

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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Federation of
Community Legal Centres
VICTORIA

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.

New missing person law sorts legal limbo

When David and Julie Rosewall sought help from the Loddon Campaspe Community Legal Centre (LCCLC) in April, they thought that they had come to yet another dead end. Since their son Daniel had gone missing near Bourke in January, the Rosewalls had met hurdle after hurdle in trying to manage his legal and financial affairs. They couldn't get his mail redirected, deal with creditors or utility providers or resolve his lease lawfully.

Staff and volunteers at LCCLC's evening advice service considered the case but couldn't offer any solution under the current legal system. How could you lawfully act on someone's behalf without a power of attorney? How could you seek appointment as an administrator with no evidence of impaired decision making ability? Turning the Rosewalls away was not an option so the centre resolved to take the matter on as a law reform issue. The Rosewalls were grateful but were not going to hold their breath...

The Victoria Law Reform Commission's current review of Victoria's guardianship and administration laws coincided with the Rosewall's contact. LCCLC staff thought that these laws could be amended to enable the families and friends of missing people to apply for authorisation to deal with their financial affairs. Laws like this operate in NSW and the ACT.

With specialist assistance from Clayton Utz, the Human Rights Law Resource Centre and a local private lawyer, LCCLC lawyer Anna Howard researched the issue and wrote a compelling submission. In essence, the reforms proposed by LCCLC would enable a person to apply to manage the affairs of a missing person, through a process similar to applying to become an administrator for a person with impaired decision making capacity.

LCCLC lodged the submission with the Commission. A copy is available at www.communitylaw.org.au/loddoncampaspe. However, the Commission's final report is not due until June 2011. LCCLC wanted to bring about change faster.

LCCLC undertook a media campaign and wrote directly to Attorney General Rob Hulls. To its utter astonishment, LCCLC began to hear whispers within a matter of weeks that the Attorney General had referred the matter to the Department of Justice and was seeking specialist input from key stakeholders on draft legislation!

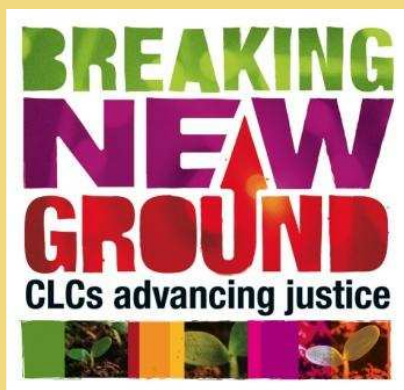
On 10 August 2010, the *Justice Legislation Further Amendment Bill 2010* was introduced to the Victorian Parliament. Amongst other things the Bill seeks to amend guardianship and administration legislation to enable the effective protection and administration of the affairs of missing persons.

National CLC Conference – early bird registration closing soon

Early bird registrations for the National CLC conference close on 3 September 2010.

The 2010 National CLC Conference is being held in Melbourne from 24-27 October 2010 at the Melbourne Convention and Exhibition Centre. The theme is “Breaking new ground – CLCs advancing justice.” A fantastic program includes keynote speakers such as Rob Hulls, Muriel Bamblett & Rob Stary.

For more information see www.naclc.org.au or contact Jane Housley at the NACLCL with any questions.



Federation new premises

A reminder that the Federation is now happily in our new premises at Level 3, 225 Bourke Street Melbourne. Please update your records accordingly. Our phone, fax and email remain the same.

Tim McCoy Dinner – Rob Stary speaking on the failure of the “War on Terror”

The Tim McCoy dinner will be held at 7pm on Friday 5 November at Richmond Town Hall. Rob Stary will be the guest speaker talking about the “State Propaganda Machine and its Failure on the War on Terror”. Bookings will open on 1 October and the call for nominations for the annual Tim McCoy prize will be released soon. Information will be posted on www.communitylaw.org.au.

The Bill will allow the Victorian Civil and Administrative Tribunal (VCAT) to appoint an administrator to make decisions that are necessary and in the best interests of the missing person, such as supporting the missing person’s children, paying debts or managing the person's property. VCAT will reassess the order within 12 months. VCAT will also be able to provide advice to administrators and require the accounts of the estate of a missing person to be audited or examined. Any person with an interest in the missing person or their estate is entitled to notice of an application and can apply to VCAT for a rehearing.

