

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter Quarter 1 2009



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Staff Announcements

VALS welcomes new employees Simon Kenny in the position of Criminal Solicitor and Lionel Bamblett in Administration. Simon Kenny has previously worked at the Central Australian Aboriginal Legal Aid Service (CAALAS) providing legal aid services for the Aboriginal community in Alice Springs, Tennant Creek and Apatula regions.

In this quarter VALS bid farewell to Criminal Solicitors Karina Atchia and Alexandra Squarci, Client Service Officer Sarina Gentile and Family Solicitor Susannah Portelli. Susannah is commencing the Bar Readers Course and Sarina will be starting in a position at Corrections Victoria.

Participation in National Human Rights Consultation

VALS recently attended two forums with respect to the National Human Rights Consultation. Hosted by the Human Rights Law Resource Centre (HRLRC), the first forum was held for specialist Community Legal Centres at the Federation of Community Legal Centres (FCLC). The second forum 'A Workshop for Koories on the National Human Rights Consultation', also hosted by the HRLRC in association with VALS, was held at the Koorie Heritage Trust, 12 March 2009.

These forums are in aid of the Federal Government's launch of a national public consultation concerning the legal recognition and protection of human rights and responsibilities. The National Human Rights Consultation is an historic opportunity for individuals, groups, communities and organisations throughout Australia to have a say about the protection of fundamental values such as freedom, respect and dignity. The three main consultation questions are:

1. Which human rights (including corresponding responsibilities) should be protected and promoted?
2. Are these human rights currently sufficiently protected and promoted?
3. How could Australia better protect and promote human rights?

Submission information and templates can be found at the end of this newsletter and we are urging organisations and individuals to contribute to this process. Submissions can be made at anytime up until the date of 15th June 2009. Hard copies can be sent to:

The National Human Rights Consultation Secretariat
Attorney-Generals Department
Robert Garran Offices
BARTON ACT 2600

Alternatively, individual, group or organisational submissions can be made online at www.humanrightsconsultation.gov.au

Prisoner Support Officer Project

VALS is pleased to report that the Commonwealth Attorney-General's Department has provided us with funding for the employment of a Prisoner Support Officer Project. VALS is in the process of compiling a position description and determining the operational aspects of this role. VALS is aiming for the Project to be up and running before the end of this financial year.

National Communication and Resource Sharing Project

The CEO and Executive Officer - Research, Planning and Development Unit attended the National Communication & Resource Sharing Project on 18th and 19th February 2009 in Sydney. The meeting was an opportunity to discuss common points of interest to Aboriginal and Torres Strait Islander Legal Services (ATSILS) in the area of law reform, policy development and advocacy.

The respective Research and Policy Officers from each ATSILS will contribute to a joint submission about human rights of Indigenous Australians. The submission will be sent to the Commonwealth Government in response to their question: how should human rights be protected in Australia?

Community Legal Education

The Education Unit in partnership with Consumer Affairs Victoria will be presenting three plays for Northland Secondary College in April. “**Deadly Life Lessons**” will help Koori youth become aware of their rights and responsibilities in areas of Public Transport, Shopping Rights, Buying a car and Anti-Hoon Laws. The plays will be performed by Aboriginal Theatre Group Ilbijerri, and guest speakers will be present on the day to answer questions.

Police Cautioning and Youth Diversion Program

VALS’ successful Police Cautioning and Youth Diversion Program is in the process of being rolled out to various areas across the State. The program will be launched in Shepparton in June followed by Warrnambool and Bairnsdale as well as the North-West Metropolitan area.

Aurora Internships

The Aurora Project is the collective name for a number of programs that work with Australia’s Indigenous communities and organisations to facilitate prosperity through capacity building. In order to achieve this, the Project focuses on professional development in law, research, education and management amongst other disciplines.

The Aurora Project has been placing law students at Native Title Representative Bodies (NTRBs) and other organisations since 2003. In 2006 the program expanded to include anthropology students and in 2007 was further extended to include other Social Science students.

VALS is involved in the student placement program and currently has University of Melbourne student Mary Quinn who is working in an internship role. Mary is conducting research to provide up to date information on three forms of Restorative Justice in Victoria, namely:

- Restorative Justice Group Conferencing at the Neighbourhood Justice Centre;
- Juvenile Justice Group Conferencing for children and youth offenders; and
- Family Group Conferencing as utilised in a family law context.

