

**FROM THE ROUNDABOUT  
TO THE ROUNDHOUSE**

David Nichols

25 years of Kingsford Legal Centre



***From the Roundabout to the Roundhouse - 25 years of Kingsford Legal Centre***

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**A NOTE ON SOURCES**

A large portion of this history comes from interviews and/or conversations conducted between 2004 and 2006. In all cases individuals quoted were given the opportunity to revise and approve quotes attributed to them. Quotes from these sources are referenced only the first time the source is used.

**LIST OF ABBREVIATIONS**

ALS	Aboriginal Legal Service
ANU	Australian National University
CCLCG	Combined Community Legal Centres Group
CLCs	Community Legal Centres
CLE	Clinical Legal Education
HREOC	Human Rights and Equal Opportunities Commission
ICAC	Independent Commission Against Corruption
KLC	Kingsford Legal Centre
NESB	Non-English Speaking Background
PIAC	Public Interest Advocacy Centre
RLC	Redfern Legal Centre
SLS	Springvale Legal Service
UNSW	University of New South Wales

*Note: Many informants in interviews for this project referred to KLC and RLC as 'Kingsford' and 'Redfern' respectively, sometimes interchangeably with the acronym terms. For clarity and precision all these references have been changed to 'KLC' and 'RLC'.*

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THE UNIVERSITY OF  
NEW SOUTH WALES  
FACULTY OF LAW

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# INTRODUCTION

This short history of Kingsford Legal Centre can only cover the barest elements of the important work it does. The history is based on documents retained in KLC's archives, on newspaper and journal research, and on interviews with key people.

In structuring the history around a skeleton of interviews with KLC's Directors, it is not intended to demonstrate a disregard for the hundreds of other individuals who have passed through, and made contributions to, the Centre, or to throw a disproportionate amount of responsibility on individual 'leaders'. Nevertheless, it cannot be denied that KLC's Directors have influenced the Centre in specific ways, as is revealed throughout. Additionally, the use of Director-oriented 'eras' is a shorthand which, hopefully, makes it easier for readers to follow the chronology of this history.

Aside from staff and interviewees, the staff at the UNSW Library and at the State Library of NSW were also very helpful to me during the initial stages of my research. But most importantly I acknowledge the contribution made by the KLC students assigned to assist in this project during the time I spent researching and writing it: Kristy Lee, Chris Hartley, Ricky Lopis, Veronica Chan, Victoria Yu and Stella Boyages. Their involvement with the project and their enthusiasm was, for me, an excellent example of the KLC work and education ethic in practice.

*David Nichols, University of Melbourne September 2006*

# UNSW, ITS LAW SCHOOL AND THE COMMUNITY

*The Centre might be thought of as the office of one of the law lecturers – it just happens to be a long way from the Law School, and a lot of other people use it.*<sup>1</sup>

A few months before the University of New South Wales (UNSW) Law School's new 'clinic' began operations in May 1981, Neil Rees wrote to Dean Ronald Sackville that he considered it 'vital that we operate cautiously in the first few months.'<sup>2</sup> Rees was apprehensive of his skeleton staff taking on too much, or investing overly in a facility which seemed destined for a very finite lifespan.

Its caution and restraint – much of it the product of continued uncertainty about its survival and its status, as well as ongoing debate about which of its two chief functions are more important – have often made Kingsford Legal Centre (KLC) difficult to categorise and publicise. Sometimes, the low-key nature of the Centre has seen it become marginalised to an almost ridiculous degree. Patrick O'Farrell's 1999 'short portrait' of UNSW, of which KLC had been a part for 18 years at time of publication, does not mention it.<sup>3</sup> This despite it being such an important example of UNSW's willingness to experiment and invest in otherwise largely unexplored facets of education – in this case, clinical legal education (CLE). Volunteers, supporters and students occasionally voice the opinion that KLC does not publicise itself enough. 'Many students are unaware of the existence of the Legal Centre,' wrote one commentator in 1987, adding that students' understanding of the KLC experience was that it involved hard work, rather than rewards: 'If aware of it they seem to be reluctant to enrol in CLE because they are afraid of the unfamiliar or anticipate a heavy workload out of proportion to the credit points allocated to it.'<sup>4</sup>

But if KLC has indeed been dogged by a lack of understanding both in the Law School and the wider community – and it probably has – it might well have been predestined: the pattern was set even before the Centre opened.

This is clear from the context of the newspaper *Tharunka*, arguably the most radical and outspoken (and possibly the best) of Australian university newspapers of its time. In 1981 *Tharunka* was extremely interested in the law: for instance, it attacked the penal element of the State's justice system with a special *Jailprint* section (combining *Jail News* and *Inprint*, 'produced in response to the increasingly repressive measures taken by the prison administration of NSW and its Minister to once again put a gag on the collective prisoner voice').<sup>5</sup> The paper also interviewed the prominent journalist and former UNSW law student Wendy Bacon about the NSW Bar's refusal to allow her to become a barrister.<sup>6</sup> In July, it published an article entitled 'What's Wrong with the Law School', protesting the UNSW Law School's retreat from its original proclamation as 'a law school of "liberation"':

Here was a law school that was 'different' – it was committed to varied assessment, small group teaching and a wide ranging enquiry into the law as a tool for social change and political stimulation [but now the] lack of diversity in teaching methods and assessment, the obsession with theory and the accumulation of pre-digested knowledge, the waste of effort and intellect concentrated on irrelevant research papers... all contribute to a feeling of futility... UNSW Law School is quickly becoming an academic institution in support of conservatism, in support of the establishment.<sup>7</sup>

Outside a strict focus on the rights of people in the community, and the Law School's direction, other matters which seem relevant to the establishment of KLC – and which make it even stranger that the Centre was not of interest to *Tharunka* editors – were being discussed in the paper. Geographer Frank Williams wrote of 'The Station', a residential and referral centre for the homeless, in the Randwick area. This time *Tharunka* was presenting ideas to its readers about the responsibilities of university, students and staff, to a host community. Williams wrote:

What responsibilities to its community must a university population shoulder? What kind of contribution should it be making to the wider community which succours it? ...Members of the university community, especially the very secure and materially rich academics, but also the relatively secure and likely to be wealthy student body, are in a strong position to be of service if they can appropriately suppress and express themselves in the needs of others.<sup>8</sup>

1 Simon Rice, *A Report of the History Structure and Operation of the subject 'Clinical Legal Experience' at Kingsford Legal Centre with Recommendations for Change (Review of the Clinical Legal Education Program in the Law Faculty at the University of New South Wales, June 1991)* p. 12. Box 225/2 KLC Archives

2 Neil Rees, memorandum to Professor Sackville 15 May 1981. KLC History Box 1, KLC Archives

3 Patrick O'Farrell *UNSW: A Portrait, The University of New South Wales 1949-1999* UNSW Press 1999

4 Robert Stephen 'Kingsford Legal Centre: Some Marketing Suggestions' 21 August 1987 in Box 227, KLC Archives

5 *Jailprint*, supplement to *Tharunka*, June 1981 Vol 27 No.2

6 Robert Fox, 'Wendy Bacon – The Torture of Laws' *Tharunka* Vol. 27 No. 4 12 April 1981 pp. 16-17

7 The M.D.H. Radical Collective, 'What's Wrong with the Law School' *Tharunka* (issue not numbered or dated, presumably July 1981) p. 13. Note that Marion Dixon quotes a *Tharunka* article by Brian Kelsey, with the same name, from five years earlier.

Marion Dixon, *Thirty Up: the story of the UNSW Law School 1971-2001*, UNSW Law School, p. 162. Simon Rice suggests that the perceived creeping conservatism of the Law School in the early 1980s was in some respects a sign of the times; beards, bare feet, beanbags and breastfeeding of babies were all, he says, a fact of university life slowly being replaced by an arguably more professional approach; increasing class sizes were also controversial amongst the student body.

8 Frank Williamson, 'Urban Expeditions' *Tharunka*, vol. 27 no.9 August 11 1981 pp. 11-12

All of these issues – the rights of citizens, the university's responsibility to the wider community, and the perceived elitism or conservatism of the Law School – were directly relevant to the University's new CLE program, which was to provide free legal service to the people of Kingsford and its environs. KLC itself, however, was unreported and unsung in the pages of *Tharunka* in 1981.

**LEGAL CENTRE FOR LOCALS OPENS**



Public Affairs Unit

The new Kingsford Legal Centre, a free legal aid service for students and local residents run by the UNSW Faculty of Law, will be officially opened at 4pm on 9 September by the NSW Attorney General, Mr Frank Walker. Cases will be conducted by solicitors employed by the Faculty, with the assistance of law students. The Centre is situated at 11 Rainbow Street, Kingsford and will be open from 9am–1pm. Phone 398 6366 or 398 6455. Pictured are (from left): Dawn Rees, the Centre's administrator; Pam Ditton, solicitor; student Bob Toner; and Law Lecturer, Neil Rees.

# CLINICAL LEGAL EDUCATION AT UNSW

The Municipality (now City) of Randwick has been a local government area of great contrasts: during the 1930s Depression, the 'Happy Valley' shanty settlement which had developed in its southern area<sup>1</sup> sat uncomfortably with places like Coogee, a playground for Sydneysiders of all social classes; La Perouse was notoriously the location of the final Sydney 'Aboriginal Reserve' as late as the 1950s.<sup>2</sup> As with much local government in Sydney throughout the 20<sup>th</sup> century, corruption – even if only implied – was often an issue. A local residents' paper published in 1980, just before KLC opened for business, put it simply: 'There is plenty right with Randwick; there's also plenty wrong with it... pretending that things are better than they are is deceitful...'<sup>3</sup>

Originators of UNSW, the first of the post-war 'red brick' (as opposed to 'sandstone') universities, had not originally intended it to have an eastern suburban focus. Commencing as the New South Wales University of Technology in 1949, it was initially expected that the University would relocate from its very temporary quarters at Sydney Technical College to nestle side-by-side with the University of Sydney, in Darlington.<sup>4</sup> Before long, however, the institution now known as UNSW was ensconced at a former army training ground at Kensington. Other plans – such as that it become a multicampus University spread throughout the State – came to little, UNSW's Wollongong and Newcastle colleges instead becoming universities in their own right.

Sydney's eastern suburban Randwick area was, therefore, host to a University *only* because it contained a large section of suitably empty land reasonably accessible from the CBD. It was a fine site for a university campus – rather than servicing any perceived need in that area of Sydney for a tertiary institution. The state focus of its name emphasised this idea.

UNSW's original technical focus soon broadened when it opened Arts and Medicine faculties in the early 1960s and Law in 1971. The first ten years of the Law School were unusual and, in some respects – not least the 'interactive', discussion-based teaching method promoted by Foundation Professor of Law and Dean Hal Wootten – revolutionary. This was particularly so when compared with the more conventional, formal approach followed by older universities: naturally, the Law School defined itself against the University of Sydney's approach to teaching law.<sup>5</sup>

Former Dean, Garth Nettheim, recalls that the UNSW Law School was established 'very shortly after the ending of the old state system of articles of clerkship which had given law students practice experience in conjunction with their academic studies,' suggesting a perceived need for a new kind of practical element to the study of law.<sup>6</sup> From early in the Law School's life Wootten encouraged students to volunteer at the new Aboriginal Legal Service, which he had helped to create in 1970. The ALS was established in response to the police's, and the judicial system's, poor treatment of Aboriginal people, and it attracted a number of notable and talented legal identities.<sup>7</sup> The cause of legal aid was further advanced in 1973 by the new Whitlam Government's introduction of the Australian Legal Aid Office, the first federal legal aid body. The early seventies saw legal aid initiatives thrive in Australia as idealistic and righteous lawyers, citizens and government at varying tiers built networks and protocols in an attempt to improve social justice around the nation. Allied with this was a desire in legal education to buck the tradition under which:

Law schools have traditionally resisted the notion that they are professional training colleges; the primary aim is not to produce legal practitioners. Nevertheless graduates of law-schools emerge as lawyers... Our present methods of instruction do not allow students to develop all of the abilities required of lawyers... It seems essential that students be taken beyond the law reports and their own experience and be provided with the opportunity to observe the daily experience of members of the community with the legal system.<sup>8</sup>

Redfern Legal Centre (RLC) was established in 1977 by UNSW Law School staff and students. UNSW lecturer Phillip Burgess believed it would enable 'stuffy North Shore kids to see real life'<sup>9</sup> which, unfair as such stereotyping may be, is an ambition many, including the stuffy North Shore kids themselves, hold for KLC to this day. Some members of the UNSW Law School staff were keen to investigate the possibility that the RLC might be used by the Faculty as a clinical facility. This possibility seemed less likely after meetings in 1979<sup>10</sup> although RLC and UNSW continued a close association so that, for instance, in

1 *Randwick: A Social History* Randwick Municipal Council/NSW Press 1985 p. 205

2 See Peter McKenzie and Ann Stephen, 'La Perouse: an Urban Aboriginal Community' in Max Kelly, ed. *Sydney City of Suburbs* New South Wales University Press/Sydney History Group, Kensington, 1987 pp. 172-191

3 'A rosey picture is just a sham', *Randwick Rag*, Dec 1980 no. 1 p. 1

4 See David Nichols, *Darlington and the University of Sydney*, University of Sydney Honours Thesis, 1995

5 Garth Nettheim, e-mail to the author 28 January 2005. All subsequent Nettheim quotes from this source unless otherwise stated.

