



FEDERATION
OF COMMUNITY LEGAL CENTRES VIC

 **FEDERATION**
OF COMMUNITY LEGAL CENTRES VIC
a movement for Justice

ACTION FOR JUSTICE: A ROADMAP FOR CHANGE

POLICY PLATFORM FOR VICTORIA'S
COMMUNITY LEGAL SECTOR 2025-2030

ACKNOWLEDGEMENT OF COUNTRY

We wrote Action for Justice: A Roadmap for Change on the lands of Aboriginal peoples across Victoria. We pay our respects to Aboriginal Elders, past and present. We recognise that the roots of our legal system stem from the legal fiction of terra nullius and the denial of Aboriginal sovereignty.

We commit to challenging the ongoing intergenerational harm and dispossession caused by colonialism and supporting Aboriginal and Torres Strait Islander communities in their staunch advocacy for Treaty, self-determination and justice across all aspects of our work.

Sovereignty was never ceded. This always was, always will be, Aboriginal land.

INDIGENOUS DATA SOVEREIGNTY

The data referenced in this submission does not comply with the Maiam nayri Wingara Indigenous Data Sovereignty Principles or meet the standards of Aboriginal community control across its creation, development, stewardship, analysis, dissemination, and structure. The data is not consistently contextual or disaggregated in a way that ensures accessibility at individual, community, or First Nations levels, and fails to support sustainable self-determination and enable effective self-governance. The structures of accountability to Aboriginal people are lacking, and the data does not fully uphold the protection and respect of Aboriginal people's interests. We commit to working closely with VALS and Djirra to improve community legal sector data collection and use to align with Indigenous Data Sovereignty Principles.



ABOUT THE FEDERATION

The Federation is the peak body for Victoria's community legal centres. Our members are at the forefront of helping people facing economic, cultural or social disadvantage whose lives are severely affected by their legal problems. For more than 50 years, community legal centres have been part of a powerful movement for social change, reshaping how people access justice, and creating stronger more equitable laws, and more accountable government and democracy.

Read our strategic plan online at fclc.org.au/about.

WE WANT A COMMUNITY THAT IS FAIR, INCLUSIVE AND THRIVING: WHERE EVERY PERSON BELONGS AND CAN LEARN, GROW, HEAL, PARTICIPATE AND BE HEARD.

Our members lead collaboration and joint advocacy through sector-wide working groups, and provide guidance and direction for the Federation's work.



FOREWORD

The Victorian community legal sector is excited to share our 5-year policy platform.

Our Action for Justice: A Roadmap for Change platform outlines the Victorian community legal sector's holistic vision for justice. It is a call to action – with clear recommendations for governments – drawn from the wealth of experience that community legal centres offer.

Each year, Victoria's community legal centres deliver more than 100,000 vital front-line legal services to over 80,000 people in need. Across the state, 50 community legal centres work tirelessly to ensure that everyone, regardless of where they live or their circumstances, has access to free legal help. Our movement stands strong in supporting individuals and communities facing hardship and disadvantage, empowering them to make informed decisions and assert their rights. Every day, we work to help people achieve financial stability, safety, secure housing, and overall wellbeing.

What sets community legal centres apart is our commitment to advocating for the reform of unjust laws. Positioned at the grassroots level, we are uniquely attuned to identifying the systemic barriers to justice that affect those we serve. Our frontline experience gives us the insight necessary to develop meaningful, practical solutions to address these challenges.

"NEVER DOUBT THAT A SMALL GROUP OF THOUGHTFUL, COMMITTED CITIZENS CAN CHANGE THE WORLD. INDEED, IT'S THE ONLY THING THAT EVER HAS."
– MARGARET MEAD

As the peak body, the Federation of Community Legal Centres in Victoria is dedicated to supporting and amplifying the advocacy and law reform efforts of our members. We work directly with government bodies, politicians, peak bodies and other external stakeholders to champion critical access to justice issues that have a direct impact on the lives of vulnerable communities across Victoria.

This document is a collaboration by our members and, I thank them – and their communities – deeply for their expertise, and invaluable contributions. Over the past 12 months, the Federation of Community Legal Centres has engaged in extensive consultation, to tap into the deep knowledge in the sector. This process included reviewing existing policy and law reform work, conducting surveys, holding consultations, and convening targeted workshop discussions, all culminating in the opportunity for feedback on draft proposals.

Action for Justice: A Roadmap for Change outlines a comprehensive set of legislative and policy reforms aimed at creating a more just and inclusive Victoria. Our vision includes both achievable short-term reforms and long-term solutions that will have a lasting positive impact on the people and communities we serve.

We know from experience that powerful and transformative change can happen through policy and law reform. Victoria's community legal centres are willing and ready to support you, our law and policy makers, as you find ways to positively improve our laws and systems. We invite you to explore these solutions, which will guide us toward a fairer, more equitable future. Together, we can create a Victoria where everyone has a safe place to call home, the support they need to thrive, and the opportunity to participate fully in society.

Louisa Gibbs
CEO

HOW TO USE THIS POLICY PLATFORM

This policy platform is a roadmap of shared sector priorities and actions Victoria’s community legal sector will be collectively advocating for from 2025 to 2030.

GET STARTED

Here are tips on how to make the most of it:

Start with the Executive Summary – this explains why the platform exists and what kind of change it aims to achieve.

Explore the Key Areas for Reform – view the headings on the **Contents** page to identify which areas are most relevant for your work.

Check for recommendations – the **List of Recommendations** sets out clear, actionable asks for government and the area of law they relate to.

Drill down into specific policy priorities – read through to specific policy recommendations on the **List of Recommendations** which outline our sector’s calls for change.

Navigate using catagoies – catagories have been included to find similar or related recommendations:

- ▼ **Advocacy area:** Climate Justice, Crime & Justice Reform, Economic Justice, First Nations Justice, Gender Justice, Health Justice, Human Rights & Equality, Violence & Safety.
- ▼ **Area of law:** E.g. Housing, Migration, Employment Law, Infringements.
- ▼ **Decision-maker:** Minister or Government Department responsible for implementing change.
- ▼ **Jurisdiction:** Victoria and/or National.
- ▼ **Stage of legal process:** Prevention, Early Intervention, Application, At Court or Tribunal, At Review, Redress, System Accountability, Whole of Process.
- ▼ **Timeframe:** Short term (under 2 years), short to medium term (0-3 years), medium term (2-3 years), long term (4-5 years).









Below is an example of how each recommendation is presented:

RECOMMENDATION
Recommendation outline...
Advocacy area: e.g. Climate Justice
Area of law: e.g. Human rights
Decision-maker: e.g. Secretary of Department of Government Services
Jurisdiction: e.g. Victoria
Stage of legal process: e.g. Prevention
Timeframe: e.g. Short to medium term

HOW ASKS ARE ORDERED - FOLLOWING A CLIENT’S JOURNEY THROUGH LEGAL SYSTEMS

Community legal centre clients struggle to navigate complex, bureaucratic legal systems. Too often, services and systems are designed around decision-makers and practitioners, not the people they serve. In developing this platform, community legal centres aimed to break down siloes between areas of law and show how clients’ legal challenges are deeply interconnected.

Systemic issues and policy solutions are grouped initially by key reform areas and jurisdictions. Within each section, recommendations follow a client’s journey through legal systems:

Stage of legal process	Client expectation	Timeframe	Focus
 Staying on track (Prevention)	<i>"I want to avoid getting into legal trouble in the first place."</i>	Before any legal issue emerges	Address root causes and risk factors early to prevent legal problems from arising.
 Getting help early (Early Intervention)	<i>"When something starts to go wrong, I need help early so it doesn't get worse."</i>	At the first signs of a legal issue	Ensure clients can access support early to de-escalate issues before formal legal processes are triggered.
 Starting the process (Application)	<i>"It should be easy to apply to protect my rights or access what I'm entitled to."</i>	When a client is ready or required to engage formally	Ensure clients can easily lodge applications, submit documents, and initiate legal processes to access their legal rights.
 Navigating hearings (At Court or Tribunal)	<i>"If I have to go to court, I want to understand what's happening, to feel heard, and be treated fairly."</i>	During formal legal proceedings	Ensure clients can fully participate in legal proceedings and receive a fair hearing and outcome.
 Challenging decisions (At Review)	<i>"If a decision feels unfair, I want a real chance to challenge it."</i>	After a decision has been made, but is contested	Ensure clients can appeal or review decisions affecting them they believe are incorrect or unjust.
 Making things right (Redress)	<i>"When I've been harmed, I want things put right so I can move on with my life."</i>	After harm has occurred or injustice is recognised	Ensure clients can recover from harm by accessing effective remedies.
 Expecting fairness (System Accountability)	<i>"I want the system to be fair and for people in power to be held responsible when things go wrong."</i>	At any stage, but especially post-resolution	Ensure clients can rely on systems that are fair, transparent, and accountable.
 Experiencing the whole journey (Whole of Process)	<i>"I want the whole legal process to make sense, not add more stress or harm."</i>	Throughout a client's experience of the legal system	Ensure clients can move through a legal system that is coordinated, respectful, trauma-informed and person-centred.

EXECUTIVE SUMMARY

Action for Justice: A Roadmap for Change is the Victorian community legal sector’s bold and comprehensive 5-year policy platform, setting out our collective vision for a fairer, more inclusive and just Victoria. It draws on decades of lived experience, frontline legal expertise, and deep consultation with communities affected by systemic injustice.

Developed by Victoria’s 50 community legal centres, this platform calls on governments to listen to those most affected by inequality and injustice and to take action that transforms systems – not just outcomes. With a clear, evidence-informed agenda for change, it demonstrates how we can reimagine legal systems, reduce harm, and uphold the rights and dignity of every member of our community.

At its heart is a shared commitment to self-determination for Aboriginal and Torres Strait Islander peoples, access to justice for all, and systemic change that tackles the root causes of harm and inequality.

KEY AREAS FOR REFORM

The platform identifies six key areas for reform:

- ▼ **Treaty and self-determination** - Support Treaty, implement Yoorrook recommendations, and enshrine data sovereignty.
- ▼ **Access to justice** - Close legal loopholes denying access to justice.
- ▼ **Stronger protections against interpersonal violence** - Reform systems that fail victim-survivors and embed safety, dignity, and trauma-informed processes in law.
- ▼ **Safeguards against systemic harm** - Protect renters, workers, and communities at risk of climate disasters from harm caused by powerful private institutions, businesses and property owners.
- ▼ **Fair and accountable government actions** - Ensure laws hold governments to account, uphold human rights, listen to community voices, and promote transparency across government systems.
- ▼ **Community support, not state intervention** - Shift away from punitive systems toward holistic, community-led approaches in child protection, criminal justice and prisons.

THIS PLATFORM IS NOT JUST A SET OF POLICY IDEAS – IT’S A CALL TO ACTION.

With community legal centres across Victoria delivering more than 100,000 free legal services each year, we stand ready to work with governments and communities to deliver these reforms and build a better future for all Victorians.

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READ THE ONLINE VERSION



Each year, we will update the online version of the policy platform on the Federation’s website at: fclc.org.au/policy_platform.
We encourage you to regularly check the website for ongoing updates and latest version of the policy platform.

LIST OF RECOMMENDATIONS

SECTION 1: TREATY + SELF-DETERMINATION

- 1. Negotiate a Treaty for Victoria (First Nations Justice)
- 2. Implement Yoorrook recommendations (First Nations Justice, Crime & Child Protection)
- 3. Pass a Data Sovereignty Act (First Nations Justice & Freedom of Information)

SECTION 2: ACCESS TO JUSTICE

- 4. Expand Victorian discrimination protections for at-risk workers (Employment)
- 5. Include excessive speeding fines under the Family Violence Scheme (Infringements)
- 6. Include court fines in Work and Development Permits (Infringements)
- 7. Extend rental protections to student housing (Housing)
- 8. Introduce uniform co-renting laws (Housing)
- 9. Allow internal review of VCAT tenancy decisions (Housing)
- 10. Establish a restricted licence scheme in Victoria (Crime)
- 11. Expand and extend the National Redress Scheme (Institutional Child Sexual Abuse)
- 12. Ensure all Bridging Visa holders can work and study (Migration)
- 13. Make getting a divorce simple, straightforward & affordable (Family)

SECTION 3: STRONGER PROTECTIONS AGAINST INTERPERSONAL VIOLENCE

- 14. Implement the Elder Abuse Primary Prevention Framework (Elder Abuse)
- 15. Maintain a statewide Substituted Decision-Making Register (Guardianship & Administration)
- 16. Improve court and police data systems to collect and correct misidentification in family violence cases (Intervention Orders)
- 17. Prioritise victim-survivors' views & safety in family violence intervention order extension decisions (Intervention Orders)
- 18. Remove evidentiary requirements from the Victims' Financial Assistance Scheme (Victims)
- 19. Improve Centrelink's family violence hardship protections (Social Security)
- 20. Create visa pathways with support access for family violence survivors (Migration)

SECTION 4: SAFEGUARDS AGAINST SYSTEMIC HARM

- 21. Prohibit NDAs in sexual harassment cases unless requested by complainant (Employment)
- 22. Implement a Statewide Climate Justice Framework (Climate)
- 23. Consistent protections for renters impacted by disasters and climate change (Housing)
- 24. Consistent protections for social housing renters (Housing)
- 25. Introduce a fair and reasonable rent increase formula (Housing)
- 26. Establish an Adult Safeguarding Body (Mental Health, Disability & Elder Abuse)
- 27. Establish a Ministerial Taskforce to reform the Motor Car Traders Act (Consumer)
- 28. Improve regulation of animal breeders (Consumer)
- 29. Ban unsolicited sales of all products and services (Consumer)
- 30. Implement all Disability Royal Commission recommendations (Disability)
- 31. Pass anti-SLAPP laws (Legal Professional Regulation)
- 32. Ban 'claim farming' (Legal Professional Regulation)
- 33. Abolish youth wages (Employment & Discrimination)
- 34. Include trans and gender diverse healthcare in Medicare & the PBS (Discrimination)
- 35. Pass climate-related disaster protections for workers (Employment)
- 36. Hold a National Pawnbroking Inquiry (Consumer)

SECTION 5: FAIR & ACCOUNTABLE GOVERNMENT ACTIONS

- 37. Develop public housing relocation guidelines (Housing)
- 38. Strengthen legal protections for protest rights (Human Rights)
- 39. Update Victoria Police Family and Sexual Violence Practice Guides (Victims)
- 40. Strengthen the role of the Victims of Crime Commissioner (Victims)
- 41. Allow people under guardianship and administration orders to talk about their orders (Guardianship & Administration)
- 42. Add accountability for non-compliance with State Emergency Management Plan (Emergency Management)
- 43. Establish a Victorian Aboriginal Justice Commissioner (First Nations Justice & Crime)
- 44. Establish an Independent Police Ombudsman (Police Complaints)
- 45. Create an independent detention oversight system (Corrections)
- 46. Publish Victorian Government FOI disclosure logs (Freedom of Information)
- 47. Provide permanent protection to people failed by Fast Track and Offshore Processing (Migration)
- 48. Remove immigration obstacles to family reunion (Migration)
- 49. Remove Program of Support from Disability Support Pension (Social Security)
- 50. Raise the Rate and reinstate 6-Year cutoff for Centrelink debts (Social Security)
- 51. Legislate an Australian Human Rights Act (Human Rights)

SECTION 6: COMMUNITY SUPPORT, NOT STATE INTERVENTION

- 52. Raise the minimum age of criminal responsibility to 14 (Youth Justice)
- 53. Set minimum age and capacity considerations for child intervention order respondents (Intervention Orders)
- 54. Raise the age of youth detention to 16 and keep children out of adult prisons (Youth Justice)
- 55. Remove barriers to court-ordered diversion (Crime)
- 56. Enshrine early intervention, active efforts and automatic notifications in child protection (Child Protection)
- 57. Reunite families in line with the child's best interests (Child Protection)
- 58. Consider impacts on dependent children in sentencing and bail (Crime)
- 59. Facilitate family relationships between children and incarcerated parents (Child Protection & Corrections)
- 60. Decriminalise personal use of cannabis (Crime)
- 61. End imprisonment for unpaid fines (Infringements)
- 62. Implement Poccum's Law (Crime)
- 63. Ban solitary confinement (Corrections)
- 64. Automatically consider sentencing reductions for prison lockdowns
- 65. End privatised healthcare in prisons (Corrections)

SECTION 1:

TREATY AND
SELF-DETERMINATION

This section outlines key asks to create First Nations justice in Victoria through systemic reforms that uphold Aboriginal peoples' rights to self-determination.

We all benefit when we listen, share knowledge, and work together. Aboriginal people bring valuable insights to government decisions, but the advice and wisdom of Aboriginal Elders and communities has too often been ignored, along with key policy recommendations and rights of sovereignty and self-determination. Aboriginal self-determination must be at the forefront of any government actions and decisions relating to Aboriginal people and enabled by the transfer of power and resources. This includes alignment with existing agreements such as the Aboriginal Justice Agreement and the Wikara Kulpa.

VICTORIA

PROGRESS TREATY-MAKING
IN VICTORIA

The State of Victoria has committed to negotiate treaties with Aboriginal peoples in Victoria, including Statewide Treaty and Traditional Owner Treaties.¹ Negotiations are underway for the first Statewide Treaty. This creates a historic opportunity for Victoria to affirm Aboriginal self-determination, recognise Aboriginal sovereignty was never ceded and ensure decisions about First Peoples are made by First Peoples through the transfer of government decision-making power and resources to Aboriginal communities.¹

"PEOPLE THRIVE WHEN THEY CAN SET THEIR OWN COURSE IN LIFE. WHEN THEY CAN MAKE CHOICES ABOUT WHAT WORKS BEST FOR THEM AND THEIR FAMILIES. WHEN IT COMES TO ABORIGINAL COMMUNITIES, CULTURES AND LANDS, THE EXPERTS, OF COURSE, ARE ABORIGINAL PEOPLE."² – FIRST PEOPLES' ASSEMBLY

Victoria's Treaty Process is about creating practical frameworks to ensure First Peoples have a voice in decisions affecting their lives. Treaties will determine a new way forward in state relations and reflect the needs and aspirations of the Aboriginal community.

The community legal sector supports this by ensuring our advocacy aligns and does not detract from what is negotiated through treaties. The sector will also continue to hold government to account on its commitment to, and outcomes of Treaty. We commit to backing Aboriginal Community-Controlled Organisations (**ACCOS**), including the Victorian Aboriginal Legal Service (**VALS**), Djirra and the First Peoples' Assembly in their advocacy for Aboriginal self-determination across the state.

The community legal sector's support for Aboriginal self-determination includes supporting and facilitating the transfer of power and resources to Aboriginal communities and organisations, including the transfer of power and resources from mainstream community legal and social services for First Nations clients and services, in line with the National Agreement on Closing the Gap² and the Independent Review of the National Legal Assistance Partnership report (**NLAP report**).³

While we recognise that Aboriginal community members may choose to access mainstream legal assistance, the majority of dedicated funding for Aboriginal legal assistance should be placed with VALS and Djirra.

RECOMMENDATION 1: NEGOTIATE A TREATY
FOR VICTORIA

Negotiate a Treaty for Victoria to affirm Aboriginal self-determination and create a path for First Peoples to control decisions and resources affecting their lives, recognising that affirming self-determination requires the actual transfer of power and resources to the Aboriginal community.

