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Community Engagement on Human Rights

The Federation of Community Legal Centres is working to expand the understanding of human rights in the community and to build grassroots community support for greater human rights protections.

In conjunction with the Victorian Council of Social Service (VCOSS), the Federation organised trainer training in Human Rights in December 2004. The training was conducted by Annie Pettitt, of the Public Interest Advocacy Centre in Sydney, an experienced human rights educator and author of the *Protecting Human Rights in Australia Kit*.

The training covered rights protected and not protected in Australia and how human rights could be improved in Australia. Participants were provided with knowledge and skills to conduct human rights

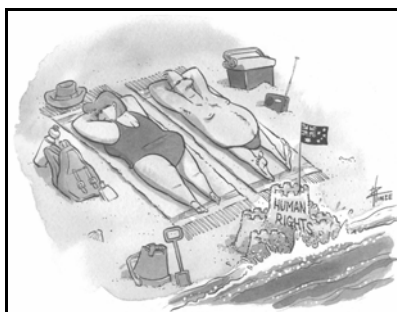
training in their organisations and with people in their communities. Members of the Community Legal Education Workers Group and the Human Rights Working Group will run training for the CLC sector and interested communities in 2005.

The State Attorney-General has made a firm commitment to enhancing human rights protections in Victoria in the *Justice Statement*

The Federation is developing grassroots community initiatives that actively support this vision.

The Federation's Human Rights Working Group will be rolling-out human rights training as part of a broader community engagement strategy to develop a community-driven Charter of Rights for Victoria.

In addition, with the Australian Government due to report in 2005 on both the Convention on Economic, Social and Cultural Rights and the Convention on Civil and Political Rights, the WG is working with the National Human Rights Network in CLCs to develop mechanisms that can ensure diverse community responses for the Shadow Reports.



Protecting Human Rights in Australia, a Community Education Kit, is available from the Public Interest Advocacy Centre, <http://piac.asn.au/publications/hrkit.html>

10 years of Federation Justice Policy goes online

The Federation has recently sorted, catalogued and is uploading nearly 100 justice policy and law reform submissions from the past 10 years to the community law website. The submissions are available for students, governments, and campaigners to see and use.

The Federation has a proud history of advocating for changes to laws, practises and policies that impact upon our

community, in particular upon those most disadvantaged.

We have sought reform on issues as diverse as family violence, criminal laws and police powers, access to justice for culturally diverse communities, fines and the PERIN system, Victims of Crime, issues affecting legal aid and Human Rights protections. Whilst many of the reforms

we have sought have been implemented, many of the issues affecting our communities remain the same. Federation Working Groups and member Centres are continuing this work.

The process of cataloguing and uploading submissions will continue over the coming months with hard copies dating back to 1979.

SPECIAL POINTS OF INTEREST:

- *The Google ranking for the Federation's website has been upgraded from 3 to 4 (on a scale of one to 10). Whilst this may not sound like earth shattering news, it does show that we're attracting more quality traffic. If you haven't added it to your favourites, do so next time your having a surf: www.communitylaw.org.au.*
- *Feel free to pass this newsletter on to people who may be interested in it. 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.*

Highlights of Federation Policy Work

A New Approach to the Family Law System

The Government is seeking feedback by 14th January 2005 on a discussion paper into the implementation of wide-ranging reforms to the family law system. (follow the links from www.ag.gov.au)

The reforms follow the report of the parliamentary inquiry into child custody arrangements in the event of family separation '*Every Picture Tells a Story*'. The Paper seeks feedback on the Government's new proposals which include:

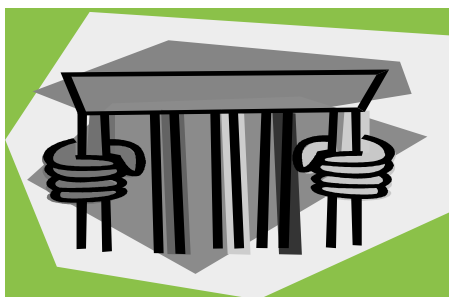
- A network of 65 community-based Family Relationship Centres
- Equal shared parental responsibility as the starting point for parenting agreements
- Changes to the operation of Courts
- A Community Education Campaign

Detailed submissions have been prepared by the Women's Legal Service and the Domestic Violence and Incest Resource Centre. For more information contact Joanna Fletcher at Women's Legal Service on 9642 0877 or Joanna_Fletcher@fcl.fl.asn.au.

