

The Change Toolkit

Chapter 4. Working with the community

There are many ways to approach systemic advocacy work. The chapters of this guide outline some of the different ways CLCs can take action to make the law fairer and increase access to justice. Irrespective of how you choose to do it, systemic work is most likely to succeed where it has a strong connection with the community. This chapter focuses on why you should work with communities to promote changes to unfair or ineffective laws and practices.

Why is working with the community important for effective systemic work?

Effective systemic work is informed by and is responsive to communities. There is no one particular way for CLCs to work with a community, but effective work will always involve listening to and prioritising community concerns.

By definition, systemic issues are community issues, and working with the community enables ordinary people to participate in the solutions to the problems they share. By working with the community, CLCs can ensure that their efforts are connected to the needs of the people they serve and have the greatest possible impact. Involving communities in law reform and policy work empowers and supports ordinary people to take collective action to achieve change.

Role of CLCs

CLCs are in a unique position to enable and support communities to participate in systemic work, because they have the necessary proximity and relationship with the community to collaborate in ways that other organisations cannot. There is no one way to work with communities – rather, there is a spectrum of

possible advocacy. Community experiences and needs drive systemic advocacy to varying degrees, and community members can also be empowered to participate in that advocacy.

For example, a CLC may engage in systemic advocacy as the result of being contacted by community members whose issues will not be effectively addressed by individual legal help. This might be as a result of clients receiving legal assistance that in the process raises larger systemic issues. People may also raise systemic issues via outreach or community legal education sessions. Others will contact a CLC because they have reached ‘the end of the road’ in terms of legal help and do not know if there is anywhere else to turn.

CLCs should also canvas local community views on laws and policies and draw on them to inform their campaign and law reform efforts. One effective strategy is to hold community meetings where community members can express their views and share their experiences. Alternatively, CLCs can engage in more resource intensive community work such as *community organising*. Community organising emphasises real and immediate improvements that communities can mobilise around. Community organisers – CLC staff and

volunteers – create opportunities for community members to unite in a strong group and advocate for themselves.

Some community members will already be engaged in, or interested in the possibilities of, undertaking their own systemic advocacy, and can be supported by CLCs. This might involve strategies such as:

- simply encouraging individuals' and community groups' own efforts;
- keeping communities informed about the progress of the CLC's work;
- providing background information about the issue and the process involved in trying to achieve change.

Many of the systemic advocacy strategies outlined in this Toolkit can be undertaken with communities. For example, CLCs can offer tools and training to enable community members to meet with decision makers (Chapter 5), write submissions to governments or parliamentary inquiries (Chapters 6 and 7), or participate in media interviews (Chapter 11). Some systemic advocacy can only be undertaken by collaboration with at least some members of the community – such as strategic litigation (Chapter 8) and the use of stories and case studies (Chapter 9).

Examples of CLCs working with their community

There are no concrete rules on how best to engage with communities. Here are some examples of cases where CLCs have identified and responded to the experiences of people in the community to

successfully address barriers to justice faced by Australians who are disadvantaged.

Flemington & Kensington CLC Police Accountability Project

In 2005, staff at Flemington & Kensington CLC (FKCLC) began to receive a large number of complaints about police brutality against African and Afghani Australians in Flemington and surrounding neighbourhoods. FKCLC made complaints to the Office of Police Integrity (OPI) about the abuse, but these complaints were found to be unsubstantiated. FKCLC then made a complaint of race discrimination to the Australian Human Rights Commission.

Unsatisfied with the result and the consistent failure of the Police to adequately respond to the complaints, FKCLC brought a case against Victoria Police in the Federal Court on behalf of 16 victims.¹ The matter was settled out of court and Victoria Police agreed to hold an inquiry to review its training and practices. Following the inquiry, the police released the 'Equality is Not the Same' report, and launched a 3-Year Action Plan to address community concerns about discriminatory policing.