Advocacy areas: First Nations Justice, Human Rights

Area of law: First Nations Justice

Decision-makers: Minister for Treaty & First Peoples, Premier

Jurisdiction: Victoria

Stage of legal process: Whole of process

Timeframe: Short to medium term

Yoorrook Justice Commission

The Yoorrook Justice Commission (**Yoorrook**) was the first formal truth-telling process into injustices experienced by First Peoples in Victoria.⁴ Yoorrook’s role was to establish an official record and develop a shared understanding of the impact of colonisation on First Peoples, and the diversity, strength and resilience of First Peoples’ cultures in Victoria. Yoorrook’s role was also to make evidence-based recommendations for healing, system reform, policy and law reform, education and matters to be included in future treaties.⁵ The Yoorrook Justice Commission’s reports detail extensive systemic racism, discriminatory laws and policy failures that cause harm to Aboriginal peoples and communities.⁶

Victorian community legal centres support Djirra and VALS in their calls for full implementation of Yoorrook’s recommendations, starting with transformative change through the Treaty process of the legal and child protection systems. As the Yoorrook for Justice report highlights, decision-making power should be negotiated through the Treaty process – including interim agreements – and cover areas like system design, resource allocation, appointments, and First Peoples-led oversight and complaints mechanisms.⁷

We urge the Victorian Government to transfer power and resources to First Peoples – starting with self-determination in child protection and criminal legal systems (recommendations 1 and 2) and the housing system as urgent priorities.

RECOMMENDATION 2: IMPLEMENT Yoorrook RECOMMENDATIONS

Implement Yoorrook’s recommendations in full, starting with transferring decision-making power, control, and resources to First Peoples in Victoria’s child protection, youth justice, and housing systems.

Advocacy areas: First Nations Justice, Human Rights, Crime & Justice Reform, Violence & Safety, Gender Justice

Areas of law: First Nations Justice, Crime & Child Protection

Decision-maker: Minister for Treaty & First Peoples, Premier, Attorney-General, Minister for Police, Minister for Youth Justice, Minister for Child Protection

Jurisdiction: Victoria

Stage of legal process: Whole of process

Timeframe: Short to medium term



© TRAVIS LOVETT, DEPUTY CHAIR, COMMISSIONER-Yoorrook Justice Commission. WALK FOR TRUTH

DATA SOVEREIGNTY

The collection, control, and publication of data about Aboriginal people by the government and mainstream services contributes to ongoing harm, systemic racism, and the denial of self-determination. Victoria’s current freedom of information (**FOI**) system is a major barrier to Aboriginal people accessing vital information about their lives and decisions affecting their communities. Denying access to critical data causes injustice for Aboriginal people, families, communities and organisations.¹⁶

The *Maia* *nayri* *Wingara* *Indigenous Data Sovereignty Principles* affirm Aboriginal and Torres Strait Islander peoples’ right to control their own data – ensuring data is contextual, disaggregated, empowering, and respectful.¹⁷ Achieving culturally safe data systems requires reform, including transferring data ownership to First Nations peoples and ACCOs, aligning government systems with these principles,¹⁸ updating how companies manage First Peoples’ data, embedding these principles in funding agreements with contracted services, and resourcing communities to collect and analyse their own data.¹⁹ The Yoorrook Justice Commission has recommended that the Victorian Government fund systemic reform to facilitate, embed and ensure Indigenous Data Sovereignty and Indigenous Data Governance in relation to First Peoples’ records.²⁰

Yoorrook Justice Commission

- First Peoples are over-represented among family violence victim-survivors.⁸
- First Peoples in Victoria are 10 times more likely to access homelessness services.⁹
- In 2021, the median weekly personally income for First Peoples in Victoria was \$619 compared to all people in Victoria which was \$803.¹⁰
- Aboriginal children are over-represented in the child protection system by 11:1.¹¹
- Aboriginal men are 13.6 times as likely than non-Aboriginal men to be in prison.¹²
- Between 2010 and 2019, the number of Aboriginal women in prison on remand increased by 475 per cent, and the number of Aboriginal men in prison on remand increased by 598 per cent.¹³

IMPLEMENTATION

As at October 2024, of the 46 Yoorrook Justice Commission recommendations made, the Victorian Government fully supports six, supports 24 in principle, is considering 13, and does not support three.¹⁴

In July 2025, the Victorian Government tabled the Yoorrook Justice Commission’s final reports.¹⁵ The Yoorrook Justice Commission released 100 additional recommendations as part of its final report, including a recommendation to fund the First Peoples’ Assembly permanently with truth-telling and shared decision-making powers.

RECOMMENDATION 3: PASS A DATA SOVEREIGNTY ACT

Pass a Data Sovereignty Act to embed Indigenous Data Sovereignty Principles into law, amend relevant legislation, and ensure the progressive realisation of data sovereignty in line with principles of self-determination.

Advocacy areas: First Nations Justice, Human Rights

Areas of law: First Nations Justice, Freedom of Information

Decision-makers: Minister for Treaty & First Peoples, Attorney-General

Jurisdiction: Victoria

Stage of legal process: Whole of process

Timeframe: Short term

SECTION 2: ACCESS TO JUSTICE

This section highlights key actions to improve access to justice by closing legal loopholes which restrict legal pathways for clients facing injustice.

Access to justice is a fundamental right, but for most people, the legal system is too complex to navigate without help. Community legal centres see how outdated and inaccessible legal systems deny clients access to justice and add to the complex challenges and systemic disadvantage they already face. Governments must reduce barriers and improve legal pathways so everyone – not just those who can afford a lawyer – can understand their rights and resolve their legal issues. The following reforms are ‘quick wins’ to promote equity and accessibility and support marginalised communities to access justice.

VICTORIA

PROTECT AT-RISK WORKERS FROM DISCRIMINATION

Each year, community legal centres support workers facing discrimination who are not currently protected under the *Equal Opportunity Act 2010* (Vic) (**Equal Opportunity Act**).

HIGH-RISK GROUPS WITHOUT LEGAL PROTECTION



Victim-survivors
of family violence



People facing discrimination
based on their perceived ‘class’
or socioeconomic background



Temporary visa holders



People with irrelevant criminal records



Individuals seeking reasonable workplace adjustments
for reproductive health issues like
IVF, pregnancy, or chronic pelvic pain



People with disability not covered
by the current definition²¹

Section 351 of the *Fair Work Act 2009* (Cth) (**Fair Work Act**) protects against adverse action based on family violence, national extraction, and social origin. However, as these protections are not reflected in the Victorian Equal Opportunity Act, Victorians who experience adverse action²² at work cannot lodge civil discrimination claims under the Fair Work Act on these grounds.²³ The Equal Opportunity Act covers a wider range of employment relationships and protected areas of life (e.g. volunteers, unpaid workers, contractors, partnerships), and includes a positive duty for employers to take reasonable and proportionate measures to eliminate discrimination. Discrimination based on irrelevant criminal records creates major employment barriers, especially for people from over-policed communities such as Aboriginal people who face fewer diversion options and harsher sentencing.²⁴ Employees experiencing perimenopause, menopause, or other health issues are also not explicitly covered.

RECOMMENDATION 4: EXPAND VICTORIAN DISCRIMINATION PROTECTIONS FOR AT-RISK WORKERS

Expand protections from discrimination based on family violence, social origin, visa status and irrelevant criminal record and include reasonable adjustment rights for reproductive health under the Equal Opportunity Act.

Advocacy areas: Human Rights, Economic Justice, Violence & Safety, Gender Justice, Health Justice

Area of law: Employment Law

Decision-maker: Minister for Industrial Relations

Jurisdiction: Victoria

Stages of legal process: Prevention, At Court or Tribunal

Timeframe: Short term

FAIR TREATMENT OF FINES LINKED TO FAMILY VIOLENCE

Victim-survivors of family violence are often unfairly penalised for excessive speeding offences²⁵ they did not commit, because they feel unable to nominate the driver due to fear of violence or retaliation. Nominating the driver who was speeding within 28 days is often not safe or possible for victim-survivors.

These infringements are usually detected by a traffic camera and result in lengthy automatic license suspensions and large fines, making it harder for victim-survivors of family violence to escape violence. Currently, these fines are excluded from the Family Violence Scheme under the *Fines Reform Act 2014 (Vic)* (**Fines Reform Act**).

Victim-survivors should be able to explain their circumstances and have these fines addressed under the Family Violence Scheme. This should include allowing people who have paid their fines to apply for a Family Violence Scheme Review.²⁶

RECOMMENDATION 5: INCLUDE EXCESSIVE SPEEDING FINES UNDER THE FAMILY VIOLENCE SCHEME

Allow victim-survivors to address excessive speeding fines incurred by people using violence under the Family Violence Scheme by amending the Fines Reform Act to make this offence eligible, when the driver cannot be nominated in family violence situations.

Advocacy areas: Economic Justice, Violence & Safety, Gender Justice, Human Rights
Area of law: Infringements
Decision-maker: Attorney-General
Jurisdiction: Victoria
Stage of legal process: At review
Timeframe: Short term

EXPAND WORK AND DEVELOPMENT PERMITS TO COURT FINES

Work and Development Permits (WDP) have been a welcome reform, allowing people experiencing poverty and disadvantage to address infringement fines through treatment or study.²⁷ However, court fines are excluded from WDPs. When a person cannot pay their court fine, their options are limited. Fines conversion orders are hard to access, limited to community work, supervised by Corrections, and lack a therapeutic approach.²⁸ This leaves many people unable to resolve their court fines and facing long-term stress and the threat of imprisonment or additional enforcement action. Court fines are unduly harsh for people facing financial hardship, with some clients opting for harsher sentences (e.g. Community Corrections Orders) which worsen future sentencing outcomes and effectively criminalise poverty. WDPs are intended to address drivers of offending and reduce further offending, by encouraging people to “work off” their fines by engaging in financial counselling, psychological and medical treatment, education or youth mentoring, which clients report being meaningful opportunities to address their underlying issues. Including court fines in WDPs would promote fairer criminal sentencing and address inequity based on financial disadvantage.

RECOMMENDATION 6: INCLUDE COURT FINES IN WORK AND DEVELOPMENT PERMITS

<i>Allow court fines to be worked off under Work and Development Permits, by amending the Fines Reform Act.</i>
Advocacy areas: Economic Justice, Violence Safety, Health Justice
Area of law: Infringements
Decision-maker: Attorney-General
Jurisdiction: Victoria
Stage of legal process: At review
Timeframe: Short term

FAIR PROTECTIONS FOR STUDENT HOUSING RENTERS

Many student housing providers – often universities and their affiliates – claim exemptions from rental laws under section 21 of the *Residential Tenancies Act 1997 (Vic)* (**Residential Tenancies Act**). Student housing is not required to meet rental minimum standards, such as functional heating, lockable external doors, window coverings in bedrooms and adequate ventilation. The Residential Tenancies Act limits how much bond can be charged, requires bonds to be lodged with the Residential Tenancies Bond Authority and prohibits excessive rent increases; some student housing providers are exempt from these requirements.

Students can be evicted without rental protections under the Residential Tenancies Act such as providing valid reasons or notice periods. Renters in student housing can be subjected to more frequent inspections, curfew, or enforced behavioural rules that would not be allowed in standards rentals. If student housing was held to the same standards as rooming housing, many student lodgings would be deemed inadequate.

Student housing exemptions introduced before universities became major commercial landlords undermine and are out of step with Victoria’s renter protections. Renters in student housing should have the same rights as other renters, and universities and their commercial partners should be held to the same standards as other landlords. Barriers to international students understanding and enforcing their rights as renters should also be addressed, including through proactive monitoring and compliance, and simple and accessible pathways for dispute resolution.²⁹

RECOMMENDATION 7: EXTEND RENTAL PROTECTIONS TO STUDENT HOUSING
<i>Repeal educational exemptions, including section 21 of the Residential Tenancies Act.</i>
Advocacy area: Economic justice
Area of law: Housing
Decision-maker: Minister for Consumer Affairs
Jurisdiction: Victoria
Stages of legal process: Early Intervention, At Court or Tribunal
Timeframe: Short term

INTRODUCE UNIFORM CO-RENTING LAWS

Co-renters cannot apply to the Victorian Civil and Administrative Tribunal (**VCAT**) to resolve housing disputes between co-renters, as VCAT lacks jurisdiction and there are no clear alternative mechanisms for resolving disputes in Victoria. Problems often arise when one co-renter wants to leave a rental but cannot exit the lease unilaterally. While contract law may apply, informal agreements and high costs make legal action impractical. Although lease transfers are possible under section 81 of the Residential Tenancies Act, the law does not address how co-renters should manage this.

RECOMMENDATION 8: INTRODUCE UNIFORM CO-RENTING LAWS
<i>Introduce uniform co-renting laws by implementing the ACT model into the Residential Tenancies Act.³⁰</i>
Advocacy area: Economic justice
Area of law: Housing
Decision-maker: Minister for Consumer Affairs
Jurisdiction: Victoria
Stage of legal process: At Court or Tribunal
Timeframe: Short to medium term

REVIEW FOR VCAT TENANCY DECISIONS

When rental disputes arise, renters and landlords can apply to VCAT. If a VCAT decision is unfair or inconsistent with the Residential Tenancies Act, renters can appeal to the Supreme Court, but this process is inaccessible for most renters, being prohibitively costly, time-consuming and uncertain.

Introducing an internal review process – already used in other VCAT lists – would provide a more accessible and affordable appeal option while building clearer legal precedent for other applications to VCAT. These decisions would also support early resolution through Rental Dispute Resolution Victoria by giving parties greater legal certainty, encouraging fairer, faster outcomes.

RECOMMENDATION 9: ALLOW INTERNAL REVIEW OF VCAT TENANCY DECISIONS

Introduce an internal review process for VCAT tenancy decisions, by amending the Residential Tenancies Act.

Advocacy areas: Economic Justice, Human Rights
Area of law: Housing
Decision-maker: Attorney-General, Minister for Consumer Affairs
Jurisdiction: Victoria
Stage of legal process: At review
Timeframe: Short term

PERMIT ESSENTIAL DRIVING IN REGIONAL COMMUNITIES

In areas with limited public transport, losing a driver’s licence – often due to suspension – can have serious consequences. People may be forced to choose between driving unlicensed or missing work, medical care, school drop-offs, or the chance to escape family violence.³¹ This has significant impacts on social and cultural wellbeing, and is particularly harmful for First Nations communities³² and single-parent families in remote areas.

Community legal centres are advocating for a restricted licence scheme in Victoria, similar to the NSW model.³³ This scheme would allow people to apply to the court for a limited driving permit for essential reasons such as employment, caregiving, healthcare, or fleeing family violence or climate related disasters.

RECOMMENDATION 10: ESTABLISH A RESTRICTED LICENCE SCHEME IN VICTORIA

Establish a restricted licence scheme, based on the NSW model to allow a person to apply to the court for a restricted licence where their licence has been suspended or disqualified.

Advocacy area: Crime & Justice Reform
Area of law: Criminal Law
Decision-makers: VicRoads CEO, Attorney-General
Jurisdiction: Victoria
Stage of legal process: At Court or Tribunal
Timeframe: Short to medium term



EXTEND NATIONAL REDRESS FOR INSTITUTIONAL CHILD SEXUAL ABUSE VICTIM-SURVIVORS

All victims and survivors of childhood abuse should be able to access redress and justice, regardless of where they live or when the abuse occurred. Current redress schemes have eligibility and evidence requirements that many survivors cannot meet – particularly those who face intersectional marginalisation, or children and young people who are excluded altogether. The National Redress Scheme is unlikely to deliver redress to all eligible survivors before its proposed end date of 1 July 2028,³⁴ leaving limited options for meaningful redress afterward.³⁵

Community legal centres support implementation of all outstanding recommendations from the Joint Standing Committee on the Implementation of the National Redress Scheme to ensure the scheme is trauma-informed, culturally safe and survivor-focused,³⁶ starting with extending timeframes for redress.

RECOMMENDATION 11: EXPAND AND EXTEND THE NATIONAL REDRESS SCHEME

Expand eligibility and evidence requirements in the National Redress Scheme, and extend the application deadline by at least 12 months, with potential for further extensions.

Advocacy areas: Violence & Safety, Human Rights
Area of law: Institutional Child Sexual Abuse
Decision-makers: Minister for Victims, Attorney-General, Minister for Social Services
Jurisdiction: Victoria & National
Stage of legal process: Redress
Timeframe: Short term



BASIC RIGHTS TO WORK, STUDY AND ACCESS SERVICES, REGARDLESS OF VISA STATUS

Everyone living in Australia deserves dignity and access to the essentials like healthcare, work rights, and social security – regardless of visa status. These rights are clearly set out in the International Covenant on Economic, Social and Cultural Rights. However, many temporary visa holders are still denied the ability to support themselves and their families.

Thousands of migrants and people seeking asylum are subject to harsh visa conditions which prevent them from working or studying, and many are locked out of critical supports such as Centrelink and Medicare.³⁷ By denying these fundamental rights and protections, governments put people at risk of poverty and harm (including workplace exploitation). These harmful restrictions force many to make an impossible choice between abandoning their protection claims and returning to danger in their home country, or living in poverty in Australia.

Community legal centres are advocating for all temporary visa holders to have access to basic rights, including the right to work, study and access critical social services. As a first step, we are calling on the Australian Government to amend the *Migration Regulations 1994 (Cth)* (**Migration Regulations**) to ensure all bridging visa holders can work and study.

RECOMMENDATION 12: ENSURE ALL BRIDGING VISA HOLDERS CAN WORK AND STUDY

Ensure bridging visas are not subject to conditions which restrict rights to work or study, by amending the *Migration Regulations*.

Advocacy areas: Human Rights, Economic Justice, Violence & Safety

Area of law: Migration

Decision-maker: Minister for Immigration

Jurisdiction: National

Stage of legal process: Prevention

Timeframe: Short to medium term

A SIMPLE AND AFFORDABLE DIVORCE SYSTEM

Simplifying the divorce process in Australia is key to fully achieving the goals of a no-fault system. The current process is complex, costly, and prone to conflict, increasing risks of systems abuse for family violence survivors. Community legal centres propose connected amendments to streamline divorce processes and reduce financial barriers. These changes to the *Family Law Act 1975 (Cth)* (**Family Law Act**) and related regulations and rules will enable more people to manage divorce applications with less legal support, freeing up resources for more complex cases. Simplifying service provisions will also reduce court time currently spent on unnecessarily complex applications for different types of service.

Simplification of the divorce process includes removing the requirement for parenting arrangements to be considered before a divorce can take effect.³⁸ The purpose of a divorce is to end the legal relationship between spouses. Parenting arrangements are dealt with through a separate and distinct legal process. Requiring consideration of parenting arrangements before applying for a divorce causes confusion and can lead victim-survivors to believe they must agree on parenting matters before applying for divorce.³⁹ This causes unnecessary delays, emotional and financial strain, and provides an opportunity for systems abuse. It may also pressure parties into hasty or coerced parenting agreements without legal advice, potentially impacting future legal proceedings and Centrelink applications.

Steps to achieve this include:

- Introducing full fee exemptions for divorce filing fees, as for all other family law applications.⁴⁰
- Allowing electronic service and options to dispense with service where there is a family violence risk.⁴¹
- Removing the requirement for parenting arrangements to be made before applying for divorce.

RECOMMENDATION 13: MAKE GETTING A DIVORCE SIMPLE, STRAIGHTFORWARD AND AFFORDABLE

- A. Expand hardship exemptions from divorce filing fees** - Expand exemptions for family law filing fees to divorce applications, by amending r 2.06 or including divorce applications in r 2.04 of the *Family Law Fees Regulations*.
- B. Simplify service for divorce** - Allow electronic service and dispensation of service where safety is at risk, by amending r 2.42, 2.32(2) and 2.34 of the *Federal Circuit & Family Court of Australia Rules*.
- C. Separate parenting arrangements from divorce applications** - Remove the requirement for parenting arrangements to be made before applying for divorce by repealing s 55A of the *Family Law Act*.

Advocacy areas: Gender Justice, Violence & Safety, Human Rights, First Nations Justice
Area of law: Family law
Decision-maker: Attorney-General
Jurisdiction: National
Stage of legal process: Application
Timeframe: Short to medium term

SECTION 3: STRONGER PROTECTIONS AGAINST INTERPERSONAL VIOLENCE

This section outlines measures to address family and sexual violence, elder abuse, and other forms of interpersonal harm caused by private individuals towards the people that community legal centres work with.

