

Smart Justice 2006

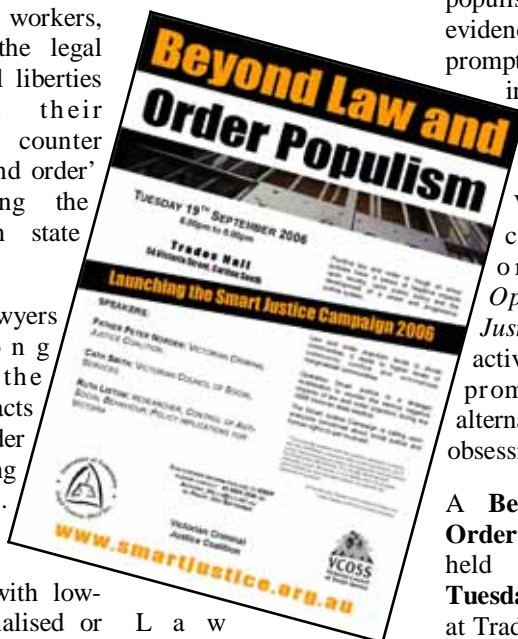
Rolling back the Law and Order Juggernaut

Operation Smart Justice is a strategic mobilisation of community workers, law students, the legal profession, civil liberties groups and their networks to counter punitive 'law and order' populism during the 2006 Victorian state election.

Community lawyers have long recognised the negative impacts of the law & order auction during elections. Community legal centres work directly with low-income, marginalised or CALD communities that are often the most severely effected by so called 'tough on crime' policies.

Punitive and fear based messages by politicians and lobby groups have

negative impacts upon society, upon public policy and the development of a smart and progressive justice system.



Law and order populism diverts resources and support away from sound social policies and programs that may be far more effective, cheaper, and more humane ways to reduce crime.

Evidence from around the world indicates that most people want real solutions to crime and violence, not knee jerk, populist reactions. This evidence is what is prompting the Federation initiative.

Bringing together a broad range of Victorian community organisations, *Operation Smart Justice* aims to pro-actively intervene by promoting positive alternatives to the prison obsession

A **Beyond Law and Order Forum** will be held at 6.00pm on **Tuesday September 19** at Trades Hall, Carlton to launch the campaign.

All community legal centre workers, and anyone concerned about progressive justice approaches are encouraged to get involved.

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Pass this newsletter on to others. If you have not received this newsletter directly from the Federation, let us know if you would like the next one by emailing :

fedclc@clc.net.au

Strong CLCs = Strong Communities!

CLCs are committed to 'doing justice'. Our organisations are the vehicle through which we achieve this mission. Adequate resourcing coupled with a focus on organisational development is of vital importance. Attention needs to be paid to all the

people, structures and systems that make up a CLC. Strong CLCs provide a solid foundation for building strong communities.

The Federation, as a peak body, plays an important sector development role. In addition to our

ongoing sector development work, we have recently consulted widely with CLCs about their capacity building needs. This project (funded by the Victoria Law Foundation) has identified priority areas for support including governance and human

resource development. It has identified the best strategies for CLC support. A range of initiatives will be rolled out over the coming year. Additional funding from Victoria Legal Aid will boost our efforts in this regard.

Contact: Pauline Spencer, Executive Officer

Highlights of Federation Justice Policy Work

Family Violence Reform: The Whole Package

The *Women's Voices for Justice & Human Rights Project* is responding to the Victorian Law Reform Commission's *Review of Family Violence Laws Report* (the Report), March 2006.

The project is a joint initiative with Domestic Violence Victoria (DV Vic). A broad range of organisations and individuals are participating in the project, including women who have experienced domestic/family violence, the Women's Legal Service, the Domestic Violence and Incest Resource Centre, VCOSS, Amnesty Australia and the Women's Electoral Lobby.

The project promotes the adoption of the Report's recommendations as a whole package. We believe a comprehensive approach to reform is essential to maintaining the integrity of the recommendations.

The Report advocates a new approach to family violence by our justice system, including recognition of the diversity of our community and the difficulties that indigenous and culturally and linguistically diverse communities and people with disabilities have had in accessing protection and justice.

In May, the project provided feedback on the Legislative recommendations of the Report to the Criminal Law Policy section in the Department of Justice. Government is preparing an exposure draft of the legislation, slated for release in October this year.

The Victims Support & Diversity Issues Unit at DOJ is considering the non-legislative recommendations from the Report. The project is in discussions with representatives from the Unit and Victoria Police about how we might work with them as they consider the recommendations and

their implementation.

The project is also setting up meetings with politicians from all parties in the lead up to the November state election. With serious assaults and deaths continuing to occur in Victoria due to family violence, it is important that all politicians understand the need to act promptly and appropriately to ensure adequate protection of women and children from violence.

