

Change takes community: Action for a fairer future



Our vision for policy and law reform in New South Wales

Acknowledgment of Country

We wrote *Change takes community: Action for a fairer future* on the lands of Gadigal people of the Eora Nation. We pay our respects to Gadigal Elders, both 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 colonialism and supporting Aboriginal and Torres Strait Islander communities in their quest for self-determination and justice across all aspects of our work.

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

Contact

Community Legal Centres NSW
Gadigal Country
102/55 Holt Street
Surry Hills NSW 2010
Telephone: (02) 9212 7333
Email: clcnsw@clcnsw.org.au
Website: clcnsw.org.au

About this report

This report was developed by Community Legal Centres NSW, in consultation with our 41 member centres. Many thanks to all of the on-the-ground staff, legal and policy experts, and advocates who provided guidance and feedback during its development.

Authors, contributors and editors: Emily Hamilton, Katrina Ironside, Dr Tim Leach, Sarah Marland, and Zachary Armytage.

Published August 2022.

The logo for Community Legal Centres NSW is a blue speech bubble shape. Inside the bubble, the text "Community Legal Centres NSW" is written in white, bold, sans-serif font. The bubble has a small tail pointing downwards and to the right.

Community
Legal Centres
NSW

Foreword

***Change takes community: Action for a fairer future* presents the New South Wales community legal sector's holistic vision for justice.**

In developing this vision, we have drawn upon the community legal centre sector's extensive experience delivering 185,000 front-line legal services to over 54,000 people in New South Wales every year.

There are 41 community legal centres across New South Wales. Community legal centres provide access to justice for people who need free legal help, no matter where they live. Our movement supports people experiencing hardship and vulnerability to make informed choices and exercise their rights. Day in, day out, we help people to gain financial security, safety, housing, and a sense of wellbeing.

Advocating to change unfair or unjust laws is what makes community legal centres unique. As services on-the-ground, community legal centres are uniquely placed to identify structural and systemic issues and develop meaningful solutions to these barriers to justice.

As the peak body, Community Legal Centres NSW works to support and amplify our members' law reform work and advocacy. We advocate directly to government on priority access to justice issues that directly impact the lives and wellbeing of the people and communities we support.

Community Legal Centres NSW thanks our members and their communities for their trust, expertise, and knowledge. We undertook an

extensive consultation with our members over 18 months, including a review of our members' existing policy and law reform work, written surveys, individual consultations, twelve issues-based group consultations, and the opportunity to provide written feedback on drafts.

Change takes community: Action for a fairer future presents a comprehensive set of legislative and policy reforms that will ensure that our communities are fairer and more-inclusive places, where everyone is housed, safe, and has the support they need to thrive and participate. We have identified easily-achievable, short-term reforms and long-term solutions that will significantly improve the lives of people community legal centres work with.

Be inspired by the solutions that will set us on the path to a more-just New South Wales.

A fairer future is possible. Let's join together to make it a reality.



Katrina Ironside
Executive Director
Community Legal Centres NSW



Contents

- 5 Our vision
- 7 Executive summary
- 10 Support communities to be safe and resilient
- 14 Protect victim-survivors and prevent violence and abuse
- 18 Foster equality and respect
- 20 Empower communities. Disrupt pathways to prison
- 26 Keep families together and young people in community
- 29 Care for the environment
- 32 Champion a vibrant democracy
- 34 About community legal centres



Our vision

Fair, just and inclusive communities where everyone is housed, fed, safe, cared for, and has the support they need to thrive and participate in society.

A world where everyone lives with respect, wellbeing, and dignity.

A continent where Country is cared for, where Aboriginal and Torres Strait Islander people's sovereignty is respected, and where self-determination is a reality.

Communities where people can access free legal help, regardless of their race, gender, disability, or where they live.



Executive summary

Putting communities back in charge of their own lives.

In the last year, community legal centres in New South Wales delivered 185,000 services to over 54,000 people. The top three issues that were brought to us relate to women's safety, housing security, and financial hardship.

We support women seeking protection from sexual, domestic and family violence and abuse, tenants with insecure housing and few rights, people who are homeless, and people suffering financial distress because of unfair fines or problems with insurance. We have helped people navigate the legal crises that are created or exacerbated by floods and fires.

Our clients are diverse. We work with Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with disability, children and young people, LGBTIQI people, older people, and women. We understand the multi-layered barriers that compound their social and legal needs.

We have heard from people across the state. From western Sydney to the Northern Rivers, the Central Coast, Western NSW, the South Coast, and everywhere in between: there is a community legal centre supporting people in almost every electorate in New South Wales.

From this extensive work on the front-line of legal assistance in this state, we have found that our laws fail to meet the everyday needs of people and communities. There are policies and laws that operate to keep people trapped in poverty, debt, homelessness, isolation, and danger.

In response, we have identified reforms that will make our communities fairer, safer, more inclusive, more secure, and put people back in charge of their own lives. This report details these reforms. It is broken into seven chapters, with calls on the New South Wales government to take action for a fairer future.

1. Support communities to be safe and resilient

The best way to build safe and resilient communities is to ensure that everyone has a safe, secure, and healthy place to live. A fairer fines system will help people overcome financial hardship, and increased access to services for people in rural, regional and remote communities will lead to more-just outcomes.

2. Protect victim-survivors and prevent violence and abuse

Everyone deserves to live free from gendered violence, abuse and harassment, in communities



Community legal centre staff at a Regional, Rural and Remote Roadshow in Broken Hill.

where our personal integrity is respected. Our reforms seek to prevent violence in the community and improve safety and support for victim-survivors. We also want to improve access to compensation for victim-survivors of sexual, domestic, and family violence and abuse.

3. Foster equality and respect

Our communities are healthier and stronger when we treat one another with dignity and respect. For this to be a reality, our laws and policies must be guided by the values of inclusion, freedom, equality, and dignity. We can do this by safeguarding human rights and protecting people from discrimination. Supporting people with disability's safety, wellbeing, and capacity to make decisions affecting their own lives will promote respect for their inherent dignity and allow for effective participation in society on an equal basis with others.

4. Empower communities. Disrupt pathways to prison

Supporting people to live safe and healthy lives in the community will disrupt pathways to prison and keep families together. The NSW Government must end Aboriginal and Torres Strait Islander deaths in custody. Fairer laws and policies, along with improved police accountability and transparency, will reduce the need for police intervention and

reduce the number of people in prison. Improving imprisoned people's health, wellbeing, and financial security will help people to reintegrate and participate in community life.

5. Keep families together and young people in community

Every child should be free to go to school, have a safe home to live in, and be supported to live with their community and family. We need to keep children and young people in community and out of the criminal legal system. This means supporting parents, families and communities to keep children safe at home, and embedding the principles of self-determination for Aboriginal and Torres Strait Islander people throughout the child protection system.

6. Care for the environment

We are in a climate emergency and an extinction crisis. To safeguard against extreme weather events and the catastrophic effects of climate change, we must set strong, credible targets to reduce greenhouse gas emissions. A just transition to a zero-carbon economy is necessary and we need climate-ready planning laws to ensure that people experiencing hardship are not left behind. Conserving biodiversity is a key principle of ecologically sustainable development and enhances

our ability to enjoy a healthy environment. We must increase protections for threatened species, and respect and protect animals' rights and wellbeing.

7. Champion a vibrant democracy

A vibrant democracy protects our freedoms. It means that communities, people and organisations have the right to participate freely and fairly in public policy debates, advocacy, and activism. It requires government openness and accountability.

About this report

While *Change takes community: Action for a fairer future* is organised into seven chapters, the social, health and legal problems that we address overlap and intersect. The communities we support experience multiple forms of inequality or disadvantage. Drivers of violence, insecurity, discrimination, and inequality are multiple and this compounds the legal issues that people experience. Legal and policy solutions need to be multi-faceted and address the structural inequalities related to age, race, disability, sexual orientation, and gender.

We believe that everyone deserves to live with respect, wellbeing, and dignity. For us, justice means that our communities are inclusive places where everyone is housed, fed, safe, cared for, and has the support they need to thrive and participate. *Change takes community* presents some solutions that will set us on the path to a fairer, safer, and a more inclusive future.