Protection from harm and violence is a fundamental right. The policies in this section aim to support victim-survivors and improve access to justice to prioritise safety, dignity, and rights for all, including Aboriginal self-determined solutions and supports for First Nations victim-survivors.

VICTORIA

PREVENTING ELDER ABUSE

The draft National Plan to End the Abuse and Mistreatment of Older People prioritises prevention and early intervention, and reinforces the importance of an intersectional view of elder abuse.⁴² However, research and sector-wide understanding of these drivers and primary prevention, early intervention and response strategies remains limited. A clear primary prevention framework is needed to guide the workforce and support evidence-informed, intersectional strategies to prevent elder abuse.

The Victorian Government has undertaken significant consultation with the elder abuse sector to develop the Victorian Elder Abuse Primary Prevention Framework and Action Plan, but it must release and implement these identified actions to prevent elder abuse in practice.

RECOMMENDATION 14: IMPLEMENT THE ELDER ABUSE PRIMARY PREVENTION FRAMEWORK

Release and implement the Victorian Elder Abuse Primary Prevention Framework and Action Plan to inform initiatives that address the drivers of elder abuse to prevent abuse before it occurs

Advocacy areas: Violence & Safety, Human Rights

Area of law: Elder Abuse

Decision-makers: Department of Families, Fairness and Housing, Minister for Ageing

Jurisdiction: Victoria

Stage of legal process: Prevention

Timeframe: Short term

VICTORIAN REGISTER FOR POWERS OF ATTORNEY

Community lawyers advising people at risk of abuse and exploitation, including older people at risk of or experiencing elder abuse, face significant barriers to obtaining timely and accurate details of up-to-date powers of attorney and substituted decision-making documents. In practice, clients may continue to be subjected to ongoing abuse as hospitals, real estate agents or banks rely on outdated and inaccurate substituted decision-making documents.

Currently, there is no searchable register of current Enduring Power of Attorney documents in Victoria, which increases risk of fraud and makes it harder for community lawyers and other professionals to verify documents. While national harmonisation of powers of attorney is important, Victoria can act now by creating a state-based register for Enduring Powers of Attorney and other substitute decision-making documents as part of the *Guardianship and Administration Act 2019 (Vic)* (**Guardianship and Administration Act**). A register would help prevent ongoing abuse, support lawyers assisting clients at risk of exploitation, and allow authorised users – such as banks and lawyers – to confirm documents.

The register must be user-friendly, accessible and affordable, and could be managed by the Registry of Births, Deaths and Marriages. The Tasmanian model should be considered.⁴³

RECOMMENDATION 15: MAINTAIN A STATEWIDE SUBSTITUTED DECISION-MAKING REGISTER

Establish and maintain a Victorian Substituted Decision-Making Register for Enduring Powers of Attorney and other substituted decision-making documents, by amending the Guardianship and Administration Act, and the Births, Deaths and Marriages Act 1996 (Vic).

Advocacy areas: Human Rights, Health Justice

Areas of law: Guardianship, Administration

Decision-maker: Secretary of Department of Government Services

Jurisdiction: Victoria

Stage of legal process: Prevention

Timeframe: Short to medium term

COLLECT AND CORRECT DATA ON POLICE MISIDENTIFICATION

Police misidentifying victim-survivors as the predominant aggressor in family violence cases is a serious and systemic issue. It disproportionately affects First Nations women, culturally and linguistically diverse communities, criminalised women, members of LGBTIQ+ communities, and people with disability.⁴⁴ The consequences are severe, including ongoing exposure to violence, criminalisation, separation from children, and homelessness. While Victoria Police estimates police misidentification in 12 per cent of cases, community legal centre data suggests it could be as high as 58 per cent among women respondents in police Family Violence Intervention Order applications.⁴⁵

This discrepancy highlights the urgent need for accurate, consistent data. Without it, systemic problems remain hidden, making it difficult to design effective reforms, train frontline responders, or allocate resources. Just as crucial is the ability to correct inaccurate records that can lead to wrongful arrests, inappropriate intervention orders, and long-term harm. Rectifying police misidentification protects victim-survivors from further harm, improves the accuracy of risk assessments, and helps rebuild trust in the justice system.⁴⁶



RECOMMENDATION 16: IMPROVE COURT AND POLICE DATA SYSTEMS TO DOCUMENT AND CORRECT MISIDENTIFICATION IN FAMILY VIOLENCE CASES

<i>A. Issue a new Magistrates’ Court Practice Direction requiring Magistrates to record on a family violence intervention order when misidentification was a factor in a matter being withdrawn, varied, revoked, struck out or refused.</i>
<i>B. Establish effective internal systems within Victoria Police to correct records on the LEAP database (or any subsequent database) which ensures cases involving misidentification are clearly marked and immediately identifiable.</i>
Advocacy areas: Violence & Safety, Gender Justice, First Nations Justice, Human Rights
Area of law: Intervention Orders
Decision-makers: Chief Magistrate of Victoria, Chief Commissioner of Victoria Police and Family Violence Command
Jurisdiction: Victoria
Stage of legal process: At Court or Tribunal
Timeframe: Short term

PRIORITISE VICTIM-SURVIVOR VOICES IN GRANTING FAMILY VIOLENCE INTERVENTION ORDER EXTENSIONS

Victim-survivors’ voices must be central when assessing current and future risk and the need to extend family violence intervention orders. Yet too often, extension requests made by victim-survivors are dismissed by police⁴⁷ or magistrates – especially when there is no formally recorded breach. Fearing escalation of violence and their safety concerns being dismissed, many victim-survivors are reluctant to apply for extensions at all.

Community legal centres report that Victoria Police frequently fails to properly record or follow up on reported breaches. As breaches are currently a key consideration for magistrates in extension applications, this can create a major barrier, particularly for those without proof of reporting.

Extending a family violence intervention order should be simple and accessible. The views and safety concerns of protected persons must carry significant weight, regardless of police decisions on whether to lay charges or police views on the necessity of an extension. Magistrates should be required to consider the person’s views, the risks to their safety, their access to legal representation, and their guardian’s views (if relevant) under the *Family Violence Protection Act 2008 (Vic)* (**Family Violence Act**).

To support this change, the Chief Magistrate of Victoria should also update the Family Violence Bench Book (p 109) to clarify that:

- ▼ Whether Victoria Police choose to pursue criminal charges for breaches of a family violence intervention order (or not) should not determine whether an order is extended.
- ▼ An Affected Family Member should not be required to show new incidents of violence during the order’s operation to justify an extension if they still fear for their safety.
- ▼ Police views should not determine the courts’ decision to extend an intervention order.

RECOMMENDATION 17: PRIORITISE VICTIM-SURVIVORS’ VIEWS AND SAFETY IN FAMILY VIOLENCE INTERVENTION ORDER EXTENSION DECISIONS

<i>In extension decisions, require magistrates to consider the protected person’s views and risks to their safety as a priority, by amending 106 of the Family Violence Act.</i>
Advocacy areas: Violence & Safety, Gender Justice, First Nations Justice, Human Rights
Area of law: Intervention orders
Decision-makers: Attorney-General, Minister for Family Violence
Jurisdiction: Victoria
Stage of legal process: At Court or Tribunal
Timeframe: Short term

REDUCE EXCESSIVE EVIDENTIARY BURDENS FOR VICTIMS OF CRIME TO ACCESS FINANCIAL HELP

Victims’ compensation schemes are vital for helping people recover from violence. However, community legal centres have observed Victoria’s new Financial Assistance Scheme is falling short of its goals of recognising victims, supporting recovery, and providing a respectful, validating process that properly acknowledges the experiences of victims of crime.⁴⁸ While there are a number of improvements from the previous Victims of Crime Assistance Tribunal process, the Financial Assistance Scheme is unfairly burdening victims with onerous reporting requirements and excessive evidentiary requirements, including to prove their identity and injury.⁴⁹ This fails to consider that victim-survivors of family violence may flee violence without identity documents or be unable to afford medical reports. The complex pre-approval process also makes it harder for victims to access essential support.

Community legal centres support the Department of Justice and Community Safety implementing outstanding recommendations aimed at improving access to financial assistance, compensation and redress flowing from the Australian and Victorian Law Reform Commissions investigations.⁵⁰ The Financial Assistance Scheme’s accessibility and operation under the Guidelines and the *Victims of Crime (Financial Assistance Scheme) Act 2002 (Vic)* (**Financial Assistance Scheme Act**) must be improved, starting with reducing excessive evidentiary burdens around injury, identity and police reporting.⁵¹

RECOMMENDATION 18: REMOVE EVIDENTIARY REQUIREMENTS FROM THE VICTIMS’ FINANCIAL ASSISTANCE SCHEME

Reduce the evidentiary burden on victims of crime by amending the Financial Assistance Scheme Guidelines and Financial Assistance Scheme Act, particularly relating to proof of injury, identity and police reporting.

Advocacy areas: Violence & Safety, Gender Justice, Human Rights, First Nations Justice
Area of law: Victims of Crime
Decision-makers: Department of Justice and Community Safety, Minister for Victims
Jurisdiction: Victoria
Stage of legal process: System accountability
Timeframe: Short term

NATIONAL

IMPROVE CENTRELINK’S FAMILY VIOLENCE, CRISIS AND HARDSHIP PROTECTIONS

Crisis Payments are a one-off payment for people in severe financial hardship due to extreme events, like family violence or disasters. Crisis Payments have a seven-day claim period, but many clients miss this window as they have been forced from their home and are focusing on their immediate survival. Community legal centres receive calls from clients who have missed the seven-day deadline and in desperate financial need to recover and get their lives back on track. Those most in need are often left without support.⁵²

In practice, most 16- and 17-year-old children escaping family violence are unable to access Crisis Payments, as Centrelink’s independence requirements are difficult to meet, particularly for children in emergencies. Many 16- and 17-year-old children who have experienced family violence are seen as ‘too old’ to receive Child Protection support, but ‘too young’ to access emergency income support from Centrelink to escape family violence, usually leaving them without any money or support.

Social security debts can be waived in special circumstances, but current rules often exclude victim-survivors of family violence. Centrelink debts caused by a perpetrator’s lies or coercion — even without the victim’s knowledge — cannot be waived, forcing victim-survivors to repay debts long after leaving abusive relationships.⁵³ Centrelink debt waivers for family violence victim-survivors would require reform to the *Social Security Act 1991 (Cth)* (**Social Security Act**), *A New Tax System (Family Assistance) Act 1999 (Cth)* (**Family Assistance Act**), and *Student Assistance Act 1973 (Cth)* (**Student Assistance Act**).

RECOMMENDATION 19: IMPROVE CENTRELINK’S FAMILY VIOLENCE HARDSHIP PROTECTIONS

- A. Extend application timeframe for Crisis Payments** - *Extend the application timeframe for Crisis Payments from 7 days to at least 14 or 21 days in the Social Security Act.*
- B. Extend eligibility for Crisis Payments to 16- and 17-year-old children** - *Extend eligibility for Crisis Payments to 16- and 17-year-old children in the Social Security Act.*
- C. Extend debt waivers for family violence victim-survivors** - *Extend access to waivers for victim-survivors with Centrelink debts incurred due to family violence, by amending the Social Security Act, Family Assistance Act and Student Assistance Act.*

Advocacy areas: Economic Justice, Violence & Safety, Climate Justice, Human Rights, Gender Justice, First Nations Justice
Area of law: Social Security
Decision-makers: Minister for Social Services, Minister for Government Services, Minister for Family Violence, Minister for Climate Change
Jurisdiction: National
Stage of legal process: Early Intervention, At review
Timeframe: Short term

SECURE VISA OPTIONS FOR FAMILY VIOLENCE VICTIM-SURVIVORS

Many victim-survivors of family violence on certain temporary visas — particularly women — face uncertain immigration status and have no safe way to remain in Australia, especially when their visa is linked to the perpetrator. A new temporary visa is needed to give victim-survivors time, safety and support to recover and plan their next steps. This visa must be low-cost, easy to access (both onshore and offshore) and provide at least five year’s stay in Australia, with immediate access to Medicare, Centrelink, education and social supports.

Currently, people using family violence often use their children’s citizenship to control and threaten their partner who does not have permanent residency. Victim-survivors of family violence who have children with Australian citizenship should have access to a low-cost, fast-tracked permanent residency pathway. A dedicated visa pathway would help prevent forced separation and allow victim-survivors to leave violent relationships without fear of losing their children. This visa should also exempt applicants from waiting periods for social security payments, as delays get in the way of recovery from family violence.

These visas should be developed in consultation with family violence victim-survivors with refugee and migration system experience, and community legal centres.

RECOMMENDATION 20: CREATE VISA PATHWAYS WITH SUPPORT ACCESS FOR FAMILY VIOLENCE SURVIVORS

- A. Introduce a low-cost and accessible temporary visa for family violence victim-survivors with access to essential social supports.**
 - B. Introduce a priority permanent visa pathway for parents of Australian citizen children, which allows access to essential social supports, by amending the Migration Act, Migration Regulations, and Social Security Act.**
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|--|
| Advocacy areas: Human Rights, Economic Justice, Gender Justice, Violence & Safety |
| Area of law: Migration |
| Decision-makers: Minister for Immigration, Minister for Social Services |
| Jurisdiction: National |
| Stage of legal process: Prevention, Application |
| Timeframe: Short to medium term |

SECTION 4:

SAFEGUARDS AGAINST SYSTEMIC HARM

This section outlines government actions required to address harm caused by institutions, corporations and landlords/real estate agents towards community legal centre clients.

It is the responsibility of our governments to ensure all members of our community are protected from systemic harm and exploitation, as part of protecting and upholding human rights in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (**Victorian Charter**). Harm can come from many sources, including corporations, landlords and institutions. Community legal centres propose a number of reforms to provide greater protections to those who are most at risk of experiencing systemic harm.

VICTORIA

STOP NON-DISCLOSURE AGREEMENTS SILENCING SEXUAL HARASSMENT VICTIMS

WORKPLACE SEXUAL HARASSMENT



Almost two in five women and one in four men report they have experienced workplace sexual harassment in the last five years.⁵⁴

Sexual harassment remains widespread in Australian workplaces, yet non-disclosure agreements (NDAs) are still commonly used to silence victims, protect employers, and cover up serial offending. While recent Victorian reforms are a step forward,⁵⁵ NDAs should be fully prohibited — except when requested by the complainant after receiving independent, culturally appropriate and trauma-informed legal advice.

RECOMMENDATION 21: PROHIBIT NDAS IN SEXUAL HARASSMENT CASES UNLESS REQUESTED BY COMPLAINANT

Prohibit the use of non-disclosure agreements unless requested by the complainant in workplace sexual harassment cases.

Advocacy areas: Economic Justice, Gender Justice

Area of law: Employment Law

Decision-makers: Minister for Industrial Relations, Minister for Women

Jurisdiction: Victoria

Stage of legal process: Prevention, Application

Timeframe: Short term

CLIMATE RESILIENCE

Climate change threatens the safety, homes and livelihoods of many Victorian towns and regions. Yet, there are currently no explicit rights to a healthy environment or safe climate in Victorian laws.⁵⁶ To ensure all Victorians are protected from climate impacts and disasters, equitable adaptation to climate change and human rights needs to be embedded across all Victorian government departments, decision makers and relevant laws. This must include a dedicated focus on First Nations approaches to climate justice, disaster preparedness and relief.

“EQUITABLE ADAPTION REFERS TO THE PROCESSES OF ADJUSTING AND PREPARING FOR THE IMPACTS OF CLIMATE CHANGE IN WAYS THAT PRIORITISE FAIRNESS, JUSTICE AND INCLUSIVITY.” - CLIMATE JUSTICE FIELD GUIDE FOR COMMUNITY LEGAL CENTRES

We support a government taskforce being appointed to develop a statewide climate justice framework that focuses on developing equitable adaptation planning solutions in high-risk areas with sector experts, and requires mandatory systemic consideration of climate and disaster issues in all government and defined entities. The framework must support those disproportionately affected by the impacts of climate change, including those in rural and regional communities, First Nations communities and low-income earners.⁵⁷

RECOMMENDATION 22: IMPLEMENT A STATEWIDE CLIMATE JUSTICE FRAMEWORK

Implement a Victorian Climate Justice Framework, developed by a Victorian Government Taskforce.

Advocacy areas: Economic Justice, Human Rights

Area of law: Climate Justice

Decision-makers: Minister for Emergency Services, Minister for Consumer Affairs, Minister for Climate Action, Minister for Housing, Attorney-General

Jurisdiction: Victoria

Stages of legal process: Prevention, Early Intervention, At Court or Tribunal

Timeframe: Medium term

INCREASED PROTECTIONS FOR RENTERS IMPACTED BY DISASTERS AND CLIMATE CHANGE

Current renting laws fail to address challenges for renters after disasters. Renters often need to leave town immediately. Urgent repairs can take months or years, leading to population decline in regional and rural areas. A nuanced disaster renting law framework could help renters stay or return faster, benefiting both renters and communities.

Disaster protections for renters should include:

- ▼ Clearer rules on terminations, evictions, repairs, and payments
- ▼ A right to independent inspections and assessments to determine safety, habitability, necessary repairs, and fair rent adjustments
- ▼ A right to rent reductions based on property damage
- ▼ Cooling-off periods for reinstating terminated tenancies
- ▼ First-right-of-refusals for previous tenants
- ▼ A right to place lease obligations on hold pending the outcome of insurance claims following a disaster, and
- ▼ Allowing dispute resolution for disaster-impacted rentals as part of Rental Dispute Resolution Victoria.

RECOMMENDATION 23: CONSISTENT PROTECTIONS FOR RENTERS IMPACTED BY DISASTERS AND CLIMATE CHANGE

<i>Implement disaster protections for renters in the Residential Tenancies Act.</i>
Advocacy areas: Economic Justice, Human Rights
Area of law: Housing
Decision-makers: Minister for Emergency Services, Minister for Consumer Affairs, Minister for Climate Action, Minister for Housing, Attorney-General
Jurisdiction: Victoria
Stages of legal process: Prevention, Early Intervention, At Court or Tribunal
Timeframe: Short term

RENTAL PROTECTIONS IN COMMUNITY HOUSING

Community housing providers are increasingly housing renters experiencing financial hardship and disadvantage in Victoria, with nearly one in four social housing renters now in community housing. However, legal protections for community housing renters lags behind those for public housing renters, as noted in the Social Housing Regulation Review report.⁵⁸

Community legal centres see how community housing renters face fewer protections, are more likely to be evicted, and have limited avenues for review. Renters in community housing deserve equal rights and protections under clear, transparent policies, that are consistent with renters in public housing.


RECOMMENDATION 24: CONSISTENT PROTECTIONS FOR SOCIAL HOUSING RENTERS

<i>Create consistent protections for community housing and public housing renters in Victoria, by implementing model rules.</i>
Advocacy areas: Economic Justice, Human Rights
Area of law: Housing
Decision-makers: Minister for Housing, Homes Victoria
Jurisdiction: Victoria
Stage of legal process: Early intervention
Timeframe: Short term

FAIR AND REASONABLE RENT INCREASES

RENT INCREASES

Average annual rent increases of 10-15 per cent over the past three years, totalling 48 per cent.⁵⁹



Only 1.4 per cent of private rentals are affordable for households on income support.

No private rentals are affordable for single people or parents on income support.

Rent in Victoria has become increasingly unaffordable. Excessive rent hikes continue to worsen the affordability crisis. While the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2024 (Vic)* expands relevant considerations to determine whether a rent increase is excessive, further reform on the fair dollar amount of rent increases is still needed.⁶⁰

We support a framework for fair and reasonable rent increases, recognising housing as a human right, and propose a ‘rental fairness formula’ to ensure more certainty and prevent excessive and unjustified rent increases.

