

Community Law News

AN E-NEWSLETTER OF THE FEDERATION OF COMMUNITY LEGAL CENTRES VIC

The e-newsletter of the Federation of Community Legal Centres (Victoria) Inc, the peak body for Victoria's community legal centres. Community Law News is directed towards community legal centres, the broader legal and social justice sectors, law reform bodies and interested members of the public. For information on Community Law News, or to subscribe, please contact administration@fclc.org.au

Inside: Winter 09

- 2 Law handbook online launched**
- 3 Law reform highlights**
- 4 Sector development round up**
- 5 Fitzroy and Allens celebrate**
- 5 Safe rooming houses campaign**
- 6 Prisoner death preventable**



Tel: 03-9652 1500

www.communitylaw.org.au

Registration A0013713H

ABN 30 036 539 902

Community legal centres are independent community organisations providing free legal services to more than 100,000 Victorians each year. Community legal centres integrate assistance for individual clients with community legal education, community development and law reform projects that are based on client need and that are preventative in outcome. The day to day work of community legal centres reflects a 35 year commitment to social justice, human rights, equity, democracy and community participation.

Supporting international students

The range of intersecting legal and social issues facing international students has recently received significant media coverage. International students are frequently exploited in the rental market and leased costly, sub-par accommodation arranged by agents in Australia and overseas. They often end up working in exploitative conditions for below-award wages due to restrictive visa conditions which only allow them to work a maximum of 20 hours a week. Many private colleges charge exorbitant fees for courses and at times students do not get what they sign up for. Some students must perform 900 hours work experience which creates another site for exploitation, especially where those students are using the work as a pathway to employer-sponsored permanent residency. In addition to these systemic concerns, international students are also experiencing racism, violence and discrimination at an alarming rate.

In response to these issues, Western Suburbs Legal Service has developed a legal advice clinic for international students. The International Student Legal Advice Clinic (ISLAC) operates on Wednesday evenings from 6-8pm as a drop-in service. International students can obtain legal advice and on-going legal assistance in a variety of legal areas, including crime, discrimination/vilification, employment, family violence, housing, fines/traffic offences, police issues, student rights and victims of crime.

ISLAC assists international students from across Melbourne, with a focus on the western suburbs. It has volunteers who speak Hindi, Urdu, Punjabi and Tamil and there are Student Rights Officers at each clinic to assist with student rights issues.

International students are often afraid to seek assistance or speak up about legal problems for fear of having their visas revoked or their chances of obtaining permanent residency jeopardised. Nonetheless, ISLAC has advised a range of students with issues predominantly relating to racism, tenancy, employment, victims of crime, police issues and traffic offences. There have also been a number of students attending with complaints or concerns about private colleges.

The Senate Education, Employment and Workplace Relations Committee is currently conducting an Inquiry into the Welfare of International Students. Its Terms of Reference include looking at safety and social inclusion, adequate and affordable accommodation, employment rights, visa requirements, and adequacy of supports and advocacy. The Committee is accepting submissions until 14 August and is due to report by 16 November. ISLAC will be making a submission and any CLC's or other agencies who wish to contribute are welcome to contact Marika Dias on Marika_Dias@clc.net.au or Gillian Davy on Gillian_Davy@clc.net.au.

Marika Dias and Gillian Davy, Western Suburbs Legal Service

Engaging retired and career break lawyers in pro bono

The Australian population is aging and 'baby boomers' are approaching retirement. Yet, currently there are no Australian pro bono programs which specifically aim to encourage and facilitate the involvement of lawyers approaching retirement and career break lawyers (lawyers who are temporarily out of the workforce). This demographic represents a valuable and untapped pro bono resource.

The National Pro Bono Resource Centre ('the Centre') has been conducting a research project to identify issues and make recommendations on engaging these lawyers in pro bono. The Centre has conducted numerous interviews with key stakeholders including public interest clearing houses, CLCs, law firms, bar associations, law societies, Aboriginal legal services, legal aid commissions, law foundations and individual retired and career break lawyers.

The Centre's draft report "*Potential Senior Pro Bono Lawyers and Career Break Lawyers Opportunities in Pro Bono legal work*", has been completed and can be downloaded on the Centre's website: www.nationalprobono.org.au.

To further develop the draft recommendations, the Centre has asked stakeholders for comments and is currently completing final consultations. The Centre expects the final report to be published shortly.

The Centre is also pleased to announce it has received a further \$40,000 from the Attorney-General's Department to help create pro bono opportunities for retired and career break lawyers. Sophie Grieve, Project Manager, will be working with the Centre for a further six months to aid the implementation of these opportunities.