Justice for Aboriginal and Torres Strait Islander people

In this document, we include recommendations to address systemic injustices in legal systems and government policies experienced by Aboriginal and Torres Strait Islander people in every section, rather than in a standalone section on First Nations justice. We feel that this approach recognises the intersectional impacts that our unjust systems cause Aboriginal and Torres Strait Islander people and communities. It is intended to recognise the priority we give to justice for Aboriginal and Torres Strait Islander people across all the issues we work on.

Guiding principles

Our plan for a fairer future is underpinned by these guiding principles:

Address the root causes of problems.

Build safer communities through preventive and community-led solutions.

Build a legal system that is free from discrimination, and upholds the principles of human dignity and fairness.

Support Aboriginal and Torres Strait Islander peoples' right to self-determination.

Prioritise wellbeing, health, and healing.

Ensure our laws provide equitable protection for all people.

Promote accountability and transparency, and end the discriminatory exercise of government powers.



Participants at Big Yarn Up, a gathering of Aboriginal and Torres Strait Islander community legal centre staff on Gumbaynggirr Country, Coffs Harbour.



Participants at Big Yarn Up developed principles for First Nations employment in the community legal sector.



Community legal centres participate in a Day of Action for our successful #FundEqualJustice campaign.



Support communities to be safe and resilient

The best way to build safe and resilient communities is to ensure everyone can meet their basic needs, can live safely and with dignity, and has access to a healthy environment.

Our economic, housing, and social security systems too often prioritise profit over the wellbeing of people and the planet. When families must choose between rent or food, when people get sick and can't keep a roof over their heads, we are seeing the inequalities and injustices of a deeply unequal system play out.

But it doesn't have to be this way.

Our communities need the right conditions to grow and thrive. With laws and policies that are developed in the public interest, we can help our communities to be resilient, caring, and safe places to live.

Ensure everyone has a safe, secure & healthy place to live

We all need a home.

Yet housing in New South Wales is some of the least affordable in the world. People in need of social housing can wait over 10 years to find a home.¹ On any given night, almost 40,000 people across the state experiencing homelessness.² Across the country, our unequal and inaccessible housing

system pushes millions more people into stressful situations, poverty, and unstable living situations.

With climate and environmental crises escalating, temperatures are getting hotter, extreme weather events are becoming more common, and many houses are becoming unlivable and unhealthy.

It is time for urgent action. We need to address homelessness, improve housing security for people who rent, lodge or board, and ensure that everyone has access to a safe and healthy environment that is resilient to climate change.

We need laws and policies that recognise that housing is the foundation of our lives – and everyone in our community deserves a healthy, safe, and stable place to call home.

Build more housing

- ▶ Make housing security an urgent whole-of-government budget and policy priority.
- ▶ Build at least 5,000 new public and social housing dwellings each year for the next 10 years. Build enough new public and social housing to end homelessness, house everyone in our community, and put downward pressure on rental prices and upward pressure on rental standards.
- ▶ Prioritise building enough social and affordable housing to meet housing needs in rural, regional, and remote communities, particularly for people experiencing domestic and family

violence or living with disability, including by re-purposing existing and alternative housing stock.

- ▶ Implement a new State Environmental Planning Policy that mandates inclusionary zoning.
- ▶ Require governments and developers to dedicate 15% - 30% of all new floor space to social and affordable housing.
- ▶ Extend eligibility for social housing to people on temporary visas in NSW.

Better housing

- ▶ Plan for climate change adaptation in areas of high population growth, like western and south-western Sydney, ensuring all residents have access to cool and green spaces.
- ▶ Upgrade existing social housing to address dampness, mould, and other health risks.
- ▶ Retrofit and adapt existing social housing to improve energy efficiency and protect against extreme heat and other extreme weather events.
- ▶ Require all new builds to be zero-carbon ready and well-adapted for disasters and extreme weather events.

Fairer renting

- ▶ End unfair, 'no grounds' evictions, and replace them with a list of prescribed, reasonable grounds that housing providers can use to evict a resident from their home (for example, by amending sections 84 and 85 of the *Residential Tenancies Act 2010*). Introduce long notice periods allowing people to find alternative solutions when they are evicted.
- ▶ Ban blanket 'no pets' clauses in residential tenancy agreements.
- ▶ Address discrimination in the private rental market by limiting the information landlords and agents can request at the application stage (e.g. in relation to pet ownership, marital status or family type, religion, or racial identity).
- ▶ Establish a public Landlord Register to address the inequality in access to information between landlords and people who rent.
- ▶ Establish a general licensing or registration system for landlords' rental properties, to ensure that all homes are safe, adequately insured, and lawfully managed. Ensure that people who rent can access maintenance records for the homes that they live in.
- ▶ Develop a crisis-resilient renting system with a safety net to prevent the eviction of people experiencing financial hardship who have rent-related debts, based on the recommendations



Community legal centre workers involved in Make Renting Fair, a community campaign organised by a range of organisations aimed at ending unfair evictions and creating a fairer system.

in the Tenants' Union of NSW's *Eviction, Hardship, and the Housing Crisis* report.³

- ▶ Protect the rights and wellbeing of people who live in boarding houses. Implement the recommendations of the *Statutory Review of the Boarding Houses Act (2020)*, including developing decent minimum standards and a clear definition of 'minimum reasonable notice' for evictions.
- ▶ Ensure rented homes meet people's mental and physical health needs and are accessible for people with disability. Ensure all new builds meet the silver standard under the Livable Housing Australia's Design Guidelines, and at least 50% meet the gold standard by 2024.
- ▶ Implement minimum energy efficiency standards for rented homes, in line with the Federal Government's *Trajectory for Low Energy Existing Buildings* for achieving zero energy (and carbon) ready existing homes.

A fairer fines system for people experiencing financial hardship

- ▶ Limit the maximum value of fines that can be issued to people receiving social security payments. In calculating the maximum value for fines, the government should consider court-ordered costs to avoid people being thousands of dollars in debt from a small fine.
- ▶ Introduce 'capacity-to-pay' guidelines and limitations on multiple penalty notices.
- ▶ Decouple non-payment of fines from driver disqualification and license suspension. This is particularly important to ensure the safety and wellbeing of people without access to public transport living in rural, regional, and remote areas.
- ▶ Amend s54 of the *Road Transport Act 2013 (NSW)* to remove custodial sentences for people who drive when disqualified under s66 of the *Fines Act 1996 (NSW)*.
- ▶ Develop joint guidelines for Revenue NSW and Transport NSW to prevent public transport fines being recovered from people experiencing homelessness or financial hardship.
- ▶ Expand eligibility for, and access to, fines write-offs and reductions, including for unemployed non-permanent residents and people experiencing financial abuse.
- ▶ Enable people experiencing financial hardship or who meet other, specific criteria to apply for debt waivers before penalties are enforced.
- ▶ Establish a better infringement fines write-off process for victim-survivors of domestic and

family abuse based on Fines Victoria's *Family Violence Scheme*. This scheme allows people to have their infringement fines withdrawn if family violence contributed to the offence, or it is not safe for them to name the responsible person.

- ▶ Improve access to fine reductions and write-offs for people experiencing financial hardship who have been issued a Victims Restitution Order.
- ▶ Enable people to apply for refunds for fines paid voluntarily, particularly people experiencing financial abuse or other forms of duress.
- ▶ Amend Penalty Notices to encourage people to seek legal advice before challenging a fine in court and provide information about how to find free legal services.
- ▶ Ensure access to free, independent legal advice for people experiencing financial hardship before fines are paid, Work and Development Order or payment plans are entered into, or overdue fines are enforced.
- ▶ Improve accountability at Revenue NSW by creating an independent fines reconsideration and review process.
- ▶ Amend the *Local Government Act 1993 (NSW)* to reinstate fairer debt collection practices introduced during the COVID-19 pandemic. Prevent councils from commencing legal action to recover rates and charges unless they have considered other financial arrangements, referrals to financial counsellors, alternative dispute resolution, or waiving unpaid interest.





