

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: Spring 09

- 2 Need help with money?: MoneyHelp**
- 3 Law reform highlights**
- 4 CLC law graduate scheme opens new doors to graduates**
- 5 Sector development highlights**
- 5 Promoting CLC pro bono partnerships**
- 6 New legal information resource for grandparents and family carers**



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.

Strong support for an Australian Human Rights Act

The National Human Rights Consultation Committee released its landmark report in October. Amongst a range of important recommendations, a key recommendation by the Committee was that Australia adopt a Human Rights Act.

The report is the culmination of the biggest public consultation in Australia's political history, with participation by over 40,000 people. The consultation received over 35,000 written submissions and hosted over 5,000 people at community roundtables. Over 87% of the submissions to the consultation that addressed the issue supported the adoption of an Australian Human Rights Act.

The report shows that:

- human rights protection in Australia is currently inadequate - the Committee describes it as a patchwork quilt that needs mending;
- human rights matter to Australians and the rights that matter most to Australians include rights to health, education and housing;
- we need to foster a culture of respect for human rights in this country;
- as a nation we are concerned that marginalised and disadvantaged people "fall through the cracks" - particularly people with a mental illness, elderly people, people with a disability, some Indigenous people, children in need and people in regional and remote communities; and
- access to justice is critical to protecting human rights. Human rights protections are limited if people do not have the knowledge or means to make use of them.

The Australian Government will respond to the report by the end of this year. The Federation calls on the Government to support and implement the report's recommendations, including adopting a Human Rights Act. A Human Rights Act will protect and promote human rights and strengthen a culture of protecting rights.

Kicking goals for human rights

Eastern Community Legal Centre (ECLC) has launched its latest human rights education initiative with an exciting event featuring theatre, football and some famous faces. The "Human Rights are Aussie Rules" project is an innovative program teaching children about human rights through principles of fair play and good sportsmanship. Using theatre and sport, the project coaches kids about the importance of Freedom, Respect, Equality and Dignity.

Launched by Deputy Premier & Attorney-General Rob Hulls at Eley Park in Blackburn, the day also featured a live performance of "FRED's Fair Play" by Carp Productions and involved students from the Blackburn English Language School.

Justice Profile – Sally Goldner, Human Rights Advocate and Finance Officer



Sal you're well known in the CLC sector for your role as Finance Officer for a number of CLCs and the Federation. You're less well known for your very active role as Human Rights Advocate. Tell me firstly about your role in CLCs. My association with CLCs began in 2004 through an introduction from Youth Affairs Council Vic to Youthlaw. Since then my business in CLCs has "blossomed" and I am now Finance Officer for 2 CLCs and the Federation. I have also worked in an advisory capacity to VLA in assisting them to design budget processes and guidelines to ensure sound financial management in CLCs.

Sal you are highly regarded for your work in this area – but I understand you have a bigger passion – and that is for supporting various human rights movements. Tell me about this work. My primary passion is in working with the transgender community, and in particular working with TransGender Victoria, www.transgendervictoria.com.

What are some of the current initiatives for TransGender Victoria?

The main activity in social policy is seeking government support and funding for a Melbourne centre modelled on the Sydney-based Gender Centre, www.gendercentre.org.au. Concurrently we are working on measures to counter homophobic harassment, and the changing of birth certificates based on permanency of transition, rather than the current requirement of sex affirmation surgery. At a Federal law reform level, our priority is equal opportunity, and better health and medical coverage and support. We are also seeking

CONTINUED OVER PG

The AFL Multicultural Program also supported the day with activities and footballs for all the children.

Speaking at the launch, Mr Hulls said that human rights are about making sure each person feels included, and respected and are treated in the way you want to be treated yourself. "They apply in the classroom, the playground, the street or at home. Respect for yourself, others and the community is fundamental to a safe, healthy and productive society."

"This program explains our basic rights in terms of fair play in sport and helps make rights and responsibilities real and practical and part of our everyday life," Mr Hulls said. "For example, the right to express cultural difference equates to the right to wear your team's colours, the right to freedom of movement, being able to sit where you like at a game and join the cheer squad and the right to a fair trial equates to the right to an independent umpire."

Each year, the east of Melbourne welcomes thousands of kids from different countries. The one language common to young people from all cultures is sport and ECLC believes the key to teaching kids respect for racial and religious difference is through sport. At school, all kids learn the rules of fair play on the sportsfield. But they should also understand the rules for fair play in life. Human rights education is important to the wellbeing and inclusion of young Australians.

After an earlier grant from the Victorian Equal Opportunity and Human Rights Commission to develop the play, ECLC welcomed support for the project from the Helen Macpherson Smith Trust, Victorian Multicultural Commission and Sports Without Borders. For more information contact Tanja Kovac at ECLC or visit www.humanrightsareaussierules.org.au

Michael Smith and Amy Johnstone, Eastern Community Legal Centre



Attorney-General Rob Hulls and friends at the launch.

Need help with money?: MoneyHelp

MoneyHelp is a new not-for-profit service funded by the Victorian Government providing free, confidential and independent financial advice to Victorians facing or experiencing job loss or reduced working hours. Managed by the Consumer Action Law Centre, MoneyHelp offers a suite of products and services including:

- a website - www.moneyhelp.org.au;
- a free phone financial counselling service (1800 149 689);
- an information booklet & fact sheets & self-help templates.

Practical information includes: a simple budget planner; debt payment options; how to approach creditors; and handy tips and tools. Visit www.moneyhelp.org.au or call the phone line 1800 149 689, 9.30am-5pm Monday-Friday.

harmonisation of laws across the country in relation to the issuing of documentation where it is necessary to specify sex/gender.

In a “changed” world, what would be the results of your activism?

Well, to quote TransGender Victoria’s slogan, “justice and equity for sex and gender diverse people”. Or put simply, treatment on our merits.

That said: how can CLCs and our stakeholders support your work?

It’s absolutely necessary to put trans’ issues under people’s noses. In any policy or decision making in your organisation – stop and think about the impact and how someone who doesn’t fit sex and gender expectations might need to be considered. Anyone who would like to make a donation to TransGender Victoria can do so through our website, all donations are tax deductible, (said the combination of advocate and accountant).

Interviewed by Annie Nash

Federation Annual General Meeting and Annual Report

Victoria Marles, the outgoing Legal Services Commissioner was the guest speaker at the Federation’s 2009 AGM. Ms Marles delivered an engaging and thought provoking presentation that ranged from challenging the scope of CLC work to the difference between “access to justice” and “access to the justice system” to the theories of the philosopher John Rawls. The Federation wishes Ms Marles the best success in her new role as CEO of the Trust for Nature (www.trustfornature.org.au).

The Federation’s Annual Report 2008/09, available on our website, highlights some of the work of Victorian CLCs over the past year, including:

- our response to the Black Saturday bushfires through the Bushfire Legal Help partnership; and
- our work in mitigating the effects of the global financial crisis.

The report also has an analysis of trends in CLC client services over the past five years.