The Centre wishes to thank everyone who has been involved in the project so far, for their valuable contribution. For further information contact Sophie Grieve sophie@nationalprobono.org.au.

Law Handbook Online Launched

On 24 June the new *Law Handbook Online* was launched by its patron Peter Cundall, the former ABC Gardening Australia host, together with the Attorney-General Rob Hulls MP.

The launch, at the State Library of Victoria, was a great event and was attended by many people from the community and legal sectors. The Attorney-General gave a rousing speech on the need for ongoing vigilance around access to justice as did Victoria Marles, Executive Officer of the Legal Services Board which has funded the *Law Handbook's* transition to a free site. But it was Peter who stole the show. Peter took us on a humorous and touching tour through his early years as a young boy in England and his experiences and adventures as a soldier. His seemingly innocent encounters with the law touched on the big issues central to community legal centres and social justice - police corruption, family violence, imprisonment, and environmentalism. We thank Peter for his generosity in agreeing to be the patron of the *Law Handbook Online* and for sharing his time to inspire us in the ongoing march for social justice.

Making the *Law Handbook* available free and online is a major step forward in access to justice. First published in 1977 as a guide for volunteer lawyers dealing with poverty law, the publication grew over the years into a 1000 page guide to the law. The content of the website and hardcopy is created by over 70 contributing writers who volunteer their expertise to update the publication annually. Now all this information is free and online at www.lawhandbook.org.au. The website has a new legal update notification facility which keeps the site relevant and up to date.

The *Law Handbook Online* is the perfect reference tool to keep on your desktop or in your bookmarks. The site, like the book, covers many topics that are core business for community legal centres such as social security payments, credit and debt issues, neighbourhood disputes, contracts, family law, and wills and estates just to name a few of the over 70 topics covered.

The *Law Handbook Online* has simple and Boolean search facilities and two new search functions to locate the nearest Victorian Legal Aid office or CLC. The website also has a new resources page listing many legal sites that will assist you with legal research and referrals. Other features of the *Law Handbook Online* are; a directory to many of the legal, government and community organisations; lists of all relevant legislation and case material and a glossary of terms.

So dig in to the *Law Handbook Online* and check out your bloomin' law...
www.lawhandbook.org.au

Marlena Pitrone, Fitzroy Legal Service



Victoria Marles, Attorney-General Rob Hulls, Peter Cundall & Jenny Blakey

Justice Profile – Mei Poh Lee and Ian Taylor, North Melbourne Legal Service



North Melbourne Legal Service takes new lead with retired and career break lawyers. Mei Poh Lee has been Manager at the North Melbourne LS for around a year...

Mei Poh, what sparked your interest in making a career break to community legal centres?

I have always had a social conscience, as a child growing up in Malaysia I saw my mum at work – she was a great philanthropist. The joke in our family was ‘I wonder who mum will bring home for dinner tonight?’ She instilled a sense of ‘care’ in all of us. My mother was out of control, in a good way!

Tell me about your interest and experience in North Melbourne LS?

I came to the job with full knowledge that the organisation was in need of change. There was a clear need (expressed by the management committee) that the centre needed to move further toward a sound governance structure. It’s still a journey – a work in progress, but since July 2008, I feel I have done a lot to transform the organisation.

What attracted you to the position?

The challenge! I thrive on challenge. I had previous experience at Springvale as a volunteer so had a good sense of the place of a CLC in the legal sector. I was interested in a career break (at the time I was a senior commercial lawyer), and made a clear decision to sacrifice pay in lieu of the opportunity to do ‘good work’.

Building a fairer justice system – law reform highlights

The Federation structure ensures that the client-driven work of CLCs across Victoria informs our law reform and policy activities. CLC workers collaborate on common justice concerns in law reform working groups supported by Federation staff. Federation law reform submissions, articles and media releases are available on www.communitylaw.org.au. For more information contact Chris Atmore, Sarah Nicholson or Lucinda O’Brien at administration@fclc.org.au.