The overarching aim of Mary’s work is to educate and raise awareness among the Solicitors and Client Service Officers (CSOs) at VALS with the view to increasing the use of such programs by Aboriginal clients.

For further information on Aurora refer to their website:
<http://www.auroraproject.com.au>

Victorian Statewide Indigenous Forum 16-17th October 2008

The inaugural Victorian Statewide Indigenous Forum 2008 was a positive expression of the growing partnership between the Victorian Indigenous Community and the Victorian State Government.

Elders and representatives for communities joined with ministers, departmental officers and respective representatives for the mutual purpose of identifying opportunities to make a positive difference in the lives of all Indigenous Victorians.¹

In response to the Forum, the Victorian Aboriginal Community presented a Communiqué to Parliament House affirming that greater commitment and ownership is required and that acceptance of this responsibility will ensure improved outcomes not only for Aboriginal Victoria, but for all Victorians.

This publication also set out 8 points to address the resolution of the shameful levels of Indigenous disadvantage in Victoria and focused on the importance of commitment, partnerships and coordination between all parties in this goal.

Statistical Profile of the Victorian Prison System 2003-2004 to 2007-2008

Key findings from Victoria’s Department of Justice highlight the ongoing and increasing overrepresentation of Aboriginal and Torres Strait Islanders in prison.

The proportion of Aboriginal and Torres Strait Islander men in prison at 30 June has increased each year from 5.2% at 2004 to 5.8% at 2008, and the number has increased significantly from 179 to 230 for the same time period. As at 30 June 2008 the Victorian Indigenous imprisonment rate per 100,000 Indigenous adults was 2,443.2 for males. This represents the highest level for the 2004-2008 period.

While the numbers for Aboriginal and Torres Strait Islander women in the Victorian prison system have fluctuated over the years, numbers have increased every year from 30 June 2004 to 30 June 2008.²

¹ Victorian Aboriginal Community (2009) *Victorian Statewide Indigenous Forum 16-17 October 2008: Communiqué* presented to the Victorian Government, Parliament House, Wednesday 11 March 2009.

² Department of Justice, Victoria 2009 *Statistical Profile of the Victorian Prison System 2003-2004 to 2007-2008* Melbourne: State Government Victoria

Canberra Endorses State Native Title Revamp

Earlier this year the Federal Government backed a revamp of Indigenous Australian land rights, saying that the Victorian approach is an example of how native title could work better. This comes as the state cabinet considers a proposal in which traditional owners could negotiate directly with government to jointly manage public land without the pursuing of claims in court.

Federal Attorney-General Robert McClelland said the Federal Government believed native title claims should be resolved in a flexible and less technical way: 'The Victorian approach is an example of how, through changing behaviours and attitudes ... we can make native title work better'.³

There have been warnings that while the concept is good, it remains that determining which Aboriginal groups had a connection to land is, and would be, difficult and that joint management of national parks have the potential to be tokenistic with the state remaining in control.

That said, the Yorta Yorta Nation Aboriginal Corporation Chairman Neville Atkinson says the State Government has already taken positive steps with the Yorta Yorta people through a co-operative management agreement that covers 20,000 hectares of land, rivers and lakes. They entered into the historic agreement with the Victorian Government in 2004 following the loss of their 10-year battle to be recognised as native title holders by the High Court in 2002.⁴

Australia's Statement on the UN Declaration on the Rights of Indigenous Peoples

In September 2007, Australia was one of just four UN Member States that voted against the adoption of the Declaration in the UN General Assembly. The Howard Government refused to support the Declaration. One coalition Senator has often argued that the Declaration would put Aboriginal Customary Law in a superior position to existing national law.

On the 3rd April 2009, a formal statement of support for the United Nations Declaration on the Rights of Indigenous Peoples from the Australian Government was delivered at Parliament House in Canberra.

"The challenge for government now, is to build understanding of the Declaration among government officials, Aboriginal and Torres Strait Islander

³ Attorney-General spokeswoman in Jewel Topsfield (2009) 'Canberra endorses state native title revamp' *The Age* January 7 2009.

⁴ Ref 2

communities and the general community, so we can give meaning and content to its provisions."⁵

Amnesty Reports to UN on Australia's Human Rights Failures

Amnesty International has presented a detailed report to the United Nations setting out concerns about Australia's failure to comply with some of the country's obligations under International Covenant on Civil and Political Rights.

