisions to grant or refuse legal aid and to communicate with clients whom LAQ represents in legal matters and other parties
- Parcel delivery services to deliver and receive voluminous material such as affidavits to clients and to deliver briefs to counsel.

LAQ’s average monthly expenditure on postal services is approximately \$11,000.00.

*4. How important is the ability to send or receive a letter and what would be the major impact of further increases in postage rates to allow Australia Post to fully recover the full efficient cost of providing the letters service?*

The ability to send and receive letters is vital to LAQ. Any increase to postage rates, particularly a large increase to fully recover the actual cost of providing letter delivery services, would have a significant detrimental impact on LAQ’s operating costs.

The ability to send and receive letters is important to LAQ for the following reasons:

- Under section 20 of the *Legal Aid Act 1997*, LAQ must give written notice of refusal of an application for legal aid

- In some areas of law, there are legal requirements for communication/service of documents by post
- Postal services are often the only way LAQ can communicate with its clients. Our clients are financially disadvantaged people. This is one of the criteria for a grant of legal aid. Many of our clients do not have computers or mobile devices with internet access or available data. Many of our clients that have internet access or a mobile device, due to their financially disadvantaged circumstances, are at risk of having those services suspended or disconnected due to non-payment or late payment of their bills. Many of our criminal law clients are in prison and consequently do not have access to the internet or a mobile device
- It can be difficult to communicate with clients via the internet due to outages or service unreliability, such as black spots in many urban and non-urban areas and particularly in remote regions. For example, in the Torres Strait Islands, internet connectivity can only be obtained under a particular tree
- For those clients with whom LAQ can communicate electronically, often their only means of electronic communication is a mobile telephone. It can be difficult to read documents, particularly legal documents such as affidavits which can be lengthy and complex, on a mobile telephone
- Often LAQ needs to communicate with other persons on behalf of our clients, and their email addresses may be unknown.

Aside from legal requirements and client communication requirements, if email was to become the primary means of communication with clients, in the short term there would be a significant increase in workload because of the need to manually send emails. There would also be a greater risk of error including sending email correspondence to the incorrect address which may involve a breach of privacy.

In the medium to longer term, there would be a need to redevelop the LAQ Office system to allow for the automated generation of client emails. There would be a need for LAQ to obtain additional funding from government for this purpose. The development of a new system would be likely to take 12 months to two years from approval of funding.

**8. *Should the current letters service speed or frequency of delivery requirements change in line with the expected decline in the number of letters being delivered?***

Any reduction in the current letter service speed or frequency of delivery requirements will impact LAQ, other legal service providers, the courts, and individuals, given various legal requirements for written or postal communication of certain matters, as discussed in relation to question 4. A reduction in the current letter service speed or frequency may also impact clients' abilities to meet critical time limitation periods for commencing actions, responding to proceedings and otherwise complying with court orders, directions and deadlines. In this regard we note that under section 160 of the *Evidence Act 1995* (Commonwealth) the ordinary course of post is seven working days from the date of postage. This may have greater impact on clients who rely on postal services and are residents in institutions, such as correctional facilities, where institutional systems currently impose further delay on receipt of mail. For these reasons any reduction in the letter service speed or frequency of delivery requirements should not occur without further consultation with representatives of legal service providers, such as the state law societies, government legal services departments and the courts. If such changes to postal services were to occur, there may well be a need for legislative changes.

*9. How important are parcel delivery services to your business?*

Parcel delivery services are important to LAQ due to the need to send briefs to counsel and voluminous materials to clients and other parties in this manner. Any increase in charges would have a significant detrimental impact on LAQ.

*13. How important is the Post Office to individuals, business and communities, including which Post Office services are most valued?*

*17. How can Australia Post best support the community?*

In our experience, Australia Post through its postal services, provides critical services to legal assistance and community organisations such as LAQ, and to our client base which is comprised of some of the most disadvantaged groups of persons in Australia. These disadvantaged groups are also the least able to cope with reductions in postal services or increases in the cost of postal services.

We note that many post offices offer services in addition to postal services, for example, identification and passport services, banking services and retail services. We also note from the discussion paper that Australia Posting is currently trialing a 'community hub' post office in Orange, NSW, which will offer additional services.

Australia Post could consider partnering with other Commonwealth and State Government agencies, and private businesses, to offer an even greater range of services, particularly in remote locations where it is not cost effective for many organisations to offer an individual presence, but the clustering of services may make it more cost effective to provide some services in the location. This would also ameliorate the disadvantage experienced by many people living in remote locations.

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