Recent initiatives include:

- A comprehensive submission to the Federal Government’s National Human Rights Consultation, outlining the need for a federal Human Rights Act. We argued that present approaches to human rights protection are neither effective nor equitable, and that protection and promotion of human rights requires a legislative dialogue model which offers accessible redress for those whose rights have been violated.
- A submission to the Scrutiny of Acts and Regulations Committee’s Review of the Exceptions and Exemptions to the *Equal Opportunity Act 1995* (Vic). We endorsed the Human Rights Law Resource Centre’s submission that the exceptions should be repealed and replaced by a general balancing test from the Victorian Charter of Human Rights, supported by more detailed guidelines. As a less favoured alternative, we prioritised certain provisions for repeal and suggested amendments to improve the process.
- The Federation is engaged in dialogue with Corrections Victoria about reducing the incidence of strip searching under the new Corrections Regulations.
- We wrote to the Corrections Minister, Bob Cameron, calling for a review of Victoria’s prisoner transport system, in light of the Ward inquest and the Coroner’s sharp criticism of private contractor G4S.
- Powers of attorney – The Older Persons Law Working Group is currently drafting a submission to the Parliament of Victoria Law Reform Committee’s inquiry. We will underline the need for better education about powers of attorney, as well as stronger safeguards to prevent their misuse.
- We made a submission to the Victorian Law Reform Commission’s public surveillance consultation arguing that surveillance has a disproportionate effect on vulnerable members of society, particularly the homeless, and that it must be subject to effective regulation.
- We made written and oral submissions to a review of the insurance industry’s General Code of Practice, calling for stronger, more comprehensive hardship provisions, greater use of interpreters and better compliance with the Code.
- We made a submission to the President’s review of the Victorian Civil and Administrative Tribunal suggesting several ways to improve the Tribunal’s efficiency, consistency, transparency and accessibility.
- Alternative dispute resolution (ADR) – We made written and oral submissions to a federal enquiry into ADR. We argued that if mandatory ADR is introduced, it must be accompanied by legal and related support (for example, interpreting services), so that disadvantaged, low-income litigants can participate on an equal footing.
- We wrote to the Minister for Education, Bronwyn Pike, on new guidelines which prevent parent advocates from speaking at Student Support Group meetings. We believe the guidelines discriminate against students with disabilities.
- We wrote to the Associate to the State Coroner and the Department of Justice, proposing that in order to fulfil human rights obligations, the Coroner’s Court Rules and Coroner’s Regulations should spell out how the family’s rights to participation in the investigation and inquest are to be realised.

CONTINUED OVER PG

My two favourite parts of my job are the transforming of the organisation, and working on law reform strategies arising from case work.

How do you see your future?

I used to plan my life – then my dad was diagnosed with a major illness. This was a cathartic moment. I am now enjoying my new state of mind, which frees me to reflect on the idealism that I had as a young lawyer, I now have the opportunity to implement these ideals – this is where I want to be now. Commercial lawyers seeking to do social justice lawyering should definitely consider a pathway into community law. My experience in commercial law has ultimately helped me be a good clear decision maker – and this has been extremely useful for my role here at North Melbourne.



Ian Taylor retired as a lawyer in October 2005.

Ian, I understand you retired almost 10 years ago, how did you come to be working at North Melbourne LS?

Before I retired I was in-house legal counsel for Ansell (formally Dunlop) – and had been since 1968. When I retired I was in my early 60's. I took a year off, learnt and played rock and roll guitar, and whilst I had a great time, I realised I wasn't ready to stop work altogether. My initial connection with CLCs was through my wife and son who both work in CLCs.

Where did your journey in CLCs begin?

As a volunteer at St Kilda LS, and later in '07 I pursued an interest in volunteering at Brimbank CLC through the Prisoner's Legal Service. In '08 I also took on tutoring at Monash University, which in retrospect, was overdoing it.

CONTINUED OVER PG

Building a stronger community legal sector – sector development round up

The Federation works with its members and stakeholders to build a stronger and more effective community legal sector. Resources and information on our sector development work are available on www.communitylaw.org.au. For more information, contact Annie Nash at sectordevelopment@fclc.org.au.

Current highlights include:

- New free employment advice service for CLCs – The Federation and Victoria Legal Aid have arranged for CLCs to have access to free telephone industrial relations advice from Jobs Australia Limited, with ongoing support to be provided at competitive rates. CLCs that would like to use this service but have not yet signed up for it, should contact administration@fclc.org.au.
- CLCs and Family Relationship Centres (FRCs) – CLCs and Victoria Legal Aid have submitted proposals to work with FRCs to help families using FRC services. The Federal Attorney-General recently invited proposals from CLCs to partner with FRCs and has set aside one-off funding for the trial proposals.
- CLC Multiple Business Agreement – CLC employers recently met to discuss salary and conditions for CLC staff and the proposal for a new CLC MBA. An employer group with six representatives was established to negotiate the terms of the proposed new MBA with the Australian Services Union.
- Disability Action Plan – The Federation has recently lodged its DAP with the Australian Human Rights Commission. The plan aims to promote organisational change to comply with the objectives of laws and policies that improve the human rights of people who have a disability; and to encourage and inspire CLCs to develop centre-based DAPs that lead to a positive change in CLC practice.
- Stronger collaboration and cooperation - The Federation is actively pursuing stronger collaboration with our legal assistance partners, in particular Victoria Legal Aid. The newly established Victorian Legal Assistance Forum (www.vlaf.org.au) is a formal network for collaboration and improved client service delivery. VLAFF has recently arranged legal assistance dialogues on legal services for prisoners and culturally and linguistically diverse communities.
- Federation toolkit update – new resources include a Funding Kit with information on how and where to seek funding (Managing the Organisation); CLC Salary Information (Managing People); and resources to assist CLCs to be more environmentally friendly (Managing the Organisation). For information/passwords to access the website toolkit: administration@fclc.org.au.

