

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

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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.

Reaching clients through advertising

Access to justice research shows that many people who need legal help don't actually seek it, and when people do seek help, they often don't use traditional avenues for getting advice. Barriers to seeking advice, particularly in relation to debt matters, include feelings of shame and embarrassment and a lack of awareness about how to access assistance.

This poses challenges for legal assistance services – how do we reach the clients who most need help at the earliest appropriate stage?

The MoneyHelp financial counselling service, run by Consumer Action Law Centre, provides financial counselling advice and referral by email and telephone. Thanks to specific funding from Consumer Affairs Victoria to market the service, MoneyHelp has been able to try different ways of getting the message out.

MoneyHelp reaches consumers who would not normally come to a financial counselling service, particularly due to the telephone nature of the service. An evaluation report found that clients preferred the telephone service because it was easy to access and was less-threatening than a face-to-face appointment.

We have also made our website as user-friendly as possible. It includes testimonials from consumers we have helped which highlight the benefits of seeking assistance, including stress reduction. It also has a function where consumers can seek advice and referral via email. Several hundred consumers use this facility to engage with us, in growing numbers, and we are hoping to pilot a real-time chat option in the future.

In looking beyond traditional service models and marketing models, we have had to stretch our resources and our imaginations in order to promote MoneyHelp to those who need it. Basing MoneyHelp at Consumer Action Law Centre was certainly a first step to tapping into an existing client base and a reciprocal approach to achieving just outcomes for disadvantaged people, but we had to do more than that.

Our budgets and our community-focused sensibilities tend to shy away from commercial advertising, but at MoneyHelp, we found this to be the single most effective way of reaching people. In January this year, we launched a short, sharp advertising campaign with AM radio station 3AW. Though this cost around \$10,000, the day it commenced saw the largest number of hits on our website since its inception and calls sky rocketed. At the conclusion of the campaign, our statistics once again trailed off, confirming the impact of the advertising. Other strategies have included use of search engine optimisation services (to help us 'come up early' in the Google hits) and convenience advertising - a polite name for the signs you see on the back of doors in public toilets!

Sue Campbell: A CLC Pioneer



Sue Campbell, a long-time friend of community legal centres, passed away in March aged 67 after a short battle with pancreatic cancer.

Sue joined the Monash Law Faculty as a Lecturer in 1980 from Melbourne Law School. Until she retired in 2005 when her Professorial Fellowship expired, she was at the heart of student learning and faculty development. She was a friend and mentor to students and staff alike. More recently she was the author of the Campbell Report on legal education training and a founding member of the Judicial College of Victoria.

Sue was also an exceptional teacher as recognised by her Vice Chancellors Award for Distinguished Teaching and her Order of Australia Medal.

Underlying her contribution was a strong and unwavering commitment to social justice. For example, she joined the Springvale Legal Service Board in 1983 and at the time of her passing 28 years later she was the Chair of the Board. Similarly, as a founding editor of the Lawyers Practice Manual in 1985 she remained on the editorial board to the very end.

Sue was also a Foundation Trustee of the Tim McCoy Memorial Trust. For 23 years the Trust has celebrated the life and work of Tim McCoy (1956-1987) who was a pioneer of legal centres. The annual 'Tim' Dinner is an established part of the legal aid calendar drawing together both legal aid pioneers and current members of the movement.

Sue Campbell is survived by her daughters Elena, Mia and their families.

Simon Smith

In addition to marketing directly to clients, we need to also focus on marketing to other professionals who may be able to refer clients to legal and financial counselling help. The 2008 review of government-funded financial counselling services found that "[m]uch of the capacity to prevent or intervene in financial hardship resides outside the financial counselling sector" pointing to the value in cross promotional activities between services.

Clients can contact MoneyHelp on 1800 149 689 or at www.moneyhelp.org.au. CLCs and others wanting more information about any of our marketing and online strategies are welcome to get in touch with us through Consumer Action Law Centre on 9670 5088.

Danielle Archer, MoneyHelp, Consumer Action Law Centre

Walk for Justice

Attorney-General Robert Clark was among hundreds of legal professionals, judiciary, academics and community participating in the annual PILCH Walk for Justice on Monday 16 May to raise much needed funds to increase access to justice in Victoria. PILCH (Public Law Interest Clearing House) facilitates pro bono legal services to Victorian individuals and organisations in need, and undertakes law reform, policy work and legal education.

