



Federation of
Community Legal Centres
VICTORIA

**Disability Action Plan for the Federation of Community Legal Centres (Victoria) Inc
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About the Federation of Community Legal Centres (Victoria) Inc (FCLC)

The FCLC is the peak body for over 50 community legal centres (CLCs) across Victoria. The FCLC leads and supports CLCs to pursue social equity and to challenge injustice.

The FCLC:

- provides information and referrals to people seeking legal assistance
- initiates and resources law reform to develop a fairer legal system that better responds to the needs of the disadvantaged
- works to build a stronger and more effective community legal sector
- provides services and support to CLCs
- represents community legal centres with stakeholders
- assists its diverse membership to collaborate for justice

Vision: A fair legal system that protects the rights of the disadvantaged

Values: Inclusive, Collaborative, Proactive, Innovative, Courageous, Equitable, Accountable, Resilient, Integrity

Mission: To lead, facilitate and support the Victorian community legal sector to pursue social justice.

Disability Action Plan (DAP) Objectives

1. To promote organisational change in order to comply with the objectives of laws and policies that improve the human rights of people who have a disability. These broad objectives are:
 - To eliminate discrimination on the basis of disability.
 - To ensure that people with disabilities have a right to equal treatment before the law.
 - To promote community understanding so that people with disabilities have the same fundamental rights as the rest of the community.
2. To encourage and inspire CLCs to develop centre-based DAPs that lead to a positive change in CLC practice – expanding on existing strengths of CLCs as role models of social justice and human rights.

Legislative and policy framework

The FCLC DAP is informed by the broader human rights work of our organisation and the CLC sector, alongside the following relevant legislation and policy guidelines:

Legislation

The *Disability Discrimination Act 1992* (Cth) and the *Equal Opportunity Act 1995* (Vic) make it unlawful to discriminate against people with disabilities in certain areas of public life. The *Charter of Human Rights and Responsibilities Act 2006* (Vic) guarantees the right of equality and non-discrimination.

Policy

- Consistent with these laws, the Victorian Government through the State Disability Plan 2002-2012 provides a framework for planning and delivering services to people with a disability through the development of Disability Action Plans by government departments and agencies.

- The Victorian Government has also delivered a social policy framework, entitled *A Fairer Victoria*, which provides for a wide range of strategies to address disadvantage in our community.
- The Victorian Government has developed its whole of government policy, *Growing Victoria Together: A Vision for Victoria to 2010 and Beyond*. The goals of this policy are:
 - A fairer society that reduces disadvantage and *respects diversity*;
 - *Building friendly, confident and safe communities*; and
 - Greater public participation and more accountable government.
- *The Department of Justice Disability Action Plan, Growing Victoria Together*.
- The Victorian Attorney General's *Justice Statement 2* emphasizes the need to ensure that human rights are valued and protected and that issues of inequality and disadvantage are demonstrably addressed by the justice system.

Documents reviewed in preparing this DAP

We have reviewed a range of documents in preparing this DAP including:

- CLC's Guide to Developing a Disability Action Plan (FCLC publication, May 2008)
- Department of Justice, Victoria, Disability Action Plan 2005/08
- Victoria Legal Aid Disability Action Plan 2009 -11
- Office for Disability (Department of Planning and Community Development): *A Guide to the United Nations Convention on the Rights of Persons with Disabilities*

FCLC Justice Policy Positions

The FCLC's Justice Policy Positions are what the Federation "stands for". Our Membership Policies require that the policy and law reform work we do – eg. a media release or a submission or action – should be consistent with the broad principles set out in the Justice Policy Positions. They provide us with a framework in which to work. Any changes to our Policy Positions must be endorsed by a Members Meeting (except in urgent cases). The relevant policy positions dealing with human rights, discrimination, disability and mental health are extracted below (current as at December 2009).

Human Rights & Discrimination Protection

The Federation supports:

- An entrenched Bill or Charter of Rights at both state and federal levels to protect human rights and give expression to all major international human rights conventions.
- The removal of all reservations to international human rights conventions and the ratification of all optional protocols including the Optional Protocol to the *Convention on the Elimination of Discrimination against Women*.
- The preservation of the Human Rights and Equal Opportunity Commission as an independent and effective advocate for human rights.
- A comprehensive and ongoing education strategy in collaboration with communities and community leaders promoting human rights.
- The legislative entrenchment of a Human Rights Impact Statement to ensure that legislation, policy and other decisions accord with human rights principles.
- The preservation of human rights principles in all instances, except if there is a declared State of Emergency in keeping with Article 4 of the *International Covenant on Civil and Political Rights*.
- The Victorian Charter of Human Rights conferring an individual right of remedy, that may result in damages, compensation and other remedies such as apologies.
- Increased adherence to Article 2 of the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights* in relation to the non-discriminatory exercise of rights.
- The amendment of the *Equal Opportunity Act 1995* (Vic) to repeal statutory exemptions other than those that are positive and in line with affirmative action.