For further information contact Catherine Plunkett, Project Worker, at the Federation office.

Improved Human Rights Protections

July saw the Victorian Parliament pass *The Charter of Human Rights and Responsibilities Act 2006*, making Victoria the first Australian state to do so. This historic event is a first step towards the express protection and promotion of human rights.

The Federation actively campaigned for the Charter of Rights. Whilst the Charter does not give as much protection to human rights as required, the Charter provides an opportunity over the next few years to improve human rights awareness and protection.

A review of the Charter will be conducted in four years and will consider whether rights available under the Charter should be expanded.

A meeting to discuss the Federation's strategy around Victoria's New Charter of Human Rights is planned for:

Tuesday 19th September at 3-5pm at Federation Office

The Federation continues to pursue further amendments to the *Equal Opportunity Act 1995* (Vic) to address systemic discrimination. In our submission to the Department of Justice, we strongly supported amendments that allow for

representative complaints. We also recommended that the Commission be empowered to conduct investigations into systemic discrimination.

This is particularly important for already marginalised communities including people who are sensitive to potential victimisation should they complain in their own names.

Suspended Sentencing

The *Sentencing (Suspended Sentences) Bill 2006* was tabled in August following recommendations by the Sentencing Advisory Council to immediately restrict suspended sentences for serious offences.

Judges and magistrates will now be required to consider various factors, including the seriousness of the offence and whether a suspended sentence would properly denounce the crime, before handing down suspended sentences for other offences.

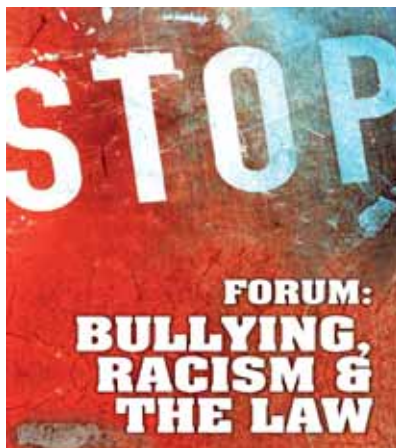
The Federation and numerous member centres are concerned about these changes and have urged the government not to abolish suspended sentences altogether until the human and social costs, particularly impacts upon prison populations, have been adequately evaluated.

The removal of suspended sentences could well mean that more people with mental illness, indigenous people, alcohol and other drug dependant people, young people end up in prison.

In light of the Attorney General's 2004 Justice Statement which commits government to "*Increase the ability of courts to tailor sentences to the distinctive characteristics of individual offenders, including where previous orders have been breached,*" The Federation is disappointed in what appears to be a populist and expedient response to sentencing reform.

Working Group Updates

Children and Youth Issues Working Group - Bullying, Racism and the Law in schools



I am 14 years old and in Year Nine. Last Wednesday another girl at school took a swing at me but I ducked so she did not hit me. She got two days suspension for it. But there are 15-20 other kids wanting to do the same. A lot of them are boys. The Principal of the High School said he is not going to be able to stop them and told me to stay at home because it is safer for me. I am really upset and hurt that the school would treat me like they have. I feel like they think it is easier to get rid of me rather than do something about the bullying.

This is an example of the emails Youthlaw receives from young people about bullying. The young people are distressed and feel no action has been taken to stop the bullying. In response to these emails and to feedback from teachers, that many schools are struggling to respond to this issue, Youthlaw, Wyndham Legal Service, and the Children and Youth Issues Working Group of the Federation of Community Legal Centres organised a Forum – “Bullying, Racism and the Law”.

This forum, held on 14th July, provided Principals, Teachers, Year Level and Welfare Coordinators with high quality professional development and up-

to-date legal information in relation to legal rights and responsibilities and the best practice in dealing with bullying, racism and disciplinary proceedings.

The forum was well attended and the feedback was overwhelming positive. Participants wanted further similar sessions in other regions and also highlighted the need for more information and further discussion in the area. Youthlaw, Wyndham Legal Service and the Children and Youth Issues Working Group are currently working out how to address the issues raised by the forum.

Anti-Terrorism Laws Working Group

The Federation’s Anti-Terrorism Laws Working Group continues to argue for a more appropriate justice system response to the threat of terrorism. The Federation’s recent submission to the Parliamentary Joint Committee on Security and Intelligence, in response to the Sheller Inquiry, reiterates our concerns that existing legislation removes fundamental civil liberties and human rights.

To see this and other Federation submissions see www.communitylaw.org.au and follow the links to the Federation’s law reform page.

Get involved in a Federation Working Group

Federation Working Groups provide the infrastructure for cross-sector collaboration on vital justice. Law reform and sector development issues.

Check out www.communitylaw.org.au or contact the Policy Officers at the Federation Office.

Infringements Working Group

The system for dealing with infringement notices changed in Victoria on 1 July 2006 with the passage of new legislation, The Infringements Act 2005 (Vic) and the Infringements (Consequential and Other Amendments) Act 2006 (Vic).

The Infringements Working Group has been actively working with DOJ and the Attorney General seeking reforms that make the system fairer, easy to use and that provide more appropriate options for people experiencing financial stress.

The Federation welcomes amendments that provide greater sentencing options for people with Penalty Enforcement Warrants. The system now provides the court with a broad discretion to impose the most appropriate penalty, including discharging all or part of the fine and in some circumstances making a community based order.

The Federation is concerned that increased enforcement powers for the Sheriff and the Court prior to execution of warrants will cause undue hardship. These new powers include to detain, immobilise and sell motor vehicles, suspend drivers’ licenses and registration of motor vehicles or trailers. Courts have powers under the new system to make orders for attachment of earnings, attachment of debt and charge over and sale of real property. The Working Group would like to see an independent review mechanism of these new powers.

The new system gives significant discretion to agencies issuing fines to agree payment by instalments and the application of special circumstances criteria. The Infringements Working Group will continue working with DOJ and agencies to see that these options are used widely and appropriately.

An e-newsletter of the
Federation of Community
Legal Centres Vic

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Community Law News provides information about the justice policy & law reform activities of community legal centres in Victoria.

Community Law News is of interest to workers, volunteers, Board and Committee of Management members in community legal centres, as well as individuals and organisations interested in justice policy and law reform issues in Victoria.

For more information about the Federation and about community legal centres in Victoria see www.communitylaw.org.au.

If you have any ideas, comments or contributions please contact one of our Policy Officers: Sarah Nicholson or Anthony Kelly at the Federation of Community Legal Centres.
Phone 9654 2204
Email Sarah_Nicholson@clc.net.au
Email Anthony_Kelly@clc.net.au



The Federation of Community Legal Centres (Vic.), is the peak body for the 52 Community Legal Centres in Victoria. CLCs provide free legal advice, information, assistance, representation and community legal education to more than 100,000 Victorians each year. We work on strategic research, casework, policy development and social and law reform activities. The day-to-day work of Community Legal Centres reflects a 30-year commitment to social justice, human rights, equity, democracy and community participation.

Special Community Law Events for your diary

**National
Community Legal
Centre Conference**
**Opening Closed Doors:
CLCs Advancing
Community Justice 2006,
Wollongong, NSW, 3-6
September 2006.**

The 2006 National CLC Conference will focus on CLCs role in insisting that the Australian legal system should also be a justice system.

The opening speakers this year are Sekai Holland, founding member of the Movement for Democratic Change, Zimbabwe's official opposition party and Cleonie Quayle, a Policy Officer at the NSW Aboriginal Land Council and Chairperson of the Wirringa Baiya Aboriginal Women's Legal Centre.

Other conference speakers include The Hon Alastair Nicholson AO RFD QC, former Chief Justice of the Family Court of Australia and Sharan Burrow, ACTU President.

Again this year there will be a strong focus on sector development, including training and workshops. This is a fantastic networking and development opportunity for those new to CLCs, those who are not so new and for those interested in the work of CLCs.

For more details check out www.naclc.org.au.

**Smart Justice
Launch**
Tuesday 19 September
6pm to 8pm
Trades Hall, Carlton

Refugee Week
To celebrate Refugee Week, the Federation's Refugee and Immigration Working Group is hosting a lunch time forum on:

**Wednesday 25th
October
at Trades Hall
12noon—1.30pm**

Federation AGM
The Federation Annual General Meeting will be held on:

**Wednesday 25th
October
from 2pm
At Trades Hall**

RSVP: fedclc@clc.net.au

G20 legal Support
A meeting to begin planning an activist legal support structure for the upcoming protests against the G20 meeting of global finance ministers which is to be held in Melbourne in November (18-19th).

G20 (cont'd)...

**Tuesday 12 September
3.00pm to 5.00pm**
at the Federation Offices

Meeting open to any CLC workers, solicitors or paralegals interested in helping. Training will take place on 25 Oct contact Anthony_Kelly@clc.net.au

**CLC Lawyers
Get-together**

The compulsory meeting of all CLC Principal Solicitors is being held on:

**Wednesday 8th
November
at Trades Hall
10am-12noon**

...followed by lunch & professional legal education sessions on family law & employment law in the afternoon. Training free to all CLC staff and volunteers (subject to capacity).

More details available soon on www.communitylaw.org.au or contact Federation Office.

Post information about your events to www.communitylaw.org.au – this site is regularly accessed by community legal centre staff, volunteers and committee members as well as members of the public seeking general legal information.