Enable people in rural, regional, and remote communities to access the services others take for granted.

Housing

- ▶ Build enough safe, secure, and genuinely affordable housing in rural, regional, and remote communities to end homelessness and meet housing needs, including social housing, emergency accommodation for people experiencing domestic and family violence, and accessible housing for people with disability.

Access to services

- ▶ Increase availability of rehabilitation and other health and social services in rural, regional, and remote communities.

A just transition

- ▶ Foster new employment opportunities in rural, regional, and remote communities, particularly where traditional industries like mining, agriculture and abattoirs are being decommissioned.

Support for Aboriginal and Torres Strait Islander people

- ▶ Support Aboriginal and Torres Strait Islander peoples to live safe and healthy lives with access to income, services and employment on Country.

Improve courts and tribunals

- ▶ Improve access to courts and tribunals and safety for people accessing them in rural, regional, and remote communities:
 - » Expand specialist courts and court

lists, including the Federal Circuit Court Indigenous List, the Walama List, and the Drug Court

- » Make Circle Sentencing or other alternative, culturally appropriate diversion and sentencing methods like the Youth Koori Court available to Aboriginal and Torres Strait Islander people in rural, regional, and remote communities.
- ▶ Build safe rooms in all court facilities in rural, regional, and remote communities.



Protect victim-survivors and prevent violence and abuse

Everyone deserves to live free from violence, abuse and harassment, in communities where our personal integrity is respected.

Violence and abuse against women and girls is a serious and prevalent problem in New South Wales. One in two women in Australia have experienced sexual harassment, and one in three women have experience physical violence in their lifetime.⁴ Gendered violence and abuse can occur in many different places, from in homes and workplaces, to social settings and institutions. It can involve physical, sexual, emotional, psychological, financial, and technology-facilitated forms of coercion and harm.

While violence is experienced by all people, it is overwhelmingly perpetrated by men against women. It has distinct and gendered drivers, including rigid concepts of masculinity and femininity, the institutional condoning of (or silence regarding) violence against women, and laws and policies shaped by gender inequality.

Gendered violence cannot be disentangled from other social conditions and structural forces, such as colonialism, racism, transphobia, ableism, and class inequality. For example:

- ▶ Migrant and refugee women on partner visas are subjected to distinct forms of violence, with partners withholding passports or threatening

deportation as a form of coercive violence.

- ▶ Outdated assumptions regarding traditional gender roles (of a male breadwinner and a dependent female partner) shape our social security system. This structural issue leaves victim-survivors of domestic violence – usually women – vulnerable to being unfairly held solely responsible for social security debts.⁵
- ▶ As a result of ongoing colonisation and racialised inequalities in Australia, Aboriginal and Torres Strait Islander women experience violence at more than three times the rate of non-Indigenous women. When it comes to reporting experiences of violence, Aboriginal and Torres Strait Islander women face a myriad of barriers, including the threat of child removal, police violence, racism, and housing stress.⁶

Due to these intersecting economic and social inequalities, Aboriginal and Torres Strait Islander women, people experiencing financial disadvantage, people with disability, older people and people who identify as LGBTIQ+ are more likely to experience violence and abuse.

We need to work together to prevent violence and abuse in our communities before it begins. Action is needed at all levels of government, as well as in civil society, in schools, and in our communities. We support holistic change that provides women, children and all people with support and safety, whilst also working to shift the underlying social conditions that lead to violence and abuse.

With proper resourcing and community action, we can live in communities that are free from violence and safe for all.

Prevent violence in the community. Improve safety and support for victim-survivors.

- ▶ Ensure that building adequate social housing is placed at the core of all government efforts to address gendered violence, in recognition of the fact that domestic and family violence is the single largest driver of homelessness for women and children.⁷
- ▶ Legislate a consistent definition of domestic and family violence across all relevant NSW laws (including the *Crimes (Domestic & Personal Violence) Act 2007*), which recognises coercive control, financial, and other forms of non-physical abuse.
- ▶ Develop and deliver community and schools-based public safety programs to all primary and secondary school children in NSW, including consent education, healthy relationship education, and violence prevention.
- ▶ Fund community-led restorative and transformative justice projects to enable victim-survivors greater choice and control through expanded pathways for support and accountability beyond police and criminal courts.
- ▶ Expand support and human services available in regional, rural, and remote communities, particularly social housing, safe and emergency accommodation, counselling, and drug treatment and rehabilitation services.
- ▶ Implement a co-responder model of response for domestic and family violence incidents, enabling communities to call unarmed mental health, housing, and harm-reduction specialists in addition to, or in lieu of, police or ambulance services.
- ▶ Implement an independent, annual, comprehensive audit process of NSW Police compliance with the Domestic Violence Standard Operating Procedures. Publish the results, including information on material variations or trends between Police Area Commands, and measures that will be taken to resolve any concerns.
- ▶ Increase specialisation and implement trauma-informed approaches within state criminal courts, and mandate domestic, family, and sexual violence training for all officers of the courts, including police.
- ▶ Equip all local courts in rural, regional, and remote communities with audio-visual link facilities and saferooms.
- ▶ Implement, expand, and improve trauma-informed social supports and services for victims-survivors of abuse, including community-based legal assistance services.
- ▶ Expand safety-focused programs for people who use violence and men's behaviour change programs, particularly in regional, rural, and remote communities. Encourage uptake of programs by establishing a voluntary pre-sentence training scheme based on the [Traffic Offenders Intervention Program](#).
- ▶ Engage both victim-survivors and perpetrators



Dixie Lee Link-Gordon, Advocate and Community Educator at Women's Legal Service NSW's First Nations Women's Legal Program.

of violence in all law reforms related to sexual, domestic and family violence and abuse.

- ▶ Provide all people involved in Apprehended Domestic Violence Order proceedings – people in need of protection and defendants – with timely access to free, independent domestic and family violence and trauma informed legal advice and representation before any court appearance. Ensuring both parties have legal advice helps to ensure there are proper protections in place for children and the adult victim-survivor and the ADVOs are workable.
- ▶ Amend the eligibility for temporary accommodation, crisis accommodation and social housing so that everyone experiencing sexual, domestic and family violence and abuse has a safe place to live, regardless of visa status.
- ▶ Support people who have suffered neglect, violence, or abuse in aged care institutions. Extend the NSW Civil and Administrative Tribunal's powers to hear, determine and provide financial restitution where an aged care facility has failed to provide the expected and contracted quality of care. Introduce mandatory reporting of sexual assault complaints in aged care and disability care settings.

Improve access to compensation for victim-survivors of sexual, domestic and family violence and abuse

We all want to live in a society that supports us when we need a hand. Victims of child abuse, child sexual abuse, sexual assault, and domestic violence need our support to heal and recover. Financial support can mean that victims of such abuse can get back on their feet and begin moving forward.

As part of Australia's obligation to eliminate violence against women and their children, we must provide redress when women experience violence. A victims support scheme that provides sufficient financial support helps Australia meet this obligation.

- ▶ Amend the *Victims Rights & Support Act 2013* to:
 - » Establish an independent Commissioner Victims' Rights.
 - » Establish an independent Commissioner Victims' Rights.
 - » Increase recognition payments, including for sexual, domestic and family violence and abuse
 - » Remove the requirement to separately prove

injury in all cases. At a minimum, remove this requirement for victim-survivors of domestic or family violence, sexual assault, and child sexual abuse, except when necessary to establish aggravating circumstances for a higher category of recognition payment.

- » Remove time limits on applications for recognition and financial assistance payments for victim-survivors of domestic or family violence, sexual assault, and child abuse.
- » Repeal s41A, which causes an application for Victims Support to lapse after 12 months if an applicant has not provided evidence. Remove the burden on victim-survivors to collect their own evidence to support a Victims Support application.
- » Reinstigate Victims Services collecting evidence on behalf of victim-survivors and particularly for victim-survivors of sexual, domestic and family violence, including child sexual abuse and child abuse or fund services to collect evidence on behalf of Victims Support applicants.
- » Insert a legislative presumption against pursuing restitution in matters relating to sexual, domestic and family violence where a request not to pursue is made by the victim-survivor.