The report also says that supporting the UN Declaration of the Rights of Indigenous Peoples would assist the Rudd Government to "Close the Gap" between Indigenous and non-Indigenous Australia and would act as the crucial next step following the 2008 apology to the Stolen Generations.

Robyn Seth-Purdie, Government Relations Adviser for Amnesty International Australia, addressed Committee members on issues raised in the report at a Committee session in New York on 16 March, stating that 'reinstating protections against racial discrimination under the Northern Territory Intervention is a crucial next step for the Australian Government to take to improve its human rights record.'⁶

Support Reconciliation Victoria

Reconciliation Victoria has been funded in the last 7 years by the Victorian State Government through the Department of Planning and Community Development (DPCD). The Government has stated that they will not fund Reconciliation Victoria after June 2009.

While some 'corporates' and philanthropic sources of funding can provide for certain project work, Government funding is needed for ongoing staffing, research and negotiation of such project work. Further, sole reliance on project funding is likely to result in disjointed activity rather than structured and coherent work.

Reconciliation Victoria has asked individuals and organisations to write to local MPs and key ministers and explain to them why Government funding for reconciliation is so important. Reconciliation Victoria has prepared a sheet of frequently asked questions about the need for their organisation in order to help inform letters of

⁵ Calma T (2009) 'United we stand – Support for United Nations Indigenous Rights Declaration a watershed moment for Australia' *Australian Human Rights Commission* 3rd April Media Release [online]

http://www.hreoc.gov.au/about/media/media_releases/2009/21_09.html

⁶ Amnesty International Australia (2009) 'Amnesty reports to UN on Australia's human rights failures' [online] <http://www.amnesty.org.au/news/comments/20482/> [accessed 24 March 2009].

support. This and other information can be obtained through VALS (contact Louise Hicks on 9419 3888 or lhicks@vals.org.au) or directly from Reconciliation Victoria whose details are below:

Reconciliation Victoria
Level 4, Ross House
247 - 251 Flinders Lane
Melbourne VIC 3000

P: (03) 9662 1645 | Fax: (03) 9654 0319
info@reconciliationvic.org.au
www.reconciliationvic.org.au

Victorian Graffiti Laws

New Victorian graffiti laws were passed in April 2008. There are new graffiti offences and a power for police to search anyone from 14 years of age near public transport to find spray paint cans.⁷ Offences under these laws include:

- **Possessing a prescribed graffiti implement** (section 7). This means a spray paint can. You can be charged with this offence if you are near or on public transport and/or if you have a spray paint can on you or in your bag, car, etc. It is **not** an excuse that you weren't going to graffiti but **is** an excuse if you are using it for a job or trade but you must be able to prove it. Penalty is either an on-the-spot fine of \$550 or more or a maximum fine of 25 penalty points.
- **Marking graffiti** (section 5). You cannot graffiti on visible in public places unless you have permission of the property owner. This includes writing, drawing, scratching or anything that can't be removed with a dry cloth. **Penalty: maximum 2 years imprisonment.**
- **Offensive graffiti** (section 6). Even with permission from the owner, you cannot graffiti on property that is visible in public places if it is offensive. **Penalty: maximum 2 years imprisonment.**
- A person must not sell an aerosol paint container to a person less than 18 years of age unless the young person provides a statutory declaration from an employer that it is needed for employment purposes.

Police have extended special search powers to search anyone 14 or over who is near or on public transport for spray paint cans. Police can:

- Inspect your bag;

- Ask you to remove a coat, hat and shoes;
- Do a 'pat down' search; and
- Perform a search if they have a reasonable suspicion that you have committed or are about to commit a graffiti offence.

When searching, police must:

- Identify themselves by informing you of their name, rank, and what station they are from. You can ask for this information in writing.
- Show you their ID.
- Make a written record of the search which you may request a copy of (free within 1 year of search).
- Stop the search and assist you if they think you are using the spray paint can for chroming.

Stolen Wages Deadline Extended (NSW)

Stolen Wages is the money that was taken from Indigenous Australian peoples' wages, inheritances, pensions, child endowment payments, and lump sum compensation payments in that they were either simply not paid or was put into trust funds.

These trust funds were administered by the Aborigines Protection Board, later named the Aborigines Welfare Board. In many cases people were unaware that the trust fund existed and did not give the Government permission to take their money.

The NSW Government has announced that the deadline for making a Stolen Wages claim in NSW has been extended. The new registration deadline is now 31 May 2009. All possible claimants and their descendants from NSW need to be registered with the NSW Aboriginal Trust Fund Repayment Scheme (the Repayment Scheme) by the May deadline.