Anna Howard accompanied David and Julie Rosewall to meet with Attorney General Rob Hulls prior to the second reading speech on 12 August 2010. They thanked the Attorney General for acting so quickly to reform the law. They were also deeply grateful for the interest shown by LCCLC with their problems, saying that it provided “...just a little bit of light.”

While the Bill has been adjourned for debate, it is anticipated that the Missing Persons reforms will receive bipartisan support.

Timeline of reform:

- 27 April: Rosewalls attend LCCLC
- 14 May: Submission made to Victorian Law Reform Commission
- 25 May: Media campaign and lobbying commence
- 5 August: LCCLC briefed by Department of Justice on proposed amendments
- 9 August: Cabinet approves reforms
- 10 August: Bill introduced into Victorian Parliament

Peter Noble, Principal and Coordinator, Loddon Campaspe Community Legal Centre

NGO’s invited to contribute to the Australian Human Rights Register

The Australian Human Rights Register provides a quick and easy opportunity for NGOs to record human rights developments. Through the collation of human rights stories, the register seeks to inform, build knowledge and capture the experiences of NGOs in the field, their observations arising from case work, service delivery and policy changes that affect the human rights of Australians.

The Register will be a useful tool in human rights advocacy and documentation. The data collected will be used to promote improved human rights outcomes through advocacy with key decision-makers including the United Nations bodies responsible for advancing human rights. We hope to maintain this database over the next few years as public perceptions of human rights take shape.

Since the Register launched in May we have already received a number of entries from NGOs around Australia. However, we would like input from as many Australian NGOs as possible.

Entries for the Register will be accepted until 31 October 2010. For further information, see: www.hrlrc.org.au/australian-human-rights-register/. For any questions or assistance, contact humanrightsregister@hrlrc.org.au.

Loren Days, Human Rights Law Resource Centre

Public Interest Law Conference

The University of Melbourne's Law School Civil Justice Research Group, in collaboration with the Public Interest Law Clearing House, the Federation of Community Legal Centres, the Environment Defenders Office (Vic) and the Human Rights Law Resource Centre is hosting this conference, which will explore the theory and practice of public interest law.

The conference aims to promote dialogue between groups with a common interest and trigger discussion on public interest law, cases and issues. The conference will examine the opportunities and obstacles in the practice and reform of public interest law in Australia and internationally.

Registration: \$140.00 (inc. GST) or \$60.00 (inc. GST) for currently enrolled students). See www.law.unimelb.edu.au for details.

Congratulations to Sally Goldner – ALSO Awards

Congratulations to Sally Golder of Transgender Victoria (and Finance Officer at the Federation) who received the 2010 ALSO Foundation Activist of the Year Award. The award recognises the outstanding work of an activist or leader in furthering the rights or understanding of the GLBTIQ community. Congratulations to the other award winners: see: www.also.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 interest law jobs are at www.communitylaw.org.au Current and upcoming CLC jobs (at 30 August) are:

- Family Violence Lawyer, Darebin CLC (closes 14 Sept)

CLC Law Graduate Scheme welcomes two outstanding graduates

The CLC Law Graduate Scheme, funded by the Legal Services Board, is now well underway. Two outstanding candidates, Parvathi Suriyakumaran and Bonnie Renou, have been selected from a very strong field. We are very excited to congratulate and welcome them.

Parvathi completed her combined Law/Arts (Gender Studies) degree in 2009. Throughout her degree she has volunteered at five different CLCs and contributed to a range of community organizations and services, including the Friends of Kolkata (welfare, education and environment projects in India) and editing the Australian Development Review. Her paid work has included working as a disability support worker and as a research assistant in a number of legal and community development projects. Parvathi recently commenced her first CLC placement at Brimbank CLC and will move to Gippsland CLC in December and conclude her rotations at the Women's Legal Service next year.