Theresa Haines (Western Sydney Community Legal Centre) at Big Yarn Up, Coffs Harbour.



Deanna Grocke (Warra Warra Legal Service) at Big Yarn Up, Coffs Harbour.



Foster equality and respect

Our communities are healthier and stronger when we treat one another with dignity and respect. For this to be a reality, our laws and policies must be guided by the values of inclusion, freedom, equality, and dignity.

Australia has no national *Human Rights Charter* or *Bill of Rights* that comprehensively protects, respects and fulfills our human rights. Unlike other states in Australia, New South Wales has not enacted human rights protections in law.

Human rights are universal, so they apply to everyone. All human rights have equal status, so there is no hierarchy in their application. They are interrelated and interdependent and this is demonstrated by this report, because they all contribute to the realisation of a person's dignity.

Human rights set international standards and the principles of equality, non-discrimination, participation and inclusion should frame all our policy and laws.

Australia has obligations under human rights treaties to uphold rights, ranging from the right to peaceful assembly, right to an adequate standard of living, specific rights relating to children, women, LGBTQI people and people with disability, rights to freedom from racial discrimination, and protections for people who are incarcerated.

Enacting stronger anti-discrimination laws and introducing human rights laws will mean our society will be fairer, more just, and equal.

Safeguard human rights and protect people from discrimination

- ▶ Enact a *Human Rights Charter* for NSW.
- ▶ Review and update the *NSW Anti-Discrimination Act 1977*, to ensure it effectively protects all people against discrimination and promotes equality of opportunity, participation and substantive equality.⁸
 - » Insert a clear articulation of principle into the Act to the effect that everyone in NSW has an equal right to live free from discrimination, to access opportunities, and to participate in the community.
 - » Amend and expand the list of protected attributes to include religious belief, lawful sexual activity, disability, sexual orientation (rather than homosexuality), gender identity (rather than transgender), sex characteristics, victim-survivors of domestic violence, political beliefs, sex work and sex workers, and social origin.
 - » Introduce religious belief as a protected attribute, ensuring that it is protected on an equivalent basis to existing attributes and without undermining the rights of other communities to live free from discrimination.
 - » Bring protections for people with disability into line with the *Disability Discrimination Act 1992 (Cth)* and the *United Nations Convention on the Rights of People with Disability*, for example, by addressing the lack of protections regarding assistance animals.
 - » Introduce a specific requirement for employers, service providers, and others to

make reasonable adjustments for people with disability in response to the Federal Court decision in *Sklavos v Australian College of Dermatologists* (2017).

- » Remove unacceptable exemptions from the Act's operation. For example, narrow exceptions that allow religious schools to discriminate against LGBTIQ+ students and teachers (s56).
- » End criminal record discrimination, particularly against young people entering the workforce and sex workers (for example, by extinguishing historical sex work offences for acts that are no longer illegal).
- ▶ Reform the *Births, Deaths & Marriages Registration Act 1995*:
 - » Remove barriers for people to amend their birth certificate, including their sex or gender identity.
 - » Allow trans and gender diverse people to exercise self-determination when reflecting their identity on birth certificates. Remove the requirement for people to have gender affirming surgery – or any form of medical intervention – to change their gender on their birth certificate.
- ▶ Repeal all prostitution offences within the *Summary Offences 1988 (NSW)*.
- ▶ Prevent discrimination against sex work business by reforming local environmental planning laws.



Support people with disability's safety, wellbeing, and capacity to make decisions affecting their lives

- ▶ Implement the recommendations from the NSW Law Reform Commission's review of the Guardianship Act 1987, including:
 - » Enacting an *Assisted Decision-Making Act* to better recognise and allow for supported decision-making and regulate determinations to place a person under the powers of the NSW Trustee & Guardian.
- ▶ Define decision-making ability (the recommended new language for mental capacity).
- ▶ Insert a rebuttable presumption that a person has decision-making ability.





Empower communities.

Disrupt pathways to prison.

We all flourish when communities are empowered to build justice, safety and equity.

Community legal centres' model of early and holistic support addresses people's legal issues before their problems can spiral out of control. Our tailored, early and independent legal assistance breaks pathways into prison, keeps families together, and supports people to find the support they need at a community-level.

In contrast, prisons isolate and disconnect people, tear families apart, and pose a serious threat to the lives of Aboriginal and Torres Strait Islander people.

In NSW, discriminatory and targeted policing pushes many people into needless and harmful contact with the prison system. Police disproportionately target Aboriginal people, people with disability and migrant communities with over-surveillance, contributing to over-imprisonment. Aboriginal people have been, and continue to be, subjected to discriminatory and violent treatment.

Many people in NSW are sentenced to imprisonment for offences like traffic violations or drug offences, which are often linked to economic inequality and systemic discrimination. Prisons fail to address the root causes of social and economic problems. For example, drug dependence is a health issue, and requires compassionate and

humane policies that encourage people to seek meaningful social connection and specialist health support services.

Police and the courts imprison women, and particularly First Nations women, at alarmingly high rates.⁹ There needs to be a better understanding of the pathways of women to prison. The majority of women in custody have complex histories of sexual and domestic violence and abuse, including child sexual abuse. The rates of previous victimisation are highest for First Nations women, with some studies suggesting that up to 90% of First Nations women in custody are survivors of family violence and other violence.¹⁰

It is the experience of community legal centres in New South Wales that much offending by women, including drug, property and fraud offences needs to be understood in the framework of trauma. It is a means of dulling pain through alcohol and other drugs or gambling. Fraud offences may provide a way for victim-survivors of complex trauma to access alcohol and other drugs, or to fund gambling activities.

We are also concerned by the criminalisation of many women often arising from misidentification of the person most in need of protection.¹¹ There is also a failure of police and the legal system to recognise coercive and controlling violence perpetrated against women, many of whom

are coerced into committing criminal offences. Incarceration of people, particularly pregnant people and people with caring responsibilities for children, must be a last resort.

By investing in community-led supports and services, including specialist gendered and culturally safe legal services, we can promote community safety, prevent harm, and nurture all people to participate, be active decision-makers, and lead fulfilling lives. Fairer laws and policies will reduce the need for – and frequency of – police intervention, prevent violence, reduce the number of people in prisons, and improve the quality of life of all people in our community.

A world where justice, safety and equity are delivered through compassionate, and evidence-based approaches is within reach. Communities – particularly Aboriginal and Torres Strait Islander people – have the solutions. We just need governments to fund them.

Empower communities to tackle the root cause of problems

- ▶ Fund and support place-based, community-led initiatives to build empowered communities and reduce harmful interactions with the criminal legal system in partnership with Aboriginal and Torres Strait Islander people and communities.
- ▶ Provide long-term, sustainable funding to community legal centres, Aboriginal Legal Service NSW/ACT, and Family Violence Prevention Legal Services.
- ▶ Fund the establishment of a specialised

criminal legal service for women, including First Nations women, which is sexual, domestic and family violence informed, trauma informed and culturally safe

- ▶ Implement ‘an expansion of the criminal defences for victims of family violence who commit offences other than homicide (for example, benefit fraud and other property offences, drug and driving offences) in order to recognise the role that intimate partner violence plays in their “decision” to offend’.¹²

Support people to live safe, healthy lives in the community

Adopt a harm minimisation approach to drugs

- ▶ Decriminalise the use and possession of drugs for personal consumption.
- ▶ Implement the recommendations made by the Special Commission of Inquiry into the Drug Ice.
- ▶ Develop and implement a whole-of government Alcohol and Drugs policy that prioritises health and social responses to drug use and recognises the harms associated with punitive responses.
- ▶ Increase resourcing for specialist alcohol and drug health services, as well as harm-minimisation programs.
- ▶ Establish a state-wide clinically supervised substance testing, education and information service, with branches at appropriate fixed-site locations.
- ▶ Remove the prohibition in the *Drug Misuse and Trafficking Act 1985 (NSW)* on possession of ice





pipes.