Unfortunately the Repayment Scheme does not widely advertise its existence so please let people within your organisation and wider networks know about the new registration deadline.

If you or someone you know are from NSW and would like to make a claim with the Repayment Scheme, there is a direct toll free number 1800 765 889. For more information visit: www.atfrs.nsw.gov.au/home.

The Queensland Government is also calling for applications form claims of stolen wages and savings (reparations scheme). Applications are due by 30 April 2009. For details and further information visit: www.atsip.qld.gov.au/people/claims-entitlements

⁷ See Youthlaw Factsheet at <http://www.youthlaw.asn.au/upload/graffiti-factsheet.pdf>

VALS' 1st Quarter Submissions 2009

January

Submission in response to the Attorney-General's Justice Statement 2, 'The Next Chapter', October 2008

While it was pleasing to see attention given to the value in Alternative Dispute Resolution (ADR), it was argued that *culturally* appropriate dispute resolution requires attention. Other areas touched on in this submission include:

- The need for practical training of legal practitioners about the Victorian Charter of Human Rights and Responsibilities;
- Measures to achieve substantive equality;
- The need for further consultation regarding Youth Peer Justice Panels; and
- Disappointment in the lack of consideration of decriminalisation of public drunkenness.

February

Submission to the Department of Justice in response to the Standing Committee of Attorneys-General 'Draft Model Spent Convictions Bill'

The above submission's arguments included:

- The benefits of a spent convictions scheme to Aboriginal and Torres Strait Islanders considering the impact of a criminal record, especially on employment;
- The draft Bill is highly restrictive and conceptually narrow as eligibility for spent convictions is based on sentencing outcomes alone;
- Possible benefits of tribunal-style additions to spent convictions schemes, such as that found in Canada, in processing application and reapplication;
- The draft Bill is unreasonable in provisions for disruption to the 'good behaviour' qualifying period for those have a higher likelihood to be charged for minor offences as a result of disadvantage;
- Clarity is needed in respect of the control, access to and handling of spent conviction information; and
- Current systems do not adequately address discrimination on the basis of a criminal record.

Submission to the Sentencing Advisory Council in response to Sentencing Practices for Breach of Family Violence Intervention Orders - Confidential Draft for Comment

This submission highlights the perspective of Indigenous Australians revealed through VALS' and other research:

- VALS outlines the dynamics of Indigenous Australian Family Violence and the response to it, discussing why Indigenous Australians may be reluctant to use justice systems;
- VALS engages in an examination of the pros and cons of a criminal justice and restorative justice response to Family Violence;
- VALS urges that reforms relating to breaches of Family Violence Intervention Orders should be reflective of a trend away from seeing imprisonment as the only solution to crime, the "tough on crime" approach, as opposed to restorative "smart on crime" approaches;
- VALS expresses support for men's behavioural change programs with a disclaimer that they should not only be made available to people convicted of Family Violence; and
- VALS supports calls for relevant information about Family Violence to be made available to Courts.

March

Submission to the Community Consultation Panel: Mental Health Act 1986 Review

People with a mental illness are overrepresented in Victorian prisons with 40% of prisoners experiencing serious mental illness.⁸ Social disadvantage and inadequate treatment of mental health in the community inevitably equates to too many people with untreated illness ending up in prison. The submission included the following points, amongst others:

- VALS argues for a broader scope of what is considered under definitions of mental health or mental illness;
- VALS supports a move towards a 'supported' decision making model in place of a substituted decision making model. The former takes the patient's preferences and opinions into account;

⁸ Deloitte Consulting (2003)

- VALS supports the Consultation Paper's suggested move towards reducing the number of patients subject to restraint and seclusion, as well as the frequency and duration of these interventions, wherever possible through establishing alternative strategies;
- An external review body should act not only to increase transparency and accountability, especially with reference to involuntary treatment patient care decisions, but also acts to protect the rights of people that suffer from a mental illness. There should also be a Koori Mental Health Liaison Officer role within the review body;
- Victoria's existing Mental Health Act places the onus for initiation of an appeal of involuntary treatment order decisions on the patient. This element does not recognise the disadvantaged position occupied by some people with mental health issues;
- VALS advocates for a holistic perspective on mental health that identifies the need for development of services at all levels of intervention whether it is primary, secondary or tertiary prevention; and
- VALS argues the merits of positions such as a Koori Healing Access Project Worker

27th - Reconciliation Week begins (42nd Anniversary of 1967 Referendum).

