

COMMUNITY LAW NEWS

AUTUMN 2006

INSIDE THIS ISSUE:

Highlights of Federation and CLC Justice Policy	2
Working Group	3
Women's Voices for Human Rights Project	3
Family Violence Report Launched	3
Special Community Law Events for your Diary	4

Human Right Charter - the way to go!

At a time when there is so much tension in our community, it is important for Governments to show leadership by supporting human rights.

The Federation welcomes the Bracks' Government commitment to enacting a Human Rights Charter.

Over the last year community legal centres have undertaken many community discussion forums about human rights and have been impressed by the level of enthusiasm. People feel strongly about the need for better protections of basic human rights. They see respect for human rights as being an important part of what it means to be Victorian.

The Federation is of the view that a Charter that protects civil and political rights is an important first step in strengthening Victorian democracy.

The protection of social, economic and cultural rights and the other inalienable rights contained in United Nation's instruments are inseparable from civil and political rights and should be covered by the Charter. The inclusion of social, economic and cultural rights would be strengthen the drive to challenge disadvantage in Victoria through such Government policy frameworks as *A Fairer Victoria (2005)*. At the very minimum it is essential that the review process as articulated in

the Draft Charter be enacted.

Community human rights education must play a central role in building a culture of respect and dignity. The Federation supports the resourcing of community organisations so that education meets the needs of diverse communities.



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@fcl.fl.asn.au

About Change—About Time

Sexual Offences & Disability

This project builds on the work achieved in Stages One and Two of the *Sexual Offences Project*, undertaken by the Disability Discrimination Legal Service. The aim of this third stage (funded through the Reichstein Foundation) is to develop collaborative ways to improve access to justice for women with cognitive impairment

who are victim/survivors of sexual assault.

The project, based at the Federation of Community Legal Centres, is currently holding small group discussions with sexual assault services, disability services, community legal centres and key government stakeholders to develop a discussion paper on Advocacy services.

Critically, the project is also organising small discussion groups and one-on-one meetings with women with a cognitive impairment who are sexual assault survivors. The inclusion of their experiences and stories into the discussion paper "Advocacy Services for Victim/Survivors with Cognitive Impairment" are central to the project.

The Discussion Paper will provide the impetus for a cross-sector forum. Ultimately the project aims to create greater understanding and awareness of the complex justice issues faced by women with cognitive impairment who are sexual assault victim/survivors, thus altering policy, practice and culture.

For more info on please contact Donna Swan at the Federation on 9654 2204

Highlights of Federation and CLC Justice Policy Work

Defences to Homicide

After an intensive community campaign spanning many years, CLCs welcomed the reform of self defence laws in 2005.

The changes were the most significant reforms to homicide laws since the death penalty was abolished 30 years ago, and the law would now better reflect modern community standards.

The Federation consistently argued that the existing laws failed to take into account the reality of women in family violence situations who are forced to kill to save their own lives.

The reforms give voice to women's experiences through the introduction of "social framework" evidence to show the full history of violence and the impact that that violence has had on women who kill in self defence.

Suspended Sentencing

The Federation submitted a response to the Sentencing Advisory Council's Interim Report on Suspended Sentencing strongly opposing the council's recommendation that the sentencing option be abolished. A final report of the council is in process and should be released in a few months.

The Sentencing Advisory Council will be holding a conference entitled Sentencing and the Community: Politics, Public Opinion & the Development of Sentencing Policy in July this year in Melbourne

Anti-Terror Laws

Amid a panicked flurry of anti-terror legislation by the Federal and state governments since the London Bombings in July last year, the Federation's Anti Terror Task Group (now a Working

Group) has succeeded in responding to each and every review and committee process with high quality and well researched critiques of the anti terror legal regime.

In September 2005, A comprehensive joint document entitled "Laws for Insecurity?" reported on the Federal Government's proposed anti—terror measures. The Federation also made submissions and public presentations regarding the Federal Anti Terrorism Bill (No 2.) the review of the original 2002 Security and anti –terror legislation, the Victorian Terrorism (Community Protection) Amendment Bill, the Defence Legislation Amendment Bill and the Review of the listing of the PKK as a Terrorist organisation. The Working Group also held or participated in several public forums, Community Legal Education as well as conducting a wide public campaign opposing the PKK listing.

Infringements bill

There has been much action in and around the PERIN Working Group in the last few months. In late November the Victorian Law Reform Committee released its report into "Warrants Powers and Procedures" which largely endorsed the submissions of PILCH, Western Suburbs Legal Service, West Heidelberg Legal Service and Fitzroy Legal Service.

The Infringements Bill was introduced into parliament at the end of last year. There are some positive initiatives, such as the introduction of pre-PERIN installment plans, official warnings, the expansion of special circumstances categories and the replacement of mandatory sentencing provisions.

However, there were some disturbing inclusions into the system. Firstly, new enforcement powers have been granted to allow Sheriffs to detain, immobilize and sell motor vehicles, suspend licenses and registration (regardless of whether related to driving offences). There will also be capacity for court to make Attachment of Earnings Orders and place charges over and sell real property. We are concerned that these powers are disproportionate to the infringements that activate them and that they will cause undue hardship to people who already suffer financial and social disadvantages.

Further, the definition of special circumstances in the act is overly narrow. We recently had a meeting with the AG's advisor and the Manager of the new Infringements System Oversight Unit to discuss our concerns and we are waiting on a response to advice from the Magistrates' Court regarding the definition of special circumstances.