RECOMMENDATION 25: INTRODUCE A FAIR AND REASONABLE RENT INCREASE FORMULA

<i>Legislate a ‘rental fairness formula’ to regulate fair and reasonable rent increases, by amending the Residential Tenancies Act.</i>
Advocacy areas: Economic Justice, Human Rights
Area of law: Housing
Decision-maker: Minister for Consumer Affairs
Jurisdiction: Victoria
Stage of legal process: Early intervention
Timeframe: Short term

ESTABLISH AN ADULT SAFEGUARDING COMMISSION

In 2020, the Victorian State Coroner called for major reforms to protect at-risk adults, citing a fragmented safeguarding system lacking clear pathways and investigative powers,² and the Office of the Public Advocate recently recommended the establishment of an adult safeguarding function to receive and assess reports of abuse.⁶¹

A dedicated Victorian Adult Safeguarding Commission or expanded powers and funding for an existing agency to perform this function, is needed to prevent abuse, neglect, and exploitation. This is recognised as a priority under the Draft National Plan to End the Abuse and Mistreatment of Older People.⁶² The Adult Safeguarding Commission must include significant investigatory powers which extend interstate.

This body must take a rights-based, rather than protectionist, approach, with authority to act on reports of abuse, including without consent when a person lacks decision-making capacity. It should offer oversight, advocacy, and support, and be backed by funding for organisations involved in the response. Existing models in NSW and South Australia should be reviewed to inform Victoria’s approach.

RECOMMENDATION 26: ESTABLISH AN ADULT SAFEGUARDING COMMISSION

<i>Establish an Adult Safeguarding Commission with a mandated responsibility to take action to protect the welfare and human rights of adults in Victoria, drawing on similar models in NSW and South Australia.</i>
Advocacy areas: Violence & Safety, Human Rights, Health Justice
Areas of law: Mental Health, Disability & Elder Abuse
Decision-makers: Department of Families, Fairness and Housing, Minister for Ageing
Jurisdiction: Victoria
Stage of legal process: System Accountability
Timeframe: Medium term

BETTER PROTECTIONS AGAINST FAULTY CAR SALES

Many people rely on cars for work, school, safety, or even shelter. Motor vehicles are protected by consumer guarantees, but too often Victorians cannot enforce their consumer rights when sold a lemon car because seeking justice through VCAT is costly, time consuming, and inaccessible.⁶³ Over 50 per cent of Victorians who bought a used car in the past five years experienced major or minor faults.⁶⁴ Consumer Affairs Victoria receives over 3,000 inquiries and complaints about used cars each year, and these numbers are growing.⁶⁵ Recent research shows that a consumer who has purchased a faulty used car may take over 60 steps to resolve a complaint.⁶⁶ Community legal centres are advocating for a Ministerial Taskforce to lead a suite of reforms to the *Motor Car Traders Act 1986 (Vic)* (**Motor Car Traders Act**) to address these failings.

RECOMMENDATION 27: ESTABLISH A MINISTERIAL TASKFORCE TO REFORM THE MOTOR CAR TRADERS ACT

Establish a Ministerial Taskforce to reform the Motor Car Traders Act to improve access to justice at VCAT for consumers with faulty car complaints.

Advocacy area: Economic Justice

Area of law: Consumer Law

Decision-makers: Minister for Consumer Affairs, Attorney-General

Jurisdiction: Victoria

Stage of legal process: System Accountability

Timeframe: Short to medium term

GREATER REGULATION OF ANIMAL BREEDING INDUSTRY

Many Victorians buy puppies or kittens only to find they have serious or lifelong health issues, leading to high vet bills and emotional distress. While compensation may be available under Australian Consumer Law if the condition existed at the time of sale, pursuing legal action is often too costly, slow, and uncertain—especially for those already caring or grieving for a sick or deceased pet. Refunds or replacements rarely reflect the emotional bond formed with their pet who has quickly become an irreplaceable member of their family.

Victorian laws allow breeding businesses to keep up to 50 fertile female dogs or cats with ministerial approval — well above the legislative limit of 10. This supports intensive breeding of companion animals, and contributes to overpopulation, overcrowded shelters, and rates of healthy animals killed in overcrowded shelters and pounds. This loophole also increases risks of physical, emotional and financial harm from negligent or poorly regulated breeders, affecting both people and animals.

In addition, breeding arrangements often require pet owners to return animals for breeding at various intervals, with sellers profiting from the litters. These deals can become harmful, especially if the animal is unwell or unsuited to breeding, and some pet owners who have acted in an animal’s best interests have faced lawsuits for tens of thousands of dollars in lost profits for ending them.

These reforms are needed to reduce the number of animals being intensively bred, help address shelter overpopulation, and to protect people and animals from contracts that are causing harm to human owners and their companion animals.

RECOMMENDATION 28: IMPROVE REGULATION OF ANIMAL BREEDERS

A. Mandate breeder liability schemes to ensure consumers are compensated for the cost of treating companion animals for congenital or pre-existing health issues.

B. Remove the ministerial discretion for up to 50 breeding animals in a domestic animal breeding business.

C. Legislate automatic exits from breeding arrangements not in an animal’s best interests.

Advocacy area: Animal Justice
Area of law: Consumer Law
Decision-maker: Minister for Agriculture
Jurisdiction: Victoria
Stages of legal process: Prevention, Redress, System Accountability
Timeframe: Short to medium term

VICTORIA & NATIONAL

BAN PREDATORY SALES PRACTICES

Community legal centres have for decades been assisting people harmed by high-pressure, predatory sales at their door or over the phone. As we transition to renewable energy sources, community legal centres are seeing a spike in predatory solar panel and battery sales, particularly in regional and rural areas. Unsolicited selling is an ongoing systemic issue that impacts thousands of Australians and causes real harm. Many marginalised consumers are being misled into buying unsuitable or unaffordable products and as a result end up in significant debt.

Stronger protections against unsolicited sales are needed to prevent harm. Community legal centres call for a blanket ban on unsolicited sales of all products and services.⁶⁷

RECOMMENDATION 29: BAN UNSOLICITED SALES OF ALL PRODUCTS AND SERVICES

The Australian Government and State Governments to enact a blanket ban on unsolicited sales of all products and services — including new energy products and services.

Advocacy areas: Economic Justice, Climate Justice

Area of law: Consumer Law

Decision-makers: Minister for Consumer Affairs; Minister for Climate Action, Minister for Climate Change and Energy

Jurisdiction: Victoria & National

Stage of legal process: Prevention

Timeframe: Short to medium term

IMPLEMENT DISABILITY ROYAL COMMISSION RECOMMENDATIONS IN FULL

People with disability deserve to live free from violence, abuse, neglect and exploitation. The Disability Royal Commission’s findings exposed deeply entrenched systemic failures that have led to widespread discrimination, neglect, abuse, and exclusion of people with disability across Australia.⁶⁸ The Disability Royal Commission called for extensive reforms across 222 recommendations, but the Australian Government has only fully accepted 13 recommendations and 117 in principle.⁶⁹

The Victorian and Australian Governments must fully implement all 222 recommendations made by the Disability Royal Commission to uphold the rights, safety, and dignity of people with disabilities across Australia. Some examples of Disability Royal Commission recommendations that are critical to prevent and address ongoing harm and violence towards people with disability include:

- ▼ Enacting a Disability Rights Act by enshrining disability rights in a National Human Rights Act⁷⁰
- ▼ Embedding human rights in the design and delivery of disability services including ensuring NDIS reforms are developed with people with disability and disability specialist organisations⁷¹
- ▼ Ensuring legal frameworks prohibit people with disability being subjected to restrictive practices except where clearly authorised by law and immediate action banning certain restrictive practices such as seclusion of children and young people,⁷² and
- ▼ Strengthening the *Disability Discrimination Act 1992 (Cth)*.⁷³

Implementing the full suite of recommendations is essential to creating a society that genuinely values inclusion, accessibility, and justice. Partial implementation would risk perpetuating the very harms the Royal Commission was established to address. A comprehensive, coordinated response from all levels of government is necessary to ensure real and lasting change for people with disability, in line with Australia’s human rights obligations.⁷⁴

RECOMMENDATION 30: IMPLEMENT ALL DISABILITY ROYAL COMMISSION RECOMMENDATIONS
<i>Commit to full implementation of all 222 Disability Royal Commission recommendations.</i>
Advocacy areas: Health Justice, Human Rights
Areas of law: Disability, Child Rights, Employment, Education, Health
Decision-makers: Minister for Disability, Minister for Health, Minister for Education, Attorney-General
Jurisdiction: Victoria & National
Stage of legal process: Whole of Process
Timeframe: Short to medium term

BAN CLAIM FARMING TARGETING VICTIM-SURVIVORS OF INSTITUTIONAL CHILD SEXUAL ABUSE

Some law firms and businesses holding themselves out to be ‘survivor advocates’ are engaging in practices that exploit child abuse survivors navigating their redress and compensation options. Community legal centres are seeing an increase in an exploitative practice known as ‘claim farming’, whereby a person contacts a survivor without their permission, to convince them to make a redress or compensation claim, and then sells their information to a law firm. These practices typically target survivors experiencing marginalisation, including First Nations people, people in prison, or people in rural, regional and remote communities. These practices leave survivors feeling harassed, distressed, and taken advantage of by people seeking to profit from their pain.

The ban on claim farming could draw on the Queensland model⁷⁶ and should prohibit anyone paying or receiving a payment for a survivor’s details.

PREVENT STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

Strategic Lawsuits Against Public Participation (SLAPPs) are legal actions designed to intimidate and silence individuals and organisations engaged in lawful advocacy. They disproportionately affect journalists, activists, and community legal centres by creating financial and legal burdens, discouraging public interest work and undermining Victorian Charter rights and democratic freedoms. There are currently no strong legal protections at a state or national level, leaving advocates and activists vulnerable to protracted legal battles and significant financial costs.

We need anti-SLAPP laws that allow early dismissal of meritless cases, shift the burden of proof to claimants, protect against excessive costs, and include a public interest defence and transparency mechanisms such as court reporting to track SLAPP cases.⁷⁵

RECOMMENDATION 31: PASS ANTI-SLAPP LAWS
<i>Enact anti-SLAPP legislation, including early dismissal mechanisms, claimants bearing the burden of proof, costs protections, a public interest defence, and transparency mechanisms.</i>
Advocacy areas: Human Rights, First Nations Justice, Climate Justice, Gender Justice
Area of law: Legal Professional Regulation
Decision-maker: Attorney-General
Jurisdiction: Victoria & National
Stage of legal process: Prevention
Timeframe: Short term

RECOMMENDATION 32: BAN ‘CLAIM FARMING’
<i>A. Ban ‘claim farming’ in Victoria. The Victorian Government should ban ‘claim farming’ by prohibiting anyone from approaching a victim of abuse without their consent and soliciting or inducing them to make a claim.</i>
Decision-makers: Minister for Victims, Attorney-General
Jurisdiction: Victoria
<i>B. Ban ‘claim farming’ nationally. The Australian Government should lead a consistent response to claim farming practices, including in relation to personal injury claims and redress processes.</i>
Advocacy areas: Violence & Safety, Human Rights
Area of law: Legal Professional Regulation
Decision-maker: Attorney-General
Jurisdiction: National
Stage of legal process: Prevention
Timeframe: Short term

NATIONAL

PAY YOUNG WORKERS FAIRLY

Junior rates allow employers to pay 16–20-year-olds less than Award and minimum wages, pushing many young people into poverty and homelessness — especially those without family support. These rates are discriminatory, exploit young workers, and force young people to work longer hours and give up educational opportunities. Young workers on reduced junior rates make up less than four per cent of Australian workers, and are earning \$3.5 billion less than if they were paid at adult rates.⁷⁷ Economic modelling shows that removing the option for employers to pay young workers at lower rates is not costly to implement, would stimulate demand for goods and services, and have minimal labour market impact.⁷⁸ Repealing section 25 of the *Age Discrimination Act 2004 (Cth)* (**Age Discrimination Act**),⁷⁹ and updating the Fair Work Act and modern awards would ensure equal pay for equal work, regardless of age.

RECOMMENDATION 33: ABOLISH YOUTH WAGES
<i>Abolish junior rates by repealing s 25 of the Age Discrimination Act and amending the Fair Work Act.</i>
Advocacy area: Economic Justice
Areas of law: Employment Law, Discrimination Law
Decision-makers: Minister for Employment and Workplace Relations, Minister for Youth
Jurisdiction: National
Stage of legal process: Prevention
Timeframe: Short to medium term

HEALTHCARE FOR TRANS AND GENDER DIVERSE PEOPLE

Despite the proven health, social, and economic benefits, healthcare for trans and gender diverse people remains under-subsidised or excluded from the Medicare and Pharmaceutical Benefits Scheme (**PBS**). As a result, trans and gender diverse people often face out-of-pocket costs for gender affirming surgeries ranging from \$15,000 to \$140,000, or go without — leading to poorer mental health and higher rates of suicide. Community legal centres regularly see the serious harm caused when our clients cannot afford these essential, often lifesaving, health services and medical treatments. Barriers to accessing gender affirming healthcare and surgeries contribute to the marginalisation of trans and gender diverse people and entrench barriers to work, housing, and feeling safe from discrimination and abuse. Teenagers seeking to medically affirm their gender also face significant legal barriers through the Family Court when both parents do not consent to treatment.⁸⁰

RECOMMENDATION 34: INCLUDE TRANS AND GENDER DIVERSE HEALTHCARE IN MEDICARE AND THE PBS
<i>Include gender affirming healthcare for trans and gender diverse people under Medicare and the PBS.</i>
Advocacy area: Human Rights
Area of law: Discrimination Law
Decision-maker: Minister for Health
Jurisdiction: National
Stage of legal process: Prevention
Timeframe: Short to medium term

ACCESS TO PAID LEAVE AND FLEXIBLE WORK FOR WORKERS IMPACTED BY CLIMATE-RELATED DISASTERS

Climate change directly affects community legal centre clients, especially in regional Victoria, through more frequent and severe events like floods, bushfires, heatwaves, and cyclones. These events create employment issues — such as unsafe working conditions and workplace injuries — and make it difficult for affected people to access leave or flexible work while they recover and rebuild. Casual workers are particularly vulnerable during climate disasters due to insecure employment. Paid leave and flexible work arrangements are needed to support all workers, including casuals, in the aftermath of disasters — regardless of employment status or the size of the employer. The Fair Work Act must be updated to reflect these growing climate-related workplace challenges.⁸¹

RECOMMENDATION 35: PASS CLIMATE-RELATED DISASTER PROTECTIONS FOR WORKERS
<i>Implement paid leave and flexible work rights for workers impacted by climate-related disasters, by amending the Fair Work Act.</i>
Advocacy areas: Economic Justice, Climate Justice
Area of law: Employment
Decision-maker: Minister for Employment and Workplace Relations
Jurisdiction: National
Stage of legal process: Early Intervention
Timeframe: Short term

INVESTIGATE AND REGULATE PAWNBROKING

Pawnbroking provides access to credit to people excluded from mainstream lending but is largely exempt from national consumer credit laws. This exposes at-risk consumers to high fees and loss of goods.⁸² Weak licensing and oversight allows unethical operators to exploit customers and handle stolen items. The lack of transparency and sense of shame consumers experience makes this harmful form of deceitful credit largely invisible.

We’re calling for an independent public inquiry into Australia’s pawnbroking industry to:

- ▼ understand the current size and operation of the industry
- ▼ document the impact it is having on the lives of vulnerable consumers, in particular First Nations people and communities,⁸³ and
- ▼ recommend critical reform to increase regulation and oversight.

RECOMMENDATION 36: HOLD A NATIONAL PAWNBROKING INQUIRY
<i>Launch an independent national inquiry into Australia’s pawnbroking industry, including investigation, recommendations for reform, and transparent publication of findings.</i>
Advocacy areas: Economic Justice, First Nations Justice
Area of law: Consumer Law
Decision-maker: Productivity Commission
Jurisdiction: National
Stage of legal process: System Accountability
Timeframe: Short to medium term

SECTION 5:

FAIR AND ACCOUNTABLE GOVERNMENT ACTIONS

This section outlines reforms needed to hold government to account for systemic harm caused by government agents, decisions and systems.

Community legal centres advocate for essential reforms to ensure our clients can seek redress when harmed by government actions and to hold state authorities accountable for systemic injustice. We expose systemic and institutional shortfalls such as insufficient oversight, inconsistent standards, and unclear accountability. Strengthening legal protections and accountability helps ensure fair outcomes and builds public trust in government and democracy.

VICTORIA

HOUSING CERTAINTY FOR PUBLIC HOUSING RENTERS IN TOWERS DUE FOR DEMOLITION

The Victorian Government plans to redevelop 44 public housing towers, displacing over 10,000 residents. Under the plan, 11,000 of the 30,000 people living in the redeveloped public housing estates will be living in community or public housing by 2051, amidst an additional 19,000 new private renters or homeowners.

No public housing renter should feel compelled to move into community housing. However, many tenants report feeling pressured to leave without clear information from Homes Victoria about their options. Clear, public relocation guidelines are needed to guarantee residents' rights to return to safe, suitable public housing. If renters choose to move from public to community housing, they should not be worse off – with rent, services charges and renter protections equal to public housing standards.

RECOMMENDATION 37: DEVELOP PUBLIC HOUSING RELOCATION GUIDELINES

Develop legally enforceable relocation guidelines guaranteeing public housing residents a right of return and a 'better off overall' guarantee.

Advocacy areas: Economic Justice, Human Rights

Area of law: Housing

Decision-makers: Department of Families, Fairness and Housing

Jurisdiction: Victoria

Stages of legal process: Prevention, Early Intervention

Timeframe: Short term

UPHOLD PROTEST RIGHTS

The community legal movement was born from grassroots action against injustice faced by marginalised communities, in particular First Nations communities. From the outset, we have challenged legal systems and government actions that punish poverty and disadvantage. We continue to recognise the vital role of protest in achieving justice for people, communities, and the environment.

The growing criminalisation of peaceful protest threatens our democracy. Recent trends show an increase in restrictive laws, expanded police powers, vague guidelines, and heavy-handed policing of peaceful demonstrations. Temporary protest disruptions are often treated as unlawful, prompting excessive measures like banning face masks or expanding designated search areas for up to six months. Harsh anti-protest laws in other states, such as NSW's burdensome permit system, undermine democratic participation and should not be replicated in Victoria.

RECOMMENDATION 38: STRENGTHEN LEGAL PROTECTIONS FOR PROTEST RIGHTS

Strengthen legal protections for protest rights, and discontinue proposals to restrict protest rights or expand police powers.

Advocacy area: Human Rights

Area of law: Criminal Law

Decision-makers: Attorney-General, Minister for Police

Jurisdiction: Victoria

Stages of legal process: Prevention, Early Intervention

Timeframe: Short term

IMPROVE VICTORIA POLICE RESPONSES TO VICTIM-SURVIVORS

FAMILY VIOLENCE

Harmful and inconsistent police practices undermine family violence protections and put victim-survivors at risk. Despite some progress, issues like misidentification, delays, poor communication, privacy breaches, and dismissive conduct show a lack of consistent, evidence-based, and trauma-informed responses by Victoria Police.⁸⁴ Clear, accountable police standards are essential to restoring trust and ensuring safety, through following trauma-informed, culturally safe and evidence-based guidelines for responding to family violence.

We urge Victoria Police to review and update the Family Violence Code of Practice and related practice guides, in consultation with community legal centres, including changes to ensure:

- ▼ Affected family members are informed of their right to legal advice
- ▼ Keeping affected family members and protected persons updated throughout the criminal process (e.g. outcome of investigations, when charges are laid and heard) in line with the Victims’ Charter, and
- ▼ Safeguarding victim-survivors by redacting police station details from applications and orders where this could disclose a person’s location and risk their safety, particularly in regional areas with smaller populations.



