

Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton

100 Main Street East, Suite 203
Hamilton ON L8N 3W4
Phone: (905) 527-4572 Fax: (905) 523-7282
www.hamiltonjustice.ca

100, rue Main est. Suite 203
Hamilton (Ontario) L8N 3W4
Téléphone : (905) 527-4572 Télécopieur : (905) 523-7282
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June 10, 2020

Standing Committee on Justice Policy
c/o Committee Clerk, Christopher Tyrell
Legislative Assembly of Ontario
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON
M7A 1A2

Re: Submission to the Standing Committee on Justice Policy – Bill 161

We are writing to add our community legal clinic's voice to those who are enthusiastic supporters of robust community-based legal services made available to marginalised people throughout Ontario. The Association of Community Legal Clinics of Ontario has provided a thorough analysis of the Bill. We strongly endorse and support the recommendations the Association has made on our behalf. We wish to emphasize the following points:

Statement of Purpose

We endorse the statement of purpose the ACLCO has proposed, that this Act is to promote access to justice throughout Ontario for low-income individuals and disadvantaged communities.

Include 'Poverty Law' in the Definition Section

The reality for many low income Ontarians is that basic human needs like food and shelter are frequently threatened. The evident need for legal aid in the area of poverty law should be reflected in the definition section of the Act. We support the ACLCO proposal in this regard.

Community-Based Legal Clinics Are Best for Poverty Law

Community-based legal clinics have been described as the "windows" through which we can best see the poverty law needs of the various communities throughout Ontario. We agree with ACLCO urging that clinics remain the foundation of poverty law services and that communities' legal clinics continue to determine the best, most relevant, use of their clinic.

Funding Agreements Between Legal Aid Ontario and Community Legal Clinics

The purpose of having funding agreements in place between clinics and LAO is to continue the approach of responding to local needs. The Bill should address how to facilitate these agreements in the event terms have not been reached within the expected six month time frame. Appointing a third party to mediate is a proposal we support.

Review Mechanism Essential

The Board of Directors for LAO will be making particular decisions affecting each community where there is a clinic. It is important that those communities have a review mechanism in the Act to be able to challenge those decisions where they affect the agreements in place.

Cost Contributions Would Be Barriers to Poverty Law Services

One of the barriers to accessing legal aid is client contribution to the cost of services. While this may be possible to some degree in other situations, it is much more of a barrier for poverty law clients. Clinics should not be fee for service agencies.

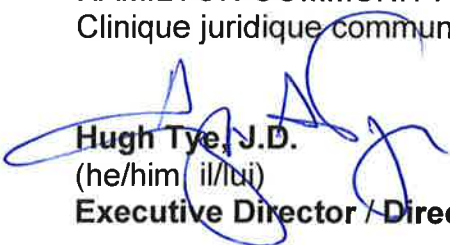
Legal Aid Ontario Board Composition

The governance of LAO will include overseeing the agreements with community clinics. An understanding of clinics is critical. We support the ACLCO call for an equal balance between Law Society and Attorney General Appointees.

Since their beginnings in the 1970`s, clinics have found innovative ways to respond to the ever-changing legal challenges facing disadvantaged people in Ontario. During the current pandemic, clinics have been extremely active providing essential service. We remain committed to providing access to justice. We appreciate the support we have received through the years from the communities you represent and we look forward to receiving your support in this important work.

Sincerely,

HAMILTON COMMUNITY LEGAL CLINIC/
Clinique juridique communautaire de Hamilton

 **Hugh Tye, J.D.**

(he/him il/lui)

Executive Director / Directeur general