ASIO Powers and Anti-Terrorism Laws

The Federal Parliamentary Joint Committee on ASIO, ASIS and DSD is reviewing the operation, implications and effectiveness of ASIO's Questioning and Detention Powers.

The Committee has invited interested persons and organisations to make submissions addressing the terms of reference by 24 March 2005.



ASIO has powers to detain and question a person who they suspect can assist with gathering intelligence in relation to a terrorist offence. A person being questioned does not have the right to legal representation or the right to silence and the period of detention can last up to seven days.

The Federation's Anti-Terrorism Laws Task Group is coordinating a Federation response. Inquiries to Marika Dias at Brimbank/ Melton Community Legal Service on 9363 1811 or Marika_Dias@fcl.fl.asn.au

Discrimination on the basis of criminal record

Inquiries are underway at both State and Federal levels, exploring aspects of discrimination on the basis of criminal records.

These inquiries are of particular importance in Victoria, one of only two States in Australia without a Spent Convictions Scheme. Also, unlike Tasmania and the Northern Territory, Victoria does not have laws that specifically prohibit discrimination on the basis of criminal record.

The Human Rights and Equal Opportunity Commission is conducting research on discrimination in employment on the basis of a criminal record. The Commission's research includes examining the adequacy and effectiveness of laws to protect against discrimination in employment on the basis of criminal record.

At this early stage, the Commission envisages that a likely outcome of this research will be a set of resources for employers and employees, to clarify rights and responsibilities in this difficult area. The Commission is seeking feedback on its research by 18th February.

In Victoria, the Government is introducing a Working with Children Check to screen people who wish to work with children for relevant criminal offences, charges and professional disciplinary proceedings. The Government is seeking feedback on a Discussion Paper and Exposure Draft Bill by 25th February 2005.

The Children and Youth Issues Working Group of the Federation, Jobwatch, Youthlaw and Fitzroy Legal Service are considering the Discussion Papers and preparing responses.

Criminal Law Reviews coming up

The Attorney-General recently made two new references to the Victorian Law Reform Commission: to review the *Bail Act 1977* and the way the current bail system operates; and to review the *Evidence Act 1958* and other laws of evidence.

More details about these reviews can be found from the Commission website: <http://www.lawreform.vic.gov.au>.

The newly established Sentencing Advisory Council is looking at how **suspended sentences** are being used in Victoria and whether their operation can be improved in any way.

The Council met with Federation representatives in December and will be releasing a public consultation paper in early 2005.

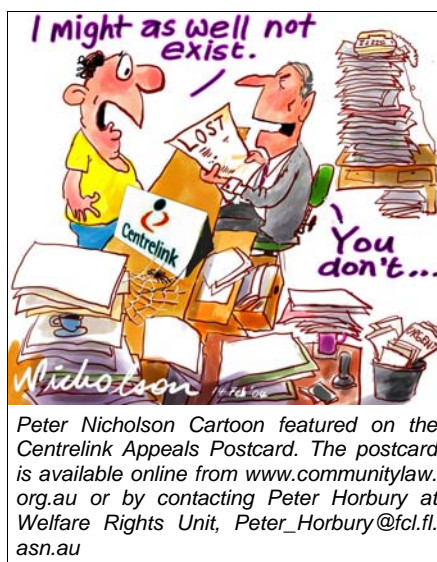
Working Group Updates

The Violence Against Women and Children Working Group is keeping busy through its involvement in the plethora of initiatives being undertaken by the State Government around Family Violence.

Federation representatives and local CLC's are involved in the advisory groups overseeing the establishment of specialist Family Violence Courts in Heidelberg and Ballarat, expected to commence operation by mid 2005.

The Working Group is also examining the recent reports of the VLRC Inquiries into *Sex Offences: Law and Procedure* and *Defences to Homicide*. The Federation's

submissions to these inquiries are available on our web-site.



Peter Nicholson Cartoon featured on the Centrelink Appeals Postcard. The postcard is available online from www.communitylaw.org.au or by contacting Peter Horbury at Welfare Rights Unit, Peter_Horbury@fcl.fl.asn.au

The Social Security Working Group is continuing

to seek better responses from Centrelink to requests for reviews of decisions, following the success of the Centrelink Appeals postcard (as pictured).

The postcard was launched in late 2004 and provides basic information about appealing Centrelink decisions. The postcard includes a detachable card that can be used to lodge an appeal with Centrelink.