SEXUAL VIOLENCE

Police are the gateway to the justice system, yet many victim-survivors do not report their experiences of sexual violence because they feel fearful, unsafe or unsupported. In fact, nine out of 10 women who have experienced sexual violence do not report to the police.⁸⁵ This is particularly true of victim-survivors facing structural barriers, including First Nations people, migrants, people with disability, children and young people and LGBTIQ+ communities.⁸⁶

POLICE RESPONSE TO VICTIM-SURVIVORS



Two in five victim-survivors did not report their experience of sexual violence to Victoria Police because ‘they did not feel safe talking to police, or they thought they would not be taken seriously’.⁸⁷

Victoria Police lacks clear, public-facing policies for handling sexual violence reports, including how reports will be handled and progressed and when/how matters will be prosecuted. This leads to inconsistent and unclear decision-making that deepens trauma and undermines confidence in the system. Many victim-survivors of sexual violence are also unaware of their rights under the Victims’ Charter.⁸⁸

Community legal centres are calling for a clear, accessible Statement of Rights — co-designed with lived experience advocates and made available in multiple formats and languages — to be provided at key stages of criminal proceedings.⁸⁹

Victoria Police should also develop, publish, and implement guidelines for responding to family and sexual violence, an options guide for victim-survivors, and a prosecution policy to guide fair and transparent decision-making, embedding Victims’ Charter rights and aligned with Australian Law Reform Commission recommendations.⁹⁰

RECOMMENDATION 39: UPDATE VICTORIA POLICE FAMILY AND SEXUAL VIOLENCE PRACTICE GUIDES

A. Review Victoria Police Family Violence Practice Guides. Review and update the Family Violence Code of Practice and related practice guides to ensure victim-survivors can access legal advice, are updated on criminal investigations or changes, and safeguards to prevent victim-survivors being located by respondents.

B. Develop and publish Victoria Police family and sexual violence policies. Develop, implement and openly publish trauma-informed policies including a statement of rights, an options guide, prosecution policy and practice guidelines to guide Victoria Police responses to family and sexual violence, implementing the Australian Law Reform Commission’s recommendations.⁹¹

Advocacy areas: Violence & Safety, Gender Justice, Human Rights, First Nations Justice

Area of law: Victims of Crime

Decision-maker: Chief Commissioner of Victoria Police

Jurisdiction: Victoria

Stages of legal process: Prevention, Early Intervention, At Court or Tribunal

Timeframe: Short term

STRENGTHEN THE ROLE OF THE VICTIMS OF CRIME COMMISSIONER

Community legal centres support many victims of crime who have had negative experiences with Victoria Police, the Office of Public Prosecutions, or other agencies.

VICTIMS' PARTICIPATION IN THE JUSTICE SYSTEM

The Systemic Inquiry into Victims' Participation in the Justice System found that **74 per cent of victims felt that they were not treated as a participant**, and 45 per cent of victims would not participate in the justice process again because it caused further trauma and they felt unsafe.⁹²

The principles and entitlements under the Victims Charter are a critical mechanism to ensuring victims of crime are treated with dignity and respect, but greater accountability and compliance is needed to uphold these rights.

The Victims of Crime Commissioner has an integral role to play in ensuring compliance with the Charter, and community legal centres support the strengthening of its enforcement and complaints mechanisms. However, under the *Victims of Crime Commissioner Act 2015 (Vic)* (**Victims of Crime Commissioner Act**), a person can only complain about breaches of their rights under the Victims' Charter to the Victims of Crime Commissioner if they have made a complaint directly to the relevant agency. Many clients are reluctant to do this, fearing their complaint won't be taken seriously. These barriers mean that victims' needs are often unmet, especially if they mistrust the agency that treated them unfairly. The Victims of Crime Commissioner should also be granted appropriate enforcement and compliance powers, including own motion investigation powers, to ensure consistent application of the Victims' Charter.

<p>RECOMMENDATION 40: STRENGTHEN THE ROLE OF THE VICTIMS OF CRIME COMMISSIONER</p> <p><i>Strengthen the role of the Victims of Crime Commissioner through greater enforcement and compliance powers, and repeal s 25A(b) of the Victims of Crime Commissioner Act to enable victims of crime to make direct complaints to the Victims of Crime Commissioner.</i></p>
<p>Advocacy area: Violence & Safety</p>
<p>Area of law: Victims of Crime</p>
<p>Decision-makers: Attorney-General, Minister for Victims</p>
<p>Jurisdiction: Victoria</p>
<p>Stages of legal process: Application, System Accountability</p>
<p>Timeframe: Short to medium term</p>

ALLOW PEOPLE UNDER GUARDIANSHIP AND ADMINISTRATION ORDERS TO TALK ABOUT THEIR ORDERS

Guardians and administrators have considerable decision-making powers over represented people's housing, healthcare and finances. Current laws prevent represented people and their families from speaking publicly about their experiences without VCAT's permission, even when sharing their own stories. Gaining permission requires VCAT to determine that sharing details of the order is in the public interest.

"[A PERSON] "MUST NOT PUBLISH OR BROADCAST OR CAUSE TO BE PUBLISHED OR BROADCAST ANY REPORT OF A PROCEEDING UNDER THE GUARDIANSHIP AND ADMINISTRATION ACT 2019 (VIC) THAT IDENTIFIES, OR COULD REASONABLY LEAD TO THE IDENTIFICATION OF, A PARTY TO THE PROCEEDING" [WITHOUT PERMISSION FROM VCAT] - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998 (VCAT ACT) SCHED 1, CLAUSE 37

Represented people should be able to speak about their orders, with VCAT permission only required for third parties, such as family or media. This will improve accountability and ensure systemic issues are identified and rectified. There should be a presumption in favour of allowing third-party publication except against the represented person's wishes or where it could cause serious harm.

<p>RECOMMENDATION 41: ALLOW PEOPLE UNDER GUARDIANSHIP AND ADMINISTRATION ORDERS TO TALK ABOUT THEIR ORDERS</p> <p><i>Allow represented people to share their own stories, and establish a presumption in favour of approval for third-party disclosures except against the represented person's wishes or where it risks serious harm to the protected person, by amending s 37 of the VCAT Act.</i></p>
<p>Advocacy areas: Human Rights, Health Justice</p>
<p>Area of law: Guardianship & Administration</p>
<p>Decision-makers: Minister for Mental Health, Minister for Disability, Attorney-General</p>
<p>Jurisdiction: Victoria</p>
<p>Stage of legal process: System Accountability</p>
<p>Timeframe: Short term</p>

STRENGTHEN ACCOUNTABILITY FOR EMERGENCY MANAGEMENT PLANS

Victoria is experiencing escalating climate impacts, including more frequent and intense heatwaves, bushfires, droughts, and flooding. These changes are straining ecosystems, infrastructure, and communities across the state. The Victorian State Emergency Management Plan outlines procedures for responding to emergencies such as natural disasters and fires. It provides a state-level framework for planning, evacuation, medical assistance, communication, and defines the roles and responsibilities of emergency agencies. However, there are no consequences for governments who fail to meet obligations under State, Regional, and Municipal Emergency Plans established under the *Emergency Management Act 2013 (Vic)* (**Emergency Management Act**).

The Act should recognise the duty of care owed to Victorians who rely on Emergency Management Plans being implemented, including clear accountability and enforcement measures such as penalties and sanctions for non-compliance.

<p>RECOMMENDATION 42: ADD ACCOUNTABILITY FOR NON-COMPLIANCE WITH STATE EMERGENCY MANAGEMENT PLAN</p> <p><i>Add accountability mechanisms such as penalties and sanctions for failing to implement Emergency Plans, by strengthening the Emergency Management Act.</i></p>
<p>Advocacy areas: Climate Justice, Human Rights, Health Justice, Economic Justice</p>
<p>Area of law: Emergency Management</p>
<p>Decision-maker: Minister for Emergency Services</p>
<p>Jurisdiction: Victoria</p>
<p>Stage of legal process: System Accountability</p>
<p>Timeframe: Short term</p>

ABORIGINAL JUSTICE COMMISSIONER

Over 600 Aboriginal and Torres Strait Islander people have died in custody since the Royal Commission into Aboriginal Deaths in Custody, yet many of its recommendations remain unimplemented.

For nearly 20 years, the Aboriginal Justice Caucus and Aboriginal Community Controlled Organisations have called for a Statewide Aboriginal Justice Commissioner. This independent, statutory role – established in partnership with the Aboriginal Justice Caucus – must be empowered to strengthen justice outcomes for Aboriginal people in Victoria. This must include monitoring implementation of key recommendations from the Royal Commission into Aboriginal Deaths in Custody and other inquiries, assessing legal impacts of proposed legislation on First Peoples, making recommendations to address systemic discrimination, promoting education and engagement, standing for legal intervention, powers to conduct investigations and independent review, and reporting directly to parliament.

RECOMMENDATION 43: ESTABLISH A VICTORIAN ABORIGINAL JUSTICE COMMISSIONER

Establish an independent Aboriginal Justice Commissioner for Victoria in partnership with the Aboriginal Justice Caucus.

Advocacy areas: First Nations Justice, Human Rights, Crime & Justice Reform

Areas of law: First Nations Justice, Crime

Decision-makers: Minister for Treaty & First Peoples, Attorney-General

Jurisdiction: Victoria

Stage of legal process: System Accountability

Timeframe: Short term


INDEPENDENT POLICE OMBUDSMAN

Victoria’s police oversight system is failing people who have been harmed by police.

“THE SYSTEM ROUTINELY DENIES OR JUSTIFIES POLICE MISCONDUCT AND FAILS TO HOLD OFFICERS OR MANAGEMENT TO ACCOUNT. THE VAST MAJORITY OF COMPLAINTS ABOUT POLICE ARE INVESTIGATED BY POLICE WHICH UNDERMINES EFFECTIVENESS AND GENERATES MISTRUST. THERE IS COMPELLING EVIDENCE FOR THE NEED OF A TRULY INDEPENDENT POLICE COMPLAINTS SYSTEM.”⁹³ - YOORROOK JUSTICE COMMISSION

This statement echoes the experience of community legal centres who routinely see how Victoria Police and the Independent Broad-based Anti-Corruption Commission (IBAC) fail to properly investigate complaints of police abuse and misconduct.

COMPLAINTS OF POLICE ABUSE AND MISCONDUCT



Under 1 per cent of police complaints are independently investigated by IBAC. Over 99 per cent are referred back to Victoria Police for internal investigation.⁹⁴

Many victims of police misconduct fear retaliation and face a complaints process that is inaccessible and not trauma-informed. The current process where the majority of police complaints are investigated by police, is not an independent or effective complaints mechanism. Long delays and lost evidence mean very few police complaints are adequately investigated or result in positive outcomes for community legal centre clients, leaving them with no recourse other than costly legal proceedings.

The Yoorrook Justice Commission has called for a fully independent police oversight authority, led by a non-police statutory officer.⁹⁵ It must be properly resourced and empowered to investigate complaints, monitor police conduct and custody, and conduct own-motion investigations.⁹⁶ It should have strong powers to compel evidence, operate under First Peoples leadership for relevant complaints, and report publicly on systemic issues and police data.⁹⁷ The new mechanism must be co-designed with victims of police misconduct and aligned with Yoorrook’s recommendations and guidance.⁹⁸

KEY ELEMENTS OF A POLICE OMBUDSMAN SYSTEM



Independent: Culturally, politically, and practically independent – police shouldn't investigate police.



Victim-centred: Co-designed with people harmed by police, and trauma-informed to prevent further harm.



Fair and Transparent: Ensure procedural fairness, regular updates, and review rights.



Timely: Clear timeframes to avoid delays and ensure justice.



Accessible: Multilingual information, interpreters, multiple reporting methods, and third-party reporting options.



Well-resourced: Sufficient funding and strong powers to monitor, investigate, and report on systemic issues.

POLICY PLATFORM FOR VICTORIA'S COMMUNITY LEGAL SECTOR (2025-2030)

RECOMMENDATION 44: ESTABLISH AN INDEPENDENT POLICE OMBUDSMAN

Establish an independent, well-resourced Police Ombudsman to ensure a trauma-informed, fair, accessible, and culturally safe system.

Advocacy areas: First Nations Justice, Human Rights, Crime & Justice Reform

Area of law: Police Complaints

Decision-makers: Attorney-General, Minister for Police, Minister for Victims

Jurisdiction: Victoria

Stage of legal process: Whole of process

Timeframe: Short term

INDEPENDENT DETENTION OVERSIGHT

Everyone has the right to be safe and treated humanely in custody, yet community legal centres continue to see cruel and degrading treatment in Victorian prisons and other facilities where people are detained, including hospitals and immigration detention facilities. These practices cause long-term harm and have too often been fatal. Since the Royal Commission into Aboriginal Deaths in Custody, close to 600 Aboriginal and or/Torres Strait people have died in custody.⁹⁹ Many of these deaths were preventable, yet the same mistakes are repeated over and over with little transparency or accountability.

Australia ratified the Optional Protocol to the Convention against Torture (OPCAT) in 2017, but Victoria has yet to establish a National Preventative Mechanism to regularly inspect places where people are deprived of liberty, and include prisons, police cells, youth justice facilities, mental health units, residential disability services, and educational facilities. The National Preventative Mechanism must be developed with Aboriginal leadership to ensure it is culturally informed, as Aboriginal people are overrepresented in custody and disproportionately affected by poor prison conditions.

OPCAT'S FOCUS ON PREVENTION

- Systemic issues** (e.g. overcrowding, isolation, use of force)
 - Improving laws, policies, and practices
 - Ensuring **humane treatment and dignity** for all people in detention
 - Key requirements of Victoria’s detention oversight mechanism
- Independent** from government and detention authorities
- Adequately resourced** (staff, funding, expertise)
- Legally empowered to access all places** where people are deprived of their liberty,¹⁰⁰ at any time, without prior notice
- Able to inspect** conditions and treatment, conduct confidential interviews, make systemic recommendations to improve treatment and conditions, publicly reporting, and
- Protection from retaliation**, including for people who cooperate with them.

RECOMMENDATION 45: CREATE AN INDEPENDENT DETENTION OVERSIGHT SYSTEM

Nominate, empower and adequately resource a National Preventive Mechanism to monitor conditions and human rights compliance in all places of detention, in accordance with Australia’s obligations under OPCAT.

Advocacy areas: First Nations Justice, Human Rights, Crime & Justice Reform
Area of law: Corrections
Decision-makers: Attorney-General, Minister for Corrections
Jurisdiction: Victoria
Stage of legal process: System Accountability
Timeframe: Short term

ACCESS TO VICTORIAN GOVERNMENT FREEDOM OF INFORMATION DECISIONS

Community legal centres rely on Freedom of Information (FOI) laws, such as the *Freedom of Information Act 1983 (Vic)* (FOI Act), to access government information and identify systemic issues. At a national level, Australian Government agencies publish details of information they release in response to freedom of information requests on their websites.¹⁰¹ Implementing FOI disclosure logs for Victorian agencies would enhance transparency and public access, save time and cost, streamline advocacy, and reduce the need for repeated FOI requests. Data reporting and collection must be informed by, and compliant with, principles of Indigenous Data Sovereignty and Indigenous Data Governance.

RECOMMENDATION 46: PUBLISH VICTORIAN GOVERNMENT FOI DISCLOSURE LOGS

Require Victorian Government agencies to publish FOI disclosure logs on their websites, aligning with national laws, by amending the FOI Act.

Advocacy areas: Human Rights, Climate Justice, First Nations Justice, Crime & Justice Reform
Area of law: Freedom of Information
Decision-maker: Attorney-General
Jurisdiction: Victoria
Stage of legal process: System Accountability
Timeframe: Short to medium term

NATIONAL

PERMANENT PROTECTION FOR REFUGEES AND PEOPLE SEEKING ASYLUM

Permanent protection is essential for refugees to rebuild their lives and reunite with their families with certainty and hope for the future. Yet over 8,000 people remain in limbo on temporary visas with no pathway to permanency, despite living in Australia for years.¹⁰² This includes people failed by the ‘Fast Track’ refugee assessment process which denied people the chance to a fair hearing, and people subjected to years of cruel and inhumane treatment in offshore detention. These people are now part of our communities and have built their lives here - they must finally be afforded permanent safety. There are existing powers in the *Migration Act 1958 (Cth)* (Migration Act) that could address this injustice - all that is required is the political will.

RECOMMENDATION 47: PROVIDE PERMANENT PROTECTION TO PEOPLE FAILED BY FAST TRACK AND OFFSHORE PROCESSING REGIMES

Grant permanent visas to all people in Australia subjected to offshore processing or failed by Australia’s Fast Track migration system, using existing discretionary powers in the Migration Act.

Advocacy areas: Human Rights, Violence & Safety
Area of law: Migration
Decision-maker: Minister for Immigration
Jurisdiction: National
Stages of legal process: Prevention, Early Intervention
Timeframe: Short term

STOP USING PUNITIVE MIGRATION SYSTEMS TO TEAR FAMILIES APART

Keeping families together is critical, yet Australia’s migration system fails to adequately support family unity for refugees. Refugees seeking to reunite with loved ones face numerous barriers,¹⁰³ including high visa costs, lengthy delays, complex application procedures,¹⁰⁴ and restrictive definitions of family.¹⁰⁵ As a result, many are left isolated and vulnerable, with prolonged separation compounding trauma and hindering successful settlement and integration.

We support amending the *Migration Regulations 1994 (Cth)* (**Migration Regulations**) to:

- ▼ remove age limits for dependents on Partner visas – ensuring children do not ‘age out’ and become separated from their families
- ▼ waive family stream visa fees for people from refugee and humanitarian backgrounds experiencing financial hardship, and
- ▼ allow flexibility – such as waivers or postponement – of visa criteria like health checks, biometrics collection or providing state-issued identity documents where they cannot reasonably be met by an applicant or sponsor from a refugee or humanitarian background.

RECOMMENDATION 48: REMOVE IMMIGRATION OBSTACLES TO FAMILY REUNION

Remove obstacles to family reunion such as age limits for children on partner visas, financial hardship fee waivers for family visas, and flexibility of visa criteria that refugees cannot meet, by amending the *Migration Regulations*.

Advocacy areas: Human Rights, Economic Justice

Area of law: Migration

Decision-maker: Minister for Immigration

Jurisdiction: National

Stages of legal process: Prevention, Application

Timeframe: Short term

REDUCE BARRIERS TO THE DISABILITY SUPPORT PENSION

In 2023–24, nearly half the 113,000 Disability Support Pension (DSP) applications were rejected,¹⁰⁶ as a result of the onerous and unnecessary eligibility criteria and the 18-month Program of Support requirement. These barriers block access to essential and lifesaving income support for many people with disability and serious medical conditions, leaving them reliant on the JobSeeker Payment with mutual obligations they’re often unable to meet.

For example, a medical exemption for the DSP means a person is temporarily excused from participation requirements, such as attending appointments or completing programs. However, this exemption does not count towards the 18-month ‘active participation’ requirement for DSP eligibility. This requires a person to have actively participated in a Program of Support for at least 18 months within the three years before applying. In practice, many clients who receive a medical exemption do not realise that this may mean they are ineligible for the DSP, and often are required to complete additional months of active participation in the Program of Support to be eligible.

RECOMMENDATION 49: REMOVE PROGRAM OF SUPPORT FROM DISABILITY SUPPORT PENSION

Remove the Program of Support requirement for Disability Support Pension access, by amending the *Social Security Act*.

