

Bill 161: Demand for Revision

June 12, 2020

MPP Roman Baber, Chair
Standing Committee on Justice Policy

Mr. Barber,

The Standing Committee on Justice Policy is reviewing Bill 161. Schedule 16 of the bill enacts the *Legal Aid Services Act, 2019 (LASA 2019)*, repealing the *Legal Aid Services Act, 1998* and makes complementary amendments to other Acts.

The changes proposed by Bill 161 make it easier for the provincial government to reduce and remove the access to justice that is made possible through the legal clinic system. More particularly, if passed, LASA 2019 will:

1. Significantly limit the scope of “clinic law” services in Ontario and thus fundamentally change the statutory mandate of community legal clinics;
2. Dramatically alter community legal clinics’ ability to engage in systemic law reform and community organizing aimed at the roots of low-income people’s everyday legal issues;
3. Weaken the ability of community legal clinics to adequately determine and respond to the needs of low-income and disadvantaged communities; and
4. Diminish opportunities to educate future lawyers in community-based advocacy.¹

Legal clinics are largely used by the Black community and are fundamental for these families to seek justice when they can otherwise not afford it. Especially in our current environment with the huge out roar for the Black Lives Matter movement, LASA 2019 cannot be seen as anything other than the provincial government’s attempt to ignore the people’s voice and further subject Black people to a systemically racist legal system. At this point in time, the committee should be more aware than ever about the systemic racism that Black people face, as such it is simply unconscionable for the committee to pass this bill without any revisions to the text.

I demand that the ability of Ontario’s community legal clinics to serve marginalized people in our community be preserved. This requires the following changes to be made to the draft bill:

1. Reinstate “access to justice” for low-income and disadvantaged communities to the Purpose of the legislation.
2. Community legal clinics must be recognized as the foundation for the provision of clinic law services.
3. Reinstate obligations to provide legal aid services across Ontario.
4. Define community legal clinics as:

“community legal clinic” means a community legal organization structured as an independent corporation without share capital:

¹ Bhatia, A. et al. (2020, March 9). *Neither Smarter nor Stronger: Bill 161 Is a Step Backwards for Access to Justice and Community-Based Legal Services in Ontario*

- (a) whose board of directors are members of the community or communities served, or who have a substantial association or interest in the community or communities served;*
- (b) that provides legal aid services for the community it serves on a basis other than fee for service; and,*
- (c) that determines the legal needs of the individuals and communities served by the community legal clinic.*

Ontario's Attorney General, Doug Downey says his new bill will modernize the courts, increase access to justice, and strengthen legal aid, **but it won't**. All evidence shows that this bill harmful to the communities that use legal clinics. The legislation dealing with legal clinics must keep the existing fundamental obligations to marginalized members of our community. This is important to me and my community.

Sincerely,

Amber Cheung

¹ Bhatia, A. et al. (2020, March 9). *Neither Smarter nor Stronger: Bill 161 Is a Step Backwards for Access to Justice and Community-Based Legal Services in Ontario*