- ▶ Ensure equal and timely access to drug treatment and rehabilitation services for everyone who wants to access health support, particularly people living in regional, rural, and remote communities.
- ▶ Increase the availability of child-inclusive rehabilitation services, including in regional, rural, and remote communities.
- ▶ Expand the Drug Court to additional locations across rural, regional, and remote NSW, starting with Lismore, Port Macquarie, Wagga Wagga and Nowra.

Decriminalise homelessness

- ▶ Introduce a court-integrated outreach program to support people experiencing homelessness who have contact with the criminal legal system to find housing.
- ▶ Repeal the *Sydney Public Reserves (Public Safety) Act 2017 (the Martin Place Act)*, which empowers NSW Police to remove people or goods from Martin Place, and other public reserves in the City of Sydney by proclamation.¹³
- ▶ Amend section 197 of the *Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)* to:
 - » Provide a maximum time limit of 6-hours for move on directions consistent with time limits under s198.
 - » Insert new subsections that require police to consider people's need to access an area for lawful purposes including access to essential services when determining whether to make a move-on order and for how long an order should be effective.

Decriminalise HIV transmission

- ▶ Abolish penalties for failing to take 'reasonable

precautions' against transmitting HIV under the *Public Health Act 2010*. Replace them with a statement of principles recognising people's mutual responsibility to avoid transmitting or contracting sexually transmitted infections.

Disrupt pathways to prison

- ▶ Make a whole-of-government commitment to reduce the number of people in NSW prisons.
- ▶ Repeal section 4A of the *Summary Offences Act 1988*, which criminalises 'offensive language'.
- ▶ Reform the *Crimes (Sentencing Procedures) Act 1999* to:
 - » Strengthen provisions that provide for imprisonment as the sentencing option of last resort.
 - » Amend section 77 of the *Bail Act 2013* to make arrest for breach of bail a measure of last resort.
- ▶ Invest savings generated from reduced rates of imprisonment into communities following the principles of justice reinvestment, 'a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in place-based, community-led strategies that can reduce crime and strengthen communities'.¹⁴
- ▶ Reverse the increasing expansion of policing and the related use of policing as the default institutional response to social, cultural, and economic forms of disadvantage (to which police are not the appropriate responders).
- ▶ The NSW Government not increase the capacity of the prison system by building more prisons or expanding existing ones.
- ▶ End the profiting off imprisonment, by closing existing private prisons, or transferring them to

government control.

- ▶ Amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to expressly provide that arrest, detention and imprisonment should be used only as measures of last resort and for the shortest time.
- ▶ Implement co-responder models for first response to health and social crises. Ensure health and social workers are first responders to people who need support, including people experiencing mental health crises and homelessness.¹⁵
- ▶ Deliver programs to build knowledge and understanding of the impact of domestic, family, and sexual abuse, trauma, and the legal process itself on victim-survivors, their dependents, and their families, across the criminal legal system.
- ▶ Remove quotas for 'proactive' policing strategies, including strip searches, stop and searches, and move on orders.
- ▶ Amend the *Law Enforcement (Police Powers) Act 2002* to:
 - » End strip searches related to the minor possession or use of drugs.
 - » Make clear when and how police should conduct a strip search, including requiring compliance with child protection principles.
 - » Make clear police can never search a person's genitals or breasts.
 - » Require a court order to strip search children.
 - » Clearly define 'private places' for strip searches.
- ▶ Abolish the Suspect Target Management Plan. Start by:
 - » Removing children under 18 years from the plan's application.
 - » Improving transparency by making publicly available high-level policy and operational policies that govern its implementation, including the selection and review process for targets.
 - » Increasing scrutiny and oversight of police conduct under the plan.
- ▶ Reform bail laws so that courts must consider a person's Aboriginality when making bail decisions, by including a standalone provision modelled on s3A of the *Bail Act 1977 (Vic)*.
- ▶ Enhance the operations of the Walama Court by establishing it as a standalone Court within the NSW District Court, rather than as a list.

Increase police accountability and transparency

Improve police transparency

- ▶ Make all NSW Police standard operating policies and procedures publicly available (as is the case in Victoria).
- ▶ Implement an independent, annual, comprehensive audit process of NSW Police compliance with the Domestic Violence Standard Operating Procedures. Publish the results, including information on material variations or trends between Police Area Commands, and measures that will be taken to address any concerns.
- ▶ Develop and implement accountability frameworks to address and end targeted, discriminatory, and racist policing.
- ▶ Amend Standard Operating Procedures to remove police discretion for the use of Body Worn Video cameras. Develop clear, robust, publicly available guidelines on the activation, tagging, retention and release of Body Worn Video camera footage by police.
- ▶ In relation to sexual, domestic and family violence and abuse:
 - » Improve workforce and workload data collections, analysis and reporting.
 - » Structure and resource the domestic and family violence strategic policy function to a level that is commensurate with the workload volumes and risks associated with domestic violence policing
 - » Commence work on the domestic and family violence component of the Integrating Policing Operational System (IPOS) with a focus on improving functionality for streamlining event recording processes and automated alerts to identify related prior events or individuals.

Increase police accountability

- ▶ Stop police investigating police.
 - » Amend the lower and upper thresholds for the Law Enforcement Conduct Commission to investigate police.
 - » Empower the Law Enforcement Conduct Commission to investigate allegations of misconduct that do not meet the 'serious misconduct' threshold (lower threshold).
 - » Amend section 44(1)(d) of the *Law Enforcement Commission Act 2016* to require the Commission to investigate



‘critical incidents’ rather than referring them back to the Police Commissioner for internal investigation.

- » Require the Commission to exercise its oversight powers in respect of all complaints made by Aboriginal and Torres Strait Islander people.
- » Grant full independence to the Law Enforcement Conduct Commission to investigate allegations and make and enforce binding findings of misconduct.
- ▶ Strengthen legislative provisions governing the reasonable use of force by police officers in NSW.
- ▶ Ban NSW Police use of military-grade weapons, such as semi-automatic assault rifles.
- ▶ Review the Public Order and Riot Squad.

End Aboriginal and Torres Strait Islander deaths in custody

- ▶ Establish an independent oversight body to monitor and ensure the NSW Government fully implements all jurisdictionally-relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody.

- ▶ Implement all recommendations from the [Australian Law Reform Commission’s Pathways to Justice Inquiry](#) into the incarceration rate of Aboriginal and Torres Strait Islander people.
- ▶ Set ambitious targets to reduce high rates of incarceration of Aboriginal and Torres Strait Islander adults and young people in NSW by 2030.
- ▶ Implement recommendation 8.1 of the [Australian Law Reform Commission’s Pathways to Justice Report 2018](#) and repeal legislative provisions that impose mandatory or presumptive prison terms for convictions for offences that disproportionately impact Aboriginal and Torres Strait Islander people.

Support imprisoned people’s health, wellbeing and financial security

- ▶ End the privatisation of the prison system in NSW.
- ▶ End unfair labour conditions in NSW prisons:
 - » Recognise that people imprisoned in NSW who are engaged in employment or work programs are workers and must be protected as such.

- » Reform the unfair ‘inmate wages’ system, which currently has a \$80.73 weekly wage cap (amounting to a maximum wage of \$2.60/hour). Pay all workers imprisoned in NSW wages equivalent with the relevant Award of the industry in which they work.
 - » Ensure all people imprisoned in NSW have workers’ rights protections, access to union membership, and access to independent legal representation.
 - ▶ Support people to remain connected to family and community while in prison. Abolish the exorbitant fees for legal and personal phone calls that NSW Corrective Services imposes upon people who have a criminal conviction, as these prevent many people from staying in regular contact with their loved ones.
 - ▶ Increase child and family-inclusive programs in all prisons.
 - ▶ Ensure timely, high-quality, and appropriate access to healthcare for all people in prison.
- NSW Corrective Services should develop policies and procedures which recognise and encourage prisoners’ involvement in creative activities and the exhibition and sale of their artworks. Doing so would deliver therapeutic, educational, and cultural benefits to people in prison and society more broadly. It would also benefit people in prison’s professional development, rehabilitation, and reintegration into society.