The Walk for Justice signals the opening of Law Week and starts at 7.30am at Parliament House and concludes at the County Court with breakfast. Walk for Justice is held concurrently in different locations nationally, and demonstrates the legal profession's commitment to access to justice and pro bono.

The Walk raised \$9,000 which will be used by PILCH to pay for disbursements in pro bono matters. Even where a person's legal matter has merit and pro bono lawyers are retained, often the accompanying expenses, such as expert medical reports, are so high that the client can't take their case further. This funding will help promote access to justice by helping to pay for these expenses.

In addition to the Attorney-General, this year's PILCH Walk for Justice patrons included Chief Judge Michael Rozenes of the County Court; Martin Pakula MP, Shadow Attorney-General; Philip Cummins, Chair, Victoria Law Foundation; Adam Bandt MP; Professor Paula Baron, La Trobe School of Law; Professor Andrew Clarke, Victoria Law School; Professor Carolyn Evans, Melbourne Law School; Mark Moshinsky SC, Chair, Victorian Bar Council; Professor Anne Rees, Deakin School of Law; Reynah Tang, Vice President, Law Institute of Victoria; Sue Walpole, Board member, Victoria Legal Aid; and Judge Felicity Hampel, County Court.



Walkers for Justice gather at the steps of Parliament House

2011 Human Rights Dinner



Federation Executive Officer Hugh de Kretser with Attorney General Robert Clark at the dinner

The 2011 Human Rights Dinner, hosted jointly by the Human Rights Law Centre and PILCH on 6 May, was a great opportunity for the human rights movement to celebrate a year of successes and re-commit to the struggle against inequality and injustice.

The Dinner was attended by over 300 people from diverse organisations – the community sector, CLCs, human rights advocacy organisations, judges, parliamentarians, the private legal profession, the Victorian Bar, the business community and philanthropy. That diversity was personified by the keynote speakers: Simon McKeon, 2011 Australian of the Year and an investment banker and private sector lawyer by profession, and Dr Cassandra Goldie, CEO of the Australian Council of Social Service with a background in the legal aid and community sectors.

In an introductory speech Phil Lynch, Executive Director of the HRLC, reflected on the challenges for human rights in Australia in 2011: strengthening the legal protection of human rights and equality, reforming conditions and oversight of places of detention, and Indigenous empowerment and participation. Fiona McLeay, Executive Director of PILCH, reflected on the critical role of community legal centres and pro bono lawyers in effecting progressive social change.

The night culminated in a silent auction with some great prizes, including dinner for two with each of the Hon Robert McClelland, Justice Michael Kirby and Tim Costello. All in all, a fabulous night and a great way to celebrate human rights. We hope you can join us at the event in 2012!

JobWatch and the State Budget

Uncertainty over JobWatch's funding marred a range of positive announcements in the May State Budget. JobWatch is a specialist community legal centre which provides free legal information, advice and representation to Victorian workers and undertakes community legal education and law reform work. Its telephone information service currently takes around 11,000 calls each year. 55% of callers are referred from Fair Work Australia and the Fair Work Ombudsman and the unmet demand for the service is around 65%. Around 90% of its clients are not union members.

After two letters indicating JobWatch's funding would be cut, the Victorian Government has now agreed to continue \$371,000 out of JobWatch's recurrent Victorian Government funding of \$871,000. Accordingly, while JobWatch's future as an organisation seems secure, it is facing a massive cut in services. JobWatch and the Federation are working to explore other funding sources. The Fair Work Ombudsman has agreed to provide JobWatch a one-off payment of \$200,000 including GST, but unless additional funding is obtained, JobWatch will need to undertake a significant restructure. Cuts to services will be sharply felt by vulnerable workers.

Elsewhere in the State Budget, the Victorian Government announced \$9 million over four years to continue critical community legal services focussed on assisting victims of family violence, the homeless and disadvantaged people in rural and regional Victoria. In announcing the \$9 million funding for community legal services, Attorney-General Robert Clark said 'Victoria's network of Community Legal Centres plays a vital role in our justice system, providing members of the public with advice, representation in court, and other legal assistance.'