June

3rd - Mabo Day
Reconciliation Week ends

15th – National Human Rights Consultation submissions due

Dates of Note

February

13th - Anniversary of apology to the Stolen Generation.

18th and 19th - National Communication and Resource Sharing Project.

March

17th - Launch of Eastern Metro Regional Aboriginal Justice Advisory Committee (RAJAC).

21st - International Day of the Elimination of Racial Discrimination.

26th – Launch of 'Chasing the Law' DVD at the Law Institute of Victoria, produced by Tarwirri (in response to low number of Indigenous law graduates).

May

26th - National Sorry Day.



Have Your Say About Human Rights In Australia
My Submission to the National Human Rights Consultation Committee*
Personal Details

My Name is:

If you like, tell the Committee a little about yourself (for example, how old are you, what do you do, what is important to you?):

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I live at: My postcode is:

Do you have an email address?

1. Which human rights should be protected and promoted?

A. For me, protection of the following human rights is important (tick which box):

- Self-determination - the right to freely pursue my own development and be involved in decisions which affect me
Being treated with dignity and respect
Equality and freedom from discrimination
Adequate housing when I need somewhere to stay
An adequate standard of living
The ability to enjoy and participate in my community
Health and health care when I'm sick
Freedom from inhuman or degrading treatment
The freedom to go where I want
A fair trial if I have to go to court
My privacy
The right to practise my religion without fear
The freedom to spend time with whoever I like
The right to vote in elections, even if I don't have a fixed address or I am in jail
The freedom to say what I like, as long as I don't encourage violence or intolerance
The right to work
The right to join and form a trade union to protect me at work
An adequate income and social security if I need it
The right to a good education
Adequate food and water
Right to participate in cultural life
Protection of my family and children from harm or interference

2. Are my rights currently sufficiently protected? Is change needed in Australia to better protect human rights?

A. The current protection of my human rights in Australia is:

- Adequate
Not adequate
Not sure

B. Should the Human Rights Act specifically recognise the disadvantage, vulnerability and rights of some groups of people?

* This Submission can be completed by individuals and posted to the National Human Rights Consultation Secretariat, Attorney-General's Department, Central Office, Robert Garran Offices, National Circuit, Barton ACT 2600 by 15 June 2009.

Yes – some groups require special recognition and additional protection. If yes, which groups?

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No – people should not be singled out or treated any differently to everyone else

C. Do you have any examples of when your rights were protected, or were not protected, which you want to tell the Committee?

Have you ever been treated unfairly by the government or a government agency? For example in the areas of housing, Centrelink or access to education or health services.

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3. If change is needed, how should the law be changed to achieve this?

A. Do you think Australia needs a specific law to protect human rights? Yes No

B. If yes, why do you think that Australia should have a specific human rights law? (for example, to protect the rights of all Australians; to encourage healthy checks and balances on government action; to protect rights of vulnerable, isolated and disadvantaged Australians; to put human rights above politics and unreasonable government action)

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4. Is there anything else you would like to tell the Committee about your experiences or views on human rights in Australia?

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<p>Can this submission be sent to the Consultation Committee on your behalf?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Signed: Date:</p>
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Have Your Say About Human Rights In Australia
Submission to the National Human Rights Consultation Committee*
Organisational or Personal Details

Name:

Address:

Postcode: Email:

What is your sector of work or expertise:

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1. Which human rights should be protected and promoted?

A. In your experience, the protection of the following human rights is important:

- Right to self-determination
Right to equality and freedom from discrimination
Right to an adequate standard of living
Right to highest possible standard of health and health care
Right to life, liberty, safety and security
Right to freedom of movement
Right to privacy
Right to freedom of association and assembly
Right to freedom of expression
Right to form trade unions
Right to education
Right to participate in cultural life
Right to be treated with dignity and respect
Right to life
Right to adequate housing
Right to participation in the community and in decision-making processes that affect you
Right to freedom from torture or cruel, inhuman or degrading treatment
Right to a fair trial
Right to freedom of thought, conscience and religion
Right to vote
Right to work
Right to an adequate income and social security
Right to adequate food and water
Other (please state)

2. Are rights currently sufficiently protected? Is change needed in Australia to better protect human rights?

A. The current protection of human rights in Australia is:

- Adequate
Not adequate
Not sure

B. Should the Human Rights Act specifically recognise the disadvantage, vulnerability and rights of some groups of people?