6 Meghann Everett, *Community and Community Legal Centres: a study UNSW History Thesis*, 1999 p. 10

7 Neil Rees, 'Clinical Legal Education', document dated 18 March 1981, pp. 2-3. KLC History Box 1, KLC Archives

8 Quoted in Everett, p. 27

9 It is unclear from extant documentation why this was so. John Chesterman writes that in 1994 the University of Melbourne Law School explored the possibility that it could enter into a similar relationship with Fitzroy Legal Service as Monash had created with Springvale two decades earlier. He writes that 'Negotiations, however, ultimately fell through when concerns were raised about academic standards and the right of clients to consult experienced staff.' It is to be assumed that similar problems were countenanced at RLC in 1979. Chesterman, *Poverty Law and Social Change: The Story of Fitzroy Legal Service* Melbourne University Press 1996 p. 166 [Chesterman cites FLS Annual Report 1993-4 pp. 18-19]

10 Anne Riches and Garth Symonds, 'Redfern Legal Centre and Community Legal Education' in Ben Boer, ed. *Community Legal*

1979 RLC was encouraging UNSW students of Poverty Law to become involved in CLE projects<sup>11</sup> and a small number (four at a time) of students were serving placements at RLC.<sup>12</sup> RLC even had an administrative office on the UNSW campus in the late 1970s, though it did not receive clients there.

Marion Dixon writes in *Thirty Up*, her history of the UNSW Law Faculty, that the late John Kirkwood – a staff member with a long-term interest in community legal aid and a formative figure in the establishment of the RLC – hoped now to create another centre allied with the Faculty:

Kirkwood envisaged that such a centre would conduct public-interest test-cases in areas like social security law, Aboriginal land rights and environmental class actions, and would provide legal research and advice for legal aid agencies and community welfare services... He thought it could operate from a single room with some secretarial assistance and stationery provided by the Law Faculty...<sup>13</sup>

Kirkwood was not alone; in 1978, Nettheim – coming to the end of his first tenure as Dean – wrote to Vice Chancellor Rupert Myers about the possibility of either establishing a clinic at UNSW or incorporating RLC into the UNSW program. Nettheim told Myers that:

The most important innovation in legal education in the English-speaking world during the post-war period has been the introduction of CLE [entailing the provision of] financial assistance to allow law schools to establish clinics which usually comprise an office staffed by experienced professionals to provide legal services to real clients with the assistance of selected students.<sup>14</sup>

Nettheim proposed the appointment of a director of CLE for a three-year period, and 1979 saw the arrival of Neil Rees at UNSW. Rees was one of the few Australians in legal education with direct experience of the type of centre Kirkwood and Nettheim were considering. With Phil Slade and David Turnbull, he had established Springvale Legal Service (SLS) in early 1972; Rees and Slade had also been involved in the creation of Fitzroy Legal Service.<sup>15</sup> Springvale's clinical component at Monash University came two years later.

Kerry Greenwood's history of SLS describes Rees as 'the smooth one, the talker, the ambitious, careful numbers-man who was never cowed by authority.'<sup>16</sup> Like many at the UNSW Law School at this time, Rees originally imagined that a fully-fledged course in CLE at UNSW would entail the creation of a program whereby students would aid solicitors and clients at RLC. A 1980 report by Rees, entitled 'Professional Practice', proposed a course of that name, such as had been offered at Monash University via SLS since 1975.<sup>17</sup> Because RLC did not have the resources to accommodate more students than the few it catered to in CLE – and, Tony Woods says, because there would have been some differences in philosophy and direction between RLC and the Faculty<sup>18</sup> – Rees argued that the 'great scope for the establishment of further community legal centres (CLCs) in Sydney' could see the co-creation of a *new* centre for the new course.<sup>19</sup> Don Harding recalls:

There had been a proposal much earlier for us to establish our own clinical legal centre, but some of the lecturers who were likely to be involved felt they were not ready for that yet. They preferred then to get involved in the RLC. The proposal for our own centre was revived under Ronald Sackville's deanship, and it was taken to the VC. At that time there was doubt expressed by someone – not in the Law School – about the wisdom of the proposal. Ronald Sackville was not happy about that. When I took over as Dean, there was a new VC – Michael Birt. The Centre was proposed by the Faculty. By that stage we had the assistance of Neil Rees, who was very good. The proposal received Michael Birt's support.

There was a certain amount of opposition to it from members of the Faculty who said that practising the law was a 'trade school thing' and that the Law Faculty should concentrate on more 'theoretical' teaching".<sup>20</sup>

Though the Professional Practice course did not eventuate, the Law School resolved instead to create a new facility for the purposes of teaching CLE. Naturally, Rees and his new colleagues used the model of SLS's relationship to Monash in developing the new Centre.<sup>21</sup> Harding also visited some CLCs in America in pursuit of ideas or templates for the new UNSW centre. This included one in New York that took on major class actions and was quite lucrative; however KLC was set up

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*Education: Preventive Legal Aid, Proceedings of the Commonwealth Legal Aid Commission Seminar of June 1979, held at the Caulfield Institute of Technology, Victoria Canberra: Commonwealth Legal Aid Commission, 1980 pp. 60-67, p.64*

11 Dixon, p. 62

12 Dixon, p. 61

13 Garth Nettheim, memorandum to Professor Rupert H. Myers, 20 October 1978 in Box 227, KLC Archives.

14 Kerry Greenwood, *It Seemed Like a Good Idea at the Time: a history of Springvale Legal Service 1973-1994* SLS, Springvale, 1994 pp. 1-2

15 Greenwood, p. 5

16 Greenwood, p. 11

17 Tony Woods interviewed by David Nichols, 4 March 2005. All subsequent Woods quotes from this source unless otherwise stated.

18 Neil Rees, 'Professional Practice', 28 March 1980, p. 5 in unlabelled ring binder folder, Box 225/2, KLC Archives

19 Don Harding, communication with author, 8 February 2005

20 Neil Rees, 'Clinical Legal Education', document dated 18 March 1981, p.1. KLC History Box 1, KLC Archives

21 [http://www.randwick.nsw.gov.au/about\\_randwick/local\\_suburb\\_profiles/kingsford.php](http://www.randwick.nsw.gov.au/about_randwick/local_suburb_profiles/kingsford.php) Accessed 23 January 2005

with the Monash system in mind. Harding's main task at the time was to secure the agreement of the Law Society which was concerned about impact on local solicitors in the Kingsford area – and to raise the funds for the Centre, which largely came from the University.

Kingsford, a small section of Randwick, has a population that has increased by approximately a thousand every five years over the last fifteen years.<sup>22</sup> Known as South Kensington before 1935, it was renamed by popular local choice for a national hero, the aviator Charles Kingsford-Smith. Kingsford is easily accessible for many other suburbs, including Daceyville, a model town planned suburb of the early 20<sup>th</sup> century still largely operated by the NSW Department of Housing to an ethnic group otherwise barely represented in any number in NSW – the Castellorizians, from remote Greek islands, have been settling there since the 1940s and retain a distinct presence in the area, not least through an imposing social club.

In Rees' original conception the new free legal advice facility would either be called Kingsford Legal Service or Randwick Legal Service.<sup>23</sup> It is not recorded exactly how the 'Kingsford' name took precedence, but it is presumably related to the location of the premises offered by Randwick Council and a desire to include residents of the adjoining Botany area while at the same time retaining a sense of local character – which is to say Kingsford's small size, rather than its local dominance, made it the ideal choice. While the building is not strictly speaking a 'shopfront', Kingsford is probably best known in the wider area as a shopping strip and public transport hub, and therefore would be immediately identifiable by those in its 'catchment area'.

In his 1991 review of the Centre's first ten years, its third Director, Simon Rice, explained that:

KLC was not established as a separate legal entity... It was and remains only a name, used by the Faculty to identify the place at which one of its subjects is taught. The legal practice is in effect a private practice, with the benefit of the professional indemnity insurance and auditing facilities of the University.<sup>24</sup>

It would, of course, be an adjunct to the Law School, rather than an association or relationship entered into by two equal partners (or even a true 'centre' like, for instance, UNSW's Indigenous Law Centre). It is this reality, however, which has led to numerous problems between the Law School and KLC, and KLC and the community: within the local community, KLC exists to provide free legal advice and in some cases representation for members of the public who would otherwise be unable to afford such a service. John Longworth, a long-term volunteer recently typified these people as those who:

truly require assistance, who will get it nowhere else, to whom the system is formidable, who are without ability or resources, who have been greatly oppressed and marginalised. There are few other places for them but places like Kingsford.<sup>25</sup>



KLC building, 11 Rainbow Street.

22 Ronald Sackville, letter to Professor Rupert H. Myers 4 May 1981 p. 1 KLC History Box 1, KLC Archives. On the 15<sup>th</sup> of May, Rees wrote to Professor Sackville to ask 'Do we call the place Randwick Legal Centre or Service?' Neil Rees, memorandum to Professor Sackville 15 May 1981. KLC History Box 1, KLC Archives

23 Simon Rice, *A Report of the History Structure and Operation...* p. 10

24 John Longworth, 'KLC at 20 – a volunteer lawyer's perspective' *Unsolicited* no. 2, 2001 pp.

25 20-23

# A TEMPORARY SERVICE ON A SHOE STRING BUDGET: THE OFFICIAL OPENING

*Professor Harding said the service could only be temporary. 'We haven't got the financial backing to make it permanent.' The service... will operate for nine months.<sup>1</sup>*

In a letter to Justice Gordon Samuels confirming his attendance at KLC's opening, dated 3 September 1981, Dean Don Harding described it thus:

The Centre will be similar to those which have been set up at Monash University and at most of the major North American Law Schools and some of those in the United Kingdom. It differs from clinics which are primarily welfare oriented, such as the Redfern Legal Centre, in its emphasis on an educational function. Of course clients will have to be informed very clearly of this objective of the Centre. It is planned to keep the Centre open year round, staging three courses, each of about four months duration. Twenty-five students will be taken into each course if the Centre becomes fully operational.<sup>2</sup>

Aside from the fact that this private communication presents a slightly more optimistic appraisal of KLC's longevity than his public pronouncement of a few months prior, Harding's letter provides an early indication of the Law School's concerns over the Centre. The educative aspect of KLC had to be prioritised at all times, however a simultaneous strand, the issue of funding, was also a problem from the outset.<sup>3</sup> Rees and others at the Centre were advised by the Law School Dean, Professor Sackville, that KLC would operate on a 'shoe string budget'; a grant of \$15,000 was given to open it.<sup>4</sup>

Harding became Dean in July 1981; Sackville, his predecessor, presided over KLC's initial stages. However Harding did not see the need to make his mark on the new project by reworking its focus or structure, and like Sackville he has often been praised for his efforts which strengthened CLE at UNSW, and KLC itself, to a great degree.<sup>5</sup> In 1981, Harding estimated a yearly budget of \$90,000 for the Centre, and considered that only the allocation of money via a General Development Grant from the University would allow the Centre to continue into 1982. Nevertheless the Faculty 'contributed the full-time services of one lecturer to the Centre' from July 1981.<sup>6</sup>

It was, therefore, against a backdrop of caution and with some hesitation that the Centre was officially opened in the attendance of not only the Chancellor but also Attorney General for NSW, Frank Walker; the President of the Law Society; the Chairman of the NSW Law Reform Commission; local MPs Laurie Brereton and Michael Cleary; aldermen and the new Mayor of Randwick; and others, on Wednesday, 9 September at 5 pm. It had been in operation since June.<sup>7</sup>

Another Randwick Mayor, the 'shy, sincere' John Ford,<sup>8</sup> had presided over the Labor-dominated council which had designated 11 Rainbow Street as headquarters for the new Centre, originally only for nine months.<sup>9</sup> KLC occupied the small weatherboard building at well below market rental. It was to become home to KLC for a quarter of a century. KLC rumour has it the building was formerly a facility used by bus drivers in between shifts (it was described in a 1984 report as premises 'leased to the Randwick Municipal Council by the Public Transport Commission').<sup>10</sup> In 1981 correspondence, Rees discusses a Rainbow Street building – presumably no. 11 – as 'the old C.E.S. building'<sup>11</sup> and Rice later described it as 'a Commonwealth building used first as an electoral office and then as an employment office.'<sup>12</sup> Its one major central space, with offices and/or interview rooms adjoining, were in part the creation of the original staff and a subsequent overhaul intended to create a 'model office' in the mid-80s. Few alterations were made since that time aside from an extension of extra rooms opened in 1987.