Sector Development Update

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 communitylaw.org.au. For more information contact Claudia Fatone at www.claudia.fatone@fclc.org.au.

CLC Information Extranet (CLCie): CLCie is an internet-based resource for sharing resources between Victoria Legal Aid and CLCs which was launched in March. Additional material is regularly added to the site. Resources now available include:

- VLA's Service Directory, displaying searchable information about VLA services
- LawGuru - easy access to legal information, legislation and references
- Professional legal education coming up at VLA and past session materials
- Practice support resources, including extensive precedent files to help with client communications at each point of a case

Federation Toolkit update: The Toolkit, on the www.communitylaw.org.au intranet, has a range of useful resources. New resources include:

- *Victims of Crime Assistance Tribunal Best Practice Manual* – a crimes compensation guide was produced by the Whittlesea Community Legal Service.
- *CLC4GV Act Now Report*: a report on the Goulburn Valley CLC Pilot.

Professional development – video now available on Federation Toolkit: Video of some past CLC training sessions is now available for viewing on the Toolkit under "Training Materials". Sessions include the Community Lawyers' CPD Day and the Civil Law CPD Day.



Justice Profile – James Farrell

James Farrell is the Manager/Principal Lawyer of the PILCH Homeless Persons' Legal Clinic ('HPLC'). Prior to joining the HPLC, James was a commercial lawyer at a large national commercial law firm.

James has been a member of committees of management at Villamanta Disability Rights Legal Service and Geelong (now Barwon) Community Legal Service, and is currently the Treasurer of the Federation of Community Legal Centres and a Director of the Council to Homeless Persons.

What brought you to work in CLCs?

I studied law because I wanted to make a contribution to the community. While I was at uni, I got involved in a few CLCs, particularly on committees of management – I had some experience in accounting and business management, which were skills that were valued by volunteer committees. After uni, I practiced in a national commercial law firm, but also got involved in pro bono and CLC volunteering. I jumped at the chance to join the HPLC in 2009.

The HPLC has been an incredible success story. What are the keys to its success?

The HPLC is a unique model, which relied on institutional partnerships with large law firms who provide volunteer lawyers at our weekly outreach clinics at shelters and other homelessness agencies. It's a real partnership, between PILCH, the private profession and the homeless sector, which is the key to its success. Another key factor is our focus on clients and casework; this identifies the areas which require systemic reform, and gaps in community awareness of relevant issues, which drive the other parts of our work.

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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 on common justice concerns in law reform working groups supported by Federation staff. Federation law reform submissions, articles and media releases are available at www.communitylaw.org.au.

Highlights and current work includes:

- *Protecting Victoria's Vulnerable Children Inquiry*: Our submission emphasised the importance of Victoria's child protection system reflecting a human rights based approach, set out the experiences and role played by the CLC sector in the child protection system, and assessed recommendations made by the Victorian Law Reform Commission in its child protection report.
- *Victoria Legal Aid Family Law Guidelines*: Our submission broadly supported the proposed change in focus towards early intervention, and prioritising assistance to the most vulnerable clients in areas of greatest impact. However, we expressed concern about potential impacts of the proposed changes and recommended measures for mitigating these impacts.
- *Letter to the Attorney General regarding systemic discrimination*: The Federation strongly supports the role of the Victorian Human Rights and Equal Opportunity Commission in initiating investigations into systemic discrimination and believes the functions and powers granted to it under the *Equal Opportunity Act 2010* (Vic) are appropriate for this purpose. We wrote to the Attorney General to request that these powers and functions be maintained.
- *New Paradigm - Australian Journal on Psychosocial rehabilitation*: We wrote an article for a special edition of this journal on mental health and the justice system, profiling the Smart Justice project.
- *Smart Justice*: A meeting of the Smart Justice partner organisations confirmed the strong support to continue the project. A range of new factsheets will be produced. To receive occasional e-news from Smart Justice which will keep you up to date with news and the latest research, you can now subscribe on the Smart Justice website at www.smartjustice.org.au/media.php.
- *Your rights at the airport brochure*: First published in 2009, we are now reviewing this Federation publication for the next update.
- *Independent investigation of police related deaths*: Following two police shootings, one death and one near-death, that occurred in May, the Federation in conjunction with the Human Rights Law Centre, Darebin Community Law Centre, and Flemington & Kensington Community Legal Centre, wrote to the relevant Ministers urging the government to immediately create an independent investigative body to examine police use of force in these incidents. The Federation also participated in an Office of Police Integrity forum examining the investigation of police-related deaths. Earlier, in March, the Federation released a Victoria Police report, obtained after a long freedom of information case, revealing failings in a range of police shooting incidents.
- *Submission on Intelligence Services Legislation Amendment Bill 2011 (Cth)*: Our Anti-Terrorism Laws Working Group endorsed the submission from the Castan Centre for Human Rights Law which expressed concern about the potential for this bill to increase the scope of ASIO's powers relating to the collection of foreign intelligence.
- *Sexual assault against victims with a cognitive impairment* – The Federation is continuing its efforts to secure the balance of funding required to commence a pilot advocacy support service for victims. The service will be conducted in collaboration with South Eastern Centre Against Sexual Assault, Springvale Monash Legal Service and local disability agencies in Melbourne's South East.