- No - people should not be singled out or treated any differently to everyone else
Yes - some groups require special recognition and additional protection.

Which groups?.....

* This Submission can be completed by individuals or organisations and must be posted to the National Human Rights Consultation Secretariat, Attorney-General's Department, Central Office, Robert Garran Offices, National Circuit, Barton ACT 2600 by 15 June 2009.

C. From your work, can you tell the Committee an example of where human rights have been violated or not adequately protected?

This section might include a case study or consider some of the systemic problems in how your clients are treated? How did your clients feel and how did the problem impact on them?

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D. Should the law be changed to better protect human rights? Yes No

3. If change is needed, how should the law be changed to achieve this?

A. Should Australia have a Human Rights Act? Yes No

B. If yes, why should Australia have Human Rights Act?

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Some points to consider include:

- To promote human dignity and respect. An Act could recognise and enshrine the conditions necessary for us all to live with dignity.
- To impose responsibilities on government. An Act could impose obligations on government and public authorities to respect, protect and fulfil my human rights.
- To protect me from human rights violations by government or third parties.
- To make government accountable. An Act could set minimum standards and establish mechanisms which enable governments to be measured and held accountable.
- To create a 'rights-respecting culture' and result in social and attitudinal change.
- To educate people about human rights and dignity.
- To deter human rights violations. By providing sanctions and remedies, an Act could deter governments and third parties from violating human rights.
- To protect the rights of marginalised and disadvantaged individuals and groups.
- To empower me and assist me to participate in the community.

4. What should be the role of our institutions of government in protecting human rights?

A. What is the role of Parliament in protecting human rights?

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B. What is the role of the Executive, including government departments, agencies and public authorities, in protecting human rights?

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Some possible outcomes include:

- Government must take all reasonable & necessary steps to protect, respect & fulfil human rights
- Government must scrutinise proposed laws and policies to ensure that they are consistent with human rights
- Government must set targets and report annually on the implementation of human rights
- Government should establish a Cabinet Human Rights Unit to coordinate implementation across Government
- All Government departments should appoint a Human Rights Officer to promote human rights in their area

C. What is the role of the Courts in protecting human rights?

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Some possible outcomes include:

- The Courts can interpret and apply laws consistently with the Human Rights Act
- The Courts have the power to ‘strike down’ or invalidate a law that is inconsistent with the Human Rights Act
- The Courts have the power to declare that a law is inconsistent with human rights. Parliament must then respond within 6 months
- When interpreting the Human Rights Act, the Courts can consider international human rights law
- The Courts can hear and determine complaints in relation to a breach of the Human Rights Act
- The Courts should have the power to make any order that is just and equitable in the circumstances to ensure that human rights are protected, respected and fulfilled

5. What should happen if a person’s rights are breached?

A. In your experience, if a person’s rights are breached or they are not treated with respect for their dignity, what avenues of complaint should be available?

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Some possible outcomes include:

- Complaint to the Courts
- Complaint to the relevant government department, agency or public authority
- Complaint to the Australian Human Rights Commission

B. If a person's rights are breached, what assistance and advice should be available to make a complaint?

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Some possible outcomes include:

- Assistance from legal aid
- Assistance from a specialist human rights legal or advocacy service
- Assistance from a community legal centre

C. In your experience, if a person's human rights are breached, what remedies should be available?

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Some possible outcomes include:

- An apology
- Compensation
- A declaration from a court that human rights have been breached
- An order that the law or policy be 'struck down' or invalidated in so far as it is inconsistent with human rights
- A declaration that the law is incompatible with human rights and government must respond within 6 months
- Punitive damages to punish and deter conduct that violates human rights

D. What is an example of an appropriate remedy in a case where human rights were breached?

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6. What wider changes would be needed if Australia brought about a Human Rights Act?

A. Can you think of any strategies to educate Australians, service providers and government about human rights and responsibilities?

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Some ideas include:

- Information on the internet, at local libraries, on local radio, at Centrelink offices or provided by community legal centres and welfare services
- Human rights training for government and welfare service agencies
- Government and welfare assistance services reporting on human rights implementation
- The Australian Human Rights Commission providing guidance and advice on protecting human rights

7. Is there anything else you would like to tell us about how human rights should be protected in Australia?

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Signed:

Date: