

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

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VICTORIA

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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.

Legal and community groups join to promote Smart Justice

The law and order auction in the lead up to the Victorian election has well and truly begun, with the Victorian Government and the Opposition competing with each other to sound tough on crime.

Policies around new stop and search powers, higher penalties for knife carrying and drunkenness, new disorder offences, more police, move on powers, scrapping suspended sentences and more, have been announced. The announcements have common themes – new offences, harsher penalties, more police and more police powers.

At first glance, it may look like our politicians are working hard to reduce crime. But if you look at the research on what works to reduce crime, you soon realise that many of these policies are often more about sounding good than doing good. These policies often don't work, divert resources from programs that do work, and worse, can actually be counterproductive and increase crime.

Smart Justice is about promoting criminal justice policies that work, that are evidence-based, value for money and that don't violate Victorians human rights. The project is led by the Federation of Community Legal Centres, and supported by a broad range of community and legal organisations with a vast array of experience working in the criminal justice system – with both offenders and victims.

Partner organisations in the project include Victorian Council of Social Service, Law Institute of Victoria, Victorian Bar, Youth Affairs Council of Victoria, Centre for Multicultural Youth, Jesuit Social Services, Catholic Social Services, Salvation Army, Youth Substance Abuse Service, Victorian Alcohol and Drugs Association, Centre for the Human Rights of Imprisoned People, Flat Out, Bridge of Hope Foundation, Liberty Victoria, Uniting Church Justice and International Mission, Anglicare Victoria and the Anglican Diocese of Melbourne Social Responsibilities Committee.

The organisations in Smart Justice are passionate about reducing violence and crime. We want to prevent people from offending and we want to stop reoffending. That's why we've joined together in Smart Justice.

The key activity of the project is producing 16 factsheets on topical criminal justice issues, from mandatory sentencing, to prisons and supporting victims of crime. The factsheets are housed on our Smart Justice website – www.smartjustice.org.au.

Smart Justice is about promoting the facts and informing and educating the debate. We want people to know about research and evidence that shows:

- suspended sentences are as effective if not more effective in reducing future

Family violence, the legal system and the experiences of immigrant women

Culturally and linguistically diverse (CALD) women face substantial barriers to accessing the law, and women from new and emerging communities are especially challenged. The *Family Violence Protection Act 2008* (Vic) has gone a long way to improving the responses of law enforcers to victims of family violence. The Victoria Police's Code of Practice for the Investigation of Family Violence acknowledges diversity in our community and recognises that CALD women require additional consideration.

The Immigrant Women's Domestic Violence Service (IWDVS) provides statewide, culturally sensitive services, to meet the needs of women and children from CALD backgrounds affected by family violence. IWDVS has received funding from the Victorian Law Foundation to undertake an important project which identifies the barriers and gaps faced by CALD victims of family violence when they seek help through the legal system.

The ultimate aims of the project are to facilitate better access to the legal system by educating different CALD communities about the system, and to create awareness in service providers on cultural sensitivity. It will conduct a series of workshops to initiate dialogues between CALD communities and the legal system to pave the way for more collaboration. By educating the wider community on legal solutions to family violence, the project envisions preventing further incidences of family violence thus working across all levels of prevention (primary, secondary and tertiary).

Data will be collected from focus groups comprising CALD women, and an online survey will also be developed to explore the barriers that service providers encounter in their provision of support to women. The findings and recommendations for change will be presented in a final report later in the year.

- offending;
- when you give the public similar information to what a judge would have when sentencing, they would impose similar sentences to the judges;
- the most effective way to reduce alcohol-related violence is through licensing controls, education and taxation – not by criminalising individual drinkers; and
- we can reduce reoffending by providing former prisoners with stable housing on release and genuine opportunities for work and study.

We want to promote policies that work, like the Neighbourhood Justice Centre, which reduced reoffending rates by 14% compared with other courts, or the Hunter Valley Alcohol Linking Program in NSW which produced a significant drop in police attended alcohol-related incidents.

Unfortunately, the good policies tend to get drowned out by the bad. What we need to do is promote the good solutions and inform the public debate – so that the public has the information to properly judge policies themselves. This is what Smart Justice is about.

Hugh de Kretser, Federation of Community Legal Centres, www.smartjustice.org.au



CLC Law Graduate Scheme update

The Federation's CLC Law Graduate Scheme continues to gain momentum. The Scheme aims to deliver more effective community legal services across Victoria by recruiting excellent law graduates into the sector. The successful graduates are offered payment of professional legal training course fees and a 12 month graduate CLC lawyer position comprising three "rotations" through CLCs, including one in a rural or regional CLC. Host CLCs receive the direct benefit of an enthusiastic and well-qualified lawyer while the sector as a whole benefits from the recruitment and sector-specific training of new lawyers.

The pilot phase of the project is well underway with the first two Law Graduates selected. There was very strong interest in the two positions available, attracting over 150 well-qualified applicants. With additional funding we could easily place another ten graduates in the Scheme, and the Federation looks forward to extending and expanding the Scheme in the coming years.

With the first candidate due to commence in August this year, we are now finalising the training and development plan for the scheme, and selecting the CLCs who will host the graduates for their work placements.

If you would like more information about the Scheme, or would like to assist in its further development, please contact the Scheme Manager, Jane Staley at jane.staley@fclc.org.au.

Jane Staley, Federation of Community Legal Centres

If you are interested in learning more about the project, or would like to complete a survey, please contact Lisa Cavallaro on 8413 6818 or iwlegalproject@gmail.com. CLC workers can also contact the Federation's representative on the Project Reference Group, Ha Le, at Footscray Community Legal Centre on 9689 8444 or hle@footscrayclc.org.au.

Lisa Cavallaro, Immigrant Women's Domestic Violence Service

Federation on the move - new premises and new staff

The Federation is taking up new premises at Level 3, 225 Bourke Street Melbourne. The move, planned for late June 2010, will see the Federation take up space in the City Village, a City of Melbourne building where premises for non-profits are generously provided at subsidised rates. The Federation will share Level 3 with Travellers Aid, a non-profit which has been offering travel and support services since 1916.

The new premises will deliver a better work environment for Federation staff, members and visitors, as well as improved disability access. The location is more central and there are exciting prospects for collaboration with the non-profit co-tenants in the building. The Federation will put out a notification confirming our new contact details when the move occurs.

The Federation is also pleased to announce the appointment of Claudia Fatone as its new Sector Development Officer. Claudia's background is in sports management with an emphasis on capacity building sporting organisations - many of whom are community-based and face similar organisational pressures to CLCs. Claudia has broad experience in human resources and recruitment services, and has had management and governance roles, as well as providing voluntary mentoring support for disadvantaged young women. The Federation is excited to have her on board. Claudia starts on 29 June.

Lawyers rally for increased legal assistance funding...

Hundreds of Victorian lawyers rallied outside the County Court on 28 April to call for increased legal assistance funding. The rally heard from Caroline Counsel (Law Institute President Elect), Cath Smith (VCOSS), Alastair Nicholson (former Chief Justice of the Family Court) and Robert Richter QC (leading criminal barrister) who explained how legal assistance funding shortfalls have forced cuts to family and criminal cases, including those where children are suffering family violence or child abuse allegations.

The rally focussed on the fact that it remains harder to access assistance for a family dispute in Victoria than anywhere else in the country. In 2008, Victoria Legal Aid scaled back its services in family law due to significant cuts to Commonwealth legal aid funding. The service cuts directly impacted on CLCs and pro bono as clients sought assistance from already overstretched services. PILCH and Womens Legal Service (Victoria) each experienced a 97% increase and a 300% increase, respectively, in requests for legal assistance over the past three years. Overall, CLCs services in family law and family violence prevention increased over 10% in the last financial year.

...and governments respond by increasing funding

The State and Commonwealth Budgets delivered positive news for the legal assistance sector.

The Victorian Government announced an additional \$49.9 million for Victoria Legal Aid over two years. This funding essentially continues the \$25 million one-off increase for Victoria Legal Aid in 2009/10. Combined with improved public purpose funding and new Commonwealth funding, Victoria Legal Aid should be in a much better financial position to look at initiatives including restoring the family law guidelines to the pre-2008 position, and better supporting CLCs. The new National Partnership Agreement should also allow Victoria Legal Aid more flexibility in using Commonwealth legal aid funding to target legal needs.

The new Commonwealth funding for legal aid comes as part of a \$154 million package over four years for legal assistance programs. The additional funding will be provided from 1 July 2010 and will include an additional:

- \$26.8 million over four years for CLC programs;
- \$92.3 million over four years for legal aid; and
- \$34.9 million over four years for Indigenous legal services.

The new recurrent CLC funding is welcome and much-needed. Recurrent Commonwealth funding of CLCs fell 18 per cent in real terms in the 10 years to 2007. At the same time, the Victorian population increased around 15%, the gap between rich and poor widened and cuts to legal aid services increased demand on CLC services.

The new funding will be focussed on supporting CLC partnerships with Family Relationship Centres, reducing homelessness and family violence, services to prevent abuse of older persons and consumer protection services.

Hugh de Kretser, Federation of Community Legal Centres

National CLC Conference in Melbourne

The National CLC Conference is being held in Melbourne from 24-27 October 2010 at the Melbourne Convention and Exhibition Centre. We expect around 450 delegates at the conference whose theme is "Breaking new ground – CLCs advancing justice." A fantastic program will be announced shortly with keynote speakers including Rob Hulls, Muriel Bamblett & Rob Stary. Registration details will be out soon. In the meantime, contact Jane Housley at the NACLC with any questions: jane_housley@clc.net.au or keep an eye on www.naclc.org.au for more details.

Public Interest Law Conference

The University of Melbourne Law School's Civil Justice Research Group in collaboration with PILCH, the Federation of Community Legal Centres, the Environment Defenders Office and the Human Rights Law Resource Centre is hosting this conference, which will combine papers and discussions on the theory and practice of public interest law.

The conference will be held on 27-28 September 2010 at the University of Melbourne Law School. The conference aims to promote dialogue between groups with a common interest and trigger discussion on public interest law, cases and issues. It will explore the opportunities and obstacles in the practice and reform of public interest law.

Registration and further information will be available in June. To ensure you receive information please email your contact details to vesnas@unimelb.edu.au

National Access to Justice and Pro Bono Conference

This biennial conference, presented by the National Pro Bono Resource Centre, the Law Council of Australia and the Queensland Law Society will be held in Brisbane 27-28 August 2010. For program and registration details go to www.a2j10.com.au.

Community legal education – made easy!

The *Community Legal Education Made Easy Kit (2nd Ed)* is an exciting resource for people who work or have an interest in this key area of community legal centre operation. The Kit is a "quick guide" to community legal education (CLE) theory, practice and resources. It can be used as both an induction tool and as a guide for good practice in CLE.

The *Community Legal Education Made Easy Kit* was produced by the Federation's Community Development & Legal Education Working Group and supported by a grant from the Victoria Law Foundation. The Kit was formally launched by Joh Kirby, Victoria Law Foundation Executive Officer, at the Foundation's offices in March.

Community Legal Education Made Easy firmly reinforces the place of CLE as a core component of the purpose and business of CLCs. The implication being clearly that, like direct legal service delivery and legal policy work, CLE work must be integrated into overall service delivery, be properly resourced and be undertaken by skilled workers if it is to be effective.

Presented as a series of seventeen Information Sheets, the Kit systematically addresses key aspects of CLE design, delivery and evaluation, including –

- CLE A Core Component of CLC Work
- Guidelines for the Management of CLE Practice
- Community Development and CLE
- Needs Assessment
- Planning for CLE
- Evaluating CLE
- Principles of Adult Education
- CLE Methods and Strategies
- Funding and Resources for CLE
- Partnerships and Collaboration
- Resources, Support and Training for CLE Workers
- Practicalities – Accountability and Compliance Requirements for CLE
- CLSIS Non-Casework Projects Data Definitions and Data Entry
- The Media and CLE
- Organising Community Legal Education Activities
- CLE for Communities and Clients With Culturally and Linguistically Diverse Backgrounds
- Using New Technologies in CLE.