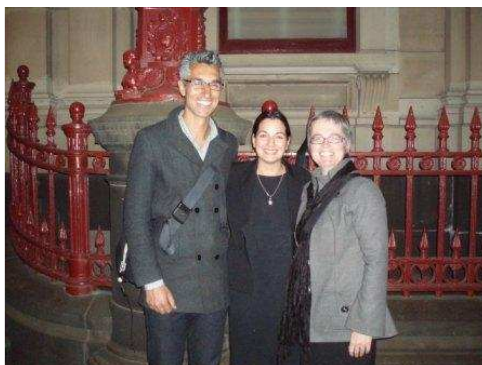
Our 2011 Graduate, Bonnie Renou, is currently completing her final year of Law at Victoria University. She will undertake her practical legal training in the first half of 2011 and then commence her CLC placements in August 2011. Bonnie has previously completed a Bachelor of Science (psychology) and a Bachelor of Arts (Hons) in criminology. She has also completed a Masters of Philosophy in criminological research at the University of Cambridge.

Bonnie was awarded the Chief Justice's Medal for Excellence and Community Service in June. She has volunteered extensively, with a particular focus on prisoners rights. She has undertaken three placements in New Orleans, USA for Reprieve Australia providing pro-bono assistance to inmates on death row or facing capital indictments. After Hurricane Katrina, she worked with the Louisiana Crisis Assistance Centre to help those trapped in the jail in New Orleans and then moved to jails around the state. She has volunteered and now works for the Prisoners' Legal Service based at Brimbank CLC. She also works with intellectually disabled clients who have had contact with the criminal justice system, and has experience as a cook/volunteer supervisor at the Sacred Heart Mission.

Bonnie will commence her first placement at Eastern CLC in August 2011, then move to Murray Mallee CLC and then finish at the Environment Defenders Office.

For more information about the Scheme, contact the Scheme Manager, Jane Staley at jane.staley@fcl.org.au.

Jane Staley, Federation of Community Legal Centres



CLC Law Graduate Parvathi Suriyakumaran after her admission ceremony in August with the Federation's Jane Staley and Hugh de Kretser



Justice Profile – Brendan Sydes

Brendan is the Manager of the Environment Defenders Office (Victoria) and Federation Chairperson. He was awarded the Law Institute Community Lawyer Award in 2009 and was previously a partner at Slater & Gordon. He is also on the board of the Victoria Law Foundation.

Brendan, where did your passion for environmental law come from?

I became a lawyer because I thought it was a good way to make a difference. As for environmental law, I think it is bleedingly obvious that we can't live beyond our means and laws and the legal system our central to a just and sustainable society, a view sharpened now that I have two little kids. The other important thing for me is that I grew up in the country and spent a lot of time as a kid camping and just being in the bush. Environmental law allows me to combine being a lawyer with my interest in birds and natural history. I suspect not many other CLC workers need gum boots for their job.

The EDO has grown significantly under your leadership. What achievement are you most proud of?

If I was to distil it down to one thing it would have to be that working with others. I have been able to transform the EDO from a staff of one (me) when I started 5 years ago to a really solid and committed team of 9 or 10 staff and heaps of great volunteers. The cause and the technically interesting area of law are important, but the passion, skill and commitment of others it what really makes working at the

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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 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:

- Continued work to develop services and seek funding for improved advocacy and legal support services for sexual assault victims with a cognitive impairment.
- Participation in an Office of Police Integrity forum on the investigation of police deaths in custody and continued advocacy for greater independence in these investigations.
- Submission with Domestic Violence Victoria, Domestic Violence Resource Centre Victoria and Victorian Women With Disabilities Network, to the Australian Law Reform Commission Inquiry into Family Violence. We made an extensive submission based on our ongoing experience of Victoria's integrated response to family violence, focusing particularly on the need to improve safety and access to justice for women and children who currently must often negotiate both civil and criminal state and territory family violence jurisdictions as well as the federal family law system.
- Submission to the Victorian Parliament Drugs and Prevention Crime Committee Inquiry into the Impact of Drug-Related Offending on Female Prisoner Numbers, endorsing the joint submissions from Flat Out Inc and the Centre for the Human Rights of Imprisoned People, and from PILCH (Homeless Persons Legal Clinic) and the Council to Homeless Persons. We submitted that women who commit drug-related crimes tend to be some of the most vulnerable members of our communities and have often experienced multiple forms of structural inequality and injustice. Until the conditions that foster such disadvantage are systematically and holistically addressed, women will continue to reoffend, and imprisonment of women for drug-related offences will exacerbate the social inequities that underpin such offending.
- Consultation with Melbourne Magistrates' Court regarding its Client Service Charter.
- Media work in connection with a VCAT discrimination complaint by a support group for same-sex attracted youth against a Christian youth camp.
- Working with Domestic Violence Resource Centre, Domestic Violence Victoria and No To Violence on consultation with Corrections Victoria concerning the Home Detention Expansion Project.
- Submission to Senate Legal and Constitutional Affairs Committee Inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010, endorsing the Human Rights Law Resource Centre's submission and emphasising our support for the Bill as the first part of a package of reforms to enhance protection of human rights for everyone in Australia.

EDO worthwhile, a situation I am sure many CLC comrades are familiar with in their own centres.

What's next on the EDO's radar – any significant policy initiatives or litigation you're working on?

We are always on the lookout for a killer piece of climate litigation – we have a few irons in the fire but I can't tell you about those. Our policy and law reform work has gone from strength to strength in recent years, largely as a result of support from the Public Purposes Fund which has enabled us to employ two lawyers dedicated to working on law reform. At the moment we are doing a lot of work on water law (State and Commonwealth) as well as climate change stuff. The one area of policy and law reform work that cuts across everything we do is trying to increase government accountability for environmental decision making and increase the rights of citizens to get involved in the process. We have a real democracy deficit in areas such as planning, environmental impact assessment and transport infrastructure development at the moment and trying to make a difference in these areas has and will continue to keep us very busy.

If you could wave your magic green wand and change one law or policy, what would it be?

I would introduce a Climate Charter – like the Charter of Human Rights and Responsibilities, it would require all decision makers to take the phenomenon of climate change seriously. Using a Charter means that you don't have to amend every single piece of legislation to have the requirements apply across the board. We have developed a model – details are on our website. The Victorian Government has just introduced a Climate Bill to the Victorian Parliament – it has a couple of things in common with our model but on the whole it is a bit disappointing – "climate law lite" rather than the full strength laws most people are hoping our political leaders will deliver.

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Smart Justice continues to change the law and order debate

Smart Justice is about promoting criminal justice policies designed to do good, not sound good. Leading community and legal groups, under the Smart Justice banner, are calling for policies that work, that are evidence-based, value for money and that don't violate Victorians human rights.

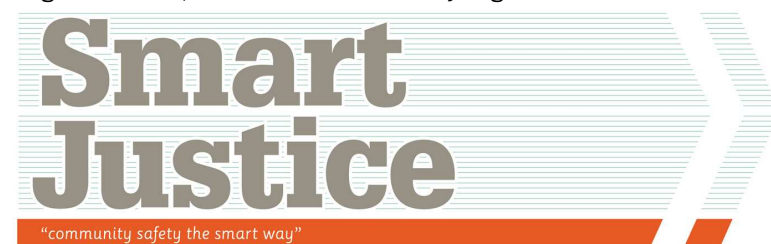
Smart Justice factsheets are housed on our website – www.smartjustice.org.au. The latest factsheet "More prisons are not the answer to reducing crime" highlights that:

- Victoria's prison population is rapidly rising
- The rise is attributed to harsher sentences
- Building and running prisons is extremely expensive (around \$500,000 construction cost per prison plus around \$90,000 per year per prisoner)
- Most prisoners come from backgrounds of high disadvantage
- While Victoria is doing better than other jurisdictions, prison often fails to stop reoffending (50% of Victorian prisoners have been in prison before)
- While prison stops a prisoner from offending in the short term, it may increase the risk of reoffending on release
- There are better and cheaper ways of reducing crime than more prisons
- Reducing disadvantage will reduce crime
- Sentencing options and court programs that target the causes of offending will reduce crime
- Victorian Government spending increases on prisons over the past decade (up 186%) has outstripped spending increases on programs likely to reduce crime.

Upcoming factsheets include: Crime Statistics; Reducing Indigenous Overrepresentation in the Criminal Justice System and Better Supporting Victims of Crime. Domestic Violence Victoria and the Victorian Local Governance Association are the latest organisations to join Smart Justice. There are now 19 organisations supporting the project.

For more information, visit www.smartjustice.org.au or contact the Federation.