In response to the postcard campaign, Centrelink has acknowledged the need to do further work around review and appeal resources. The WG is awaiting the release of the Australian National Audit Office's performance audit of Centrelink, which has focussed on reviews and decision-making.

Current Government Inquiries— Seeking our Input

The Senate Legal and Constitutional Legislation Committee is conducting an Inquiry into the Administrative Appeals Tribunal Amendment Bill 2004.

The Bill amends the *Administrative Appeals Tribunal Act 1975* and related legislation with the intention of improving the capacity of the Administrative Appeals Tribunal (AAT) to

manage its workload and ensure that reviews are conducted as efficiently as possible.

More details at www.aph.gov.au/senate_legal. Submission deadline is 21 January 2005. The National Welfare Rights network is submitting. Contact the Welfare Rights Unit Victoria for more details.

The Victorian Government is reviewing the adequacy of Victoria's Culpable and Dangerous Driving Laws. The Government has released a Discussion Paper which explores a range of issues and reform options in relation to the offences of culpable driving causing death and dangerous driving. Feedback on this Discussion Paper is due by 9 February 2004.

Strengthening our Sector— Federation Secretariat News

The Federation Secretariat is please to announce our 2005 Training and Capacity Building Schedule. The Schedule has been prepared in response to the Training Needs Survey completed on behalf of over 130 staff in Centres in late 2004.

The Secretariat has tried to accommodate everyone's needs, whilst leaving some flexibility for

burning issues that may arise.

Staff of Centres are encouraged to attend as many sessions as possible. Volunteers of Centres can attend training sessions subject to capacity. The Schedule will be available on the News and Events page www.communitylaw.org.au from 25th January 2005.

For more details about how to become involved in any of the Federation's Policy work, check out the News and Events page on www.communitylaw.org.au or contact Sarah Nicholson, Policy Officer, on 9654 2204.

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

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Community Law News is a monthly e-newsletter of the Federation of Community Legal Centres Vic that provides information about the activities of community legal centres in Victoria, with a particular focus on justice policy & law reform issues.

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 info 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 Sarah Nicholson at the Federation of Community Legal Centres. Phone 9654 2204 or email Sarah_Nicholson@fcl.fl.asn.au. Contributions are due by the first Monday of the month.



The Federation of Community Legal Centres (Vic.), is the peak body for the 49 Community Legal Centres in Victoria.

Victoria's community legal centres provide free legal information and advice to more than 60,000 Victorians every year. We also deliver community legal education and conduct law reform and social justice campaigns. We are committed to the principles of human rights, social justice, equity and community participation.

Special Community Law Events for your diary

Family Violence Law Review

The Victorian Law Reform Commission has just released its first consultation paper as part of its Review of the Family Violence Laws (*Crimes (Family Violence) Act*). The Commission is looking into whether there are any procedural, administrative or legislative changes needed to ensure the best possible response to family violence.

The Consultation Paper invites comments about whether the system needs to be fundamentally altered as well as looking at reform to discrete aspects of the system within the current framework.

For example, the paper asks whether Victoria should have specific criminal offences of wielding physical or mental violence against a family member, and whether circle sentencing and family-group decision-making conferences should be introduced. Specific chapters address societal and practical barriers to accessing intervention orders including disability and cultural barriers, the issues with

interim intervention orders, the role of police and the criminal system in responding to breaches, Court process, legal advice and evidence.

The Federation is preparing a submission in response. Workers and volunteers interested in commenting on the Paper are invited to attend a meeting on:

**Wednesday 2nd
February
9.30am -12.30pm
At Federation
Offices**

For more details about this meeting, contact Belinda Lo at Whittlesea CLS, 9401 6655 or Belinda_Lo@fcl.fl.asn.au.

Copies of the Consultation Paper are available from www.lawreform.vic.gov.au or by calling 8619 8619. The deadline for submissions is 28th February 2005.

Individuals and organisations are encouraged to post information about forthcoming 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.

Federation History Project

In 2004 the Federation began exploring options for compiling a written history of the dynamic and diverse activities of the Federation since its establishment more than 20 years ago.

The Management Committee is seeking the involvement of Centres interested in working on this project in 2005 to attend a meeting on:

**Monday 24th
January
at 9.30am
At Federation
Offices**

The meeting will primarily be discussing how we go forward with writing the history.

In addition, we have begun the process of compiling and archiving records, starting with an audit of records held on-site at the Federation Office. eg: campaigns, lobbying and law reform, reports, submissions and working group minutes. A small grant has been obtained from the Victoria Law Foundation to assist further with this archiving process.