The Kit seeks to recognise and promote the tremendous CLE work that is undertaken across the sector. It draws extensively on sector expertise and experience, through the use of case studies and examples. Reference and resource lists throughout the Kit link readers to complementary materials.

The Community Development & Legal Education Working Group will have an ongoing role in promoting the Kit, in ensuring that it remains up to date and in continuing to develop and extend the content.

The Kit is available on the Federation's website, in the Federation Toolkit. The Information Sheets can be downloaded in electronic or hard copy format.

PILCH lawyer and CLC volunteer receive awards

The Victorian Women Lawyers and Women Barristers Association recently presented the 4th Women Lawyers Achievement Awards (Victoria) for outstanding women lawyers who have achieved professional excellence and have paved the way to success for other women lawyers.

Congratulations to the award winners for experienced practitioners, Pamela Tate SC, Solicitor-General for the State of Victoria and Jane Dixon SC.

Congratulations also to Simone Cusack of PILCH who won the 'Rising Star' award. Simone is a lawyer, advocate and author with expertise in women's rights, equality and non-discrimination law, gender stereotyping and international and domestic human rights law. She works as the Strategic Policy Coordinator at PILCH and is an independent consultant to the World Health Organisation.

Victorian Women Lawyers also presented its Community Justice Award to Fatoum Souki. This award recognises a student or recently admitted lawyer who, on a pro bono or volunteer basis, demonstrates a commitment to issues related to women and justice. Ms Souki volunteers with the Western Suburbs Legal Service. She was on a committee to promote positive relations between the Australian Federal Police and Muslim women and youth. She also volunteers with the Australian Arabic Women's Group and is a member of the Muslim Legal Network.

Thanks to everyone who contributed ideas and case studies, or whose previous work has been referred to or drawn on in the Kit. Special thanks to the Victoria Law Foundation, the Community Development and Legal Education Working Group (especially Carmen Tommasi, Steve Womersley and Annie Nash) Justin Finighan (NACLC) and staff from the Federation Secretariat.

Gillian Wilks, Project Worker, Federation of Community Legal Centres

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. CLCs 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:

- Joint submission with the NACLC to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the National Security Legislation Amendment Bill 2010. The submission responded to the Federal Government's counter terrorism reform proposals through the lens of the communities we work with who are affected by Australia's counterterrorism laws and practices.
- Submission from the Australian Inquest Alliance to the Western Australian Inquiry into the Transportation of Detained Persons recommending the adoption of legislation requiring mandatory responses to coronial recommendations, and that the WA Government work with other states and territories to achieve a uniform national coronial public reporting and review scheme for coronial findings and recommendations. The Federation has been a key driver of the Australian Inquest Alliance.
- Letter to Attorney-General re VCAT Review responding to Justice Kevin Bell's review of the Victorian Civil and Administrative Tribunal.
- Submission to the Victorian Law Reform Commission Child Protection Review arguing that if alternative dispute resolution is expanded in the child protection jurisdiction, the model must incorporate safeguards to protect vulnerable parties including access to early legal advice and representation. The Federation opposed transferring the jurisdiction of the Family Division of the Children's Court to a tribunal and called for the introduction of a Victorian Children and Young Person's Commission.
- Submission to Scrutiny of Acts and Regulations Committee on the Equal Opportunity Bill 2010 supporting many of the changes proposed by the Bill, because they provide for more effective protection and promotion of the right to equality as set out in the Victorian Human Rights Charter. However, we argued that other aspects of the Bill are incompatible with the Charter, including the failure to proscribe discrimination on the basis of homelessness and irrelevant criminal record; and the retention of the religious exceptions concerning religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity. We also wrote to the Victorian Attorney-General about the Bill.
- Submission to National Alternative Dispute Resolution Advisory Council re Model Dispute Management Plan recommending that Commonwealth Government agencies should always refer individuals to accessible sources of legal advice, prior to engaging them in any ADR proceedings, and that agencies should adopt specific guidelines for ADR involving Aboriginal and Torres Strait Islander people.
- Consultation with the Victorian Hate Crimes Review.

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 are at

www.communitylaw.org.au Current and upcoming CLC jobs (at 31 May) are:

- Lawyer, Youthlaw (closes 3 June)
- Policy Officer, Federation of Community Legal Centres (soon to be advertised)

World Elder Abuse Awareness Day Workshop

Seniors Rights Victoria presents this workshop to be held on Tuesday June 15th 9:00am–4:30pm at the Rendezvous Hotel Flinders Street Melbourne. To register your interest please email svadmin@cotaviv.org.au or telephone 1300 368 821
Cost: \$110.00 (incl GST). Fully catered

Is Australia ready to change the way we treat our not-for-profit sector?

Should we have a new, national independent regulator for this growing, and economically and socially significant sector? What role should the Federal and State governments play? Should any new regulator only be for charities? Should it oversee public fundraising by the sector?

This seminar, presented by PILCH Connect features keynote speaker David Locke, Executive Director of Charity Services, Charity Commission of England and Wales.

Date: Friday 18 June 2010
Time: 7.30 am for 8 am start – 9.30 am finish, light breakfast provided
Venue: National Australia Bank, 800 Bourke Street, Docklands
This is a free event but numbers are limited so please RSVP by Friday 4 June (including any disability access requirements) to connect@pilch.org.au

Forgotten Australians fight for redress

On 16 November 2009, the Prime Minister Kevin Rudd and then Opposition Leader Malcolm Turnbull apologised to forgotten Australians and former child migrants and their families, on behalf of the nation, for abuse and neglect in institutional and out-of-home 'care'. The apology was a long awaited and historically significant occasion. Unfortunately, calls for compensation for survivors of the abuse went unheeded.

Lobbying for the establishment of a Victorian compensation or redress scheme began in earnest following the release of *Forgotten Australians: A report of Australians who experienced institutional and out of home care as children, in 2004*. *Forgotten Australians* found that throughout the preceding 70 years, the 'unsafe, improper and unlawful treatment of children', including 'serious breaches of statutory obligations' was 'widespread' across Australia 'and not limited to particular States, places or periods of time...'. Types of abuse reported include unlawful medical experimentation, child slave labour, and psychological, physical and sexual abuse, some of which it has been argued, constitutes torture. Procedures to protect children from the abuse were found to be "either insufficient or non-existent".

Two Senate Inquiries have recommended that redress schemes be established but responsibility for compensation was quickly ducked by the Commonwealth to the States.

There are significant deterrents to civil actions brought by survivors, including limitation periods, burden of proof and causation issues and the stress, expense, risk of costs and delay associated with the litigation process. The vast majority of these cases never make it to court. Of those that do, most will fail. Thus, the call to establish a redress scheme to administer ex gratia payments to those affected, (estimated in Victoria to number in the tens of thousands), is for many, a demand of last resort for access to justice.

To date Queensland, Tasmania and Western Australia have established redress schemes and South Australia established a task force in July 2008 to examine options for redress, however, subsequently opted to provide support services instead. Victoria and New South Wales are yet to even consider redress and instead deal with cases individually through the legal system. This is an appalling indictment on these State governments who have been well advised of the many barriers which block access to justice for most in the courts.

We encourage people who support the establishment of a Victorian redress scheme to write to Premier John Brumby or Deputy Premier Rob Hulls or their local Member of Parliament to insist that the Victorian Government establish a scheme to compensate survivors of historical abuse in 'care'.

For information on redress schemes in other states, as well as details of monthly silent protests which are held on the steps of Victoria's parliament house, visit CLAN's website at www.clan.org.au. For more information including contact details of personal injury solicitors with expertise in this area and support services for forgotten Australians, contact Redress advocate Cherie Marian on cherie_m@hotmail.com.

Cherie Marian, Redress advocate

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