Family Law

The Federation has played an active role informing politicians of the potential impact of proposed family law changes on families. Federation Policy Worker, Chris Atmore, developed "Seeing Families Right" documenting the true facts about family break up. Sse: www.naclc.org.au

Federation in the News:

Letters to the editors included Prisons Point to Failure (H/Sun); ID Card Surveillance Card (Age); Charter of Rights (H/Sun); Best Interests of the Child Out the Window in a Week (Age); Fanning the Flames (racial violence) (Age).

Working Group Updates

Getting 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.

Working Groups meet monthly (see Diary Dates online www.communitylaw.org.au, Federation Site) and regional members can arrange a phone hook up.

To get involved in a Working Group contact the Federation.

Children and Youth Issues

A CLE session is currently being planned for schools regarding best practice re privacy, dealing with bullying and racism, discipline, duty of care and encouraging student advocacy.

The Working Group is also improving the content on the Youthlaw website to include fact sheets on areas on interest and links to other websites and resources. So far they have prepared youth-focused fact sheets on Drugs and the Law, the PERIN and CAYPINS fines system, police powers and mobile phone contracts. If anyone would like to support this initiative by preparing a youth accessible fact sheet in an area of expertise or links to same, please contact Youthlaw or the Children and Youth Issues Working Group. The Working Group has also discussed the Working with Children Regulations, and contributed to the discussion around the Bail Act Review by the Law Reform Commission

Police Issues

In December 2005 the newly established Office of Police Integrity (OPI) produced a comprehensive *Review of Fatal Shootings by Victoria Police* which highlighted the re-emergence of a culture dependant on the use of firearms within the police force. The Review quotes heavily from the Springvale – Monash Legal Services research report entitled *Police Training and Mental Illness—A Time for Change*. The Police Issues Working Group has prepared a detailed response to the OPI report which will be available shortly.

Women's Voices for Justice & Human Rights Project

This project aims to facilitate and promote the participation of survivors, and the women who work with them, in legislative and justice system reform processes in the area of domestic/family violence.

The project runs until April 2006. Promoting discussion of domestic/family violence as a human rights issue is an important feature of the project and information will be produced that helps Community

Legal Centre and women's domestic violence service workers to use a human rights framework to argue for system-change.

The project is focused on women's experience of the intervention order application process and its outcomes, particularly the impact of legal advice and advocacy or the lack of it. Research on these issues will be carried out by interviewing survivors and women who work with them.

Data that is collected will be used to inform structural advocacy agendas and to illustrate arguments for legislative and policy change.

**For more info contact Catherine Plunkett @ Federation
Ph 9654 2204.**

Family Violence Report Launched!

The Federation has welcomed the release of the Victorian Law Reform Commission's Family Violence Report which calls for new legislation that will better reflect the dynamics of family violence. "Family Violence is a huge problem. One in four women have experienced physical violence and the economic cost is estimated at 8.1 billion. This

groundbreaking report gives the scandal of family violence the attention it deserves and asserts non violence as a fundamental social value" said Ms Belinda Lo, Federation spokesperson. The report also recognises the importance of legal support for applicant and recommends that CLCs be funded to provide such support.

**All Working Groups
seeking new members!
To get involved in any
Federation Policy Work
contact the Federation
on 9654 2204.**

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

Suite 11, 1st Floor
54 Victoria Street
Carlton South, 3053

Phone: 03 9654 2204
Fax: 03 9654 5204

Email: fedclc@fcl.fl.asn.au
www.communitylaw.org.au

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 Anthony Kelly at the Federation of Community Legal Centres.
Phone 9654 2204 or email Anthony_Kelly@fcl.fl.asn.au.



The Federation of Community Legal Centres (Vic.), is the peak body for the 51 Community Legal Centres in Victoria. CLCs provide free legal advice, information, assistance, representation and community legal education to more than 60,000 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

State Conference

CLCs from throughout Victoria will gather in Melbourne for the 2006 CLC Conference. This year's theme "Community Law: A Passion for Justice" will explore new visions and strategies for improving access to justice and positive social change for our communities. Participants from the CLC and legal aid sector, legal profession, universities, government and community sector are invited to participate. To receive registration package email Liz_McKeag@fcl.fl.asn.au

Justice Salons

In the hustle and bustle of everyday CLC work, there is rarely space or time to talk about how broader issues of power, values and vision affect our work, and how we might better respond to them. This is about to change!

You are invited to join CLC workers and other activists at monthly Justice Salons focused on sharing and discussing big ideas.

On the Fourth Thursday on each month Justice Salons will create an informal and friendly

Law Week

Law Week, coordinated by the Victoria Law Foundation and the Law Institute of Victoria will run from 21 to the 27 May this year. The week promotes better access to law, by reaching out to members of our community with free events to learn about the law and legal system.

Joady Donovan
VLF 9604 8155
Alicia Patterson
LIV 9607 9464

CLC Fellowship

Got a burning passion for a project, but too busy to do the work? Applications are now sought from Community Legal Centre workers for the Victoria Law Foundation CLC Fellowship See www.victorialaw.org.au/CLC_Fellowship.htm

Cth Games Legals!

Solicitors and Para-Legal volunteers are required to provide basic legal support for the upcoming Black GST protests during the Cth Games (March 15-26).

Significant activist activity around Black GST is being planned to coincide with the Cth Games. Legislation passed to control any disruptive activity around the games is likely to expose participants to serious penalties.

Volunteers required for a presence at the march and rally culminating at the Opening Ceremony at the MCG, in order to distribute legal info flyers and the Legal Support Phone numbers to as many participants as possible. **To register** Anthony_Kelly@fcl.fl.asn.au

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.