A recurring theme for the homeless is getting fined inappropriately for things like begging, drinking in public or travelling on public transport without a ticket. What can we do to change this?

Policy makers need to focus on causes, not consequences. Some HPLC clients don't pay for their train tickets because they can't – the income support they receive condemns them to living in poverty, especially when they can't afford or access housing or healthcare. Rather than punishing this poverty, let's address the causes; ensure that everyone can access an adequate standard of living, including housing, income support and health services. Until there is meaningful, accessible realization of these fundamental human rights, people will continue to be penalized for their poverty, disadvantage and/or homelessness.

How can CLCs become more effective in helping disadvantaged Australians?

CLCs are incredibly effective in helping disadvantaged Australians – we just need to celebrate our successes more. We should be saying loudly and proudly that we help individuals (and make a positive impact for our communities), and that through this work we are well-placed to comment on systems and structures that perpetuate inequality and disadvantage that must be changed. We're not a secret society; we're an important service with lots to say about the experiences of our clients, and the need for a more equitable society.

Pro bono – is it part of the problem or part of the solution?

Pro bono is a tool or a method, it's not an answer. Like all of the tools we have at our disposal, you need to know what you want to achieve, and which tools will help you achieve your goal. The important thing is to recognize the opportunities when CLCs can call on pro bono assistance to increase our capacity to assist clients or otherwise complement our work. I strongly believe that the HPLC is an example of pro bono being part of the solution to the unmet needs of our clients, but I know it doesn't (and can't) work in all situations.

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Accreditation scheme promotes quality CLC services

The National Association of Community Legal Centres accreditation scheme is underway. National CLC accreditation is designed to:

- help ensure consistently good services to CLC clients and efficient and effective CLC operations;
- establish tailored and appropriate accountability requirements for CLC services;
- protect CLCs against “look-alike” services (eg: a for-profit private law firm trading as the “Brunswick Community Legal Service”); and
- raise the profile of CLCs and publicise the importance of their work.

Accreditation is a process of demonstrating that a CLC meets nationally consistent service standards, which have been agreed to by CLCs. It is consistent with the existing CLC “standards” already in place, such as the Community Legal Services Program Service Standards and the NALC National Risk Management Scheme. All members of the Federation must comply with the national CLC accreditation standards or satisfy the Federation they are working towards compliance.

The accreditation process is supported by two user-friendly online products:

- *Standards and Performance Pathways (SPP)*: this site lists the accreditation criteria and establishes the step by step question and answer process for on-line self assessment. It also facilitates the upload of documents which provide evidence that a CLC is meeting the standards (e.g. a conflict of interest policy);
- *Management Support Online (MSO)*: this site links in with the Standards and Performance Pathways site to provide an integrated set of resources to help CLCs meet the standards (e.g. a sample conflict of interest policy if the CLC doesn't have one).

These online products are particularly useful for CLCs with multiple funding streams and different accreditation standards as they provide a single process which can demonstrate compliance with multiple standards, with the potential for significant cost savings for CLCs.