- The *Equal Opportunity Act 1995* (Vic) providing the Equal Opportunity Commission Victoria with the powers, functions and resources necessary to investigate and resolve complaints about human rights contained in international instruments.
- The *Equal Opportunity Act 1995* (Vic) allowing for representative complaints to be lodged with the Equal Opportunity Commission Victoria, to assist marginalised communities and people sensitive to personal victimisation.
- The *Equal Opportunity Act 1995* (Vic) providing for the Commissioner's "own motion investigation" for systemic discrimination without the need for the Attorney-General's consent where there is evidence to suggest that a particular group of people is being discriminated against and where people are reluctant to lodge an individual complaint.
- The waiver of fees and costs in relation to human rights and discrimination cases at the Federal Court and the Victorian Civil and Administrative Tribunal.
- The prohibition of discrimination on the basis of a person's criminal record, low income status and homelessness and the establishment of adequate and enforceable remedies including compensation and reinstatement.
- Legal provisions protecting people from racial and religious vilification.

People with a Disability

The Federation supports:

- Access to full tenancy rights and adequate complaints processes for residents of community residential units and other forms of permanent disability housing.
- The removal of barriers to accessing justice for victims/survivors of sexual assault with cognitive impairment and/or complex communication needs.
- Reforms to legal processes (both legislative and non-legislative) that increase access to justice for people with cognitive impairment and complex communication needs who are victims/survivors of sexual offences.
- Establishment of accessible, independent and adequately empowered complaints processes for people with disabilities.
- The piloting and establishment of a 24 hour Advocacy service to assist sexual assault victim/survivors with a cognitive impairment through the legal system's response.

Mental Health

The Federation supports:

- increased adherence to both the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* such that people with mental health problems have the right to the best quality, least aversive treatment and support possible and that every effort is made to avoid involuntary treatment.
- amendment of the *Mental Health Act 1986* (Vic.) consistently with the United Nations Principles for the Protection of Persons with Mental Illness and Improvement of Mental Health Care, including by:
 - Introducing timely review by the Mental Health Review Board such that the 70% of involuntary patients not having hearings are reviewed.
 - Introducing a right to review by the Mental Health Review Board of decisions to administer electroconvulsive therapy without consent.
 - Guaranteeing and resourcing legal representation for all involuntary patients coming before the Mental Health Review Board who wish to have it.
 - Empowering the Mental Health Review Board to vary people's treatment plans in appropriate cases.
 - Establishing an accessible, independent and adequately empowered complaints mechanism for people with psychiatric disability.
 - At a minimum, enabling people who have capacity to consent the right to refuse unwanted psychiatric treatment.
- Introduction of enforceable advance directives or living wills to enable people with psychiatric disability to make decisions in advance about their treatment and personal affairs, which will be respected if and when they are deemed to have lost capacity.
- Introduction of safe mental health services, including by the establishment of separate specialist services for women and girls.

FCLC Disability Action Plan

The FCLC Disability Action Plan (DAP) objectives have been drafted for integration with the FCLC's CLSP Work Plan 1 July 2008 – 30 June 2011.

These objectives of the Work Plan are:

- 1: To develop a strong, effective and well-resourced community legal sector
- 2: To develop a fairer legal system that better responds to the needs of disadvantaged Victorians
3. To provide accurate and timely legal information and referral services to the Victorian public focused on the disadvantaged
4. To build the Federation's capacity to achieve its mission
5. To apply best practice governance, management, accountability and reporting systems

In developing the DAP, we have considered:

- access to buildings and services
- employment and volunteering
- communication
- values and attitudes

Objective 1: Develop a strong, effective and well-resourced community legal sector