Advocacy areas: Economic Justice; Human Rights

Area of law: Social Security

Decision-makers: Minister for Social Services; Minister for Government Services

Jurisdiction: National

Stages of legal process: Prevention, Application

Timeframe: Short term

RAISE THE RATE AND REINSTATE SIX-YEAR CUTOFF FOR CENTRELINK DEBTS

Increase income support above the poverty line

Social security recipients face high poverty rates, and often struggle to pay rent, bills, and afford basic needs like food and medicine.¹⁰⁷ Low payment rates and long-term poverty create barriers to re-engaging in the workforce and raising children. Raising social security above the poverty line would help people meet basic needs, improve health and wellbeing, and support their ability to re-enter the workforce. It’s a fair and effective way to reduce poverty and build a more just and inclusive society.

Reinstate six-year limitation for Centrelink debt recovery

The Australian Government’s pursuit of unsubstantiated Centrelink debts and harmful debt collection practices exacerbates people’s hardship, as recognised by the Robodebt Royal Commission.¹⁰⁸ To reduce financial hardship for people struggling to make ends meet in a cost-of-living crisis, the Robodebt Royal Commission recommended that the Australian Government reinstate the time limit of six years after which people cannot be pursued for Centrelink debts.¹⁰⁹

RECOMMENDATION 50: RAISE THE RATE AND REINSTATE SIX-YEAR CUTOFF FOR CENTRELINK DEBTS

A. Raise the Rate. Increase Centrelink payments to above the poverty line (or at least \$82 a day in line with pension payments).

B. Reinstate six-year cutoff for Centrelink debts. Reinstate the six-year limitation period for Centrelink debt recovery by amending the *Social Security Act*, *Family Assistance Act* and *Student Assistance Act*.

Advocacy areas: Economic Justice, Human Rights, Health Justice

Area of law: Social Security

Decision-makers: Minister for Social Services, Minister for Government Services

Jurisdiction: National

Stage of legal process: Prevention

Timeframe: Short term

LEGISLATE AN AUSTRALIAN HUMAN RIGHTS ACT

Human rights are a guiding compass so every person, no matter who we are or where we come from, can live a life with dignity and freedom, protected and enforced by the law. Human rights are essential for dignity and freedom, yet they have been increasingly threatened.¹¹⁰ All Australian Government decisions should take into account and be consistent with human rights, such as rights to health, education, housing, culture, privacy, First Nations self-determination, family and community, and equality and non-discrimination.

A National Human Rights Act would embed values like equality, dignity and respect in government decisions, laws and services. Australia’s Human Rights Act should give effect to international human rights obligations, and explicitly implement human rights for people with disability and include rights to a healthy environment and rights protections for victims and survivors.¹¹¹

RECOMMENDATION 51: LEGISLATE AN AUSTRALIAN HUMAN RIGHTS ACT

Legislate a *National Human Rights Act*, giving effect to the *Parliamentary Joint Committee on Human Rights’* recommendations.¹¹²

Advocacy areas: Human Rights, Climate Justice, Violence & Safety, First Nations Justice

Area of law: Human Rights

Decision-maker: Attorney-General

Jurisdiction: National

Stages of legal process: Prevention, At Court or Tribunal, System Accountability

Timeframe: Short to medium term

SECTION 6: COMMUNITY SUPPORT, NOT STATE INTERVENTION

This section calls for a shift in government policy towards prevention and early intervention through stronger community-based supports, instead of punitive responses through family separation, criminalisation and incarceration.

Community legal centres are committed to evidence-based policies that reduce incarceration and better support disadvantaged communities. Community-based, trauma-informed approaches that prioritise prevention are effective at addressing drivers of violence and offending, and keeping families together. These reforms direct people away from police, child protection and prisons, and towards health, education, housing and community supports. These policy shifts will mean more families stay together, more people will be connected to the healthcare and social supports they need, and crime and prison numbers will go down.

VICTORIA

CHILDREN

All children deserve dignity, compassion, and fairness under the law. For certain groups of young people, almost exclusively those facing structural disadvantage, there is a significant overrepresentation within the criminal legal system. And yet, there is a significant underservicing of social supports for these same cohorts.¹¹³ To uphold all children's rights and best interests under the Convention of the Rights of the Child, we need to shift toward prevention, early intervention, rehabilitation, and long-term wellbeing over punishment and separation of families.

RAISE THE AGE OF CRIMINAL RESPONSIBILITY TO 14

The *Youth Justice Act 2024 (Vic)* (**Youth Justice Act**) raised the age of criminal responsibility to 12, but not 14 — despite clear medical evidence that criminalising children under 14 causes lasting harm and trauma.¹¹⁴ Children as young as 12 and 13 years old are still pipelined into police custody and youth prisons. Overwhelmingly, these children have experienced trauma, have a disability, are in child protection, or are Aboriginal. The age should be raised to 14 with no exceptions or additional police powers, in line with medical advice, human rights standards, and the Yoorrook Justice Commission recommendations.¹¹⁵

RECOMMENDATION 52: RAISE THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY TO 14

Raise the minimum age of criminal responsibility to 14, with no exceptions or further police powers, by amending the Youth Justice Act.

Advocacy areas: Human Rights, Crime & Justice Reform

Area of law: Youth Justice

Decision-makers: Attorney-General, Minister for Youth Justice, Minister for Children

Jurisdiction: Victoria

Stage of legal process: Prevention

Timeframe: Short to medium term

MINIMUM AGE AND CAPACITY CONSIDERATIONS FOR INTERVENTION ORDER RESPONDENTS

Currently, intervention orders can be made against children of any age.¹¹⁶ Establishing a minimum age for intervention order respondents is essential to prevent harm to children, particularly given most child respondents have experienced family violence themselves.¹¹⁷

Child respondents on intervention orders need support, not punishment, isolation and criminalisation. Intervention orders often do not address the underlying issues impacting children and young people, and should only be considered as a last resort where other support measures have been meaningfully attempted to address the behaviour.

In line with international human rights standards and medical evidence, we support setting a minimum age of at least 14 for child respondents for intervention orders by amending section 18 of the *Personal Safety Intervention Orders Act 2010 (Vic)* (**Personal Safety IVOs Act**) and introducing a standalone provision in the Family Violence Act. This should be introduced without exceptions and with no new police powers.¹¹⁸

At the point of making an order, courts are not required to consider if a child respondent of any age understands or can comply with an order. This increases the risk of breaches and early criminalisation — especially for young people with disabilities, who face additional barriers to understanding and following orders.¹¹ This could be addressed by requiring a magistrate to be satisfied that a child understands the nature and effect of an intervention order, and is capable of complying with the conditions of the order, given their age, maturity and cognitive capacity. This can be achieved by introducing a section similar to section 61(2) of the Personal Safety IVOs Act in the Family Violence Act.

We also support including a legislative presumption against making an interim or final order against an unrepresented child respondent unless there are exceptional circumstances, and amending the Personal Safety IVOs Act to include a positive duty on the court to consider whether the Department of Education has facilitated genuine support and attempts to resolve the dispute before an intervention order is made.

RECOMMENDATION 53: SET MINIMUM AGE AND CAPACITY CONSIDERATIONS FOR CHILD INTERVENTION ORDER RESPONDENTS
<i>Set a minimum age of 14 for child family violence and personal safety intervention order respondents, and require magistrates to be satisfied of a respondent child’s capacity (regardless of age) to understand and comply with a family violence intervention order, by amending the Personal Safety IVOs Act and Family Violence Protection Act.</i>
Advocacy areas: Violence & Safety, Human Rights
Area of law: Intervention Orders
Decision-makers: Attorney-General, Minister for Children, Minister for Prevention of Family Violence
Jurisdiction: Victoria
Stages of legal process: Prevention, At Court or Tribunal
Timeframe: Short term

RAISE THE AGE OF YOUTH DETENTION TO 16 AND KEEP CHILDREN OUT OF PRISONS

Early contact with the criminal system increases the risk of reoffending, and incarceration causes serious harm — especially for children overrepresented in Victorian prisons such as Aboriginal children, children from multicultural communities, children who have lived in out of home care, and children with disabilities and complex health needs.⁷

Yoorrook for Justice outlines evidence of detrimental impacts for children in youth prisons, separated from protective factors and supports in their schools, families and communities. Incarcerating children often involves isolation, strip searches, lockdowns, and disrupted education, further disconnecting kids from vital supports. We support raising the minimum age of detention to 16, in line with Yoorrook and UN recommendations.⁸

Victoria rightly separates adult and youth justice, yet the Youth Justice Act still allows children to be transferred to adult prisons. This process puts young people at serious physical and mental health risk, and breaches Australia’s binding obligations under the Convention on the Rights of the Child, which requires every child deprived of their liberty to be separated from adults.¹⁰

RECOMMENDATION 54: RAISE THE AGE OF YOUTH DETENTION TO 16 AND KEEP CHILDREN OUT OF ADULT PRISONS
<i>Raise the age of youth detention to at least 16 and prohibit detaining children in adult prisons, by amending the Youth Justice Act.</i>
Advocacy areas: Human Rights, Crime & Justice Reform, Violence & Safety
Area of law: Youth Justice
Decision-makers: Attorney-General, Minister for Youth Justice
Jurisdiction: Victoria
Stages of legal process: Prevention, At Court or Tribunal
Timeframe: Short term

CHILDREN AND ADULTS

REMOVE BARRIERS TO COURT-ORDERED DIVERSION

Investing in early intervention and community-based support leads to safer communities. Diversion is cost-effective and embeds a therapeutic approach to offending in line with the Victorian Charter. Diversion programs aim to redirect people who commit minor offences away from criminal legal systems by addressing underlying causes of offending, such as untreated mental health problems or substance abuse. Magistrates are best placed to assess a person’s suitability for diversion, taking into consideration all the circumstances and the public interest. However, children and adults facing criminal charges cannot access diversion without police and prosecution consent. In practice, this leads to inconsistent and opaque outcomes for clients, especially for Aboriginal and Torres Strait Islander people who are less likely to receive police consent for diversion.¹¹⁹

VICTORIA POLICE’S PROVISION OF PROSECUTORIAL CONSENT FOR A COURT-BASED DIVERSION VARIES BETWEEN OFFENCES AND ACROSS COURTS. THIS IS BECAUSE ITS POLICIES AND DECISION-MAKING TOOLS POORLY REFLECT THE LEGISLATIVE BASIS FOR DIVERSION PROGRAMS AND OFFER VAGUE GUIDANCE, LEAVING IT TO THE DISCRETION OF INDIVIDUAL OFFICERS TO GRANT OR REJECT ACCESS TO A DIVERSION PROGRAM. – INQUIRY INTO VICTORIA’S CRIMINAL JUSTICE SYSTEM

Clients denied diversion are prevented from accessing crucial services, increasing the likelihood of reoffending and long-term system involvement, as recognised by the Inquiry into Victoria’s Criminal Justice System.¹²⁰ Requiring police consent also leads to significant delays, as prosecutors often review the police brief at court, then request input from the informant or victim, leading to multiple delays and adjournments as these inquiries are followed up. As a result, people who should be eligible for diversion face setbacks accessing support services, and the stress and delay of repeat court dates and uncertainty about whether they will access diversion or have a criminal record causes stress and anxiety for months.

RECOMMENDATION 55: REMOVE BARRIERS TO COURT-ORDERED DIVERSION
<i>Remove requirements for police and prosecution consent for court-ordered diversion in the Criminal Procedure Act and Youth Justice Act.</i>
Advocacy areas: Crime & Justice Reform, First Nations Justice
Area of law: Criminal Law
Decision-maker: Attorney-General
Jurisdiction: Victoria
Stage of legal process: At Court or Tribunal
Timeframe: Short to medium term

CHILDREN, PARENTS AND FAMILIES

EARLY HELP, INTERVENTION AND LEGAL ADVICE FOR FAMILIES IN CHILD PROTECTION

To uphold children’s rights to grow up in their families, Victoria must shift from crisis responses to prevention, early help, and culturally safe holistic support. Early intervention helps address safety concerns before they escalate, reducing the need for removing children from their parents, families and communities.

The Victorian Government should urgently implement Yoorrook Recommendation 8(b) by enshrining early intervention as a guiding principle in the Children, Youth and Families Act, in partnership with ACCOs and community legal centres. This must include a legal duty for child protection to engage in ‘active efforts’ to prevent children entering out-of-home care, following models from NSW¹²¹ and Queensland.¹²²

Early legal support helps parents navigate complex legal systems, understand their rights, make informed decisions, address concerns before they escalate, resolve issues, and facilitate cooperation with child protection. Legal help should be integrated into early intervention, with referrals to legal services when reports are made or substantiated.

We call for the resourcing and implementation of a Child Protection Notification and Referral System to ensure automatic notifications to legal services are made when child protection receives a pre-birth report or where a child protection report is substantiated, including immediate referrals of Aboriginal mothers and non-Aboriginal mothers of Aboriginal children to Djirra, and VALS for the other parent/carer and child as appropriate, with all such referrals including those to mainstream legal services, being reflective of their choice. This is a self-determined solution to ensure Aboriginal people, particularly Aboriginal mothers and children impacted by family violence, have a legal advocate who will work to prevent child removal, address the power imbalances and disadvantage experienced, and support Aboriginal women to escape family violence safely with their children.

RECOMMENDATION 56: ENSHRINE EARLY INTERVENTION AND ACTIVE EFFORTS FOR SUPPORT IN CHILD PROTECTION

Enshrine early intervention as a guiding principle and legislate a positive obligation for agencies to engage in “active efforts” to support children and families, by amending the Children, Youth and Families Act, and require automatic notifications of reports to legal services, including referrals of Aboriginal mothers and non-Aboriginal mothers of Aboriginal children to Djirra, and VALS for the other parent/carer and child as appropriate, with all such referrals including those to mainstream legal services, being reflective of their choice.

Advocacy areas: Human Rights, First Nations Justice, Violence & Safety, Gender Justice

Area of law: Child Protection

Decision-makers: Minister for Children, Minister for Child Protection, Minister for Treaty and First Peoples

Jurisdiction: Victoria

Stage of legal process: Early Intervention

Timeframe: Short term

REUNITE FAMILIES IN LINE WITH THE CHILD’S BEST INTERESTS

Victoria’s child protection system currently prioritises permanent orders over the child’s best interests. The restrictive permanency laws introduced in 2016 imposed additional restrictions on family reunification orders, and do not allow for best interest considerations for each individual child.¹²³ Arbitrary time limits hamstring courts’ discretion and independence, often preventing family reunification. Since these reforms, despite the aim of improving stability through finality and permanency, data shows a 50 per cent increase in uncertain orders including Care by Secretary Orders.³ We support allowing courts more discretion to extend reunification orders longer than two years, reduce barriers to a second 12-month reunification order, and provide more opportunities for family time in the child’s best interests.

RECOMMENDATION 57: PROMOTE FAMILY REUNIFICATION IN THE CHILD’S BEST INTERESTS

Allow family reunification orders to be extended beyond two years where this is in the best interests of the child, by amending the Children, Youth and Families Act to reinstate judicial discretion and independence.

Advocacy areas: Human Rights, First Nations Justice, Violence & Safety, Gender Justice

Area of law: Child Protection

Decision-maker: Minister for Children

Jurisdiction: Victoria

Stage of legal process: At Court or Tribunal

Timeframe: Short term

CONSIDER IMPACTS ON DEPENDENT CHILDREN IN SENTENCING AND BAIL

The *Sentencing Act 1991 (Vic)* (**Sentencing Act**) and *Bail Act 1977 (Vic)* (**Bail Act**) should require decision-makers to consider the impact on dependent children¹²⁴ of any form of parental or carer imprisonment. Alternatives to imprisonment should be considered if removing parental support for a child would cause disproportionate harm. This would protect children’s best interests, reduce harm, and promote fair, proportionate decisions. Recognising and supporting family connection can support rehabilitation, reduce reoffending, and prevent intergenerational cycles of disadvantage. This could be achieved by requiring magistrates, judges and bail decision-makers to consider the impact of imprisonment on dependent and unborn children in s 5(2) of the Sentencing Act and s 3AAA of the Bail Act,¹²⁵ where a custodial sentence or refusal of bail would be disproportionate.

RECOMMENDATION 58: CONSIDER IMPACTS ON DEPENDENT CHILDREN IN SENTENCING AND BAIL

Require magistrates, judges and bail decision-makers to consider the impact of imprisonment of an individual on dependent and unborn children, by amending the Sentencing Act and Bail Act.

Advocacy areas: Gender Justice, Crime & Justice Reform, Violence & Safety

Area of law: Criminal Law

Decision-maker: Attorney-General

Jurisdiction: Victoria

Stage of legal process: At Court or Tribunal

Timeframe: Short to medium term

FACILITATE FAMILY RELATIONSHIPS BETWEEN CHILDREN AND INCARCERATED PARENTS

INVOLVE INCARCERATED PARENTS IN CHILD PROTECTION HEARINGS

Parents who are separated from their children in detention should continue to be involved in decisions about their children’s upbringing, including decisions about who cares for their child and their child’s welfare. Women who have been completely separated from their children were more likely to return to custody than women whose connection with their children had been maintained.¹²⁶ The *Children, Youth and Families Act 2005 (Vic)* (**Children, Youth and Families Act**) and Family Law Act outline provisions for parental involvement in decision-making. Child Protection should have a positive obligation to notify parents in prisons of relevant proceedings and facilitate their participation in all aspects of proceedings, including hearings via video link or in person.¹²⁷ This proposed obligation will ensure that emotional bonds are maintained, contributing to children’s wellbeing¹²⁸ and supporting parents’ rehabilitation and reintegration into their families and communities.¹²⁹

FACILITATE CONTACT BETWEEN CHILDREN AND THEIR PARENTS IN DETENTION

Yoorrook for Justice and the Victorian Legislative Council inquiry into children affected by their parents being imprisoned found significant barriers to maintaining parent-child relationships.¹³⁰ There are major barriers to infants staying with their mother after birth, with Yoorrook receiving evidence that only three babies born to Aboriginal mothers over the last 10 years have been approved to remain with their mothers in prison under the Living with Mum Program.¹³¹

There is an urgent need to better support children, their carers, and families to maintain meaningful and accessible contact with parents in detention.¹³² To support children and parents to maintain their relationships while a parent is incarcerated, we recommend child-friendly spaces with extended visiting hours, better in-cell technology, free unlimited calls between parents and their children, and video call facilities across all prisons.

RECOMMENDATION 59: FACILITATE FAMILY RELATIONSHIPS BETWEEN CHILDREN AND THEIR PARENTS IN PRISONS
<i>A. Involve parents in prisons in child protection hearings. Require Child Protection to notify and involve incarcerated parents and carers in relevant proceedings about their children by amending the Children, Youth and Families Act.</i>
Area of law: Child Protection
Decision-makers: Attorney-General, Minister for Children
Jurisdiction: Victoria
Timeframe: Short to medium term
<i>B. Facilitate contact between children and incarcerated parents. Support meaningful and accessible contact between children and incarcerated parents and carers through child-friendly spaces, extended visiting house, better in-cell technology, unlimited phone calls, and video call facilities.</i>
Advocacy areas: Gender Justice, Human Rights, Crime & Justice Reform, First Nations Justice, Violence & Safety
Area of law: Corrections
Stage of legal process: At Court or Tribunal
Timeframe: Short to medium term

ADULTS

These reforms call for a shift from punitive responses to a system focused on health, community support, and justice. We advocate for decriminalising drug use, investing in harm reduction, and prioritising diversion, rehabilitation, and cultural safety to reduce incarceration and uphold human rights — particularly for Aboriginal and Torres Strait Islander peoples.