Accreditation is a five step process:

- *Online self-assessment*: this involves the step by step question and answer process using the Standards and Performance Pathways;
- *Cross check*: the cross-check audit of a CLC's legal practice which is required under the NALC Risk Management Guide (or similar scheme) will be incorporated into the assessment;
- *Site visits*: NALC or Federation staff will visit each CLC to assess compliance with the accreditation criteria;
- *Report and recommendation*: the relevant NALC or Federation staff will provide a report and recommendation for accreditation. The Federation will determine each CLC's level of compliance with the accreditation standards.
- *Workplan*: as a result of the self assessment, site visit and report, each CLC will have a workplan and will be asked to provide reports against this workplan. Frequency will be individually negotiated depending on the level of accreditation achieved.

The accreditation scheme was launched in October 2010. It is expected that all CLCs will complete their self assessment by the end of 2011 and that all centres will receive a site visit and have their level of compliance assessed thereafter.

The NALC and the Federation are working with funders to explore options for replacing current accountability requirements with the accreditation process.

Any inspirational reading you can recommend?

I recently re-read Nicole Rich's 2007/08 CLC Fellowship Report, "Maximising our Potential So We Can Help Our Clients Realise Theirs". Nicole's work should be required reading for anyone who works in a CLC.

You and your wife recently had 9.5 hours sleep straight for the first time in about three years. Any tips for managing work life with 2 little kids?

I'm fortunate that my working arrangements are flexible, and that PILCH (like many CLCs) is a very supportive employer.

Judicial College of Victoria online legal resources

The Judicial College of Victoria is an independent organisation that provides professional development and educational opportunities for Victorian judicial officers. It also produces a range of online bench books and legal publications, available to judicial officers, lawyers and the wider community. Publications are available free of charge on the College's website.

College publications are practical resources that all court users will find accessible and helpful. They are authoritative, regularly updated, practical guides to the law and contain material relevant to all Victorian courts. All College publications are developed with the guidance of Editorial Committees comprised of judges, magistrates and other content experts.

Key publications of the College include:

- Family Violence and Stalking Resources
- Civil Procedure Bench Book
- Uniform Evidence Resources
- Victorian Criminal Charge Book
- Victorian Sentencing Manual
- Victorian Criminal Proceedings Manual
- Sexual Assault Manual
- Search Warrants Manual

The publications can be accessed at www.judicialcollege.vic.edu.au.

Driving clinic helps refugees

Currently, many newly-arrived migrants living on the Ascot Vale and Flemington Housing Estates and in the Footscray area are driving without a licence. Moonee Valley Legal Service obtained a major grant from the Legal Services Board to run driving programs for newly-arrived migrants.

The project aimed to address the lack of affordable driving lessons and to give new arrivals in the area a greater understanding of the legal requirements and implications of driving. With this knowledge it is hoped that participants will then go on to obtain their licence and be in a better position to gain employment, live a better lifestyle and assist their families.

Classes were held over eight weeks, with the assistance of community interpreters to provide training in first language as well as English. Upon completion of the theory section of the 'P' program, students were given practical training with subsidised driving lessons from a driving school. Volunteer tutors from the local community then took students out several times a week in a practice car.

We have found that for people from newly-arrived backgrounds, with no prior experience of driving or of Australian road rules, it takes the best part of a year to obtain proficiency.

Our other main finding was the enormous unmet need for driver training for people from newly-arrived backgrounds due to overwhelming financial difficulties. While we were able to accept 30 students into our 'P' programs, and an additional 30 'L' students, there were 160 applicants that we were unable to accommodate and we receive at least one request every day for assistance in this area. Word spread quickly and we had limited resources to accommodate their needs.

Moonee Valley Legal Service has contacted settlement agencies, employment providers and local government to seek further support. From these discussions we hope in the future to complete joint applications to apply for funding to expand this valuable program.

Adrian Snodgrass, Moonee Valley Legal Service.

Preventing refugee legal problems though education: report released

A new report, *Prevention is better than cure: Can education prevent refugees' legal problems?* explores whether legal and financial problems experienced by refugees could be prevented if refugees were given more information about common legal issues before they arrived in Australia or early in the settlement process.

The report by Katie Fraser, formerly of the Footscray Community Legal Centre, was produced through the Victoria Law Foundation Community Legal Centre Fellowship. The report concludes that education can prevent or mitigate some legal problems and recommends that government, legal assistance providers and settlement agencies work together to develop a strategic approach of providing legal education for refugees.

Copies of the report are available at: www.victorialawfoundation.org.au.

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