Strategy	Action	Performance Measurement		
		08/09	09/10	10/11
Equip CLCs with the necessary tools and resources to develop centre based Disability Action Plans	Develop and distribute a kit for CLCs to develop centre based DAPS	DAP kits developed and distributed to all Victorian CLCs in hard copy, and are available online in the Federation Tool Kit www.community.law.org	DAP kit reviewed in consultation with the Federation Disability Working Group	As per 09/10
	Conduct training on DAP development and promotion for all CLCs	At least three training sessions (one Rural), on 'how to write a DAP' are delivered to CLCs	Consulted with WeBEX moderator to have DAP training a module of the WeBEX training centre	Review and evaluate impact of training and report to the members meeting.
	Promote best practice in DAP development and promotion	FCLC DAP is lodged with the Australian Human Rights Commission	The Federation Working group has encouraged CLCs to lodge DAPs with the commission. All centres are contacted.	CLC census data collected on number of Vic CLCs that have a DAP lodged with the commission.
Promote human rights compliant service delivery by CLCs	Support CLCs to ensure that their services comply with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)	Produced and distributed a kit to help CLCs ensure their services comply with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic), and conduct training on using kit.	Annual review and audit of impact of kit and training conducted.	As per 09/10
	Promote access to CLC services for people who have a disability by improving CLCs understanding of people who have disabilities and their legal issues.	Facilitated at least one training session per year for CLCs	As per 08/09	As per 09/10

Objective 2: Develop a fairer legal system that better responds to the needs of disadvantaged Victorians.

Priority policy issues for 2008/09: Family violence, human rights and equal opportunity, civil law, police accountability, anti-terror laws, participatory democracy/free speech, indigenous issues and prisons.

Strategy	Action	Performance Measurement		
		08/09	09/10	10/11
Promote the human rights and equal opportunity of people with disability	Ensure that FCLC Justice Policy objectives are inclusive of the human rights and equal opportunity of people with disability.	FCLC Justice Policy is reviewed and has a specific focus on the rights of people with a disability	FCLC Justice Policy reviewed annually to ensure it maintains a specific focus on the rights of people with a disability	As per 09/10
	Resource and support the Disability Working Group in promoting Disability Action Plans and the human and other legal rights of people with a disability.	At least 4 Disability Working Group meetings supported by Federations staff. Progress of implementation of DAPS in CLCs reviewed at each meeting.	As per 08/09	As per 08/09
	Consult with other legal service providers regarding cooperative measures to improve access for people with disabilities to legal information and referral services.	N/A	Improvement of services to people with disability considered at the Victorian Legal Assistance Forum	Review based on outcome of 09/10

Objective 3: To provide accurate and timely legal information and referral services to the Victorian public focussed on the disadvantaged

Strategy	Action	Performance Measurement		
		08/09	09/10	10/11
Investigate and implement best practice accessibility standards in providing information and legal referral services via a telephone information service and the FCLC website.	Consult with other organisations that advocate the rights of people with disability to ensure that the Federation legal information and referral services are accessible to people to have a disability	Website upgraded to comply with best practice accessibility guidelines.	Annual audit undertaken of accessibility of Federation services for people who have a disability.	As per 09/10

Objective 4: Build the Federation's capacity to achieve its mission

Strategy	Action	Performance Measurement		
		08/09	09/10	10/11
Improve accessibility of Federation premises and systems	Investigate options for improving accessibility of current premises, or moving to new premises with improved accessibility.	Meeting held with the current landlord to discuss a cooperative plan for improved accessibility for people with disabilities.	The Federation is located in premises which are accessible to people with a disability and have proper signage and emergency evacuation procedures.	As per 09/10
	Include best practice information on special needs in Federation training and event brochures.	N/A	Federation training and event brochures reviewed to include information on special needs	As per 09/10
	Make reasonable adjustments in Federation systems (eg: provision of Auslan interpreter, taxi voucher etc) to improve accessibility	N/A	Reasonable adjustments provided	As per 09/10

Objective 5: Apply best practice governance, management, accountability and reporting systems

Strategy	Action	Performance Measurement		
		08/09	09/10	10/11
Comply with corporate accountability requirements	Ensure that Federation management/ governance structures comply with all relevant disability and human rights laws.	Overview of DAP conducted at management committee.	DAP reviewed.	New DAP incorporated with the new FCLC Work Plan 2011-14
	DAP included as part of Federation employee and management committee induction processes.	Overview of DAP conducted at Federation staff meeting	All new employees and management committee members inducted on the DAP	All new employees and management committee members inducted on the DAP
	Develop and implement a best practice policy on reasonable adjustment and employment practices which facilitate recruitment of people with a disability	N/A	Policy developed and implemented.	Policy reviewed.