

29 May 2008

Mr Carlo Carli MP
Chairperson
Scrutiny of Acts Regulations Committee (SARC)
Parliament House
Melbourne
Victoria
3000

Dear Mr Carli,

Re: Inquiry into the Police Integrity Bill 2008

The West Heidelberg Community Legal Service writes this submission on the basis of its client experience and to provide a voice for our clients who are often marginalised and may not have the capacity, capability or facility to have their voice heard. The legal service has for more than three decades acted for clients who have had dealings with police and has also been involved with policy work calling for the improvement of policing in Victoria. Gary Sullivan, the Principal Solicitor of the legal service was the Convener of the Federation of Community Legal Centres Police Issues Group from 1982-2003.

The West Heidelberg Community Legal Service has been delivering legal services to the local community since 1975 when the legal service was established by a group of volunteers and Latrobe University prior to it becoming a funded legal service. The legal service is based in the Banyule Community Health Service, 21 Alamein Rd West Heidelberg.

The West Heidelberg area has a high concentration of people who are in public housing and West Heidelberg has one of the poorest postcodes in Victoria. The West Heidelberg area also has a significant number of newly arrived members of the African community.

The clients of the legal service often have a low level of education and therefore minimal literacy and numeracy. A number of clients also need access to interpreters. In addition, many of our clients have experienced intergenerational poverty; drug addiction, mental illness. Many of our clients have intellectual disabilities. There are also a large number of elderly people who make up the community of West Heidelberg. The legal service's catchment area extends throughout the City of Banyule region. The legal service also sees a high number of children and young people. Many of our clients have dealings with police either as a result of prosecution, as victims of crime or in seeking their protection as members of the community.

Based on our experience we endorse the joint submission to SARC of Liberty Victoria and the Australian Centre for Human Rights Education (ACHRE), RMIT.

Particularly we agree that:

1. Coercive powers given to the police and OPI must be justified by a demonstrated need, be the least intrusive necessary to achieve their purposes, contain adequate checks and balances to protect the rights of the individual, and be subject to independent scrutiny in order to protect against abuse of such power.
2. It is important to ensure that in trying to ensure accountability we do not take away the very protections that make us a civil society and risk empowering the body charged with policing police with powers that are excessive, unwarranted and which could be abused.
3. It is inappropriate for police to police themselves when allegations of misconduct are levelled against the police. This continues to be a problem. Many matters are not dealt with by the OPI which refers matters affecting our clients (such as low level assaults or harassment or discrimination) to the Ethical Standards Department of Victoria Police. Our clients, when they are made aware of this referral process are reticent to complain as they distrust the police after their initial contact with them and are fearful of reprisals. We suggest that this makes our clients susceptible to breaches of the Charter by police as breaches are never addressed, fully reported and police remain unaccountable for their actions.

4. Like Liberty and the ACHRE, we are concerned that the *Police Integrity Bill* breaches the Charter of Human Rights and Responsibilities particularly in that it gives civilians firearm and other weaponry capability (sections 102 and 103) without adequate justification. There are questions as to whether these people will have the training to use such weaponry. This has the potential to place at risk people's lives contrary to section 9 of the Charter.

We commend the submission of Liberty Victoria and ACHRE to you.

Yours faithfully,

Liz Curran

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