FKCLC went to great lengths to ensure that the affected community was supported and empowered. Community voices and experiences were an essential element of the push to change the outlook and approach of Victoria Police. Here are some of the ways that FKCLC have worked with the community on the Police Accountability Project:

1. Supporting those involved in the litigation

FKCLC provided extensive support to the claimants during and after the case. They worked with a range of other service providers

¹ For more information on the litigation, see Chapter 8.

to ensure that the needs of the claimants and of the surrounding community were met.²

2. Keeping the public informed

FKCLC kept the public informed of the progress of the case and the action taken afterwards by holding regular public meetings and releasing information about the progress of the project on their website.

3. Encouraging submissions and documenting experiences

During the Police inquiry, FKCLC held public meetings and encouraged the community to give evidence and publically document their experiences. On release of the Report, FKCLC held a public forum on racism, racial profiling and public health.³ At the forum, lawyers and the lead applicant in the race discrimination case spoke to attendees about the experience and invited discussion about strategies to end racially discriminatory policing.

4. Ongoing community consultation and evaluation

Since April 2014, FKCLC have held regular racial profiling monitoring meetings with the community in order to monitor the progress of the Police 3-Year Action Plan.⁴ The meetings provide a forum for community members to discuss and document their experiences of racism by Police and to discuss ways in which the problem can be addressed.⁵

The continual efforts of FKCLC to engage the community over the course of the

development of their Police Accountability Project provide a useful illustration of the many ways that community work can be integrated into the process of law reform.

See Chapter 8 on Strategic Litigation to watch a video about FKCLC's work on this project.

'Do Not Knock'

The Consumer Action Law Centre launched the 'Do Not Knock' campaign after seeing an increasing number of people who had been misled or pressured into contracts by door-to-door salespeople which left them worse off.

Consumer Action developed and distributed a 'do not knock' sticker for people's houses and established a web portal for people to use to register a request not to be door-knocked with all energy companies in the state. In addition, the Centre invited the public to make complaints to ombudsmen and asked people to share their stories. The 'Do Not Knock' campaign led to a number of positive outcomes: it raised consumer awareness of the risks of door-to-door selling, resulted in the successful prosecution of two large energy companies, prompted three Victorian energy companies to decide to cease selling door-to-door, and resulted in a Federal Court ruling that ignoring a 'Do Not Knock' sticker was a breach of the Australian Consumer Law. See Chapter 10 'Designing a Campaign' for more details about the 'Do Not Knock' campaign.

Work against family violence

Family violence is the top legal problem type for CLCs and contributes more than one third of all new cases, with 20 CLCs providing duty lawyer services in intervention order matters at 29 Magistrates' Courts. Victim/survivor experiences consistently inform CLC and Federation policy and law reform work, via

² To read more about the 'Walking alongside program', visit: <http://www.policeaccountability.org.au/about/walking-alongside-program/>.

³ To see a flyer advertising the forum, visit: http://eccv.org.au/library/raceforum_flyer_proof.pdf.

⁴ To read more, visit: <http://www.policeaccountability.org.au/issues-and-cases/racial-profiling/victoria-police-inquiry/>.

⁵ FKCLC will publish regular 'Report Cards' based on the meetings. To read more about the monitoring, visit: <http://www.policeaccountability.org.au/racial-profiling/today/>.

casework and the Family Violence Applicant Lawyer Networking Group, together with CLC collaboration via the Federation's Violence Against Women and Children Working Group.

CLCs also regularly engage with communities through activities on White Ribbon Day, including participating in the Walk Against Violence and providing information and stalls in Melbourne and other parts of Victoria.⁶ In 2012 the Victorian Family Violence Justice Alliance, a coalition of 7 peak and specialist bodies including Women's Legal Service Victoria, the Federation, associate member Domestic Violence Resource Centre, and external partners, organised a public 'Red Rose Rally' on the steps of Parliament to advocate for the re-funding of Victoria's Systemic Review of Family Violence Deaths.⁷

In 2014, Peninsula Community Legal Centre provided legal assistance to Rosie Batty in the inquest into the death of her son Luke, who was killed by his father at the time that Ms Batty had a family violence intervention order. As a result of making that connection, the Federation and other members of the Alliance began to engage in regular systemic advocacy with Ms Batty, including some joint media interviews and public speaking, and meeting with Government, as well as collaboration around key messages about family violence. Ms Batty had a significant impact on family violence being recognised as a significant issue in the 2014 Victorian election and continues to be a powerful media advocate.