Support people leaving prison to rehabilitate, reintegrate and participate in community life

Ensure all prisoners in NSW are released into safe, stable, long-term housing to break the link between homelessness and incarceration in NSW.

- ▶ Provide holistic post-release support programs and case management to every person released from prison in NSW.
- ▶ Fund a state-wide specialist support service for people leaving prison and their families that supports people to find and keep a permanent place to live.



Tim Leach (former Executive Director, Community Legal Centres NSW) and Kat Farrar (Solicitor, Legal Education and Advice in Prison, Wirringa Baiya Aboriginal Women’s Legal Centre) present evidence at the NSW Parliamentary Inquiry into Support for Children of Imprisoned Parents.



Keep families together and young people in community

Every child should be free to go to school, have a safe home to live in, and be supported to live with their community and family

Instead of supporting parents early to keep families safe, our child protection system is reactive, crisis-driven, and discriminatory.

Keep children and young people in community and out of the criminal legal system

- ▶ Raise the age of criminal responsibility to at least 14 years old, and the age of detention to at least 16 years old.
- ▶ Amend the *Children (Criminal Proceedings) Act 1987* to expressly provide that arrest, detention and imprisonment should be used only as measures of last resort and for the shortest time.
- ▶ Amend the *Bail Act 2013* to prohibit the arrest of young people under the age of 18 for technical breaches of bail.
- ▶ Abolish the Suspect Target Management Plan. Start by removing children under 18 years from its application and increase scrutiny and oversight of police conduct under the plan.
- ▶ Amend the *Crimes (Sentencing Procedure) Act 1999* to require courts to consider a person's primary caring responsibilities when making sentencing decisions.
- ▶ Prioritise the expansion and full implementation

of the Crossover Kids joint protocol across NSW to reduce contact between children and young people in residential out-of-home care and the criminal legal system.

- ▶ Implement key recommendations from the NSW Parliament's Legislative Assembly Committee on Law and Safety's report on [The Adequacy of Youth Diversionary Programs in New South Wales \(2018\)](#), including:
 - » Police should make greater use of diversion options under the *Young Offenders Act 1997 (NSW)*.
 - » Government should increase the availability of holistic, community-based programs and services in rural, regional, and remote NSW that focus on diversion, early intervention, and the prevention of youth offending, and address the underlying causes of harm.
- ▶ Reframe and treat 'youth offending' as a health and wellbeing issue for all young people under the age of 18, including for young people in residential out-of-home care.
- ▶ Prioritise diversion and support over criminal justice responses for young people up to the age of 21 to address the impacts of criminal records discrimination.
- ▶ Develop a tailored, standalone provision governing bail decisions involving young people aged under 18 years in the *Children (Criminal Procedure) Act 1987* or the *Bail Act 2013*. The provision should recognise that the criminal legal system should treat young people differently from adults and be based on

principles of rehabilitation and reintegration.

- » Improve police practice and accountability to ensure consistent application of discretions and diversion pathways to all young people, particularly in regional, rural, and remote areas.

Support parents, families, and communities to keep children safe at home

- ▶ Implement all 125 recommendations of the Family Is Culture Report, with a focus on urgent legislative reforms.
- ▶ Prioritise participation and self-determination for Aboriginal and Torres Strait Islander communities and community-controlled organisations in the implementation process.
- ▶ Amend the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* and the *Adoption Act 2000 (NSW)* to ensure that adoption is not an option for Aboriginal children in OOHC.
- ▶ Amend the *Children & Young Persons (Care & Protection) Act 1998* to:
 - » Insert a robust definition of self-determination for Aboriginal and Torres Strait Islander people into section 11, which reflects definitions enshrined in international law (for example, Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples).
- » Insert a presumption that removing Aboriginal and Torres Strait Islander children from their family, community, and Country causes harm (into section 9, section 93, and Part 2 – The Aboriginal Placement Principle).
- » Require the Department of Communities and Justice to consult with affected communities and Aboriginal-controlled organisations before making an application to remove an Aboriginal or Torres Strait Islander child from their family, community, or Country, and to gain approval for a permanency plan involving an Aboriginal or Torres Strait Islander child from an Aboriginal community-controlled organisation.
- » Provide a legislative right for all families engaged with the child protection system to access free, independent legal advice and assistance from the point of first engagement with the Department of Communities and Justice.
- » Require the Children’s Court to hear from representatives from communities affected by the removal of an Aboriginal or Torres Strait Islander child before deciding an application by the Department of Communities and Justice to remove the child.
- » Require the Department of Communities



and Justice to take ‘active steps’ to support families to prevent child removals. This requirement should be established as a condition precedent to litigation, with the Department of Communities and Justice required to submit an Active Steps Certificate to the Children’s Court with any application for a care and protection order. A non-exhaustive list of active steps could be set out in a schedule to the Act.

- » Remove all timeframes for decision-making about whether there is a realistic possibility of restoring a child to their family (s83). This includes: removing the requirement that the Secretary assess whether there is a realistic possibility of restoration ‘within a reasonable period’, defined as 24 months in s8A; and, removing the 6-month and 12-month timeframes for the Children’s Court to make final orders after making an interim order.
- » Insert a strong presumption against removing babies from mothers at birth. Insert a new principle into s9 that placing a child with their mother or parents at birth is always preferred.
- » Reverse the presumption that mothers with intellectual disability are not competent parents.
- » Create a positive requirement for the Department of Communities and Justice to support mothers (or fund health and social services to support them) to manage safety and health risks under medical supervision at residential facilities, including mothers with intellectual disabilities.
- ▶ Mandate Pregnancy Family Conferencing in every Local Health District for all prospective parents who are the subject of a pre-natal report and employ a pre-natal caseworker in every Department of Communities and Justice region.
- ▶ Establish a Risk of Serious harm (ROSH) report protocol, which requires the Department of Communities and Justice to refer families for free, independent legal advice at the point of a first report, even if the ROSH threshold is not met.
- ▶ Fund the Aboriginal Legal Service NSW/ACT to significantly increase its child protection and family law practices.





Care for the environment

Everyone has the right to a healthy and sustainable environment.

Successive governments have failed to safeguard us against climate change and extreme weather events.

We want wellbeing, equality, and justice to be at the heart of any attempt to address the climate emergency. Solutions need to serve everyone, particularly those most affected by climate change, like Aboriginal and Torres Strait Islander people, working class communities, and people in regional, rural and remote areas, and people with disability.

A just transition and a future with healthy air, waterways, and land is possible if we take strong action now.

Set strong, credible targets to reduce greenhouse gas emissions

- ▶ Implement a whole-of-government approach to climate change by implementing a *Climate Change Act* for NSW that deals with both climate change mitigation and adaptation in a coordinated way, sets a clear overarching objective to limit the increase in global warming to no more than 1.5 degrees above pre-industrial levels by 2030, and plans for a rapid and just transition away from fossil fuel production and use consistent with Intergovernmental Panel on Climate Change (IPCC) advice.
- ▶ Ensure all NSW legislation is climate-ready by reviewing relevant legislation and incorporating clear requirements for climate change mitigation and adaptation that integrate with requirements

under the NSW planning system and any stand-alone climate legislation. The review could be undertaken by the Climate Change Division of Premier & Cabinet on advice from the Climate Change Advisory Council.

A just transition to a zero-carbon economy

- ▶ Develop just transition plans for individuals and communities most heavily impacted by the transition to a zero-carbon future, including Aboriginal and Torres Strait Islander communities, farmers, communities exposed to extreme heat, bushfires and flooding, and communities that rely on mining or high-emissions farming as major sources of employment.
- ▶ Just transition plans should:
 - » Recognise and protect Aboriginal and Torres Strait Islander people's rights to land and water.
 - » Adequately address the needs of people and communities already experiencing social or economic disadvantage or discrimination so that they benefit equally from the transition to a zero-carbon future.
 - » Require companies and industries most responsible for high emissions to subsidise just transitions for people and places.
 - » Strengthen pollution laws and compliance to ensure all communities across NSW have access to clean air and water.
 - » Ensure access to adequate and clean drinking water in rural, regional, and remote communities.