Jobs in Community Law

Community legal centres offer the chance to perform rewarding social justice and human rights work in a dynamic environment. Working in a CLC is about making a real difference to people's lives through the law.

The latest community law and public law jobs can be viewed on www.communitylaw.org.au. Current CLC jobs at 7 August include:

- Lawyer – Wyndham LS. Readvertised position. Closes 14 August.
- Solicitor – Footscray CLC. Six month contract. Closes 14 August.
- Outreach Community Lawyer – Whittlesea CLS. Part-time position. Closes 17 August.
- Community Lawyer – Eastern CLC. Full-time position based at Boronia office. Closes 17 August.

As a retiree I was effectively running three part-time jobs. Late in '08, a three day lawyer position came up at North Melbourne LS and I was delighted to be successful in getting the job. It's a fantastic opportunity to meet great people - the clients are interesting and wonderful. Many have quite complex legal problems, and I love being here to assist them.

How did you adjust to your change in role from a commercial lawyer to a community lawyer?

I have been supervised by exceptional people, principal lawyers and other very talented people in the sector - the likes of Charandev Singh. Being across so many different areas of law - crime, family, and civil, there's a hell of a lot to learn - but some great teachers.

Do you think that other lawyers would be interested in your pathway into community law?

Absolutely! It's great work. Any person considering it would need to accept being very well-schooled by lawyers much younger. My job gives me stimulating work with a modest cash flow. I didn't come to a CLC for the money - I love being busy, I love the casework, I love the vibes of a CLC. I hope to be in CLCs when I'm 80 - all things going good.

Do you think there are other retired lawyers out there who would be interested in being CLC lawyers?

The financial crisis will have affected many people's retirement benefits, so I think there's a market of people like me out there. Lawyers seeking a new and rewarding opportunity should definitely consider CLCs. I suggest they volunteer and test the water - in the same way you would as young lawyer - and be prepared to accept the assistance of good, young, patient mentors.

Ian I hope you have time for rock and roll.
Oh yes, I have three guitars and a banjo and I'm still learning.

Interviewed by Annie Nash

10 years of partnership: Fitzroy and Allens celebrate

It's not every day a High Court Justice is the guest speaker at your function, but the Fitzroy Legal Service in conjunction with Allens Arthur Robinson were honoured to have High Court Justice Virginia Bell speak at our celebration marking ten years of partnership to create the only ongoing community legal traineeship in Victoria.

Justice Bell is the first CLC lawyer to rise to the High Court and has become a mentor and beacon for the CLC sector. At the celebration, Justice Bell shared with us her support, courage and the odd tale of human endeavour and happenstance.

The FLS traineeship had its origins in the "Save Albert Park" campaign against the Grand Prix. Costs awarded against Victoria Police funded the first trial articulated clerkship (now traineeship). Upon its success, Allens agreed to partner with FLS to continue the traineeship. The enduring and innovative community law partnership has now seen ten young law graduates since 1999 receive training in social activism, law reform and advocacy, and criminal and family law all within the context of human rights and social justice. As Adrian Kennedy, FLS' managing solicitor noted, the program has consistently attracted top talent who have gone on to successful long term roles in the social justice arena.

The event celebrated the success of the partnership and was also an opportunity to promote the expansion of the program under a proposal by the Federation of Community Legal Centres. Many thanks to Allens for their hospitality and to Justice Bell who gave us a rare opportunity to meet her and share her stories.

Marlena Pitrone, Fitzroy Legal Service



Justice Bell and current, former and future FLS Articled Clerks/Trainees

Call this a home? Community campaign for safe rooming houses

Call this a home (CTAH) is a coalition of peak bodies and organisations committed to making all Victorian rooming houses safe. The campaign has emerged to improve the regulation of private rooming houses.