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 submission to the Inquiry into the Marriage Equality Amendment Bill 2009 welcoming the Bill which provides legal recognition for same sex marriages and therefore recognises the right of same sex couples to legal equality and to be free from discrimination;
- Writing to Craig Emerson, Federal Minister for Competition Policy and Consumer Affairs, urging the inclusion of insurance contracts in the new consumer protection legislation;
- Advocacy with the insurance industry regarding ways to make it easier for low income drivers to obtain car insurance policies, including use of Centrepay and the creation of no-excess policies;
- Consultation with the Federal Attorney-General Department’s Access to Justice Taskforce, to discuss the recently released “Strategic framework for access to justice in the federal civil justice system” report;
- Appearing before the Victorian Parliament Law Reform Committee to give evidence to its inquiry into powers of attorney and a supplementary submission to the inquiry concerning proposed compulsory legal professional development in related legal areas;
- Writing to Bob Hastings, Commissioner for Corrections, to find out how many legal actions have been brought by prisoners since the introduction of the Prisoner Compensation Quarantine Fund – with a view to discovering whether or not the Fund has had a chilling effect on prisoner litigation;
- Liaising with the Office of Correctional Services Review regarding prison oversight and human rights in prisons;
- We continue to work to with Australian communities affected by Australia’s counter-terrorism response to improve government’s awareness and understanding of counter-terrorism laws and policy upon affected communities. Recently we have prepared various submissions to, and appeared before, counter-terrorism inquiries including; in response to the Federal Attorney-General’s Department National Security Legislation Discussion Paper; to the Parliamentary Joint Committee on Intelligence and Security Reviews of the relisting of various organisations as terrorist organisations including the Kurdistan Workers Party (PKK); to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Anti-terror Law Reforms Bill 2009; and the Senate Standing Committee on Finance and Public Administration Inquiry into the National Security Legislation Monitor Bill 2009.
- Presentation to the Victorian Parliament’s Drugs and Crime Prevention Committee Inquiry into Strategies to Reduce Crime against the Person in Victoria;
- A submission to the Victorian Law Reform Commission’s review of independent persons in police interviews of young people. The submission supports requiring the presence of a trained independent adult in a police interview, where a young person is suspected of committing an offence;
- Continuing to promote alternatives to lethal force that do not involve Tasers and seeking expanded public accountability for police use of force. Some of the resources we have produced were recently used as background information for

Law Institute and Tim McCoy awards recognise CLC work

Environment Defender's Office Manager and Federation Chairperson, Brendan Sydes, won the Law Institute of Victoria's Community Lawyer award for 2009. The award recognises Brendan's tremendous leadership in building the EDO from one part-time staff member to an office of 10, with significantly expanded law reform & policy capacity, and a range of innovations like Environmental Law Online. Richard Stewart (Nth Melbourne LS/Freehills) was short-listed for the award and Fei Su (Gippsland CLS) was also nominated. CLC and legal aid pioneer Professor Mary Anne Noone was also honoured at the awards ceremony – receiving the Law Institute's Access to Justice Award.

Jan Pentland, who sadly died in August this year, posthumously won the Tim McCoy Award 2009, which recognises outstanding work in the access to justice sector. Jan was on the Board of Consumer Credit Legal Service and Consumer Action Law Centre for over 12 years, most of that time as Chair. She was best known for her tireless work in the financial counselling sector, lobbying for law reform and increased funding - and supporting indigenous financial counsellors.

Jan was a strong advocate for close working relationships between financial counsellors and CLCs. Bankruptcy law reforms recently announced by the Federal Attorney-General, aimed at preventing forced bankruptcies for amounts less than \$10,000, are evidence of her effective campaign work.



Justice Virginia Bell (centre) presenting the Tim McCoy Award with Jan Pentland's partner David Morawetz and Carolyn Bond (Consumer Action)

a 4 Corners program about police use of lethal force against the mentally ill: <http://www.abc.net.au/4corners/content/2009/s2724400.htm>:

- Progressing freedom of information applications to obtain Victoria Police information and policies around Tasers and use of force; and
- A letter to the Police Minister and others urging changes to the Police Regulation Amendment Bill 2008 around compensation for victims of police wrongs and admissibility of evidence of police investigations into misconduct and poor performance.

CLC law graduate scheme opens new doors to graduates

A 2008 survey by the Law Institute of Victoria confirmed the strong interest amongst law students in a career in CLCs. 59% of students "could see themselves working" in a CLC and 37% of students rated "contributing to the community" as a very important factor for when they became a lawyer, rating this as more important than remuneration.

Despite this interest, and despite the fact that CLCs in Victoria employ around 200 lawyers, there is no clear pathway from university into a career in CLCs. Fitzroy Legal Service, supported by law firm Allens Arthur Robinson, is the only Victorian CLC to regularly offer a CLC traineeship/articled clerk position. Each year, the Fitzroy position receives around a hundred applications from talented and motivated students. Those who have been Fitzroy trainees in previous years have gone onto successful long term roles in the CLC and broader social justice arena.