Protect biodiversity and threatened species

- ▶ Increase the number and extent of protected areas, and ensure there is no significant reduction in or degradation of protected areas.
- ▶ Increase protections for threatened species. Prioritise post-bushfire threat status assessments and use appropriate mechanisms, including emergency listing provisions, to ensure threatened species are listed according to their current threat status. Ensure that the NSW Biodiversity Conservation Program is delivering improved outcomes for threatened species.
- ▶ Strengthen land clearing laws to curb excessive land clearing, including by finalising maps, revising and tightening land clearing codes, and improving compliance and enforcement.
- ▶ Overhaul the rules around biodiversity offsetting in line with best practice and best available science.
- ▶ Update forestry laws, taking into account the impacts of the 2019–2020 bushfires and consistent with the principles of ecologically sustainable forestry management, including with respect to increased transparency and reporting, third party enforcement rights, and responding to environmental challenges such as climate change and biodiversity loss.
- ▶ Recognising the value of forests as carbon sinks and bio-diverse ecosystems, galvanise the transition from native forest logging to plantations.
- ▶ Ban the burning of native forest biomass for energy.
- ▶ Improve environmental monitoring and management of pollution and threatening processes on ecosystems.

Respect and protect animals' rights and wellbeing

- ▶ Acknowledge animal sentience in NSW law, following jurisdictions such as the Australian Capital Territory (see section 4A of the *Animal Welfare Act 1992 (ACT)*) and the United Kingdom.
- ▶ Establish an independent office of animal protection, as recommended by the 2020 Select Committee of Inquiry into the Enforcement of Animal Cruelty Laws in NSW.
- ▶ Integrate plans to address climate impacts, including extreme weather events and disasters, on native wildlife and introduced species through climate change laws and policies.

Develop climate-ready planning laws

- ▶ Implement climate-ready planning laws.
- ▶ Develop an overarching Climate Change State Environmental Planning Policy to improve integration of climate mitigation, transition and adaptation targets and measures within the planning system.
- ▶ Review and update all existing State Environmental Planning Policies to ensure they contribute to reducing greenhouse gas emissions in line with legislative targets. Plan for a rapid and just transition away from fossil fuel production and use, and address climate change impacts and risks, including through relevant climate adaptation measures.
- ▶ Require planning authorities to address climate change considerations when preparing and making strategic plans and planning decisions.
- ▶ Impose a duty for decision-makers to refuse planning and development proposals with unacceptable climate change impacts.



Champion a vibrant democracy

We envision a democracy where people have the right to protest; where our civil society includes diverse, independent, and locally connected not-for-profit organisations, which are free to participate in public policy debate and advocacy; where government and its agencies, including the police, are transparent, open, and accountable, and genuinely engages with the communities impacted by its decisions.

The criminalisation of peaceful protest has far-reaching and damaging implications for our democracy. Legislation which unjustly restricts people's freedoms to express dissent should be wound back. Heavy penalties and greater restrictions on peaceful protest are not a proportionate response to non-violent citizen action which draws attention to the climate crisis, environmental damage, racial injustice, or legal, economic and social inequalities.

Stop criminalising dissent

- ▶ Abolish prison terms for non-violent direct actions and civil disobedience.
- ▶ Repeal Schedule 2 of the *Right to Farm Act 2019*, which amended s4B of the *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016* to insert a new form of aggravated trespass onto agricultural land with higher penalties, targeting

environmental and animal activists.

- ▶ Strengthen defences for activism in the law and recognise the 'emergency climate defence' as a statutory defence for environmental activism.
- ▶ Insert public interest exemptions into:
 - » The *Surveillance Devices Act 2007* to enable footage of routine agricultural practices to be used for raising awareness about animal welfare.
 - » The *Classification (Publications, Films and Computer Games) Enforcement Act 1995* to prevent police from silencing activism based on film and footage classifications.
- ▶ Repeal the addition to section 144G of the *Roads Act 1993* which expands the offence to enter, remain on, or otherwise trespass on prescribed major bridges or tunnels in NSW if that conduct causes a serious disruption on prescribed roads.
- ▶ Repeal the equivalent offence under the *Crimes Act 1900* that legislates against activities that detrimentally affect prescribed public transport or infrastructure facilities.



Protect organisations' right to participate freely in public policy debates and advocacy

- ▶ Support genuine community consultation on proposed legal and policy reform options:
 - » Provide longer notice periods for submissions to government and parliamentary inquiries and review processes.
 - » Provide diverse ways for people and communities to participate in government consultation processes, including face-to-face.



About community legal centres

Community legal centres are a movement of organisations that provide free legal help, wraparound services and holistic support to people going through tough times.

Each year community legal centres support tens of thousands of people experiencing financial hardship, social disadvantage, housing issues, domestic or family violence, discrimination, and other legal and social issues.

We also advocate for law reform and social justice, so that our society and laws are just, fair and inclusive.

Community Legal Centres NSW is the peak representative body for 41 community legal centres in New South Wales. Our team supports, represents and advocates for our members, and the legal assistance sector more broadly, with the aim of increasing access to justice for people in NSW.

- ▶ **99% of clients** said the community legal centre listened to their legal problem.
- ▶ **97% of clients** stated they would recommend the community legal centre to other people.
- ▶ **95% of clients** stated that the centre helped them understand their rights and responsibilities.

“If I hadn’t gotten the help from Illawarra Legal Centre I would have been without money and in an unsafe position.”

– Client of Illawarra Legal Centre

“I have my life back.”

– Client of Seniors Rights Service

“I cannot express how invaluable the advice and help given to me was. I felt assured I had someone in my corner who knew exactly what my rights were.”

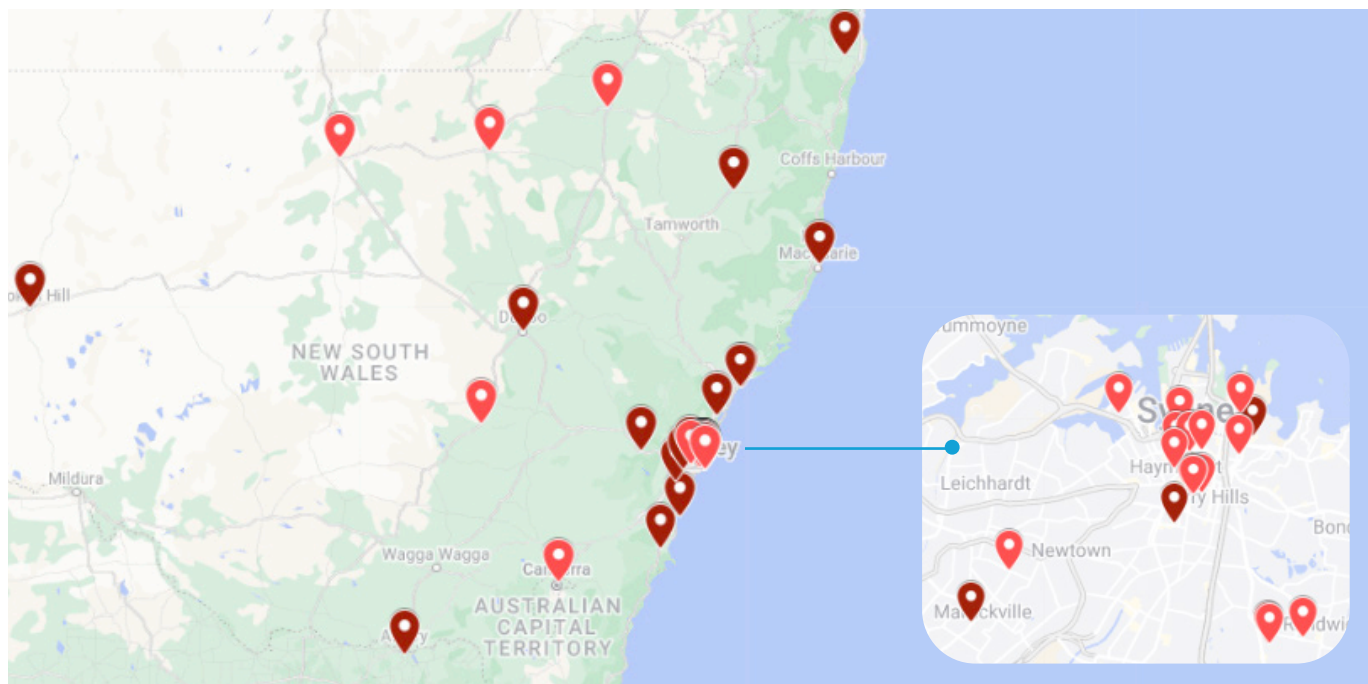
– Client of Tenants’ Union NSW

“If I wasn’t able to see you guys, my future wouldn’t have been as bright and I would have lost a lot including my child. The solicitor was very welcoming, always reassured and cared for me and my feelings.”