HEALTH RESPONSES TO PERSONAL USE OF CANNABIS

Criminalising drug use in Victoria has not reduced drug use or related social harms. Instead, it often worsens people’s situations — disrupting rehabilitation, limiting access to AOD treatment and support services, and increasing risks of homelessness and family violence. The Victorian Legislative Council’s Legal and Social Issues Committee recommended in March 2025 that laws regulating personal adult use of cannabis in the *Drugs, Poisons and Controlled Substances Act 1981 (Vic)* (**Drugs, Poisons and Controlled Substances Act**) be passed.¹³³ Decriminalising personal use and possession of cannabis would shift Victoria’s response from punishment to health and harm reduction, improving access to support services and reducing stigma.

RECOMMENDATION 60: DECRIMINALISE PERSONAL USE OF CANNABIS
<i>Decriminalise personal use and possession for drugs of dependence starting with cannabis by amending the Drugs, Poisons and Controlled Substances Act.</i>
Advocacy areas: Crime & Justice Reform, Health Justice
Area of law: Criminal Law
Decision-makers: Attorney-General, Minister for Health
Jurisdiction: Victoria
Stage of legal process: Prevention
Timeframe: Short to medium term

PEOPLE SHOULD NOT BE LOCKED IN PRISON BECAUSE THEY CAN'T AFFORD TO PAY THEIR FINES

Imprisonment has severe, long-term impacts — disrupting housing, employment, health, and family life. Many of our clients are unable to service orders made by the court and then aren’t aware a warrant has been issued, meaning they rarely have the opportunity to get legal advice before being taken into custody. There are also no pathways to resolve fines outside court if their financial situation changes. As a result, more people are turning to predatory lenders, leading to deeper financial distress and unmanageable debt, and many Victorians live with the ongoing uncertainty of an imprisonment warrant that could be executed at any time. Around 3,000 Victorians face prison for unpaid fines due to imprisonment orders made under repealed or superseded laws.

RECOMMENDATION 61: END IMPRISONMENT FOR UNPAID FINES
<i>End imprisonment for unpaid fines, by cancelling superseded warrants to imprison and removing powers to imprison people for unpaid fines in the Fines Reform Act.</i>
Advocacy areas: Crime & Justice Reform, Health Justice
Area of law: Infringements
Decision-maker: Attorney-General
Jurisdiction: Victoria
Stage of legal process: Prevention
Timeframe: Short term

BAIL REFORM: IMPLEMENT POCCUM'S LAW

The number of people locked in Victorian remand centres and prisons who have not been found guilty of the crimes they have been charged with rose by over 140 per cent in a decade – with just under half of the people imprisoned by the state being unsentenced.¹ While 2023 bail reforms introduced positive changes, further changes in 2024 and 2025 expanded offences subject to harsh bail tests which presume bail will be denied, reintroduced punitive bail offences that will see people imprisoned for minor charges, extended electronic monitoring as a condition of bail for children, and removed bail as a last resort for children. These changes will worsen the disproportionate impact of harsh and inflexible bail rules on First Nations people, especially Aboriginal women.

“THE BAIL ACT HAS A DISCRIMINATORY IMPACT ON FIRST NATIONS PEOPLE RESULTING IN GROSSLY DISPROPORTIONATE RATES OF REMAND IN CUSTODY, THE MOST EGREGIOUS OF WHICH AFFECT ALLEGED OFFENDERS WHO ARE ABORIGINAL AND/OR TORRES STRAIT ISLANDER WOMEN”. – CORONIAL INQUEST FINDINGS INTO PASSING OF GUNDITJMARA, DJA DJA WURRUNG, WIRADJURI AND YORTA YORTA WOMAN VERONICA NELSON

The Yoorrook Justice Commission has recommended bail reform to ensure imprisonment on remand – including of First Peoples – is used only as a last resort.¹³⁴ Improving access to bail and promoting alternatives to incarceration are also key recommendations from the Royal Commission into Aboriginal Deaths in Custody. We support Poccum’s Law as the model for Victoria’s bail system, and call for critical bail reforms to prevent and end Aboriginal deaths in custody.

POCCUM'S LAW



Poccum’s Law sets out a model for Victoria’s bail system named in honour of Gunditjmara, Dja Dja Wurrung, Wiradjuri, and Yorta Yorta woman Veronica Nelson, who died in custody while on remand for a minor offence. The law aims to prevent remand for offences unlikely to result in imprisonment, allow bail unless there are specific and immediate risks to community safety, and, remove bail offences, and expand the jurisdiction of the Koori Court to hear bail applications.

RECOMMENDATION 62: IMPLEMENT POCCUM'S LAW

Introduce automatic consideration of Emergency Management Day applications for a reduced sentence for all incarcerated people subjected to prison lockdowns, by amending the Corrections Act.

Advocacy area: Crime & Justice Reform, First Nations Justice, Human Rights

Area of law: Criminal Law

Decision-makers: Premier, Attorney-General

Jurisdiction: Victoria

Stage of legal process: At Court or Tribunal

Timeframe: Short to medium term

ABOLISH PROLONGED SOLITARY CONFINEMENT AND ISOLATION IN PRISONS

Solitary confinement and isolation in prisons can severely impact a person’s health and shorten life expectancy, especially when used for prolonged or indefinite periods.¹³⁵ Aboriginal people lose connection to culture and community, and Aboriginal parents are unable to maintain relationships with their children. People with disability who cannot access NDIS and disability supports are at increased risk of engaging in behaviours that will result in further confinement, seclusion and restraint. Trans and gender diverse people are disproportionately subjected to solitary confinement for ‘safety purposes’, where they are locked in a cell in solitary-like conditions ‘for their own safety’, which can lead to harmful mental health impacts. The Youth Justice Act explicitly prohibits the use of solitary confinement of children, but it is not prohibited in the *Corrections Act 1986 (Vic)* (**Corrections Act**).

RECOMMENDATION 63: PROHIBIT THE USE OF PROLONGED OR INDEFINITE SOLITARY CONFINEMENT

Prohibit the use of prolonged or indefinite solitary confinement, by any name, in the Corrections Act.

Advocacy areas: Crime & Justice Reform, Health Justice, Human Rights

Area of law: Corrections

Decision-maker: Attorney-General

Jurisdiction: Victoria

Stage of legal process: After Court or Tribunal

Timeframe: Short to medium term

AUTOMATICALLY CONSIDER SENTENCE REDUCTIONS THROUGH EMERGENCY MANAGEMENT DAY APPLICATIONS FOR PEOPLE SUBJECTED TO PRISON LOCKDOWNS

Community legal centres have observed a recent rise in indiscriminate prison lockdowns, where clients are confined to single cells for up to 23 hours a day, with no access to calls, appointments or programs. When a person is subjected to a lockdown they can apply for Emergency Management Days which can reduce a sentence by 1-4 days for each day of ‘good behaviour’ while suffering disruption or deprivation during “an industrial dispute or emergency” in the prison. During COVID-19 quarantine and lockdowns, Corrections Victoria established a system for automatic consideration of Emergency Management Days, without requiring people to apply. Post COVID-19, the application process for Emergency Management Days is complex and decisions lack transparency. Given the severe impact of lockdowns on physical and mental health, automatic consideration of Emergency Management Days should be adopted as the standard.

RECOMMENDATION 64: RE-INTRODUCE AUTOMATIC CONSIDERATION OF REDUCED SENTENCES FOR PRISON LOCKDOWNS

Amend the Corrections Act to introduce automatic consideration Emergency Management Day applications for a reduced sentence for all incarcerated people subjected to prison lockdowns.

Advocacy areas: Human Rights; Crime and Justice Reform

Area of law: Corrections

Decision-maker: Minister for Corrections

Jurisdiction: Victoria

Stage of legal process: Redress

Timeframe: Short term

VICTORIA & NATIONAL

END PRIVATISED HEALTHCARE IN PRISONS

Privatised healthcare in prisons risks prioritising profit over people’s health, leading to poorer health outcomes, and delayed or inadequate care – especially for Aboriginal people, people with disability and people with mental health problems. Private providers often lack transparency and accountability, making it harder to ensure quality care and protect prisoners’ rights. Ending privatised care would enable integration with Victoria’s public health system, ensuring better continuity, oversight, and compliance with human rights standards. It would also help resolve federal-state disputes that currently block access to vital services like Medicare, the PBS, and NDIS. Trans and gender diverse people in prisons face major barriers to gender-affirming care, including discriminatory rules requiring government approval to legally affirm their gender.¹³⁶ A public, coordinated, and rights-based approach is essential, with oversight by the Department of Health and support for ACCOs to deliver culturally safe healthcare.

RECOMMENDATION 65: END PRIVATISED HEALTHCARE IN PRISONS
<i>End privatised prison healthcare and integrate prison healthcare into Victoria’s public health system in a coordinated way with Medicare, PBS and NDIS supports.</i>
Advocacy areas: Crime & Justice Reform, Health Justice
Area of law: Human Rights
Decision-makers: Minister for Health, Minister for Corrections, Minister for Equality, Minister for the National Disability Insurance Scheme
Jurisdiction: Victoria & National
Stage of legal process: Prevention
Timeframe: Long term

APPENDIX: ABOUT VICTORIA'S COMMUNITY LEGAL SECTOR

CRITICAL IMPACT OF VICTORIA'S 50 COMMUNITY LEGAL CENTRES

Victoria’s 50 community legal centres provide free and high quality legal help to around more than 80,000 every year experiencing family violence, facing eviction and homelessness, struggling to pay crippling fines and debts, reeling from discrimination and exploitation, and at risk of incarceration.

Community legal centres overwhelmingly assist people who have experienced family violence, mostly women and children, while Victoria Legal Aid receives higher levels of funding to represent respondents at court, who are mostly men. Community legal centres also provide legal help for victims of crime and sexual violence victim-survivors, many of whom actively avoid pursuing criminal charges and will continue to avoid seeking justice unless governments implement the Australian Law Reform Commission’s Safe, Informed, Supported recommendations.¹³⁷

KEY ROLES OF THE COMMUNITY LEGAL SECTOR

**LEGAL ADVICE, INFORMATION, REPRESENTATION AND CASEWORK**

Legal support to clients across the areas of civil, criminal and family law. Where matters go to the courts, this includes delivering legal services on a range of areas including family violence and crime, as well as strategic litigation in areas such as human rights and environment matters.

**SOCIAL SERVICES SUPPORT, REFERRALS AND CAPACITY BUILDING**

Social services support to clients (such as financial counselling and social work) as well as referrals to, and capacity building for, social services organisations.

**COMMUNITY LEGAL EDUCATION, DEVELOPMENT AND ENGAGEMENT**

Activities which help communities to better understand and exercise their legal and other rights.

**SYSTEMIC ADVOCACY**

Policy and advocacy work for fairer laws, policies and systems, drawing on clients' lived experiences. Community legal centres are uniquely placed to spot where laws are failing.¹³⁸ But without proper funding, it's hard to sustain the vital policy and advocacy work needed to drive law reform.¹³⁹

SECTOR SNAPSHOT

DATA FROM 37 OUT OF 49 COMMUNITY LEGAL CENTRES WHERE CONSISTENT DATASETS ARE USED. **TOTAL FIGURES ARE HIGHER FOR ALL 49 COMMUNITY LEGAL CENTRES.**

In 2023/24, community legal centres provided around 100,000 services to more than 80,000. Of these clients, 70.6 per cent were women, and 44.1 per cent were experiencing or at risk of family violence. 14.4 per cent of clients were single parents with dependent children, 29 per cent were living with disability, and 10.6 per cent were experiencing or at risk of homelessness.

CLIENTS SERVED BY COMMUNITY LEGAL CENTRES

5.3% WERE CHILDREN OR YOUNG PEOPLE (<25)



13.1% WERE OLDER AUSTRALIANS (>65 FOR NON-INDIGENOUS AUSTRALIANS AND >50 FOR INDIGENOUS AUSTRALIANS)



70.6% IDENTIFIED AS FEMALE | 29.2% IDENTIFIED AS MALE | 0.2% IDENTIFIED AS OTHER (EXCLUDING DATA WHERE THE GENDER IS UNKNOWN)

44.1% WERE EXPERIENCING OR AT RISK OF FAMILY VIOLENCE



14.4% WERE SINGLE PARENTS WITH DEPENDENT CHILDREN



29.0% WERE LIVING WITH A DISABILITY



17.3% DIDN'T SPEAK ENGLISH AS THEIR MAIN LANGUAGE



10.6% WERE EXPERIENCING OR AT RISK OF HOMELESSNESS



6.7% LIVED IN RURAL OR REMOTE AREAS



5.9% IDENTIFIED AS ABORIGINAL OR TORRES STRAIT ISLANDER

COMMON LEGAL NEEDS

- 1 FAMILY VIOLENCE AND RELATED PROTECTION ORDERS
- 2 FAMILY LAW AND PARENTING ARRANGEMENTS
- 3 TENANCY AND HOUSING RELATED ISSUES
- 4 INFRINGEMENTS AND FINES



DIGITAL SELF-HELP TOOLS*

30,394 FACTSHEET/ TEMPLATE DOWNLOADS

2,131,123 UNIQUE VISITS TO COMMUNITY LEGAL CENTRE WEBSITES

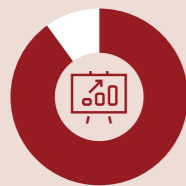
135,143 USES OF INTERACTIVE APPLICATIONS, TOOLS OR WEBPAGES

*DATA IS FROM 19 OUT OF 49 COMMUNITY LEGAL CENTRES.



96,028 SERVICES PROVIDED TO 38,590 CLIENTS BY 37 COMMUNITY LEGAL CENTRES

17,019 OF THE CLIENTS WERE EXPERIENCING FAMILY VIOLENCE



9/10 COMMUNITY LEGAL CENTRES SAW AN INCREASE IN DEMAND IN 2023-24

MOST NOTABLE INCREASES IN DEMAND FOR SERVICES RELATING TO CHILD PROTECTION AND FAMILY VIOLENCE MATTERS, CREDIT AND DEBT ISSUES, FINES, AND HOUSING ISSUES.



THE FEDERATION

DELIVERED 18 TRAININGS (1,467 REGISTRATIONS) AND 10 LEGAL CPD SESSIONS (518 REGISTRATIONS)



INVITED 35 EXPERT GUEST SPEAKERS TO MEMBERS' MEETINGS



MET WITH 8 MEMBERS OF THE VICTORIAN PARLIAMENT, 7 OF THE FEDERAL PARLIAMENT, AND ATTENDED MEETINGS WITH ADVISERS IN THE ATTORNEY-GENERAL'S OFFICE



HOSTED 2 ROUNDTABLES WITH THE ATTORNEY-GENERAL JACLYN SYMES



CONTRIBUTED 20 SUBMISSIONS TO INFLUENCE LAW AND POLICY REFORM



FUNDED 29 MEMBERS TO ACCESS TRANSLATION INTERPRETER SERVICES (12 SPECIALIST AND 17 PLACE-BASED SERVICES)



SHARED 24 MEMBER E-NEWSLETTERS (WHICH HIGHLIGHTED LEGISLATIVE REFORMS, ADVOCACY AND FUNDING OPPORTUNITIES)



FUNDED AND PROMOTED 45 EPISODES OF 'DONE BY LAW' ON 3CR



SUPPORTED 37 MEMBERS TO IMPLEMENT OR MAINTAIN MODERN CASE MANAGEMENT SYSTEMS



SUPPORTED 29 WORKING GROUPS, NETWORKS AND COMMUNITIES OF PRACTICE

CONDUCTED 21 PHASE 3 REVIEWS AND CONFIRMED PHASE 3 CERTIFICATION FOR 18 MEMBERS THROUGH THE NATIONAL ACCREDITATION SCHEME



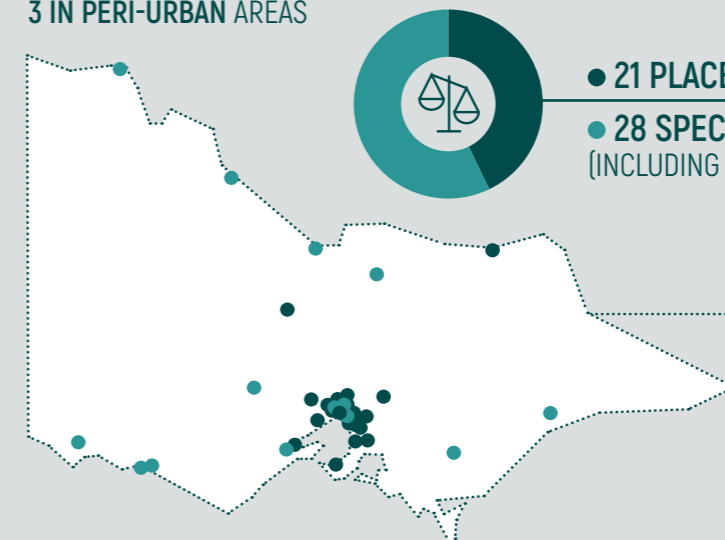
PARTICIPATED IN 5 CAREERS EVENTS FOR UNIVERSITY STUDENTS AND RECENT GRADUATES



COMMUNITY LEGAL CENTRES

49 COMMUNITY LEGAL CENTRES WORKING TOGETHER FOR A FAIR AND JUST SOCIETY

34 IN METROPOLITAN MELBOURNE
12 IN REGIONAL, RURAL OR REMOTE (RRR) AREAS
3 IN PERI-URBAN AREAS



21 PLACE-BASED
28 SPECIALIST SERVICES (INCLUDING 2 ABORIGINAL LEGAL SERVICES)

26 OFFERED STATEWIDE SERVICES.

10 PLACE-BASED COMMUNITY LEGAL CENTRES OFFERED STATEWIDE SERVICES FOR SPECIFIC PROGRAMS.

CHRONIC UNDER-FUNDING IN FACE OF CONTINUING AND ESCALATING LEGAL NEED

High demand for free and high-quality legal help continues to significantly outstrip available community legal centre resources.¹⁴⁰ The community legal sector is not sufficiently or appropriately funded to meet current demand and service the complex needs of the community. Accessing funding is a complex, resource intensive and lengthy process, and often comes with reporting requirements which differ for each funding source. Short-term, restricted funding is holding Victorian community legal centres back. Insecure funding leads to staff loss, service disruption, and makes long-term planning impossible.

INDEPENDENT REVIEW OF LEGAL SERVICE FUNDING

In 2024, an independent review of legal service funding by Dr Warren Mundy found that current levels of funding are insufficient to meet Australia's legal assistance needs. According to the Victoria Law Foundation's Public Understanding of the Law Survey, 78 per cent of legal need in Victoria is unmet.