With major grant funding from the Legal Services Board, the Federation is now poised to build on Fitzroy's success to establish a structured CLC Law Graduate Scheme. Under the Scheme, graduates will gain admission through a practical legal training course and then undergo four placements across 12 months in Victorian CLCs, including one rural and regional placement. The Federation will develop a coordinated graduate lawyer training program and towards the end of the 12 months, the Federation will work with the graduates to identify opportunities for ongoing work in the CLC sector.

Funding has so far been obtained for one graduate per year for two years supported by a scheme coordination position at the Federation (see Jobs section). The Federation hopes to obtain further funding to expand and continue the Scheme. Further details about the Scheme will be communicated to CLCs and partners and posted in the jobs section of www.communitylaw.org.au.

Hugh de Kretser, Federation of Community Legal Centres

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 interest law jobs can be viewed at www.communitylaw.org.au. Current jobs at 13 November include:

- Solicitor - Aboriginal Family Violence Prevention & Legal Service. Full-time position. Closes 20 November.
- CLC Law Graduate Scheme Manager – Federation of CLCs. Part-time fixed term position. Closes 23 November.
- Principal Lawyer – Eastern CLC. Full-time position. Closes 25 November.

Collision course: taxi drivers and accident-related debt

Taxi driving is dangerous work. In April this year, Victorian taxi drivers publicly protested, after a young driver was stabbed. The Government responded by pledging to install security screens in all taxis operating at night. This may reduce the risk of violent attacks on drivers, but there are other, less obvious dangers that remain unaddressed.

Many taxi drivers unknowingly face the risk of bankruptcy every time they drive as they have no effective insurance against 3rd party property damage. CLCs regularly see drivers who have had car accidents during a shift. Typically, an insurer is suing the driver for the cost of repairs to the other driver's car. These drivers don't own their cabs, but "rent" them from owner-operators in return for a share of their earnings. Often, they make regular payments to self-insuring "taxi clubs", chosen by the owner-operator. The drivers believe they are paying for comprehensive insurance. In fact, these taxi clubs often refuse to accept liability for the damage to the other car, leaving drivers facing claims of up to \$20,000, with little option but to declare bankruptcy.

By the time the driver contacts a CLC, court proceedings are usually underway. The taxi owner may have disappeared or begun trading under a new business name. Even if the driver is still in touch with the owner, they may be under pressure to accept responsibility for the debt. This is most often the case where a driver is young, or a very recent immigrant with limited social networks.

A group of CLCs have started gathering cases to demonstrate the seriousness of this problem. We plan to raise the issue with the Victorian Taxi Directorate and, if necessary, the Minister for Public Transport. We think the VTD can do much more to protect taxi drivers and to guarantee that all taxis are properly insured. For further information, contact Lucie O'Brien lucinda.obrien@fclc.org.au

Lucinda O'Brien, Federation of CLCs

Building a stronger CLC sector – sector development highlights

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 at www.communitylaw.org.au. For more information, contact Annie Nash at sectordevelopment@fclc.org.au.

Recent initiatives include:

- Conducting the annual CLC Census – our annual member survey on range of issues from funding priorities, law reform and policy initiatives, to pro bono and ways to further improve the work of and support for CLCs. Results will be distributed shortly;
- Liaison with the Department of Justice and others on national legal profession reform;
- Completing a draft "Conflict of Interest Guide" to assist CLCs to minimise the risk of conflicts of interest around tricky issues such as using volunteer and seconded lawyers, and CLCs located within multi-program agencies. We are currently seeking feedback on the guide;
- Documenting and evaluating CLC work through the Bushfire Legal Help partnership and planning for the 2009/10 bushfire season; and
- Working to improve legal referrals in the legal assistance sector through the Victorian Legal Assistance Forum's Legal Referral Working Group.

Promoting CLC pro bono partnerships

Law firms, barristers and CLCs worked on developing innovative and enduring partnerships at the annual Attorney-General's Community Law Partnership Roundtable recently organised by the Federation and generously hosted by VCAT.