Not unnaturally, administration of the new Centre had to accommodate its unusual status. The Clinical Education Committee was created as the Clinical Legal Experience Committee<sup>13</sup> in 1980, originally to assist in establishing the Centre, 'and subsequently with the monitoring of funding of the Centre through the Law School'. This body had a chequered career,

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1 'Student law service planned', *Sydney Morning Herald*, 1 July 1981 p. 27  
2 Don Harding, letter to Justice Gordon Samuels, 3 September 1981 in 'KLC Opening' folder, KLC History Box 1, KLC Archives  
3 See for instance Don Harding, letter to Prof. R. M. Golding (Pro-Vice Chancellor), 2 September 1981 in 'KLC Opening' folder, KLC History Box 1, KLC Archives  
4 Robyn Lansdowne and Neil Rees 'Kingsford Legal Centre: A Clinical Experience' Paper to the 1984 conference of the Australian Law Teachers Association, p. 19. KLC History Box 1, KLC Archives  
5 Lansdowne and Rees, p. 2  
6 Lansdowne and Rees, p. 19  
7 'A meeting has been arranged for Wednesday, 3 June 1981, of all students enrolled in Clinical Legal Experience for Session 2.' 'Minutes of Clinical Legal Education Committee', 27 May 1981, p. 2 KLC History Box 1, KLC Archives. Simon Rice's 1991 Report gives the starting date at 27 June. Rice, *A Report of the History Structure and Operation...* p. 9  
8 'Profile: Ald John Ford' *Randwick Rag* # 2 March/April 1980 p. 3  
9 Neil Rees, memorandum to Professor Sackville 15 May 1981. KLC History Box 1, KLC Archives  
10 'Report to the School on Clinical Legal Education', 1984 in unlabelled ring binder folder, Box 225/2, KLC Archives  
11 Neil Rees, memorandum to Professor Harding 29 June 1981 p. 1. KLC History Box 1, KLC Archives  
12 Rice, *A Report of the History Structure and Operation...* p. 14  
13 Clinical Legal Experience Committee Minutes of Meeting 13 August 1987 KLC Archives

with activity all years since its foundation and 1987 except 1985, followed by a long period of abeyance until 1993.<sup>14</sup> The KLC Advisory Committee was convened in 1981; a 'consultative committee' including representatives from interested legal bodies, the University, local community, and KLC staff.<sup>15</sup> It lasted into the mid-80s and was then re-established in 1987.<sup>16</sup>

While the future of the Centre may have been uncertain, this did not prevent Rees from instituting a tradition which has grown within the Centre: the 'Paddle' and its attendant ceremony. The Paddle is the KLC version of the 'Slade trophy', an old saucepan once belonging to Phil Slade, annually awarded at SLC. The Paddle was donated by a student who had recently returned from a Pacific cruise. Rees remembers the Paddle as awarded each semester to 'the student who was responsible for the most outrageous act'.<sup>17</sup> Of course, outrageousness can come in the form of audaciousness or errors which, if committed by a practising lawyer, would have severe ramifications; luckily, students can make mistakes at KLC. Rees recalls:

For example, an early recipient was awarded the Paddle because he 'heavied' a non-English speaking man into signing an Acknowledgment of Service in a Family Court matter. We discovered a few days after the Acknowledgement was signed it was a complete stranger to the case who simply signed the form because the student told him to do it.<sup>18</sup>

This situation was then rectified by the supervising solicitor.

The Paddle has become an important element of KLC life. In 1998, the contest for the Paddle was as fierce as ever, as the KLC *Newsletter* makes clear. Nominations that year included:



Student receiving 'the paddle'.

The student who enrolled in the intensive course (28 days) but decided that he didn't need the credit points so changed his enrolment to the non-intensive course (14 days) and basically just stopped coming.... the student who advised a client that it was possible to ignore the legal advice and simply defraud creditors. (This was quickly amended by the supervising solicitor.)

That year, the prize went to a student who had not tried to get away with anything but her dignity. The newsletter recounts that, 'while interviewing a very depressed client' a portion of an air conditioning unit fell on her head. 'She escaped with a large bump but was otherwise unharmed... The client, however, was so taken with her performance, that he had difficulty completing the interview due to his inability to stop laughing.'<sup>19</sup>

The Paddle can be seen as Rees' attempt to invest in a future for KLC. It was the institution of a tradition that few would have imagined might still be continuing 25 years later, because the 'low-key affair' of KLC certainly did not augur a prosperous future. In fact, Rees had cause to regret, in the Centre's first few weeks, its cautious approach to publicity. He later claimed that initially the KLC staff was:

...fearful that we were not going to have enough clients, and I can remember in the first few weeks walking up and down Rainbow Street looking for likely customers, asking people in the fruit shop if they have any legal problems that they wanted to discuss with people. The students would be sitting around and someone would walk in the door – three or four of them would jump up and in most instances it was the postman coming in for the day.<sup>20</sup>

Of course, a lack of clients would not be a problem for KLC for very long.

14 Rice, memorandum to Annette Hasche, Jill Anderson, Dorne Boniface 3 September 1993, KLC Archives

15 Rice, *A Report of the History Structure and Operation...* p. 12

16 Clinical Legal Experience Committee Minutes of Meeting 13 August 1987 KLC Archives

17 Neil Rees, e-mail communication with author 11 October 2005

18 *ibid*

19 'Students celebrate, *Kingsford Legal Centre Newsletter*, March 1998 p. 10

20 Neil Rees. Two 'drafts' of the speeches by Justice Samuels and Neil Rees, from the tenth anniversary of KLC are contained in the 'Submission to Law Foundation' folder, Box 225, KLC Archives. It is unclear whether this is a transcript of what was said on the day, or a draft of two prepared speeches. That a paragraph from Simon Rice appears thanking Justice Samuels for his speech and introducing Rees appears, suggests the former; that the first two paragraphs of Justice Samuels' speech are crossed out, suggests the latter

# 'A VEHICLE FOR SOCIAL IMPROVEMENT'

## Interview with Neil Rees, KLC Director 1981-86

*When I watched the ABC's Street Stories documentary in late 2004, I was struck by how little had changed at KLC. The premises looked a bit nicer and there were computers around, which we didn't have. But if you changed the haircuts and the clothes it could have been students in the early 1980s.*

*I was one of a group of people who began KLC. There was a very strong commitment and an extraordinary talent pool at UNSW Law School at that time. I was one of about 10 new staff in 1980; the Dean was Ron Sackville who was very vibrant, creative, intellectually stimulating. He managed to attract lots of like-minded people to come and work there.*

*There was not an enormous amount of community input at the start. The community input came from the Randwick Council which provided the premises – Sackville was a great negotiator, he convinced them it would be a good idea. However as soon as KLC started we got a lot of support from local community organisations.*

*The only international inspirations were those that some of us had read about, some embryonic programs in the United States of America (USA) – community legal aid organisations which were used for social change. The CLCs movement was just starting in England about the same time. It was a long time ago, though, and I think we were far less aware of international movements than we are today.*

*The overarching principles that people were trying to put into place in establishing CLCs generally were that there was widespread lack of information in the community about people's rights and obligations, lack of opportunities for people to enforce their legal rights or to defend actions against them, that the law could be a vehicle for social improvement and that you had a substantial body of enthusiastic young lawyers and law students who wanted to use the law as a means of improving Australian society. That was coupled with a view that legal education had been hopelessly classroom based, and that people emerged from law school not having in any way gained any understanding of the social impact of law, and not having had any opportunity to acquire the skills necessary to become effective local practitioners. So CLE was in part seen as filling some of those gaps in legal education and at the same time adding to the broad movement amongst a lot of young lawyers that law could be used as a vehicle of social change.*

*CLE provided an opportunity for those law students who either saw the law as a vehicle for social change or wanted some practical skills or both to experience that in the later part of their law course. I think it had an invigorating effect on what was already a vigorous law school. I mean, UNSW Law School from the mid-70s to the mid-80s was probably the most vigorous and exciting law school that Australia had ever had, in terms of things that were happening, and what people were doing, changing the face of legal education. There was a huge amount happening. The Lawyers' Handbook largely grew out of that group of people, the*

*Australian Legal Workers' Group, the Lawyers' Practice Manual. Lots of things grew out of that group of people, who obviously benefited from rubbing up against each other. The UNSW – I suppose in those days it was the Commonwealth Government – put an extraordinary amount of money into the school.*

*A lot of it was learning by doing. We didn't have too many models to fall back on. The aim was to involve students as much as possible in all of the dealings that the Centre had with clients.*

*I don't think at the time I realized how talented the people were that I was fortunate enough to work with at KLC. In the early days there was Pam Ditton; we were the first two lawyers there. Pam had come from the Central Australian Aboriginal Legal Service, she'd worked there for many years and before she'd worked in legal centres in London, so she brought some first-hand experience from London. My former wife, Dawn Rees, was the first administrator there. Dawn is an amazingly well-organised person and she had a big role to play in establishing systems. And then when Pam left Robyn Lansdowne joined us and then later Tony Woods, who was a former student. Debbie Whitmont who is now a TV personality [a reporter on Four Corners]; John Basten, Julian Disney, and Mark Lynch were all there for a while – an array of extraordinarily talented people who were very committed – followed by Peter Waters in about 1983-84, who also injected a lot of life into the place.*



*From very early on we became involved in discrimination work. There were a substantial amount of discrimination cases and KLC was really the centre of action for discrimination law in Australia at that time. So there are a lot of cases that went a lot of the way through the legal system – we had six cases that went all the way to the High Court, which is an extraordinary exercise for a little CLC and clinical program. To some extent we were experiencing a flow-on effect of the Whitlam era, it took some years for these things to flow through to, I suppose, action at street level.*

*I left in 1987, and went to Melbourne and a job in the Attorney General's Department.*

*I think the major success of the KLC is that it started in 1981 and now it's going bigger, better and stronger than ever. I confidently expect it'll be there in another 25 years' time.*

# 'THE LAWYERING PROCESS'<sup>1</sup>

The original aims of KLC were described (and probably coined) by Rees in 1981:

- (a) To promote greater understanding of the rules of procedural and substantive law through their practical application
- (b) To assist with decompartmentalising the law by illustrating to students that a particular problem cannot always be classified as one of solely crime, tort or contract, or indeed as one of law alone.
- (c) To introduce students to the skills of fact-gathering, evaluation, ordering and presentation and to demonstrate the changing nature of 'facts'
- (d) To allow the students to examine the lawyer-client relationship and to provide instruction in the interviewing [,] negotiation and counselling skills required of the lawyer
- (e) To enable the students to view the law as an instrument of social control and to assess its adequacy
- (f) To introduce students to the pressures and responsibilities of legal practice.<sup>2</sup>

Six years later, in a video scripted by Tony Woods, KLC's second Director, these aims were recounted concept for concept; CLE was furthermore described as a course which 'will have you observing the legal system from the bottom up... because the course is centred around actual clients and their real problems'.<sup>3</sup> In fact, KLC's educational goal – to introduce students to the 'real world' and a more rounded view of the legal system and its impacts – seems to have changed very little since the 1980s.

Assessment, too, has barely changed. Examination of UNSW's CLE course outline from 1978 reveals a simple concept which was easily adapted to KLC and which has not altered substantially since that time. Students were sent for placement:

to work with a lawyer in a legal aid office, or in private or government practice, where they will have the opportunity of observing the skills and procedures involved... Students will gain experience in and an understanding of aspects of such matters as the interviewing and counselling of clients, the factual investigation necessary in litigation, interviewing of witnesses, drafting pleadings and other documents, preparation for trial, the negotiation of agreements and settlements, and the conduct of a trial.<sup>4</sup>

A later critique of the original course pointed to its unpredictability for each student: 'Some students received enthusiastic guidance whilst others filed documents, spent hours at the photocopier and made the tea.'<sup>5</sup> Successful completion of the course consisted of one day a week's work under the supervision of a solicitor and teacher; period meetings between students, teachers and solicitors; and completion of a paper 'on some aspect of [the student's] experience.'<sup>6</sup> It was not made clear in the course outline how the appropriate 'aspect' was arrived at; once the course was adapted to KLC, this requirement was removed. Similarly to a UNSW law student's experience at KLC, CLE placement students were awarded only a 'satisfactory completion' (or otherwise) rather than credit points or grades.<sup>7</sup> It is interesting to note that the 'Placement Program' was not immediately replaced by KLC, but overlapped with it until 1982, and students might still be sent to (or opt to) be placed with judges or other legal bodies rather than present at KLC.<sup>8</sup>

The learning that took place at the Centre was understood to involve a 'form of osmosis.'<sup>9</sup> Students might handle 25 files, while maintaining 10 to 15;<sup>10</sup> today they do far fewer. In an overview of the Centre's working approach, written in 1984, Rees and Principal Solicitor (and sometime joint Director)<sup>11</sup> Robyn Lansdowne<sup>12</sup> examined their own precarious position as providers of two important goods to two very different groups:

We face the difficult task of leading students to believe that they must accept responsibility for the conduct of a particular case whilst at the same time ensuring that our clients are not disadvantaged in any way by student involvement. In part, we have to create an illusion of responsibility... Our approach is rather like placing the students on a rope. The rope is gradually let out if a student is performing well. If a student fails to perform adequately we are forced to draw in the rope and explore every minor detail of a case with that student.<sup>13</sup>

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1 Lansdowne and Rees, p. 3

2 Neil Rees, 'Clinical Legal Education', document dated 18 March 1981, p. 3. KLC History Box 1, KLC Archives

3 Tony Woods (script), Peter Lipscomb ('production and camera') and others *Clinical Legal Experience*, KLC/Audio Visual Unit, UNSW 1987

4 'Clinical Legal Experience – First Session 1978' p. 1 in KLC History Box 1, KLC Archives

5 Lansdowne and Rees, p. 2

6 'Clinical Legal Experience – First Session 1978' p. 1

7 'Clinical Legal Experience – First Session 1978' p. 4

8 Minutes of Clinical Legal Education Committee held the 22<sup>nd</sup> day of January 1982 KLC Archives. Simon Rice, in a memorandum from 1990, claims that all students were placed with KLC from July 1981. Simon Rice, memorandum to Curriculum and Teaching Committee, 16 January 1990 in Box 227, KLC Archives

9 Lansdowne and Rees, p. 2

10 Lansdowne and Rees, p. 17

11 T. W. Waddell, letter, intended recipient unidentified, 11 March 1985 in 'Submission to Law Foundation (Redesign Office) folder, Box 225/1, KLC Archives

12 Unfortunately Robyn Lansdowne was unavailable for interview

13 Lansdowne and Rees, pp. 10-11



Anna Cody with Indigenous high school students - winter school, 2006.

It was perhaps in recognition of this problem that Rees attempted unsuccessfully to work up another subject, 'Legal Clinic', to be taught through KLC.<sup>14</sup> The interface between education and the adequate practice of the law also caused other problems. Rees travelled to the USA in 1983 and saw student attorneys argue cases. He was keen that UNSW students be able to do the same via KLC. 'It is his view,' Touche Ross claimed in their 1983 report, 'that this practice has been an unqualified success in the United States and there is no reason to believe that our students could not match the performance of their American counterparts.'<sup>15</sup> While students at KLC do not argue cases to the same degree as they might in the USA, there is the opportunity to participate in the Student Advocacy Scheme. This was established in 2002 for clients pleading guilty in minor criminal matters at Waverley Local Court. Students prepare and present a plea of guilty on the client's behalf. Furthermore, students in the Employment Clinic represent employees in conciliation hearings in claims of unfair dismissal and may participate in negotiations on the client's behalf.

14 Minutes of Meeting of Clinical Legal Education Committee held the 22<sup>nd</sup> day of January, 1982 KLC Archives

15 Touche Ross Services Pty, 'Kingsford Legal Centre – Preliminary Report' 1984 p. 35 in unlabelled ring binder folder, Box 225/2, KLC Archives

# 'A HOLISTIC SERVICE': SOCIAL WORK AT KLC

In 1982, in an application for a General Development Grant from UNSW espousing the wider advantages of a centre like KLC, Rees wrote that: 'Eventually there may be benefits for students in Social Work.'<sup>1</sup>

There was clearly a place at KLC for a social work element, and in fact in 1983 the Commonwealth Employment Service provided funding for a social worker and an assistant for clerical and secretarial purposes for eight months.<sup>2</sup> Though this funding did not prove ongoing, the brief appearance of the social worker alerted KLC to the 'urgent need' for such skills at the Centre. 'Many of our clients with legal problems have associated social and welfare problems that we are simply not equipped to deal with.'<sup>3</sup> There was certainly a precedent, as many other legal centres in Sydney, for instance, RLC, Macquarie and Marrickville, had long employed social or community workers 'as part of their goal of providing a holistic service'.<sup>4</sup>

It was not until much later, however, that the social work student unit was established. The arrangement at KLC was unique at this time, combining as it did placements for social work students with legal clinical placements.<sup>5</sup> Social work students would give counselling, assessment and referral, information provision, mediation and conciliation advice and assistance. The existence of the social work unit allowed consideration of non-casework options, the provision of reports, support, and joint work with law students on community education, development and policy matters.<sup>6</sup> A good example of a useful social work-legal report compiled by the social work students was a document compiling figures on tenancy problems at KLC between 1985-89, with case studies that pointed to evictions as the most pressing problem in the area.<sup>7</sup>

Tony Woods recalls:

It was during my time that the social work placements started which was an approach really from the social work department to try and put some students into the Centre. By the time I left it was still in a relative teething phase – exactly what their role was, what files they handled. In terms of some of the types of matters we ran from time to time there was a social work element, eg whether someone was eligible for a social security benefit – there was a bit of a changeover in reallocating those sorts of files, and the social workers started to take on a bit more community involvement, an outreach sort of thing, something we had not done as lawyers, but which was quite common for community legal centres.

There was an open relationship, we had a social work lecturer who came down to do the supervision and provide the skills – having that activity as part of the Centre made it more of a community legal centre than it had been before.

In 1989, Simon Rice wrote:

the presence of social work students in the same work environment as law students is desirable. It could be the last chance that they get to work together amicably, or at least with some understanding of what the other profession does.<sup>8</sup>

By 1991 a social worker seconded from the School of Social Work was present at KLC two days a week,<sup>9</sup> assisting three social work students per academic session.<sup>10</sup> This place was withdrawn by the School of Social Work, though a new combined Social Work/Law degree meant that Social Work continued to have a presence in the Centre.

The School of Social Work's withdrawal was, Rice now says, 'hugely disappointing'.

There was a woman who, as part of the Social Work School, ran the placement site at KLC and was herself present at KLC for half a day a week. When I arrived, for me that was a really important part of KLC for two reasons. One was the community legal centre identity because that's what helped to make it a legal centre and not merely a student legal practice, and it was a fantastic learning opportunity, to broaden the law students' experience. We worked hard with the Social Work School to keep it going, to maintain and enhance that relationship. But then, for reasons that I don't really remember, Social Work reduced and rearranged their sites and we weren't a placement site anymore.

Then there was a shift. The social work dimension was filled differently by the new social work/law combined degree. Pia van der Zandt was the first such student and I don't know whether she achieved the combined degree herself by

1 'Application for General Development Grant', 21 October 1982 KLC History Box 1, KLC Archives

2 Lansdowne and Rees, p. 14

3 Robyn Lansdowne memorandum to Don Harding 15 April 1983 KLC History Box 1, KLC Archives

4 Mick Hillman, 'Social Work at KLC' document in 'Meetings KLC Director/Social Worker' folder, Box 226, KLC Archives

5 'Social work unit', *Kingsford Legal Centre Annual Report* 1991 p. 29

6 Mick Hillman, 'Social Work at KLC' document in 'Meetings KLC Director/Social Worker' folder, Box 226, KLC Archives

7 'Social Work Students' letter to Joanna Quilty, 15 August 1989 KLC Archives

8 Simon Rice memorandum to Monica Dennison 18 October 1989 in 'Meetings KLC Director/Social Worker' folder, Box 226, KLC Archives

9 Simon Rice, letter to Mark Richardson, Director Legal Aid Commission of NSW, 7 February 1991 in KLC History Box 1, KLC Archives

10 Rice, *A Report of the History Structure and Operation...* p.15

lobbying, I don't know how it started, but law and social work agreed to accredit a combined degree. At that stage, and for some years, there was very little serious attempt to integrate the degrees. The poor students simply had to do two parallel degrees, and they were literally finishing a subject in Trusts or Property at 11 am and were supposed to be doing a subject in Client Communication starting at 11 am on the other end of the campus.

The significant connection between the two degrees was the requirement that students do a composite placement at KLC. So they satisfied their social work placement requirement by doing the clinical program in their law degree and got credit for both. Pia arrived as a joint social work/law student, and more of them followed. We didn't have a social worker on site to supervise: they got their supervision back in the social work school, so one of the challenges we had was to help them maintain their dual identity. It was a huge bonus for the law students to have one of their number being a social worker while being a lawyer. The social work-law students ended up taking a higher profile in the Centre's practice and teaching because they had that extra role and perspective to offer.<sup>11</sup>



Pia van der Zandt, first Social Work / Law graduate.

Christine Gibson, who supervised the social work/law students at KLC, had experience in a number of different CLCs when she came to UNSW's School of Social Work. She believes the social work component of KLC was:

Hugely important... KLC's primary purpose was to educate students in an applied setting. The social justice focus (including involvement of social work/law students) incorporated a range of skills and knowledge and tempered the usual corporate law focus of legal education. [The presence of social work/law students] contributed to the exchange of cross-disciplinary knowledge and experience and therefore increased joint understanding.<sup>12</sup>

She adds that 'additional practical, emotional and other assistance' was made available to clients through the presence of the social work/law students and that the KLC 'arena' provided:

A broadening alternative for the traditional social work and law perspectives... addressing rights and needs and attacking disadvantage at different levels... KLC also allowed students exposure to real life vis a vis working as part of a mixed team, being confronted by types of disadvantage and having to engage in ethical decision-making.

Joanne Moffitt who was KLC's Principal Solicitor between 2003 and 2005 and a KLC student in the early 1990s began as a social work/law student. She suggests that a version, or interpretation, of social work remains an essential element of the CLE armoury:

I really think a lot of what we do in legal centres is almost social work, there's an overlap in the nature of the people that you work with, and the kind of problems that you help them to solve. You're giving them information about their rights, which in itself can be an empowering thing. People may not have known they had rights or known but not really had an idea of what they were. When you first interview a client, and talk to them about their problems, you're giving them time others may not have given them. You're not always going to have a legal solution, but you refer people, hopefully appropriately, to other services.<sup>13</sup>

11 Simon Rice, interviewed by D. Nichols 12 October 2005. All subsequent Rice quotes from this source unless otherwise stated.

12 Christine Gibson, email communication with Veronica Chan, 6 June 2005. All subsequent C. Gibson quotes from this source unless otherwise stated.

13 Joanne Moffitt, telephone communication with author, 23 January 2006. All subsequent Moffitt quotes from this source unless otherwise stated.

# CREATING A CENTRE: IDEOLOGICAL FOCUS, COMMUNITY CONTACTS, RENOVATIONS AND RESIGNATIONS

Early in KLC's existence, it began to specialise in anti-discrimination cases. In 1984, Robyn Lansdowne wrote to the Dean, Don Harding, to assuage his concern that KLC had become involved in an anti-discrimination case that might have negative ramifications for UNSW. She explained:

As you know, anti-discrimination is a particular area of expertise for Neil and he, and through him the Centre, have established extremely good relations with the Anti-Discrimination Board and with the personnel of the Equal Opportunity Tribunal... There are very few solicitors or barristers in New South Wales with any expertise in this area and Neil would be without doubt pre-eminent in the field.<sup>1</sup>

Rees' background in the evolving field of anti-discrimination law saw KLC adopting this as a key area of interest. While only 2.8% of clients in 1983 fell into the 'Employment (including discrimination)' category,<sup>2</sup> by 1984 the Centre was receiving what Lansdowne and Rees termed 'a large number of referrals from the Anti-Discrimination Board'.<sup>3</sup> Within that decade, KLC was to become NSW's only source of free expert legal advice for discrimination complaints<sup>4</sup> and the area of discrimination was one in which it was willing to consider clients from outside its Botany-Randwick catchment area.

Tony Woods surmises that KLC's existence:

...suited the ADB... because there was nobody who had an interest or an ability to take on applicants' cases, and KLC needed good cases that were exciting and interesting for students to be involved in. The two needs meshed.

One of the early cases I did down there was one involving a woman [who worked for] a duty free chain. [She] was visited by her boss a few days before her 60<sup>th</sup> birthday and said 'Sad you're going to be leaving, what do you want as a going away present?' And she said, 'going where?' And he said, 'well, you're turning sixty, you're finishing up, you're retiring,' and she said, 'I'm not retiring, I rely on my income.' So she was booted out. I ran the claim before the ADB and the EOT, and it also had a short visit before the full bench of the Australian Industrial Relations Commission before we got to the final hearing, to say she'd been treated differently to a man! Which was pretty obvious! But at that stage the result was news and was a front page *Daily Mirror* headline. The headline said 'Women can work till 65'. A couple of women later said, 'Do you realise what you've done to me?!'

Another case concerned a high school girl who 'did needlework and her brother who was in the next door boys' high did metalwork... When you had cases like that floating around there was always a lot of excitement and interest.'

Another relevant and groundbreaking case from this time was *Hall and others v A & A Sheiban Pty Ltd and others*. Each of the applicants complained to the Human Rights and Equal Opportunity Commission that the second respondent had sexually harassed and discriminated against them in 1985 before and during their employment as receptionists, in breach of the *Sex Discrimination Act 1984*. The Commission found that each of the applicants had been sexually harassed, but declared that it was inappropriate to take further action including the awarding of damages by way of compensation, being of the opinion that 'public exposure of these complaints [was] sufficient relief in these matters'. The applicants then appealed to the Federal Court for an order of review of the Commission's declaration refusing compensation. KLC acted as the solicitor for each of the applicants and argued that the Commission had erred in refusing damages and to recommend the grant of costs. KLC argued that the Commissioners' declaration that the applicants were 'not without experience of men, employment with or by men and the exigencies of life' was erroneous, and was a significant determinant in the decision not to award damages. It was held that the application for review be allowed; that the declarations of the Human Rights and Equal Opportunity Commission be set aside; that the Commission be directed to declare that the respondent harassed sexually the applicants as well as discriminated against them during the period of seeking employment. The second respondent was ordered to pay damages and costs.<sup>5</sup>

In addition to carving out a successful anti-discrimination 'niche', KLC also impacted on the local community; as early as 1984, Lansdowne and Rees reported that KLC had become:

an important part of the community welfare network in the Randwick-Botany Municipalities. We have managed to forge strong contacts with social and welfare workers at... the Department of Social Security, the Department of Youth and Community Services, the St Vincent de Paul Society, the Prince of Wales and Prince Henry Hospitals and the Randwick Municipal Council.<sup>6</sup>

1 Robyn Lansdowne, memorandum to Don Harding, 28 February 1984, p. 1 KLC History Box 1, KLC Archives

2 Lansdowne and Rees, p. 15

3 Lansdowne and Rees, p. 22

4 'The Centre's legal service to the community, *Kingsford Legal Centre Annual Report 1991* pp. 7-9

5 'KLC Case Studies' file, KLC

6 Lansdowne and Rees, pp. 21-22

Part of KLC's prominent position in the community in the 1980s (and beyond) was due to its unassuming premises. The wooden building at 11 Rainbow St was simultaneously incongruous – for an arm of a prestigious and prosperous UNSW Law School – and appropriate as a human-scaled, accessible community agency.

Like much associated with KLC, the working environment in the building from 1981 to the early 21<sup>st</sup> century was based on all-but impromptu decisions made for what might well have been a temporary project. Early in 1981 Rees had contacted various CLCs to find out the amount of financial assistance received from local government for day-to-day running.<sup>7</sup> Some councils, he found, paid for postage or copying, or other overheads; in Randwick's case, the provision of the building at cheap rent was the main concession. In July, Rees and Judith Tonkin visited the University stores to 'select the appropriate equipment', including room dividers, for the building.<sup>8</sup> Decisions were made at this early point about the layout of the offices. The Law Foundation gave \$2,000 towards 'the operational expenses of the new Legal Clinic' which in this case it was considered would preferably be the stocking of the new library rather than 'paying for the Clinic's coffee or cleaning expenses'<sup>9</sup> and Nashua donated a photocopier.<sup>10</sup> Some additional office space was also created at this time.<sup>11</sup>

Throughout the 1980s, KLC only occupied part of the building, a portion of which was empty and earmarked for other services deemed worthy by Council.<sup>12</sup> For some time it appeared a social welfare group called CHARM would share the premises.<sup>13</sup> Rees recalled later that 'in the early days we had a toy library in there, and we tried very, very hard to take over their part of the building. It was pretty hard to be mean to a toy library, so we managed for years to have some sort of co-existence with them.'<sup>14</sup> The toy library outlasted Rees<sup>15</sup> and continued to use the building until 2000. In memory of this, the large class space continued to be referred to as the "toy library" by staff well into the next decade. Additionally, KLC continued to share the building with Alcoholics Anonymous which used the large room for meetings 2-3 times each week.

In 1984 the Law Foundation of NSW paid for a report on the Centre's refurbishment, which proposed the creation of a 'model office' for KLC.<sup>16</sup> Rosemary Howell, Director of Lawyers Management Services, Touche Ross, advocated changes in the interview rooms and reception including a height-adjustable work bench; a formal teaching and meeting area; gyprock-walled offices; portable video recording and display equipment (for the 'monitoring and recording of student/client interview sessions by the solicitors').<sup>17</sup>

In 1986, KLC's offices were refurbished.<sup>18</sup> A library area was constructed, and the kitchen reduced in size. Commercial grade carpets were laid and the venetian blinds were removed.<sup>19</sup> KLC's future was apparently assured. An internal memo for February 1986 heralded the Centre's first big staff shake-up:

The Legal Centre has reached a turning point due to turnover of staff. Anthony Woods has accepted a job with another legal centre, the Public Interest Advocacy Centre; Neil is due for study leave in the second half of the year, and wishes to return to teaching in the Law School; Peter Waters [lawyer] is going to Harvard in the middle of the year to do a Masters, and Belinda Phillips [secretary] has applied for three months leave without pay in the middle of the year. Robyn Lansdowne has already returned to full-time teaching on campus.<sup>20</sup>

Rees officially left the Centre on 30 June 1986.<sup>21</sup> His replacement as Director, Tony Woods, was enticed back and began on 14 July 1986.<sup>22</sup>

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- 7 Neil Rees memorandum to Professor Sackville 24 April 1981 KLC History Box 1, KLC Archives
  - 8 Neil Rees, memorandum to Professor Harding 29 June 1981 p. 1. KLC History Box 1, KLC Archives
  - 9 Terence Purcell letter to Professor R. Sackville, 5 June 1981. KLC History Box 1, KLC Archives
  - 10 Neil Rees, 'Kingsford Legal Centre', in Clinical Legal Education Committee Agenda, 4 September 1981 p. 1 KLC Archives red bag
  - 11 Anthony Woods letter to Town Clerk, Randwick Municipal Council 25 August 1986 p. 2 in 'Westpac folder', Box 225/2, KLC Archives
  - 12 Rees, 'Kingsford Legal Centre', p.1
  - 13 'Minutes of Clinical Legal Education Committee', 27 May 1981. KLC History Box 1, KLC Archives
  - 14 From speeches in 'Submission to Law Foundation' folder. See footnote 53
  - 15 Rice, 'The Year to Come', *Kingsford Legal Centre Annual Report* 1991 pp. 30-31
  - 16 Rice, *A Report of the History Structure and Operation...* p. 25
  - 17 Rosemary Howell, 'Kingsford Legal Centre: Review and Recommendations', 11 January 1985 in 'Submission to Law Foundation (Redesign Office) folder, Box 225/1, KLC Archives
  - 18 Neil Rees memorandum to Ivan Shearer 24 February 1986 p. 2 KLC History Box 1, KLC Archives
  - 19 Anthony Woods letter to Town Clerk, Randwick Municipal Council 25 August 1986 in 'Westpac folder', Box 225/2, KLC Archives
  - 20 'Kingsford Legal Centre: for discussion February 1986', p. 1 KLC History Box 1, KLC Archives
  - 21 Minutes of Meeting of Clinical Legal Experience Committee held 4 June 1986 KLC Archives
  - 22 *ibid*

# GENERATING 'MORE FAIRNESS'

## Interview with Tony Woods, KLC Director 1986-89

*I came from a strong Catholic family, we were always involved in doing a range of things from the family base and the school base, it was part of life to try and generate more fairness. The interest in the law was more vague. My childhood aim was to be a vet but I didn't do well enough in the HSC so I thought, 'oh well, law sounds nice.'*

*I started at UNSW in 1976. At that stage they had the first year in the library tower, their first round of graduates were just coming out. I worked at RLC as a student and got on*

*I left in 1990 because I got to the stage where I was feeling frustrated with the students, and frustrated with the clients. KLC was a candle always burning at two ends. You had the rotating students, every 14 weeks there's a new batch who don't know how to answer a phone and don't know how to write a letter. So I suppose I was starting to feel tired of having to teach the same thing over and over.*

*Simon Rice had worked for RLC and had gone overseas. When I decided to leave I knew that Simon was on his way back to Sydney and I guess in the way that Neil had realised part of his job was to find – like every leader I suppose – a successor, that this was also my job. Knowing Simon, and knowing his relationship with the University and his other credentials, I was pretty confident that he was going to succeed in getting appointed and would do a great job.*



Lionel Bowen, Tony Woods and Garth Nettheim at KLC.

*its board as a student representative. I was the student representative on the Law School Committee Ron Sackville set up to establish KLC, or to explore what it was going to be. When the Centre opened in my last year the clinical legal experience course offered a placement at KLC, but given what I'd already done at RLC I didn't take that up.*

*I finished college and I was working at the Commonwealth Bank when KLC advertised a position – that was late 1983, and I commenced there at the start of '84. I had the grand title of being a 'consultant to the faculty'. But my role was basically to be a casework lawyer who, as part of that casework, was teaching the students. And that's what I did with Neil Rees and Robyn Lansdowne, until I applied for and went off to PIAC.*

*However, not long after I left KLC for PIAC, Neil decided he would relocate to Melbourne – so I came back.*

*There were a few changes I made as Director. One was to try to increase the academic component. We added a bit more structure to the seminars each week and I started a student assessment system to be more rigorous about performance. I and the other lawyers also spent a bit more time giving guest lectures in other subjects.*

*When I decided to look for a city job, I was told by a recruitment agency that because of my background I would be unemployable in the city, but I just wrote off to firms who I knew had partners who had been involved in the legal centre scene, and I ended up at Henry Davis York. I've been here ever since. I came here originally as a general commercial litigator, but over time leapfrogging from the discrimination work I did at KLC and with the help of others, I've built an employment industrial law practice, which is employer focused but still does some work for employees from time to time. We have had a whole range of lawyers at Henry Davis York who have continued to volunteer their time out at KLC. At one stage during Fran Gibson's funding crisis my partners agreed to put someone out there for six months, and towards the end of that program I tried to form up with three other firms to fund a permanent position out there that didn't come about. At the time, Fran said that what she was really looking at doing was forming an Employment Advice Program, and I got seven others to sign up with us to send one of our lawyers out every week.*

## THE LATE 1980s

New staff came on board during Woods' time as Director. Robyn Sexton spent three years at KLC between 1988 and 1991 and was acting co-director for four months of that time and two years joint Principal Solicitor. She left for a position as chair of the Joint Parliamentary Committee on Juvenile Justice.<sup>1</sup> Paul Batley was a KLC solicitor from 1989, and was important particularly in relation to consumer credit matters. He served on the Privacy Commissioner's Consultative Committee on the Code of Conduct for Credit Reporting.<sup>2</sup> By 1995 he was working at the Legal Aid Commission.<sup>3</sup>

When the former Federal Attorney General and Deputy Prime Minister Lionel Bowen opened KLC's refurbished premises on 23 June 1987,<sup>4</sup> he expressed a wish that such a facility had been available to him in his student days. However, the report in the *Eastern Herald* supplement of the *Sydney Morning Herald* on the re-opening caused more trouble for the relationship between KLC and the Law School. The reporter in question wrote that the Centre 'offers legal advice to people who cannot afford legal representation...It is also used to teach students of the UNSW Law School practical law.'<sup>5</sup> The unease felt by certain university staff over this dual role might be demonstrated by the letter from the Dean, Professor Ivan Shearer, to Tony Woods protesting the suggestion that justice was KLC's priority, and education a 'secondary function'. 'It is the business of universities to provide education, not social services to the general public,'<sup>6</sup> he wrote. Woods' reply was that 'one can never have control over journalists.'<sup>7</sup> At the same time, Woods himself found members of the Law school difficult to engage:



Lionel Bowen and others at the opening of KLC's refurbished premises.

1 'The Centre's Staff and Management', *Kingsford Legal Centre Annual Report* 1991 p. 3

2 *ibid*

3 Everett, p. 39

4 Ivan Shearer letter to Tony Woods 1 July 1987 KLC History Box 1, KLC Archives

5 Lesley Stevenson, 'Bowen takes time off to reminisce' *Sydney Morning Herald (Eastern Herald)* 25 June 1987 p. 4

6 Ivan Shearer letter to Tony Woods 1 July 1987 KLC History Box 1, KLC Archives

7 Anthony Woods memorandum to Ivan Shearer (undated; response to Shearer letter to Woods 1 July 1987) KLC History Box 1, KLC Archives



# 'THIS IS WHAT I'M ABOUT'

## Interview with Simon Rice, KLC Director 1991-95

*I was brought up as a Catholic; it's not a belief I have now and I don't practise. But on reflection I think that while at school the Jesuits alerted me to questions of social justice. However when I went to university I was just a kid having a good time – so it wasn't until later that I came back to what had been an unconscious foundation. My family was working upper middle class family, but my mother had a layperson's social justice perspective and we'd talk about such things.*

*had the same experience if I'd found myself in a community health centre. It wasn't the law, it was the connection with need and my ability to meet need that got me excited. So my law degree revolved principally around RLC and law revues – if I wasn't singing and dancing, I was at RLC.*

*By the time I'd graduated I'd just fallen into the usual pattern of applying for a summer clerkship, and the firm I'd worked for offered me a job on graduation. I continued with my volunteer role at RLC. I hadn't really thought things through, and after 18 months travel I just ended up with that commercial firm. I was severely chastised by a senior lawyer at RLC, who was angry at me for not applying for a job there. I suppose I hadn't really worked out where my priorities were, and I remember being really shaken that she was so upset that I had taken the commercial path. In hindsight, it was the right thing to do: in 15 months I learnt*



Simon Rice, Paul Batley and John Godwin in the backgarden at KLC.

*I dropped out of Law School after a year because I found, after being a big fish in a small pond at school, university was really disorienting and I was doing commerce/law which I didn't really want to do. So I went to Nepal, drove round Australia and grew up a bit. When I went back to Law School I had a great time engaging with things. RLC had an office actually on campus at the Law School, and I put my name down to be a volunteer. I honestly can't recall having any great aspirations or ambitions but probably was just picking up on that sense of social justice.*

*I can vividly remember my first day there, and it sparked. I just thought 'yes!'. Not '...this is what law is about' but '... this is what I'm about'. If I was doing medicine, I would have*

*about being a lawyer, about standards and practices, the way things worked – it was a fantastic experience, and pretty seductive... However, despite being given an office with a window, I left the firm.*

*KLC started in 1981, which was my penultimate year. I didn't have any special connection with the Centre, all my attention was on RLC – RLC at that time had a very strong UNSW connection through the student volunteers and academic staff like Owen Jessep, John Kirkwood, John Basten and Phillip Burgess. I enrolled in the clinical program in the first semester of 1982, my last year of Law School and its second year of operation. In fact when I went back there as Director I found a letter I had written to Neil Rees, as a*

student to a course convenor, trying to make out some case. I can't remember what dodge I was trying to pull, trying to get credit for something or not come on particular days – an ordinary student thing – it reminded me I had just been a student enrolled in a subject.

Going to KLC wasn't really that different from what I'd done at RLC. By that stage at RLC I'd taken on quite high levels of responsibility, such as representing a client in the Social Security Appeals Tribunal. I felt fairly senior at RLC, and KLC was fun, but it was a further dimension of something I already knew. There were certainly unique experiences, like going to court with Neil. It was a happy time, a good time, but I suppose what KLC had to offer I was probably getting somewhere else. KLC was being run like RLC at that time: the lawyers did all the work and the students helped. If KLC was being run as it has been since, with a much higher level of student engagement and responsibility, it might have had more of an effect on me.

I was at RLC as a general casework, or 'poverty' lawyer, from May 1986 for a couple of years and I had a ball. For some of the time I was there, Tony Woods was at KLC. He and I had started at UNSW the same year. We liaised on a couple of matters between the centres, and there was some joint arrangement between KLC and RLC for dealing with tenancy matters in Redfern Court because tenancy matters in the eastern suburbs were going to both Waverley and Redfern. So we shared the work around a bit and had some interaction.

I remember thinking that KLC would be a great place to work. It seemed to have a professional dimension that I recognised from my time in commercial practice. RLC still had a slightly rough and radical edge to it, and there was probably an element of professionalism at KLC that appealed. I left RLC after two years in May 1988 and travelled for a year. That was hard decision as I loved being at RLC and life in Sydney generally, but my girlfriend got a job in Japan so I followed my heart; Elizabeth and I have been together ever since, so I made the right choice.

While I was away I knew that when I came back I would want to apply for a job with either PIAC or KLC. I wanted to be in legal centres with a dimension beyond a local geographic legal centre. It wasn't necessarily the student presence at KLC that appealed, it was the whole manner of operation. So when Tony Woods rang to say he wanted a locum to cover him after he left, I said 'yes, I'll see you in a few weeks' time'. I came back and slotted in to Tony's casework on a six-month contract, and Robyn Sexton and Anne Scahill took over as acting directors while the Law School advertised publicly for a director. I was the successful applicant.

I took my achievement of tenure as a victory for me and for the Centre, part of vindicating the Centre's place in the Law School, that the Director could get this status. Directors of KLC continue to be aware of the disparity in working conditions between them as academics and their academic colleagues, being committed to being at work face to face with students, as well as clients and staff supervision and management issues, for 48 weeks of the year. One thing I wanted to get out of the academic recognition that I'd achieved for me and the Centre was the academic conditions that went with it, part of which was taking a sabbatical. I negotiated a sabbatical for the second half of 1994 which was my academic entitlement, but it was a greater cost to the Law School to let me go than it was to let, say, the torts lecturer go.

A clinical contact I'd made in the study tour, Fred Zemans, one of the grand old men of clinical education in the English-speaking world, agreed to invite me to Osgood Hall in Toronto, and I went there and looked at their clinical work, as well my other academic interest in legal aid which was related to the Centre work. I had a genuine academic, productive time in Osgood Hall, and I came back at the end of 1994 really excited by what I'd done.

I suppose by the beginning of 1995 I was a bit flat coming back to the Centre. I didn't see a lot of prospective growth for me and the Centre at that point; I was probably a bit past it. I was open to other ideas and for the first time in a long time I was open to other work – I saw the Law Foundation position advertised and surprised everyone, including myself, by getting the job. I was appointed to the Law Foundation and so moved on from KLC.

I gave a lot of notice, and the Law School went straight to an advertising process. I encouraged Fran to apply, confident she was well suited to the position.

# THE EARLY 1990s: A REVIEW, A SHAKE-UP, AND A CELEBRATION



Christmas celebrations, Paul Batley, John Godwin, Zoe Matis, Kym Bedford and Simon Rice.

KLC has had five Directors in its 25 years, but its core principles and procedures are notable more for the way they have *not* essentially changed despite many changes in staff, than by extraordinary and radical directorships. In the case of a body like KLC, to divide its history into such periods of rule is possibly as misleading as it is simple.

Nevertheless, the recruitment of Simon Rice to the position of Director in 1990 did see the Centre, responding to changes in tertiary education, renewing itself.

Rice had been a student at KLC in 1981, and so was aware of it from the outset. Both he and Paul Batley also had a history with the Campbelltown Legal Centre; in the middle of 1991 Rice was supervising its legal practice in addition to his work at KLC.<sup>1</sup> Early in his tenure as Director, in late 1990, a system of clients' appointments for legal advice was instituted;<sup>2</sup> legal advice sessions had not required appointments since 1984.<sup>3</sup>

John Godwin, who came to KLC late in 1991, recalls of Rice's directorship:

The Simon period was pretty much Simon-led. Simon had a particular vision about changing the nature of the CLE course, as well as maintaining a very busy practice and raising the profile of centre generally. He was overt about it. Certainly a difference between KLC and RLC. At RLC, strategic issues would be put on the table and there was a forum for discussion and debate – a management committee; at KLC the direction of the centre was very much led by the Director who was a member of the Law Faculty, there wasn't a management committee where you could sit down and look at a strategy document from a community or staff perspective. I was a junior solicitor focusing on my litigation skills, it was the first time I'd practised civil law, so I was more than happy to leave those sorts of issues to Simon at first. But I guess three or four years into the job, it would have been helped if there'd been a forum in which those things could have been discussed. The problem was, KLC was part of the Faculty. If there was community representation in its management you'd have the problem of where the authority really lay.<sup>4</sup>

In 1991, two years after a staff overhaul that saw almost the whole staff change, Rice compiled a review of KLC's operations. He recalls that:

The idea of putting things on hold for the review came from Robyn and me. Robyn was a great support, she was co-acting director with Anne Scahill when I came in as locum, and neither of them applied for the director's position. Ivan Shearer was the Dean at the time and he was personally very supportive. I was never aware of any opposition from the Curriculum and Teaching Committee – perhaps benign neglect – although the proposal to take no students for a semester had financial implications for the Law School, because they had to absorb those students all into the degree. This was an elective with continuing costs as they paid all our salaries as well as the costs of running the Centre.

1 'The Centre's legal service to the community, *Kingsford Legal Centre Annual Report* 1991 pp. 7-9

2 *ibid*

3 Tony Woods, 'Kingsford Legal Centre', *Poetic Justice* 6 June 1984 p. 2

4 John Godwin, telephone communication with author, 13 October 2005. All subsequent Godwin quotes from this source unless otherwise stated.

The opportunity to do this was provided by the Law Foundation, which offered Rice a \$10,000 travelling grant to study other CLCs internationally. This provided inspiration for the review. While it was seen at this time that the Law School's resources were declining,<sup>5</sup> the review was done in a period when student evaluation of the CLE course continued to be overwhelmingly positive. In fact, Rice wrote that there appeared to be only one negative student experience on record from the first 10 years of KLC's operations – the student in question had expressed an 'antagonistic "real world v. academic world" attitude'.<sup>6</sup> The incident to which Rice was probably referring involved a lecturer and a complaint made to the UNSW Law School Curriculum Committee in October 1983. The lecturer had been challenged by KLC students on the matter of chattel securities, where students were adamant that advice from 'downtown firms' was of greater value than the legal enforcement of the *Pawnbrokers Act*. He believed that this was an 'unacceptable example' of CLE, which was itself perhaps not 'educationally justifiable'.<sup>7</sup> This event, presumably, constituted the 'certain disquieting recent events' referred to in curriculum committee correspondence at this time; committee members expressed doubts about the value of the program pending 'further experience'.<sup>8</sup> As serious as the Curriculum Committee took this in 1983, however, there were no further conflicts of this nature on record by 1991. Indeed, Rice felt the whole picture was *misleadingly rosy*:

There appears to have been no recent or substantial analysis of the continuing effectiveness of the course. There is little doubt amongst participants and staff that the course is effective, but there is a question of degree. Constant pressure comes from the existence of a legal practice per se, distracting attention and resources from<sup>9</sup> the prime goal of providing instruction to students. There is a danger that the subject tends to be more a course in good office management and less of an analysis of law in action and of practical applications of legal principles.<sup>10</sup>

It was decided, therefore, to suspend teaching between July and October 1990 for the purposes of the review. A grant was made to KLC by the Law Foundation of NSW of \$44,016 'to assist with the review of the clinical teaching method'.<sup>11</sup> Staff were able to put aside between a day and two-and-a-half days for purposes of planning and discussion meetings, a 'talkfest' in Rice's words. On 20 September, as part of the review, Robyn Sexton, Paul Batley (solicitors), Zoe Matis and Melanie Agnew (administrative staff) visited the Springvale and Monash-Oakleigh Legal Services in Melbourne, in order to 'discover ways in which the Monash approach to clinical teaching might inform our practice at Kingsford'.<sup>12</sup> Rice visited clinical programs in the US, Canada and England. A survey was undertaken of past students involved with the Centre between 1986 and 1990, on the assumption that 'students would be able to offer a more critical evaluation of the subject after some time had elapsed'.<sup>13</sup>

The review covered an important dichotomy of the subject – that many students regarded it as primarily a 'skills subject' (and indeed it contained an incidental skills component) rather than an introduction to 'the values and dynamics of the legal system, to questions of social justice and power'.<sup>14</sup> Rice wrote that clinical legal experience was:

emphatically a practice-based subject... about legal practice, but not about the practicalities of legal practice. It is about the structures and implications of legal practice, the values and dynamics of systems of justice.<sup>15</sup>

One outcome of the review was the introduction of a double credit point subject, Clinical Legal Experience (Intensive), allowing students to 'spend double the amount of time... at the Centre' on the assumption that this would more than double the education value of the students' work.<sup>16</sup> This followed from Rice's objection to the fragmentary nature of some students' involvement in KLC, where they might attend a day a week for a 'day-long dabble'.<sup>17</sup> At the same time, management consultants Grusin and Associates completed their *Review of Administrative Systems* for the Centre.

It was during the review program – and during the first day of a two-day conference on CLE – that the Centre celebrated its tenth birthday on 3 October 1991 with Justice Gordon Samuels the guest of honour.<sup>18</sup> Samuels told the guests:

I think that the Centre has done a great job, and everyone who knows about it in the Court is of that opinion. There are ideological arguments about modes of teaching, but I would have thought that the consensus must be that it is a very positive manifestation of what is I think a very good Law School. So I would like if I may to offer my warm congratulations to all of those who have been involved in it, and to those who have worked here. I congratulate the Centre on its ten years of life and wish it every success for the future.<sup>19</sup>

5 Simon Rice, *A Report of the History Structure and Operation...* p. 21

6 Simon Rice, *A Report of the History Structure and Operation...* p. 17

7 Alan Tyree memorandum to Curriculum Committee UNSW Law School 28 October 1983 in unlabelled ring binder folder, Box 225/2 KLC Archives. It is only authorial conjecture that this event is the negative experience referred to

8 Jane Levine memorandum to Martin Krygier 31 October 1983 in unlabelled ring binder folder, Box 225/2 KLC Archives

9 'form' in the original

10 Simon Rice, memorandum to Curriculum and Teaching Committee 16 January 1990 in Box 227, KLC Archives

11 Terence Purcell letter to Professor Michael Chesterman, 14 August 1990 in 'Review funds' folder, KLC History Box 2 (225/2) KLC Archives

12 'KLC Melbourne Staff Excursion' in KLC History Box 1, KLC Archives

13 Rice, *A Report of the History Structure and Operation...* p. 24

14 *ibid.*, p. 26

15 *ibid.*, p. 32

16 UNSW Faculty of Law *Corporate Plan 1993-1998* p. 7

17 Rice, memorandum for Faculty meeting 30 October 1991 KLC History Box 1, KLC Archives

18 Invitation in KLC 'Miscellaneous history' folder POI/124, box 226, KLC Archives

19 From speeches in 'Submission to Law Foundation' folder. See footnote 53



Staff from the Kingsford Legal Centre which celebrated its 10th anniversary with a national conference on clinical legal education, and a reception at the Centre. The conference, the first of its kind, was attended by representatives from law faculties around Australia.

Also present were Neil Rees, Don Harding and Hal Wootten (both former Deans), current Dean Michael Chesterman, Head of School, Michael Tilbury, the Mayor of Randwick Mr. Buchanan, Mayor of Botany Mr. Hoenig, Director of the Law Foundation Terence Purcell as well as former staff and students and staff of the Law School, the Legal Aid Commission, other CLCs and local agencies.<sup>20</sup>

On the same day and the next, KLC hosted its Conference on CLE. Participants included Rees, Roy Reekie, Maria Tzannes, Gill Boehringer, Mary Anne Noone, Adrian Evans, Graeme Coss, Kathryn Cronin and of course KLC staff. 'With the time and resources available to clinical teachers,' Rice wrote, 'I expect the conference will be a low key affair.'<sup>21</sup> However Rees later wrote to Rice expressing delight that 'so many people were interested in attending a conference on Clinical Legal Education'.<sup>22</sup>

In December of the same year, John Godwin came to work at the Centre, replacing Robyn Sexton; he had known Rice previously through volunteer work, and time on the management committee, at RLC.<sup>23</sup> He continued with the development of the Centre's 'speciality in discrimination law'<sup>24</sup> and would later be community representative on the Privacy Advisory Committee.<sup>25</sup> He says:

It was a job in the paper that I applied for, I didn't need encouragement to apply, I was keen to work in a legal centre environment. I'd been doing duty solicitor work, standing up in court doing applications and pleas and it's pretty much the revolving door syndrome of clients coming in and out of the system and not addressing any of the fundamental reasons why anyone ends up at the wrong end of the justice system. I wanted to get some meaning out of my work. KLC fitted in with where I was ideologically, as well as being a good place to work and with the added benefit of the teaching environment of KLC.

The focus on discrimination issues continued, with Rice publishing numerous articles on relevant topics at the time.<sup>26</sup> A research project by social work students in 1991 into discrimination in the Randwick-Botany area showed that KLC itself was problematic for non-English speaking background (NESB) clients.<sup>27</sup> There was also an increase in NESB population in KLC's catchment area; Andrea Taylor, a social work student at the Centre in 1991, found that local multicultural agencies found it 'difficult to refer NESB people' to KLC because of the lack of NESB staff at the Centre.<sup>28</sup> Taylor also found that almost 7% of people in the KLC catchment area did not speak English. A step towards addressing this problem was taken in 1996 when information sheets on the Centre's services were produced in Spanish, Mandarin, Croatian, Indonesian and Russian<sup>29</sup> as a way of allowing members of the public to understand the Centre's work and decide whether it would be useful to them. In the early 1990s, KLC found itself arguably open to charges of discrimination, at least in the terms laid out by an 'Access

20 'Tenth Anniversary Celebrations' *Kingsford Legal Centre Annual Report* 1991 pp. 21-25

21 Simon Rice letter to Professor R. Bailey-Harris, 18 June 1991 in 'Registration folder for Conference 3-4 October 1991' in Box 225/2, KLC archives

22 Neil Rees letter to Simon Rice 8 January 1992 in 'Registration folder for Conference 3-4 October 1991' in Box 225/2, KLC archives

23 'The Centre's Staff and Management', *Kingsford Legal Centre Annual Report* 1991 p. 4

24 'Staff', *Kingsford Legal Centre Annual Report* 1996 p. 3

25 'Education and Policy Work', *Kingsford Legal Centre Annual Report* 1996 pp. 18-23

26 See for instance Rice, 'Silly names or serious business?' original of letter in KLC History Box 1, KLC Archives. See also Philip Burgess, response to Simon Rice, 'Silly names or serious business?', copy in KLC History Box 1, KLC Archives

27 Alexandra Faulkner, Angelina Ng, Ian Thomas 'A research project into the community legal education needs in the area of discrimination' 1991 KLC Archives red bag

28 Andrea Taylor, 'Profile of NESB utilizing KLC and comparison with the KLC catchment area' 1991 KLC Archives red bag

29 'Information Sheet' *Kingsford Legal Centre Newsletter* No. 4 November 1996 p. 1



John Godwin off to court.

and Equity' report from 1993, which found that the Centre was not wheelchair-friendly.<sup>30</sup> This situation was finally remedied in 1996 by a joint effort of the UNSW and Randwick Council which saw a ramp constructed at the front of the building.<sup>31</sup>

In 1992 an outreach legal service was opened at Kooloora Community Centre for 1.5 hours a week.<sup>32</sup> This facility was created 'to bring free legal information to low-income residents' advice on 'tenancy, consumer credit, family law and domestic violence issues'.<sup>33</sup> By the late 1990s, Kooloora was regularly celebrating its own Women's Day, replete with showbags: 'an event which aims to give local women a better understanding of community services available to them by drawing together all agencies within the local area which provide services for women.'<sup>34</sup> KLC continues to participate in this annual event providing information about legal services for local women.

Other changes, and progressions, were mooted. Rice aspired to relocate the Centre to the main campus, and suggested that while the present building was desirable for its community location, its distance from the Law School meant delays in communication with the School, made its workings 'an unseen mystery to members of the Law School staff' and created a symbolic 'conceptual isolation of the Centre, its staff and its purpose' amongst other problems.<sup>35</sup> Additionally, it was suggested when Randwick Council proposed a rent rise in 1992 that 'the premises are not exactly marketable'<sup>36</sup> and that, while Council mowed the lawn and patched leaks, 'there has been no major capital expense in over a decade.'<sup>37</sup> Regardless of whether it ultimately relocated to UNSW, KLC was looking for alternative premises at this time due to both the poor state of the building it occupied, and uncertainty of tenure there.<sup>38</sup>

In addition to maintenance issues, Rice was unhappy with the state of communications between KLC and the Faculty. He agitated for a modem serving the two – a very hi-tech device for 1993 – and a cable connection being too expensive and the other suggestion, a satellite dish, too fanciful.<sup>39</sup>

These were tactics aiming to address and repair the continuing difficult dynamic between KLC and its Law School parent. Rice now says it was not that members of the Law School were opposed to KLC's activities, just that 'it was simply an expensive thing to do'. Perhaps worse, however, was the questioning of the Centre's 'academic legitimacy'. He now says:

Cost aside – if I could tell them that we were cheaper than anything else – they'd still say, 'well, what the hell are you actually teaching?' Now I felt that personally, I would have to say, when I applied for tenure. I moved from contract to tenure, a formal process, interviewed by a panel of nine in the chancellery office, and I got tenure, and I was recognised for my work in clinical education. Then I had one of my colleagues, who I got on with fairly well, say to my face that I had just got in through the back door. They just did not see that what I was doing was legitimate in the academy.

So if there was a really palpable reason for looking askance at KLC, apart from the budget, it was not comprehending what was going on. An achievement was with Kathryn Cronin, the teacher of the Immigration Law course, getting her

30 'KLC – access & equity report' 10 October 1993 KLC Archives red bag

31 'Disabled access', *Kingsford Legal Centre Newsletter* No. 4 November 1996 p. 1

32 Rice, memorandum to Ross Milbourne 3 December 1992, p. 2 KLC History Box 1, KLC Archives

33 Stephen Long, 'The law reaches out to Malabar' *Sydney Morning Herald (Eastern Herald)* 10 September 1992 p. 6

34 'Kooloora Women's Day', *Kingsford Legal Centre Newsletter*, June 1998 p. 4

35 Simon Rice, *A Report of the History Structure and Operation of the subject 'Clinical Legal Experience' at Kingsford Legal Centre with Recommendations for Change (Review of the Clinical Legal Education Program in the Law Faculty at the University of New South Wales, June 1991)* p. 34. Box 225/2 KLC Archives

36 Rice, memorandum to Ross Milbourne 3 December 1992, p. 2 KLC History Box 1, KLC Archives

37 *ibid*

38 Rice memorandum to Richard Healy 4 November 1992

39 Rice memorandum to Keven Booker, Convenor of the Equipment Committee 15 April 1993. KLC History Box 1, KLC Archives

students to do a clinical dimension in their assessment by taking on some of our clients, and advising our clients for her assessment. Similarly the Remedies teacher, Annie Cossins, worked with me so her students advised our clients for her assessment; that was really significant as it was a core subject. I wanted to do it in Torts but it didn't come together. And I wanted to work closer with the legal theoreticians around law and social theory, because I thought that what we were engaged in was applied legal theory, applied social theory, but again it wasn't a connection I could make in the time I was there. It was bridging that academic gap which was, and probably still is, the greatest challenge.

Linda Tucker, now the Employment Law Solicitor at KLC, was a student at KLC in the Summer session 1994-95:

Paul Batley was my supervisor, and Simon Rice was the Director. It was really nice. I thought they were all terribly groovy, those solicitors. There was much more advocacy up at Waverley Local Court, the Centre had a different focus; for example there was more criminal work. It's far more civil law here now, that made it quite different... We had a lot of victims comp – I worked on discrim matters and sexual harassment and just on the edges of criminal matters, helping Paul.<sup>40</sup>

At this time, KLC was immersed in an important case with ramifications for the 'battered wife syndrome' defence. One client was charged with murder after shooting her husband, the end to a 'stormy marriage' with a long history of violence on the part of her husband.<sup>41</sup> She had received a life sentence for murder in early 1988, but found it particularly difficult to appeal against this because of iniquities between two States, as the *Sydney Morning Herald* told its readers:

Because she is incarcerated in NSW, Queensland will not consider her release. Since she was sentenced in Queensland, the NSW Serious Offenders Review Board has no power to review her sentence despite a new legal submission by the Kingsford Legal Centre documenting her years of torture at the hands of her husband.<sup>42</sup>

She was imprisoned at Mulawa Women's Detention Centre in NSW, so that she could be nearer her family. A new submission included:

substantial new medical and legal evidence that she was subjected to persistent and severe domestic violence at the hands of her husband... who also threatened many times to kill her... Her solicitor, Ms Louise Blazejowska, says [she] was caught between the two legal systems and a request for the royal prerogative of mercy had been submitted to Mr Hannaford.

'It is increasingly being recognised in Australian law that women who have been the subject of repeated domestic violence may be in such a fragile state that very little provocation is needed to bring them to breaking point,' she said yesterday.

'After all that [she] has suffered, where is the justice in keeping her in prison? ...it is likely that she will remain in prison for the rest of her natural life and will die in jail.'<sup>43</sup>

Two weeks later, *The Australian* reported:

The Sydney-based Kingsford Legal Centre, which is handling [the woman's] bid for freedom, yesterday advocated a review of the sentences given to women in Queensland for murdering their partners... A spokeswoman for the KLC, Ms Aviva Imhof, said it was seeking changes to the law on self-defence and provocation to allow evidence of domestic violence as a defence for murder.<sup>44</sup>

KLC's client was ultimately released, a victory for the Centre; this also appears to have marked an early concentration, during the last days of Rice's tenure as Director, on publicity and press releases from KLC. This was to increase markedly under the next director, Frances Gibson, who also instituted a regular newsletter.

The Centre's focus, funding and administration was shortly to change. Rice left KLC in April 1995 to take a position as Director of the Law Foundation of NSW.<sup>45</sup> He continued, however, to work as a voluntary solicitor at the Centre. His time as Director overlapped with a future director, Anna Cody, by one month – she joined the Centre's staff in March 1995 although he had supervised her as a student in 1990.<sup>46</sup>

40 Linda Tucker telephone communication with D. Nichols 10 November 2005

41 'The Queen V. Waugh' p. 25 in file R1942 Waugh, Eileen

42 Paola Totaro 'Beaten By the System' *Sydney Morning Herald* 31 December 1994 p. 11

43 Paola Totaro 'Pardon sought for husband's killer' *Sydney Morning Herald* 22 Dec 1994 p. 7

44 Jennifer Foreshew, 'Abused wife seeks penalty review' *The Australian* 6 Jan 1995 p. 4 See also Foreshew, 'Life sentence ended abuse but woman's struggle for freedom goes on' *The Australian* 29 December 1994 p. 3

45 Geoff Thompson, 'New chief ready to revamp law body', *Sydney Morning Herald* 6 April 1995, p. 14

46 'Staff', *Kingsford Legal Centre Annual Report* 1996 p. 3

# 'I DID GET TO WEAR JEANS!': FREEHILLS SECONDEES AND VOLUNTEER SOLICITORS

*What I found at KLC were clients just as ready to divulge voluminous chronologies of events [as commercial litigants], documents, research tasks and complex fact situations – but I did go to the beach and I did get to wear jeans! At Freehills I had led a sheltered life as a junior solicitor, comfortably buffered from the decisions by at least a partner and a barrister or two. At KLC I became the one solely responsible for my cases.<sup>1</sup>*

During the early 1990s, a new player came into KLC's orbit, and a successful partnership was formed that has lasted over a decade. The firm of Freehills, which can trace its origins back to mid-19<sup>th</sup> century Perth, incorporated KLC into its pro bono programs in April 1992, when it was known as Freehills Hollingdale & Page.<sup>2</sup> Rice 'did a pitch' to Don Robinson at Freehills where his wife Elizabeth Grinston was a partner:

I had thought it through and decided 'one, we need more lawyers here, two, the law firms never give cash, and three, the outreach dimension from the law firms should be really attractive to them, so why don't I try and sell it to them.' I went in and spoke to Don Robinson and Keith Steele, and they said yes they'd do it. Paul Batley was speaking at a Law Society forum where he had occasion to tell everyone about this, and Paul tells me he was approached by lawyers from two of the other large law firms immediately afterwards saying, 'why didn't you ask us!?' That was part of the beginning of the law firms having a much greater engagement with legal centres more generally.