Driven by the chronic undersupply of affordable housing, the private rooming house sector has boomed in Melbourne in the last decade. Recent research reveals just 5.3% of dwellings let in the March quarter were affordable to those on low incomes. Only two years ago 16.8% were affordable. As a result, more and more individuals and families are turning to private rooming houses as their last option. The 2006 Census recorded around 4,500 Victorians in rooming houses.

The majority of rooming houses are privately owned by individual operators or companies. The sector is dominated by large scale providers who exploit legislative loopholes to maximise their returns at the expense of resident security and without

Prevention is better than cure: Preventing legal problems for refugees

Katie Fraser, a lawyer at Footscray CLC, has been awarded the Victoria Law Foundation's CLC Fellowship for 2009/10. Katie's project will identify gaps in information provided to refugees to Australia about our legal system and explore how legal problems might be prevented if people learn more about common pitfalls in their first six months after arrival.

"When I was doing casework at Footscray, I kept seeing the same problems again and again. Low-income clients would borrow money to buy a car, incur a few fines, and then might be involved in a car accident and receive letters of demand from an insurance company. The financial stress created by these problems can impact tenancy, work and family. And relatively minor problems tend to escalate because people don't know how to deal with them," Katie says. "I hope that if refugees receive information aimed at preventing legal problems in the first six months after they arrive in Australia, we'll have fewer clients in two or three years."

Katie will work with settlement workers to identify what information is provided to refugees in Australia. She will also travel to two refugee camps to observe the Australian Cultural Orientation program, which provides information to refugees before they leave for Australia.

Based on a sabbatical model, the CLC Fellowship allows the Fellow to research issues that may have been identified through their case work or advocacy, travel to visit relevant organisations and complete their project while based at a host agency. It is awarded annually through a competitive application process: www.victorialaw.org.au

Footscray CLC's report on its African Legal Service, "Out of Africa and into court: The legal problems of African refugees" is available by emailing Katie@footscrayclc.org.au

regard to existing health and building regulations. They profit by charging exorbitant rents and through over-occupancy of properties.

Despite widely acknowledged vulnerabilities of residents, the rooming house sector remains substantially unregulated in Victoria. Of the rooming houses visited by the Tenants Union last year, 90% were unregistered. Laws targeting the amenity and management of rooming house premises do not sufficiently protect residents from poor standards of accommodation and from exploitation by unscrupulous owners and managers. In the very worst cases, the parlous standard of some rooming houses adversely impacts on the health and wellbeing of residents.

CTAH is calling on the Victorian Government to introduce:

- Comprehensive minimum standards to ensure the basic needs of all rooming house residents are met;
- More effective registration, monitoring and enforcement to bring unregistered rooming houses into the system and ensure compliance with existing standards; and
- A licensing system to regulate the management of private rooming houses to prevent exploitative practices.

CTAH welcomes the Victorian Government's establishment of a rooming house taskforce to develop recommendations to reform the rooming house sector and looks forward to the implementation of those recommendations.

CTAH is supported by a wide range of legal and welfare organisations including the Tenants Union, Council to Homeless Persons, VCOSS and PILCH. To find out more about the CTAH, or to join the campaign, visit www.callthisahome.net.

Toby Archer, Tenants Union of Victoria

Coroner: Prisoner asthma death was preventable

Last month, Coroner Jamieson delivered findings in the inquest into the death of Ian Westcott that were damning against private prison operator GSL (now G4S) and prison health services provider St Vincent's Correctional Health Service. Mr Westcott died in his cell at Port Phillip Prison during the early morning of 26 November 2005 from an asthma attack. Evidence showed he had tried to seek emergency medical attention, but a failure in his cell intercom meant his calls for help never reached the control room. Coroner Jamieson found that Mr Westcott's death was preventable and that GSL failed to follow its own procedures for checking intercoms daily for functionality. The intercom system was criticised as archaic and cleaning of the service cupboard found to be inadequate.

The Coroner also found that Mr Westcott was not afforded a basic level of health care he would have been provided in the community. She made eight recommendations to improve prisoner health care, including developing standards for documentation of patient records and implement systems for obtaining patient records in timely manner.

Following the WA Coroner's recent findings condemning GSL's role in the prison van death of Aboriginal Elder, Mr Ward, these findings further confirm the vulnerability of prisoners and provide a good platform for CLCs to continue advocacy to improve prisoner health care and prison accountability with the ultimate aim of upholding human rights and preventing future deaths in custody.

Hui Zhou, Fitzroy Legal Service which acted for Mr Westcott's daughter Vanessa in the Inquest.