Described by DLA Phillips Fox's National Pro Bono Director, Nic Patrick, as "the best roundtable so far", this year's innovative format allowed CLCs to "pitch" innovative projects to eager firms and barristers seeking to support social justice work through pro bono. Various CLC representatives gave short and powerful presentations on current projects and potential partnerships including:

- Youthlaw's proposal for firms to support an innovative pilot to deliver legal advice services using webcam to young people in rural and regional Victoria;
- Mental Health Legal Centre's proposal to expand its Inside Access project which uses pro bono services to deliver legal advice to people with mental disorders in Victorian prisons and secure hospitals;
- Western Suburbs Legal Service's proposal for firms to support its clinic which provides free legal support to international students;
- West Heidelberg CLS's pitch for assistance with a public housing access to justice project focused on building self-advocacy skills, an effective community voice, and capacity to conduct strategic litigation to address systemic injustice;
- Women's Legal Service Victoria's proposal for a seconded lawyer to help them deal with significant increases in client demand. WLSV focuses on relationship breakdown and violence against women; and
- Tenants Union of Victoria's proposal to draw on the knowledge management services of private firms to help it develop an improved system for managing precedents and in-house knowledge.

The Federation will work with these and other CLCs to develop a written prospectus of inspiring partnership proposals and will then support the development of partnerships to see the proposals implemented.

Annie Nash, Federation of Community Legal Centres

Community legal education in North Melbourne

It is well known that legal need in the community cannot only be addressed through casework and individual consultation. Often people present with a series of complex and compound issues, blurring the boundaries between what is considered legal and non-legal for different cultural groups. Community legal education (CLE) initiatives fill some of this gap. CLE initiatives help navigate these categories, as well as help to identify new and changing forms of legal need in the community.

Drawing on this, North Melbourne Legal Service (NMLS) recently completed a series of collaborative culturally and linguistically diverse CLE sessions together with a local community development centre called The Drum: African Family Centre and the Victorian Equal Opportunity and Human Rights Commission.

The sessions focused on transport-related law, human rights and discrimination law, and on law in the family. These CLE sessions were prefaced by a series of community consultations and research in order to ensure that CLE sessions were relevant, socially inclusive, and targeted a wide audience.

The project confirmed that new methods of providing legal information are vital to ensure that groups found to be inaccessible can be reached, for example, through the use of community leaders, local theatre and radio.

Sandra Wendlandt, North Melbourne Legal Service

New legal information resource for grandparents and family carers

The West Heidelberg Community Legal Service (WHCLS) has launched a new booklet, *“Legal issues for grandparents and other relative carers”*. The booklet, which explains the legal issues grandparents and other relative carers may face when they take on the full-time care of children from their wider family, was launched by John Cain, former Premier of Victoria and WHCLS Patron.

Speaking at the launch with local agencies, grandparents and relative carers and children in their care, Victoria’s Child Safety Commissioner, Mr Bernie Geary said, “We know that when children cannot live with their parents, often extended family members will take on being responsible for their care without fanfare. Whenever relatives take on this care, children know their family is still there for them, and that despite family problems they are still loved.”

The WHCLS Director, Dr Liz Curran, speaking at the launch said, “So often we see grandparents take on significant care for children when for some reason the child’s parents are in trauma. We need to value such contributions but we also need to ensure that grandparents are also clear about their rights and responsibilities, and know how to navigate what can be a complex legal and administrative system. If we can let people know about the help this booklet can give them, it could be one step towards empowerment.”

The resource was produced by the Office of the Child Safety Commissioner in partnership with the WHCLS and Peggy Kerdo of the Law School of Latrobe University. Copies of the booklet and related resources for grandparents and other relatives caring for children can be obtained free of charge by telephoning the Office of the Child Safety Commissioner on 8601 5884 or by ordering online at www.ocsc.vic.gov.au.

Dr Liz Curran, West Heidelberg Community Legal Service



Back row, left to right, Bernie Geary, Sue Kirkegard and Dr Liz Curran.
Front row, left to right, Peggy Kerdo, Nancye Cain and John Cain.