Hugh de Kretser, Federation of Community Legal Centre



CLC training: building a successful and funding and resource base

CLC managers and board/committee of management members are invited to this training and networking session. The session will showcase different models CLCs have used to successfully obtain funding and other resources (pro bono, volunteers, in kind assistance from local council etc). Managers from a range of dynamic specialist and generalist CLCs will share strategies they have utilised, what works, what doesn't, and their thoughts on challenges and keys to success. Wednesday 8 September 2010, 6-8pm at the Kulin Room, 225 Bourke Street. To register or for further details email sectordevelopment@fclc.org.au.

It's rumored that you're a bit of a twitcher. What's your favourite bird and why? Is there a particular bird species that has eluded you?

Twitchers are bird watchers who obsessively keep lists of birds they have seen – very much the anorak end of the bird watching spectrum. I am not one of those. Many species have eluded me but because I don't keep lists I don't lose too much sleep over it.

Favourite bird at the moment is the Swift Parrot. These birds migrate to the mainland from Tasmania in winter to feed on flowering Eucalypts. Habitat loss means they are endangered and there probably less than 2000 left. We have quite a few around every day at the moment on the bushblock where we are building our new house at Muckleford, near Castlemaine - a real buzz.

You did articles at Slater and Gordon when Julia Gillard was there. Did she print double sided and use the recycling bins properly? Did she ever ride to work?

Julia worked downstairs in the industrial law department. I was a worker bee in workers comp. The only recollection I have was she was there when I arrived in the morning and there when I left and almost always on the phone. Very similar to now I expect. I am not sure how she got to and from work but it probably was not in a Commonwealth car.

Any easy tips for us to green our lives a bit more?

Slow down, work less. Over consumption is at the root of our current sustainability predicament. Allowing time for simple pleasures is better than working furiously and chasing high paid jobs and then piling on expensive consumer crap to try and make up for a lack of a life.

Promoting victims' access to crimes compensation

Whittlesea Community Legal Service is currently conducting a 'Victims of Crime Assistance Tribunal (VOCAT) Capacity Building Project' funded by the Legal Services Board. The project involves research to evaluate the current VOCAT system and identify areas for potential reform. It will also develop 'Best Practice VOCAT Guidelines' as a resource for Victorian community legal centres.

There is a compelling case for encouraging more eligible applicants to access the assistance that is available from VOCAT – only a small percentage of victims of violent crime access the compensation they are entitled to and some face barriers in accessing legal assistance for compensation claims. Encouraging and resourcing more community legal centres to take on VOCAT claims is one way in which this aim can be achieved.

As part of our research, Whittlesea CLS has been consulting with a range of individuals and organisations involved in the VOCAT process including: CLCs, barristers, private lawyers, court registrars, counsellors and victims support services. Whittlesea has already interviewed a number of representatives from northern Melbourne CLCs who have provided valuable insight into the VOCAT process from both a lawyer and a client perspective.

We want to hear from CLCs who have experience with VOCAT matters and who would participate in a short phone or written interview. The Discussion Paper is scheduled to be released on 30 September and the 'Best Practice Guidelines' to be launched at the National Conference on 25 October 2010.

For more information or to participate in our research please contact Rani Flory on 9401 6655 or email: rflory@whittleseacommunityconnections.org.au

Rani Flory, Whittlesea Community Legal Service

Vale Jim Kennan (1946-2010)

As Victorian CLC's approach their 40th birthday, they can reflect on how fortunate they have been to work with a number of reforming Attorneys General, both state and federal. None more reforming and more supportive of CLC's was Victoria's Jim Kennan SC, who sadly, passed away in August 2010, aged 64. Appointed Attorney General in the Cain Labor Government (1983) he was responsible for significant reforms that reshaped the Victorian legal landscape. These reforms greatly assisted the grassroots work of CLCs. For example, he totally revamped the civil jurisdiction of the Magistrates Court and professionalised the judiciary by removing Justices of the Peace from the bench; he introduced the *Judgment Debt Recovery Act* that removed Dickensian aspects of the then debt recovery procedures; he established the Administrative Appeals Tribunal (the genesis of VCAT); established the Guardianship Board; pioneered important Aboriginal land rights and enacted reform of prostitution laws following the Neave report (setting an international benchmark). This represents just a snapshot of Jim's passionate advocacy and contribution to public life. He was an inspiration to all in the CLC movement. A life to be remembered. Vale Jim Kennan

Simon Smith, Coordinator Springvale Legal Service (1978-1988)

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