

The final edition of Diversity News for 2008 looks at detention laws, seniors' rights, and reforms to abortion laws, relationship registers, and stalking laws. In early 2009 Diversity News will report on the new laws regarding family violence.

National call for fairer detention laws

National Legal Aid, representing Australia's eight legal aid commissions, has made 21 recommendations to the federal inquiry into current detention arrangements.

The Department of Immigration and Citizenship inquiry is looking at a range of issues affecting refugees and undocumented arrivals.

The National Legal Aid key recommendations include:

- the provision of a free legal advice scheme to provide timely and independent advice to detainees so that valid applications can be made within time, and
- legal aid funding guidelines to be amended so that the legal aid commissions are able to represent people, subject to means and merits tests, for applications to the Department of Immigration and Citizenship.

Victoria Legal Aid, through its Human Rights & Civil Law Service, contributed to recommendations that call for:

- the greater observance of the International Covenant on Civil and Political Rights (ICCPR)
- all detainees to be given health (including mental health) checks and ongoing assessment every 30 days
- those detainees at risk of psychological harm to themselves or others to receive appropriate treatment and placement in alternative accommodation options
- the Department of Immigration and Citizenship to show why continued detention for greater than one month is justified
- children not to be detained or separated from their parents and family members
- the abolition of indefinite mandatory detention
- alternative accommodation and care options to those currently offered in detention.

Victoria Legal Aid, and National Legal Aid, believe it is important that Australia utilises community facilities and moves away from prison facilities, particularly in relation to children and young people in detention.

Community-based accommodation offers more opportunities for detainees to receive quick legal information, support, and health care. In doing so, there is then more effective integration into the community.



The Bridging Visa E class of visa, granted to asylum seekers who do not apply for a protection visa within 45 days of arrival in Australia, deny people the right to work, health care and welfare. This can create a downward spiral of poverty, isolation, depression and debt.

Several thousand people currently on this type of visa are, in the main, reliant on the support of the not-for-profit community sector and charities.

It is vital that security measures do not result in compromised health and care of detainees and their dependent families.

The federal inquiry offers a way for the legal community and the community service sector to contribute to meaningful solutions for these people.

Victoria Legal Aid's *Refugees and protection visas* brochure is for helping people who have arrived in Australia, with or without a visa, and who may be refugees.

The brochure is available in Arabic, Chinese, English, Farsi and Turkish. It includes details relevant to new Commonwealth laws.

You can order free copies of this brochure at www.legalaid.vic.gov.au or by calling 9269 0223.



New legal service for senior Victorians

Victoria Legal Aid has committed over \$400,000 per year for the next three years in support of Victoria's newest specialist legal service, the Seniors Rights Victoria community legal service.

The service opened earlier this year and is run by the Council on the Ageing, with the Public Interest Law Clearing House, Loddon Campaspe Community Legal Centre and the Eastern Community Legal Centre providing legal advice and legal education. It is funded by the Victorian Government (through the Office of Senior Victorians) and VLA.

'This is an example of how partnerships can work to bring together much needed services,' said VLA managing director Bevan Warner.

National research in 2006 by the Department of the Commonwealth Attorney-General showed that 'the range of legal matters facing older persons is by no means limited to issues regarding wills, powers of attorney, guardianship and administration.'

Seniors Rights Victoria provides an information and referral service on a range of matters affecting older people in the community. It also provides advice and casework in matters of elder abuse, discrimination and exploitation.

Elder abuse is any act that causes harm to an older person inflicted by someone they know and trust, such as a family member or friends. Elder abuse may be physical, social, financial, psychological or sexual.

In November 2008 Senior Rights Victoria launched a report by the Loddon Campaspe Community Legal Centre which calls for a joint response by the Commonwealth Government and the banking and financial sector to the hidden problem of financial elder abuse.

The report, 'Responding to the Financial Abuse of Older People' clarifies the challenges and constraints faced by banks in dealing with financial abuse.

'The legal needs of asset rich and income poor older Australians may slip through the cracks at a time of life when they become most vulnerable,' said Mr Warner, 'unless positive proposals for new services like Seniors Rights Victoria are advanced and embraced by governments. VLA is delighted to be playing its part in this initiative.'

Visit www.cotavic.org.au or phone 1300 368 821 for more details about the Seniors Rights Victoria community legal service. The report into financial elder abuse is available at <http://www.communitylaw.org.au> or by calling the Loddon Campaspe Community Legal Centre (03) 5444 4364.

New Law

New Law is an online Victoria Legal Aid service that lists recent changes to the law that may affect Victoria Legal Aid clients. The service summarises new laws and points out where to find further information.

Abortion law reform



It is no longer a criminal offence for a woman to have an abortion. The new law sets out who is able to perform abortions or dispense medications that will cause abortions. If a practitioner objects to terminating a pregnancy they are required to refer the woman to another. Special rules apply if an abortion is needed after 24 weeks.

Other new laws are expected in December. Changes that may affect Victoria Legal Aid's clients will be reported in the new law section of our website.

Family violence and stalking

The law to protect people from violent family members is about to change. It expands the definition of family violence to include emotional and financial abuse. The law also gives more powers to police to intervene if they are called to a violent incident when the courts are closed.

Stalking intervention orders (where someone is afraid of a person who is not considered to be a family member) will be dealt with under a separate law.

Registering relationships

Adults who are not married will be able to choose to register their relationship with the office of births, deaths and marriages from 1 December 2008. The court will take this registration into account if the couple separate and there is a dispute over their property.

Visit the New Law page at Victoria Legal Aid's website for more details about new laws.

The next edition of Diversity News, in February 2009, will detail new laws about family violence.

New resources from Victoria Legal Aid

In 2007-2008 Victoria Legal Aid distributed 543,161 copies of its community legal education publications, either in hard copy or downloaded from the VLA website.

This included *Using disability discrimination law*, a booklet for people who wish to use or know more about disability discrimination law in Victoria. It has information about:

- how disability is defined
- how to take action against disability discrimination
- the complaints process
- where to get help.

This booklet also has case studies and is available in three formats: booklet, audio CD, Braille.

Using disability discrimination law and many other free Victoria Legal Aid publications can be ordered at www.legalaid.vic.gov.au or by calling 9269 0223.



Legal information service

Victoria Legal Aid's telephone legal information service receives more than 70,000 calls each year.

The free service is available Monday to Friday between 8.45 am and 5.15 pm (**tel: 9269 0120, or 1800 677 402 for country callers**). It provides legal information and referrals and helps callers to access VLA's lawyers and legal services and other legal help.



The service is also provided in languages other than English by bilingual staff or with a telephone interpreter.

You can ring Victoria Legal Aid's information service on the phone numbers below or ring the **Translating and Interpreting Service** on 131 450 and ask to be put through to VLA for all other languages.

Arabic	9269 0127	Polish	9269 0228
Cantonese	9269 0161	Russian	9269 0315
Croatian	9269 0164	Serbian	9269 0332
Greek	9269 0167	Spanish	9269 0384
Italian	9269 0202	Turkish	9269 0386
Macedonian	9269 0477	Ukrainian	9269 0390
Mandarin	9269 0212	Vietnamese	9269 0391

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