We support the recommendations in the review, including:

- ▼ Additional funding for civil legal assistance services, including early intervention and mediation, to allow legal assistance providers to offer a greater number of services and prevent unresolved civil matters becoming criminal matters.
- ▼ Funding for climate change related prevention, preparation, response and recovery that recognises the growing need for place-based legal assistance for people experiencing climate related disasters.
- ▼ Resetting funding for community sector providers to reflect the true costs of operating sustainable organisations.
- ▼ Additional funding to increase the remuneration of both legal and non-legal staff working in community legal centres, Aboriginal legal services, and family violence prevention legal services to equivalent pay as that of the legal aid commissions in the respective jurisdiction.
- ▼ Introducing a HECS-HELP Forgiveness Scheme for regional community lawyers.¹⁴¹

To build a strong, resilient sector that can meet community legal needs, community legal centres need sustainable, properly indexed funding – now and into the future. We will continue to advocate for sustainable funding for Aboriginal legal services, place-based and specialist community legal centres, including funding for early independent legal advice, holistic services, community legal education, outreach programs and systemic advocacy.¹⁴²

ENDNOTES

- 1 See the Treaty Negotiations Framework which, among other things, sets out principles that will guide Treaty-making and provides for the negotiation of Statewide Treaty and Traditional Owner Treaties.
- 2 [National Agreement on Closing the Gap](#) (July 2020), Priority Reform Two (Closing the Gap Agreement).
- 3 Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership: Final Report](#) (March 2024).
- 4 Yoorrook Justice Commission, [About Yoorrook](#).
- 5 Ibid.
- 6 See Yoorrook Justice Commission, [Report into Victoria's Child Protection and Criminal Justice Systems](#), (August 2023) (Yoorrook for Justice report); Yoorrook Justice Commission, [Truth Be Told Report](#) (July 2025) (Yoorrook Truth Be Told report); Yoorrook Justice Commission, [Yoorrook for Transformation: Summary Report](#) (July 2025) (Yoorrook for Transformation report).
- 7 Yoorrook for Justice report, recommendations 1 & 2.
- 8 Yoorrook for Transformation report, p 46.
- 9 Ibid p 48.
- 10 Ibid p 51.
- 11 Yoorrook for Justice report, p 24.
- 12 Ibid p 25.
- 13 Ibid.
- 14 State of Victoria, [Victorian Government Implementation Progress Report: Yoorrook for Justice](#) (October 2024). See Yoorrook Justice Commission, [Yoorrook "beyond disappointed" by lack of Victorian Government action on justice and child protection recommendations](#) (23 October 2024); Victorian Aboriginal Legal Service, [Business as usual isn't good enough – Aboriginal people deserve more from the Victorian Government](#) (23 October 2024).
- 15 Premier for Victoria, [Media Release: Historic Yoorrook Justice Commission reports tabled](#) (1 July 2025).
- 16 See e.g. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, [Bringing them home report](#) (2 August 1995); Royal Commission into Aboriginal Deaths in Custody (1991).
- 17 Maïam nayri Wingara, [Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit](#) (June 2018).
- 18 See e.g. Victorian Aboriginal Legal Service, [Submission to the Inquiry into the operation of the Freedom of Information Act 1982](#) (January 2024); Closing the Gap Agreement, Priority Reform 2.
- 19 Djirra, [Djirra's Key Calls: National Summit on Women's Safety](#) (September 2021), [National Report Volume 1 – Access to Documents](#) (15 April 1991).
- 20 Yoorrook for Transformation report, recommendations 97 & 98.
- 21 Unlike the UN Convention on the Rights of People with Disabilities which recognises disability in relation to social barriers, the Equal Opportunity Act includes a specific list of what is recognised as a disability which excludes some people with disability and restricts access to legal protections. See e.g. in relation to addiction and employment in *McDougall v Kimberly-Clark Australia Pty Ltd* [2006] VCAT 2211.
- 22 "Adverse action" is defined in s 342 of the Fair Work Act and includes when an employer plans, threatens or acts to dismiss an employee, injure or harm an employee in their employment, discriminate between employees, or offer unfair terms and conditions.
- 23 See Fair Work Act ss 351(2)(a) which states that federal discrimination protections do not apply to action that is "not unlawful under any anti-discrimination law in force in the place where the action is taken".
- 24 Yoorrook for Justice report.
- 25 An excessive speeding offence is driving at more than 25 kilometres per hour over the limit or over 130 kilometres per hour.
- 26 By the time clients approach community legal centres for advice, they have often already started paying infringements incurred by a perpetrator in their name, as this is the only way to avoid fines increasing, enforcement actions or to reinstate their licence and car registration if they have been suspended or deregistered. After an infringement is paid, it is no longer eligible for review under the Family Violence Scheme and there is no way for the victim-survivor of family violence to recover money paid out of necessity.
- 27 In 2023-24, 5,174 applications were received for WDPs, a substantial increase of 68.7 per cent in applications from the previous year. 4,414 WDP applications were approved and 3,239 were completed with the total value of fines "worked off" at approximately \$7.3 million.
- 28 Under a fine conversion order, a person is supervised by a community corrections officer and subject to very strict mandatory conditions (e.g. regular reporting, needing permission to travel). Contravention of a fine conversion order is an offence. The "work off" rate doing unpaid work under a WDP is also higher than under a fine conversion order (0.3 penalty units per hour, compared with 0.2). Many of CLCs' most vulnerable clients would face barriers to participating in unpaid community work under a fines conversion order, and risk further criminalisation for failure to comply, but are able to meaningfully engage with the other activities available under a WDP. It would also allow clients with both infringement and court fines to "work off" both types of fines under a WDP.
- 29 See WEstJustice, [International Student Housing Project Report](#) (2020) 10-11.
- 30 See Residential Tenancies Act 1997 (Vic).
- 31 See Legislative Assembly of New South Wales, Committee on Law and Safety, [Driver Licence Disqualification Reform](#) (November 2013) p 12.

- 32 Australian Law Reform Commission, [Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#) (December 2017) Finding 12.136.
- 33 This was recommended by the Legislative Assembly of New South Wales, Committee on Law and Safety – see [Driver Licence Disqualification Reform](#) (November 2013) p 35. [Division 3A of the Road Safety Act 2013 \(NSW\)](#) provides the legislative basis for this scheme.
- 34 The Royal Commission into Institutional Responses to Child Sexual Abuse estimated that 60,000 eligible survivors would make an application for redress. As at 31 January 2025, the National Redress Scheme has reported that only 17,810 redress payments had been made. See National Redress Scheme, [nationalredress.gov.au/news](#) (January/February 2025).
- 35 Ibid. The National Redress Scheme has only delivered redress to just over a quarter of eligible survivors at well over the halfway point of the scheme.
- 36 See Joint Standing Committee on Implementation of the National Redress Scheme, [Redress: Journey to Justice](#) (November 2024); [Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme](#) (November 2021); Ms Robyn Kruk AO, Second year review of the National Redress Scheme, [Final report](#) (March 2021).
- 37 Asylum Seeker Resources Centre, Policy Position, Safety: Universal Safety Net and Mainstream Social Support (2022) [asrc.org.au/policy-safety](#)
- 38 Section 55A of the Family Law Act 1975 (Vic) provides that a divorce order does not take effect unless the court has, by order, declared that it is satisfied proper arrangements have been made for the care, welfare and development of children of the marriage under 18 or that there are circumstances by reason of which the divorce order should take effect even though the court is not satisfied such arrangements have been made. By comparison, divorce is not conditional on adequate arrangements for property settlement, which is also a distinct and separate legal process under the Family Law Act.
- 39 See Women’s Legal Service Australia, [Submission to Senate Legal and Constitutional Affairs Legislation Committee - Family Law Amendment Bill 2024](#) (October 2024) [118].
- 40 See [Family Law \(Fees\) Regulations 2022](#) (Cth). Fee exemptions apply in all other family law related applications, but application filing fees for divorce are not exempt – only reduced, and only if both parties are eligible.
- 41 This could be addressed by adding “(c) by means of electronic service” to r 2.42 in Div 2.6.4, and adding “(f) Any safety concerns raised by the Applicant, including whether there are allegations of family violence, whether a family violence intervention order in place and/or any convictions or charges involving violence or threats of violence involving in the parties.” to r 2.34(2) in the Family Court Rules.
- 42 Commonwealth Attorney-General’s Department, [National Plan to End the Abuse and Mistreatment of Older People](#) (2024-2034), Draft for Public Consultation.
- 43 See [Tasmanian Civil & Administrative Tribunal](#) website.
- 44 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability, [Criminal justice and people with a disability Final Report](#) (Volume 8 2023) p 264.
- 45 Women’s Legal Service Victoria, [Snapshot of Police Family Violence Intervention Order applications](#) (January – May 2018). Brimbank Melton Community Legal Centre, [Submission to the Legal and Social Issues Committee Inquiry into Victoria’s Criminal Justice System](#) (September 2021).
- 46 The Legislative Assembly Legal and Social Issues Committee [Building the evidence base Inquiry into capturing data on people who use family violence in Victoria](#) (April 2025) report recommends “The Victorian Government develop a clear system-wide process to correct misidentification in family violence records by 2027. This should include ensuring that service providers or agencies can validate information received and shared. Data on the prevalence of misidentification and the effectiveness of corrective actions should be collected to inform future reform”.
- 47 See [Recommendation 39](#).
- 48 [Victims of Crime \(Financial Assistance Scheme\) Act 2022](#) (Vic) s 5.
- 49 While there have been some recent operational changes to identity requirements for applicants who are being assisted by a lawyer, self-represented applicants are still required to provide onerous identity documentation to be able to apply.
- 50 See Victorian Law Reform Commission, [Improving the Responses of the Justice System to Sexual Offences](#) (November 2021); Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence](#) (January 2025).
- 51 Issues around police reporting include victims being required to provide unreasonable evidence as to why they did not report the crime to police, and problems with how police have recorded reports for victims who have reported their experience of crime.
- 52 See Social Security Act 1991 (Cth) s 1061JH.
- 53 See Economic Justice Australia, [Debt, Duress and Dob-Ins](#) (November 2021).
- 54 Australian Human Rights Commission, [Respect@Work: Sexual Harassment National Inquiry Report](#) (January 2020) p 10.
- 55 State Government of Victoria, Engage Victoria Consultations – Department of Treasury and Finance, [Restricting NDAs in workplace sexual harassment cases](#) (8 September 2024).
- 56 For example, the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) does not explicitly include a right to a healthy environment or a safe climate.
- 57 See for example, Climate Council, [On the Frontline: Climate Change & Rural Communities](#); Climate Change Authority [2023 Annual Progress Report](#) (October 2023).
- 58 Independent Panel of the Social and Affordable Housing Regulation Review, [Social and Affordable Housing Regulation in Victoria Final Report](#) (May 2022).
- 59 State Government of Victoria, Department of Families, Fairness and Housing, [Rental report](#) (2024); State Government of Victoria, Department of Families, Fairness and Housing, [Rental report](#) (2023).
- 60 Premier of Victoria, Hon Jacinta Allan MP, [Crackdown on Excessive Rent Increases and Dodgy Rentals](#) (2024).

- 61 Office of the Public Advocate, [Line of sight: Refocussing Victoria’s adult safeguarding laws and practices](#) (August 2022)
- 62 Attorney-General’s Department, [National Plan to End the Abuse and Mistreatment of Older People](#) 2024-2034, Draft for Public Consultation.
- 63 See Consumer Action Law Centre’s Lemon Car Campaign, [consumeraction.org.au/lemon-cars/#the-campaign-on-lemon-cars](#).
- 64 Consumer Policy Research Centre, [Detours and roadblocks: The consumer experience of faulty cars in Victoria](#) (2023).
- 65 Ibid.
- 66 Ibid.
- 67 Consumer Action Law Centre, [Designated Complaint: Unsolicited Selling - Consumer Action Law Centre - Designated complainant under the Competition and Consumer Act 2010](#) (March 2025).
- 68 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, [Final Report](#) (September 2023) (Disability Royal Commission).
- 69 Australian Government, [Response to the Disability Royal Commission](#) (June 2024) p6.
- 70 Disability Royal Commission, recommendations 4.1-4.22.
- 71 Disability Royal Commission, recommendation 10.1.
- 72 Disability Royal Commission, recommendations 6.35 & 6.36.
- 73 Disability Royal Commission, recommendation 4.23-4.34.
- 74 See e.g. UN General Assembly, Convention on the Rights of Persons with Disabilities (A/RES/61/106 – 24 January 2007).
- 75 See Human Rights Law Centre, [Stop the SLAPP: Protecting Free Speech in Australia](#) (December 2024).
- 76 In NSW, claim farming has been banned under the [Claim Farming Practices Prohibition Act 2025](#). See also the similar model in Queensland, underpinned by the [Personal Injuries Proceedings and Other Legislation Amendment Act 2022](#) (Qld).
- 77 See The Australia Institute, [Same costs, less pay: Australia pays young workers less and makes renting harder](#) (May 2025); The McKell Institute, [The problem with junior pay rates, explained](#) (2022).
- 78 Ibid.
- 79 Section 57B of the Age Discrimination Act 1991 (Cth) does not make it unlawful for an employer to discriminate against a person based on age by paying them reduced wages if they are under 21 years old.
- 80 Lack of access to healthcare has particularly acute health and safety consequences for trans and gender diverse people in prisons. See Recommendation 65.
- 81 Community legal centres advocate for a range of additional measures, including workplace laws requiring temperature limits and employer planning for extreme weather.
- 82 Community legal centres observe that clients are often charged over 400 per cent interest rates plus parting with their goods as security.
- 83 Consumer Action Law Centre & Victorian Aboriginal Legal Service, [Money Yarns, Stronger Futures: The consumer, credit and debt issues of First Nations consumers in Victoria – Integrated Practice Project report 2021-23](#) (2024).
- 84 ARC Justice, [She didn’t ask for this: Women’s experiences of police-brought family violence intervention orders and access to justice outcomes in regional Victoria](#) (July 2022) p 14; Victims of Crime Commissioner, [Systemic inquiry - Victim participation in the Justice System](#) (November 2023) p 19.
- 85 Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence](#) (January 2025) p 62 (Safe, Informed, Supported Report).
- 86 See Victorian Law Reform Commission, [Improving the Response of the Justice System to Sexual Offences](#) (September 2021) p 372 (Improving Justice System Response Report).
- 87 Ibid.
- 88 Victims of Crime Commissioner, [Systemic Inquiry into Victim’s Participation in the Justice System](#) (November 2023) p18.
- 89 Federation of Community Legal Centres, [Victims’ Charter Review submission](#) (17 February 2025)
- 90 Safe, Informed, Supported Report, recommendation 18.
- 91 Ibid.
- 92 Improving Justice System Response Report p 17-18.
- 93 Yoorrook for Justice Report p 20.
- 94 Independent Broad-based Anti-corruption Commission, [Annual Report 2021/22](#) (December 2022).
- 95 Yoorrook for Justice Report.
- 96 Ibid recommendation 27.
- 97 Ibid.
- 98 Ibid.
- 99 Australian Institute of Criminology, [Statistics – Deaths in Custody](#) (2023-24).
- 100 This should include forensic and secure mental health units and facilities, closed forensic disability units and facilities, correctional facilities, youth detention facilities, police custody, court custody, residential secure care services / facilities for children, and situations such as the hard lockdown of Victorian public housing towers during the COVID-19 pandemic.
- 101 Freedom of Information Act 1982 (Cth) ss 11C(3).
- 102 Human Rights Law Centre, [2025 Federal Election Platform](#) (2025) p 8.
- 103 Human Rights Law Centre, [Families Belong Together: Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into Family Reunion](#) (May 2021) p 5.
- 104 Narrow definitions of ‘family unit’ and ‘immediate family’ in the Migration Regulations 1994 (Cth) also exclude some people from the split family provisions of the Special Humanitarian Program and prevent some families from applying for protection visas as a family unit (including where children turn 18 while waiting for a protection application to be processed). See Migration Regulations 1994 (Cth) reg 1.12 and 1.12AA.
- 105 Asylum Seeker Resource Centre, [Budget Priorities](#) (2022-25) p 6.

- 106 Services Australia, [Annual Report](#) (2023-24).
- 107 National Social Security Rights Network and Canberra Community Law, [Homeward Bound – Social Security and Homelessness](#) (December 2019) p 5.
- 108 Royal Commission into the Robodebt Scheme, [Final Report](#) (July 2023).
- 109 Ibid recommendation 18.2.
- 110 Challenges to human rights have been exposed by a number of royal commissions. See Ibid; Disability Royal Commission report.
- 111 See Parliamentary Joint Committee on Human Rights, [Report: Inquiry into Australia's Human Rights Framework](#) (May 2024), which proposed that specific victim/survivor rights should be actively considered in the first review of a national Human Rights Act.
- 112 Parliamentary Joint Committee on Human Rights, [Report: Inquiry into Australia's Human Rights Framework](#) (May 2024) recommendation 2.
- 113 Smart Justice for Young People, [Working together: Action Plan to End the Over-Representation of Particular Groups of Young People in the Criminal Justice System](#) (October 2023)
- 114 Australian Medical Association, [AMA 2023 position statement on custodial health](#) (24 March 2023); Australian Medical Association, [AMA submission to the Council of Attorneys-General - Age of Criminal Responsibility Working Group Review](#) (13 February 2020).
- 115 Yoorrook for Justice Report, recommendation 35.
- 116 In practice, community legal centres observe that intervention orders would not be listed against a child under 10.
- 117 See Campbell et al, [WRAP around Families Experiencing AVITH: Towards a Collaborative Service Response](#) (Research report, April 2023).
- 118 We also support including a legislative presumption against making an interim or final order against an unrepresented child respondent unless there are exceptional circumstances, and amending the Personal Safety IVOs Act to include a positive duty on the court to consider whether the Department of Education has facilitated genuine support and attempts to resolve the dispute before an intervention order is made.
- 119 Yoorrook for Justice report.
- 120 See Parliament of Victoria Legal and Social Issues Committee, [Inquiry into Victoria's criminal justice system](#) (March 2022) recommendation 24 that the Victorian Government review the requirement for prosecutorial consent for a court-based diversion and consider replacing these with a requirement for a Magistrate to consider the recommendation of the prosecutor and/or (as opposed to seeking consent), and the provision of a right to reply for the accused person.
- 121 Children and Young Persons (Care and Protection) Act 1998 (NSW).
- 122 Queensland Government, [Child Safety Practice Manual – Active Efforts](#) (24 November 2022).
- 123 Children, Youth and Families Act 2005 (Vic) s 287A.
- 124 The definition of dependent children should be broad enough to encapsulate all forms of parent-child relationship (biological or otherwise) and should not be confined by narrow conceptions or definitions of the parent-child relationship.
- 125 Victorian Aboriginal Legal Service, [Statement of Advice: High Harm & Two Strike Bail Changes - Safeguards & Supports Needed](#) (2025).
- 126 Centre for Innovative Justice, [Leaving custody behind: Foundations for safer communities & gender-informed criminal justice systems](#) (June 2021) p 27.
- 127 This obligation should apply broadly to all imprisoned parents and carers (biological or otherwise, whether primary carers or otherwise) and should not be confined by narrow conceptions or definitions of the parent-child relationship.
- 128 Legislative Council Legal and Social Issues Committee, [Inquiry into children affected by parental incarceration](#) (4 August 2022) (Parental Incarceration Report).
- 129 Children whose mothers are in prison are more likely to have disrupted education, poor health and unstable housing, all of which are factors that heighten the risk of young person entering child protection or justice systems.
- 130 Yoorrook for Justice report, p 366-367.
- 131 Yoorrook for Justice report, p 367.
- 132 Parental Incarceration Report.
- 133 Legislative Council Legal and Social Issues Committee, [Inquiry into the Drugs, Poisons and Controlled Substances Amendment \(Regulation of Personal Adult Use of Cannabis\) Bill 2023](#) (March 2025).
- 134 Yoorrook for Justice report, recommendation 33.
- 135 Solitary confinement can also be experienced due to prison lockdowns or management.
- 136 See Corrections Act 1986 (Vic) and Births, Deaths and Marriages Registration Act 1996 (Vic).
- 137 Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence](#) (January 2025), Recommendations 1 and 9
- 138 Dr Warren Mundy, Independent Reviewer, [Independent Review of the National Legal Assistance Partnership 2020-25 – Final Report](#), (May 2024), p186.
- 139 Dr Warren Mundy, Independent Reviewer, [Independent Review of the National Legal Assistance Partnership 2020-25 – Final Report](#), (May 2024), p191.
- 140 Community Legal Centres Australia, [State of the Sector Report: More than legal services: Preventing crises, strengthening communities](#) (November 2024).
- 141 Federation of Community Legal Centres, [National Legal Assistance Partnership Review: The Victorian Community Legal Sector Perspective](#) (October 2023).
- 142 See Dr Warren Mundy, Independent Reviewer, [Independent Review of the National Legal Assistance Partnership 2020-25 – Final Report](#), (May 2024); Federation of Community Legal Centres, National Legal Assistance Partnership Review, [Response to Issues Paper: The Victorian Community Legal Sector Perspective](#), (October 2023); Federation of Community Legal Centres, [Victorian Budget Submission 2024-2025: Meeting High Legal Need in Victoria](#), (November 2024).



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