In 2014 the Alliance also launched the No More Deaths family violence campaign, seeking policy commitments from parties leading up to

the Victorian State election.⁸ The public launch included a written speech provided by the parents of Kelly Thompson, who was killed by her ex-partner; and a speech by Wendy Phillips, whose sister Lynette was murdered by her ex-partner. Ms Phillips also spoke at the media conference accompanying the launch. The '25 asks' from the No More Deaths campaign were subsequently responded to by all three major parties, and the resulting scorecard received prominent media coverage.⁹ The new Labor Government has begun to implement commitments it made in response to the campaign, including the appointment of a Minister for the Prevention of Family Violence, the first such position in Australia. It is also now Labor policy to re-fund the Death Review.

Coronial reform

Bereaved family members regularly contact CLCs or the Federation seeking help with the coronial process, or after an inquest has concluded because they do not feel that they have obtained sufficient answers about why their loved one died and want to try to prevent future similar deaths.

When the Federation learned of changes to Victoria's coronial system proposed by the Courts Legislation Miscellaneous Amendments Bill 2014, they wrote to the Attorney-General, Robert Clark, putting forward concerns that aspects of the Bill would weaken the capacity to prevent deaths and exacerbate families' distressing experience of inquests, and urging further discussion before any amendments to the Coroners Act proceeded to debate in Parliament.

⁶ See, for example: <http://www.dvrcv.org.au/knowledge-centre/our-blog/dvrcv-walk-against-family-violence>.

⁷ To read more about the Red Rose Rally, visit: <http://www.dvrcv.org.au/knowledge-centre/our-blog/red-rose-rally-end-family-violence-deaths>.

⁸ To read more about the No More Deaths Campaign, visit: <http://www.dvrcv.org.au/knowledge-centre/our-blog/no-more-deaths-campaign-update>.

⁹ To see the score card, visit: <http://www.dvrcv.org.au/knowledge-centre/our-blog/state-election-2014-%E2%80%93-family-violence-score-card-released-today>.

The Federation then contacted representatives of families who they had been working with on various coronial issues. Within 48 hours, six people representing five different families had agreed to speak at a media conference. These families had experienced the Victorian coronial system via inquests into deaths from family violence, road trauma, home birth, psychiatric care and police shooting.

The families were particularly concerned about proposed changes that would narrow the timeframe within which families could appeal the refusal to hold or reopen an inquest, or to challenge inquest findings. They also supported the Federations' call for affordable legal help and better information for families, and a clear path to monitoring and implementing findings to avoid future preventable deaths in similar circumstances.

The media conference led to coverage in major newspapers and on radio, and was also an opportunity for all the family members to meet one another. Several family representatives went on to continue their own advocacy via media and communicating with decision makers.

The Bill passed with amendments proposed by the Opposition, following advocacy by the Federation and other stakeholders. These changes limited the proposed reductions in time for appeals. Debate in the Legislative Council noted that the stakeholder consultation had:

'led to significant dialogue between the shadow Attorney-General. . .and the Attorney-General. . .opposition members believe that the bill before the Legislative Council this afternoon is a much better and much improved document

than what was first introduced into the Assembly some weeks ago.'¹⁰

One family member has since commented:

'I am so glad that we had the opportunity to bring this to the public's attention. And I am so glad that I had the opportunity to meet some amazing people, even though it was under the most difficult circumstances.'

Another said:

'Keep up the fight and hopefully, we can all make a difference at some stage.'

Acknowledgments

This chapter has been downloaded from <http://www.thechangetoolkit.org.au>. We recommend checking back to see if the content has been updated.

The Change Toolkit was prepared by the Federation of Community Legal Centres. The Federation is the peak body for community legal centres across Victoria.

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¹⁰ Victoria, *Parliamentary Debates*, Legislative Council, 2 September 2014, 2749-51 (Gayle Tierney).