– Client of Warringa Baiya Aboriginal Women’s Legal Centre

“I consider my lawyer my life saver.”

– Client of HIV/AIDS Legal Centre



Specialist community legal centres give expert legal advice on specific legal issues (like social security or tenancy), or to particular groups of people (like First Nations people, people with disability, or women).

- ▶ Animal Defenders Office
- ▶ Arts Law Centre of Australia
- ▶ Australian Centre for Disability Law
- ▶ Binaal Billa Family Violence Prevention Legal Service
- ▶ Environmental Defenders Office
- ▶ Financial Rights Legal Centre
- ▶ HIV/AIDS Legal Centre
- ▶ Human Rights Law Centre
- ▶ Immigration Advice and Rights Centre
- ▶ Intellectual Disability Rights Service
- ▶ International Social Service Australia
- ▶ Justice Connect
- ▶ Public Interest Advocacy Centre
- ▶ Refugee Advice and Casework Service
- ▶ Seniors Rights Service
- ▶ Tenants' Union of NSW
- ▶ Thiyama-Li Family Violence Prevention Legal Service
- ▶ Welfare Rights Centre
- ▶ Wirringa Baiya Aboriginal Women's Legal Centre
- ▶ Women's Legal Service NSW
- ▶ Youth Law Australia

Generalist community legal centres support people within geographic areas with a range of everyday legal problems. From Albury to the Tweed, and Broken Hill to the Sydney CBD, we're there supporting local communities.

- ▶ Central Coast Community Legal Centre
- ▶ Central Tablelands and Blue Mountains Community Legal Centre
- ▶ Far West Community Legal Centre
- ▶ Hume Riverina Community Legal Service
- ▶ Hunter Community Legal Centre
- ▶ Illawarra Legal Centre
- ▶ Inner City Legal Centre
- ▶ Kingsford Legal Centre
- ▶ Macarthur Legal Centre
- ▶ Marrickville Legal Centre
- ▶ Mid North Coast Community Legal Centre
- ▶ North and North West Community Legal Service
- ▶ Northern Rivers Community Legal Centre
- ▶ Redfern Legal Centre
- ▶ Shoalcoast Community Legal Centre
- ▶ South West Sydney Legal Centre
- ▶ University of Newcastle Legal Centre
- ▶ Western NSW Community Legal Centre
- ▶ Western Sydney Community Legal Centre



The panel for our 'Breaking Circuits, strengthening communities' session at our May Conference (2021): Zachary Armytage (Community Legal Centres NSW), Kenn Clift and Dean McLaren (Intellectual Disability Rights Service), Keenan Mundine (Deadly Connections), Jenny Loveric and Julie Williams (Just Reinvest NSW). Photo: Community Legal Centres Australia



Photo by Cathy Ross, for Community Legal Centres Australia.



Gail Brennan (Redfern Legal Centre), Emma Bastable, Kate Sinclair, Sally Taverson and Corey Smith (Public Interest Advocacy Centre) at Big Yarn Up, Coffs Harbour.



Photo by Cathy Ross, for Community Legal Centres Australia.

Endnotes

- 1 NSW Department of Family & Community Services, 'Expected waiting times', 2022. Available at: <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>. Accessed 21 February 2022.
- 2 Homelessness NSW, 'Homelessness in NSW', 2021. Available at: <https://homelessnessnsw.org.au/wp-content/uploads/2021/03/Homelessness-in-New-South-Wales-.pdf>. Accessed 21 February 2022.
- 3 Tenants' Union of New South Wales, 'Eviction, hardship, and the housing crisis: Building a crisis-resilient renting system', 2022. Available at: <https://files.tenants.org.au/policy/2022-Eviction-Hardship-and-the-Housing-Crisis-TUNSW.pdf>. Accessed 21 February 2022.
- 4 Our Watch, 'Change the story: A shared framework for the primary prevention of violence against women in Australia', 2021. Available at: <https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2021/11/23131846/Change-the-story-Our-Watch-AA.pdf>. Accessed 21 February 2022.
- 5 Economic Justice Australia, 'Debt, Duress and Dob-Ins: Centrelink Compliance Processes and Domestic Violence', 2021. Available at: <https://www.ejaustralia.org.au/debt-duress-and-dob-ins-centrelink-compliance-processes-and-domestic-violence/>. Accessed 4 August 2022.
- 6 Australia's National Research Organisation for Women's Safety, 'Barriers preventing Aboriginal and Torres Strait Islander women from reporting family violence', 2020. Available at: <https://www.anrows.org.au/media-releases/barriers-preventing-aboriginal-and-torres-strait-islander-women-from-reporting-family-violence/>. Accessed 21 February 2022.
- 7 Australia's National Research Organisation for Women's Safety, 'Domestic and family violence, housing insecurity and homelessness', 2019. Available at: <https://www.anrows.org.au/publication/domestic-and-family-violence-housing-insecurity-and-homelessness-research-synthesis/>. Accessed 4 August 2022.
- 8 Public Interest Advocacy Centre, 'Leader to laggard: The case for modernising the NSW Anti-Discrimination Act,' 2021. Available at: <https://piac.asn.au/2021/08/06/leader-to-laggard-the-case-for-modernising-the-nsw-anti%E2%80%90discrimination-act/>. Accessed 4 August 2022.
- 9 NSW Bureau of Crime Statistics and Research, 'Recent trends in the NSW female prison population,' 2018. Available at: https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2018/mr-Recent-trends-in%C2%AD%C2%AD%C2%AD-the-NSW-female-prison-population.aspx#:~:text=The%20growth%20has%20been%20particularly,over%20the%20same%20time%20period. Accessed 4 August 2022.
- 10 Mandy Wilson et. al., 'Violence in the Lives of Incarcerated Aboriginal Mothers in Western Australia,' 2017. Available at: <https://journals.sagepub.com/doi/full/10.1177/2158244016686814>. Accessed 4 August 2022.
- 11 Australia's National Research Organisation for Women's Safety, 'Accurately identifying the 'person most in need of protection' in domestic and family violence law,' 2020. Available at: <https://www.anrows.org.au/project/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>. Accessed 4 August 2022.
- 12 Professor Julia Tolmie, 'Coercive Control in Domestic Relationships: Submission to the Parliamentary Joint Select Committee on Coercive Control,' 2021. Available at: <https://www.parliament.nsw.gov.au/ladocs/submissions/70391/Submission%20-%2023.pdf>. Accessed 4 August 2022.
- 13 Public Interest Advocacy Centre and Homelessness NSW, 'Policing Public Space: The experiences of people sleeping rough', 2021. Available at: https://piac.asn.au/wp-content/uploads/2021/05/MIS0023_Policing-Public-Space-Report-PIAC_Web.pdf. Accessed 21 February 2022.

14 Just Reinvest, 'What is justice reinvestment?', 2022. Available at: <https://www.justreinvest.org.au/what-is-justice-reinvestment/>. Accessed 21 February 2022.

15 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Research Report - Police responses to people with disability', 2021. Available at: <https://disability.royalcommission.gov.au/system/files/2021-10/Research%20Report%20-%20Police%20responses%20to%20people%20with%20disability.pdf>. Accessed 21 February 2022.

Contact

Community Legal Centres NSW
Gadigal Country
102/55 Holt Street
Surry Hills NSW 2010
Telephone: (02) 9212 7333
Email: clcnsw@clcnsw.org.au
Website: clcnsw.org.au

