The Federation is the peak representative body for 50 Victorian community legal centres (CLCs). We welcome the Government’s commitment to undertake a rigorous process of consultation and debate in formulating a human rights action plan for Australia. We refer to and support the submission of our member centre, the Human Rights Law Resource Centre (HRLRC), *Making Rights Real: A National Human Rights Action Plan for Australia* and the submission of the National Association of Community Legal Centres. We provide additional comments below.

The Federation remains disappointed that the Government decided not to enact a federal Human Rights Charter following the release of the National Human Rights Consultation Report, which revealed that 87.4% of a record 35,014 submissions supported the enactment of a national Charter of Human Rights.\(^1\)

The Federation certainly supports measures towards improving the development of laws, policies and practices through a human rights based approach. However, we strongly reiterate that these important measures must be accompanied by judicially enforceable rights if we are to effectively enhance equality and foster a human rights culture more broadly. The adoption of a federal Human Rights Charter is an essential step in this process as it will provide a consistent framework within which human rights protection and education can take place at all levels of government and throughout the community.

**Developing the action plan**

The Background Paper notes that development of the action plan will be guided by the United Nations *Handbook on National Human Rights Plans of Action* (Handbook). We commend this approach. The Handbook suggests that developing the action plan should involve “quality consultation involving NGOs and government agencies”. We congratulate the Attorney General’s recent pledge to provide the HRLRC with $100,000 to support the Centre in the “coordination of NGO sector involvement with the Government’s Human Rights Framework”. We warmly welcome this as an essential step in engaging the non-profit sector.

Ongoing CLC funding to undertake human rights related work

While we certainly welcome the new funding to the HRLRC, the action plan must include ongoing funding to enhance the capacity of CLCs to engage in human rights related work well into the future. As noted by the National Human Rights Consultation Report:

‘Access to justice’ is not simply about the ability to enforce rights in courts: it also refers to the ability to obtain legal advice and non-legal advocacy and support to participate effectively in law reform processes. The Committee heard that access to justice is important in the promotion, protection and fulfilment of human rights... (footnotes omitted, emphasis added).²

As discussed below, CLCs are particularly well placed to provide highly relevant and informed feedback on the development of laws impacting vulnerable members of the community. CLCs are also well placed to undertake community legal education to equip vulnerable community members to engage in democratic processes themselves – but individual CLCs need adequate funding in order to fully participate and assist in these ways. As recognised by the Commonwealth Government’s Review of the Commonwealth Community Legal Services Program (Commonwealth Review), “community legal centres are generally poorly funded”³ and are “experiencing particular problems in meeting demand for services within their current funding allocations.”⁴

The CLC sector is well placed to undertake human rights work

The Commonwealth Review noted that the community legal sector assists the most disadvantaged individuals in dealing with a significant variety of legal issues. The Commonwealth Review noted that collated data demonstrated that 58% of community legal sector clients received some form of income support, 82% of clients earned less than $26,000 per annum, and almost 9% of clients had some form of disability.⁵

Many of our clients’ concerns relate to the provision of government services. Our search of the Community Legal Service Information System (CLSIS) data reveals that the top 15 CLC client problem types nationally as collated during the 2009-10 financial year were:

1. Child contact or contact orders (22,051 matters);
2. Family or domestic violence (18,186 matters);
3. Property in marriage (15,593 matters);
4. Tenancy general rights and responsibilities (13,694 matters);
5. Child residency (13,207 matters);
6. Credit and debt owed by client (10,982 matters);

² Report of the National Human Rights Consultation Committee, above n 1, 198.
³ Review of the Commonwealth Community Legal Services Program March 2008, 45.
⁵ Ibid, 6.
7. Tenancy – other (9,556 matters);
8. Road traffic and motor vehicle regulatory offences (9,525 matters);
9. Family or domestic violence (9,479 matters);
10. Divorce (9,187 matters);
11. Other civil (8,943 matters);
12. Government pensions/benefits allowances (8,146 matters);
13. Tenancy repairs (7,616 matters);
14. Tenancy rent (7,502 matters); and
15. Tenancy termination by Lessor (6,740 matters).

All of these issues could potentially engage either civil and political rights (for example, the right to privacy and reputation; protection of families and children; and the right to liberty and security of the person); or economic, social and cultural rights (for example, the right to adequate housing and the right to social security). The CLC sector is therefore a valuable source of expertise regarding the human rights impact of laws on the most vulnerable members of our community. All CLCs should be provided with adequate ongoing funding to carry out human rights related work beyond the action plan consultation period.

The Baseline Study
The Background Paper notes that development of the action plan will include a baseline study that will address a number of matters, including “information on the status of priority vulnerable groups identified during the National Human Rights Consultation”. The Background Paper lists other potential sources to inform the baseline study as including Parliamentary inquiries, papers and reports prepared by the Australian Human Rights Commission, and ABS statistics. The CLC sector has produced a number of valuable reports addressing the status of vulnerable community members and we strongly recommend that the Government consider these reports in preparing the baseline study. We provide a list of some relevant CLC reports at Appendix A.

It is crucial that the baseline study be comprehensive and informed by measurable indicators. In particular, data regarding the status of vulnerable people should be continually collated so that progress can be effectively measured on an ongoing basis, beyond the release of the action plan.

Sincerely

Jacqui Bell
Policy Officer
Direct Line (03) 9652 1511
Jacqui.bell@fcic.org.au
Appendix A