Keith Steele, a member of Freehill's Pro Bono Committee, said of the arrangement in 1993 that it enabled the firm 'to give our own solicitors a breadth of experience through the opportunity to work with the community which is not ordinarily available to them'. Not unnaturally, KLC was originally apprehensive of being used by Freehills as 'a training ground for young advocates' but Rice was quoted at the time saying that the Centre was 'very appreciative of the sensitivity shown by Freehills in selecting secondees who have solid litigation experience and a personal commitment to the philosophy of the Centre.'<sup>3</sup>

Rice says that Freehills has a commitment to its pro bono program 'quite apart from any profile, Freehills don't boast of or promote their pro bono work as others do, and they do so much. And they never exploited the KLC connection.' He adds that even during the early days of the arrangement – his time at KLC – a number of Freehills secondees to KLC left the firm for other pursuits:

It's probably true that they'd put their hands up at Freehills because they'd had half an idea that Freehills wasn't their future anyway, although the first of the secondees went on to become, and still is, a partner at Freehills. A couple of them went to the Bar, the rest of them went into the Human Rights Commission or community legal services; my point there is that despite the loss of their investment in those lawyers in the firm, Freehills was really committed to us – they were committed to the service, despite the fact that they were losing their own lawyers. Other partners in other firms might have thought, 'there's too much pain involved in all of this'.

The first solicitor to take part was Miles Bastick.<sup>4</sup> He had been asked by his supervising partner, Keith Steele, if he would be interested and 'jumped at the chance'. He says:

The experience was very different to working in a large commercial law firm. It gave me much greater responsibility than I would have had as a junior lawyer in a big city firm. [I was responsible for] an enormous variety of day to day matters; criminal matters, one defended hearing (shoplift and resist arrest), personal injury compensation claims, dividing fence disputes, local government act issues, application for a taxi licence – applicant had a drug conviction record – discrimination complaints, family law matters (I processed at least one decree nisi application), immigration advice, wills, application for early release of super funds in special circumstances, etc.<sup>5</sup>

He is certain that his KLC placement 'helped me develop confidence and supervisory skills more quickly. I was at KLC in 1992... I became a partner at Freehills in mid-96. I think KLC assisted me to develop some skills that may have developed more slowly if I had not attended' and adds that he retains 'very fond memories of the students – the effort they put in was extraordinary. Some almost seemed to live there!'

A later Freehills secondee, Susan Donnelly, is now a senior lawyer at ASIC. Her initial experience of KLC was as a student in

1 Melinda Donohoo and Sally Barber, 'Secondments', *Kingsford Legal Centre Annual Report 1996* pp. 5-8

2 Suzanne Welborne *Sandgroppers Solicitors and Silks* Nedlands: University of Western Australia Press, 1998 p.218

3 'Odd couple succeeds in pro bono partnership' *Law Society Journal* July 1993 p. 70

4 'Meeting community legal needs' *Uniken* 14 August 1992 p. 11

5 Miles Bastick, e-mail communication with Ricky Lopis, 18 April 2005. All subsequent Bastick quotes from this source unless otherwise stated



# Meeting community legal needs

MILES BASTICK, a solicitor with the firm Freehill Hollingdale & Page, was the first to take part in a *pro bono* program which will second a solicitor to the Kingsford Legal Centre every two months, significantly increasing the capacity of the Centre.

"The arrangement has been a great success," according to the Centre's director, Mr Simon Rice.

"We are better able to serve previously unmet legal need

in the community, and we have the capacity now to develop community education and law reform projects."

Freehill Hollingdale & Page also fund a distinguished overseas visitor program at the School of Law.

Miles (seated) is pictured with the Dean of the Faculty of Law, Professor Michael Chesterman (loft) and the acting directing of the Kingsford Legal Centre, Mr Paul Batley.

Michael Chesterman, Paul Batley and Miles Bastick.

1991. She remains at the Centre as a volunteer, and is appreciative of its multiple roles – it gave her broader experience of the law, 'greater personal contact with clients and greater responsibility'.<sup>6</sup>

Susan Roberts, now Director of Legal Services at the Human Rights and Equal Opportunity Commission, volunteered for the Freehills secondment program 'due to the fact that I was becoming increasingly less enamoured with commercial law'. She had heard from other solicitors who had been seconded to KLC that it was an enjoyable experience:

I loved working at KLC from the very first day. I found the casework very interesting and challenging, the senior solicitors... to be great teachers and role models and I enjoyed having real people with real problems as my clients. I also enjoyed the informality of the surroundings – particularly given that I was used to wearing a suit every day.

Her time at KLC made her realise, she says, that 'to really enjoy being a solicitor I needed to be dealing with issues and cases that were directly connected to people and their everyday lives (something that commercial law is not!)' The 'real people' she encountered have continued to affect her:

I also met some clients whose struggles and difficulties I still remember very clearly, in particular some very strong and resilient women who were dealing with domestic violence or family law issues with incredible courage and determination. I... often still think of some of them and wonder where their lives have taken them. I was also very touched to receive thank you notes from clients and, as I was there at Christmas time, gifts from clients who really did not have much themselves. I felt a real connection with the local community and that I was making some small contribution to it.

Her most memorable case – presumably as it was so unpleasant – is also still clear in her mind:

I had a client who was being evicted from her flat by her estranged partner. I received a call from her that her estranged partner's solicitor was there, throwing her things out and trying to physically remove her from the flat. Paul Batley and I drove to the flat (on Anzac Parade) to assist her and encountered the solicitor who appeared to be under the influence of alcohol and was quite aggressive. He had also allegedly urinated through the screen door into the flat! We had to call the police and attempt to resolve... a very tense situation. The solicitor's behaviour was disgraceful and we complained about him to the Law Society: amazingly he avoided being struck off. Paul was wonderful in that situation.

<sup>6</sup> Susan Donnelly, email communication with KLC students, first semester 2005. All subsequent Donnelly quotes from this source unless otherwise stated.



Volunteer lawyers, Sue Mordaunt, Anne Maree O'Farrell, Abe Schwartz and Mark Anstee.

Michelle Hannon, now a pro bono lawyer at Gilbert and Tobin, recalls her time at KLC as involving work in areas with which she had no previous experience – such as criminal work, probate and property matters; ‘I remember that I used to spend a lot of time reading practice manuals to learn about new areas of law’. Her time at KLC inspired her to change direction in her career; soon after leaving KLC, she left Freehills ‘to work in the community sector’, beginning with the Disability Discrimination Legal Centre for three years, then moving to Gilbert and Tobin. Her most memorable case at KLC was, she says, her first client in a criminal matter:

It was a bail application which was initially refused, and my client went to gaol. I was horrified at this. However, we lodged an immediate appeal which resulted in her being released...<sup>7</sup>

In 2006, KLC entered into an agreement with Allens Arthur Robinson (Allens), to have an Allens secondee for six months each year. This further increased KLC's ability to meet the communities need for legal assistance and built on the good relations of KLC with the private profession.

Freehills and Allens pro bono lawyers are one element of KLC's ‘frontline’. Another element is the volunteer solicitors who might dedicate one or two evenings a week to KLC work. Michelle Burrell, as the Centre's Coordinator between the late 1990s and 2004, came from working at Tottenham, in London, where ‘we were opposed to volunteerism in terms of giving legal advice.’ She sees KLC as having ‘a heavy reliance on volunteer lawyers’ which is not always inherently positive but adds that ‘the volunteers can be a great strength – there are some really good ones – and it was always good to see students come back and volunteer.’<sup>8</sup>

Not only are volunteer solicitors crucial to the week-to-week operation of the Centre; they also, in some instances, provide a continuity of experience, and stakeholder interest in the Centre, over many years. A number of KLC staff, after resigning from the Centre, have continued to work in a volunteer solicitor capacity afterwards. Duncan Inverarity is an example of a dedicated volunteer solicitor who became involved in that capacity after graduating from UNSW in 1991. He was also in the thick of the ‘Save Kingsford Legal Centre’ campaign, as will be seen.

As a student I remember a number of cases perhaps not for their legal, ground-breaking issues but more for the interesting clients that I met along the way. As a volunteer [solicitor], I remember *Limsiripothong v Four Sons Pty Ltd* – it was ground breaking in that the jurisdiction does not involve the award of costs whereas KLC achieved a costs award. This was particularly satisfying. What stands out as uniquely KLC is the support one receives as both a student and volunteer in pursuing legal issues that would otherwise fall by the wayside.

KLC's greatest strengths are its ability to assist a large number of people who would not otherwise have access to legal help. It fills a void between the private practice and legal aid and doesn't necessarily rely on means testing when assisting the client. But for legal centres like KLC, a number of people would not have any access to legal assistance.<sup>9</sup>

Volunteer solicitors' work has never been static. In 1998 KLC began a phone service for the local community each week ‘when most other people are happily parting with their money during Thursday night shopping’. Students would answer phones, discuss cases with solicitors; solicitors would then advise callers. ‘It would appear,’ wrote Tuyet Duong in the *KLC Newsletter*, ‘from personal experience as a law student clerk, that the nature of the advice sought is more often than not quite straightforward, needing little research. Of course this could also be due to the exceptional brilliance of the Centre's volunteer solicitors.’<sup>10</sup>

7 Michelle Hannon, email communication with KLC students, first semester 2005

8 Michelle Burrell, conversation with author, 3 February 2006. All subsequent Burrell quotes from this source unless otherwise stated

9 Duncan Inverarity, interviewed by Kristy Lee, 2004. All subsequent Inverarity quotes from this source unless otherwise stated

10 Tuyet Duong ‘A call for help!’, *Kingsford Legal Centre Newsletter*, March 1998 pp. 5-6

# KLC, DOMESTIC VIOLENCE AND POLICY CHANGE

Domestic violence as an issue has unsurprisingly been part and parcel of the issues addressed by KLC since its inception, though it has become more of a key focus since the early 1990s. A six-page undated report from the NSW Domestic Violence Committee in the KLC archives<sup>1</sup> suggests that KLC was edging towards hands-on involvement in such issues at a policy and strategy level in the late 1980s. Since that time, KLC has become an integral part of domestic violence legal strategy both in the region and throughout the State. In KLC's community, participation has been through the Waverley Domestic Violence Court Assistance Scheme.

The story of this scheme and KLC's involvement begins with RLC's development of a model used statewide. Just prior to her move to KLC and while still at RLC, Frances Gibson prepared an evaluation report on RLC's Women's Domestic Violence Court Assistance Scheme in 1991 and delivered a paper on the scheme at the Institute of Criminology Conference on Women and the Law in 1992. She recalls that 'Jane Goddard, while a solicitor at RLC, designed a model using a solicitor and two support workers who were not volunteers and were employed by a welfare organisation who would work at the court'. The model provided both support and legal representation to women using apprehended violence retraining orders against partners. Gibson continues that it 'was taken up by the CLC movement at a state level... Louise Blazejowska, who worked at KLC, had a lot to do with promoting the model at one stage.'

Anna Cody remembers that Blazejowska was the first solicitor to be involved in KLC's application of the model at Waverley:

She was a locum for six months in '94. When I came to the Centre it was moving from being a pilot program to getting funding. The scheme got funded for a coordinator to be based at a variety of places – at one point from her home! Kingsford was involved at the establishment of the scheme, and I attended court to represent women once every four weeks. I was on the management committee of the scheme which involved representatives from the police, the local court and local agencies.

The aim was to provide separate space and a support worker with domestic violence expertise. Women are represented in applications for AVOs – it's been incredibly successful, and reduced the number of withdrawals of applications.

KLC became connected with key agencies at a grass roots level through the Waverley project, and continues to be so, particularly through centre coordinator, Anna Hartree.

The KLC staff's professional experience dealing with domestic violence is wide-ranging. Gibson points out, 'domestic violence is in every area and its effects are obviously worse for victims in low income areas where it is harder to get away, but I don't think anyone saw KLC's area as worse than anywhere else.' Cody adds that proximity to beaches typically means that 'there is generally increased violence in the December-January period,' when families are on holiday.

As in so many areas of KLC's operations, domestic violence work provides students with valuable experience. In the past this has led to problems. Gibson remembers:

a student being at Waverley Court with solicitor and a very violent defendant. The children were with the client and the student volunteered to take the children away. He followed and took the student's car number plate and she was terrified for a long time that he would track her down. I think that was too much for a student and we decided we wouldn't allow that sort of situation to happen again.

Students would often get upset about people's lives and what was going on but as long as they got good chances to discuss this and feel that the work they were doing was helping, I think it was a positive educational experience for students, some of whom had led very sheltered lives. I think seeing it all really allowed students to understand some of those issues rather than wonder 'Why doesn't she just leave him?' It allowed them to really empathise and see how this seemed impossible to some women.

Though students' role is usually an observational one rather than consultative, Cody says some of them have had quite profound experiences:

Women have to tell their stories in quite explicit detail. Their relationships, lives, families... students find that a little bit overwhelming, but moving in a way; it's really powerful. The students are quite open; you can't help having myths and ideas about what domestic violence is about – some of those get exploded by talking to someone who has experienced it.

I was involved in the advisory committee – and then actually going to the court on a monthly basis and a student, of course, came with me.

More recently, KLC partnered with a number of other interested bodies to commission a report on exclusion orders

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1 Untitled, undated, circa 1990



John Longworth, volunteer solicitor receiving the Law and Justice Foundation's Volunteer Award.

– essentially, requiring violent spouses to vacate domestic premises rather than obliging those under threat to do so.<sup>2</sup> KLC and its students have also been involved in *Our Rights Our Voices*, a consultation forum and report providing ‘an expression of local women and communities’ voices, ideas and solutions’ and highlighting, amongst many other equity issues, the continued lack of appropriate resources for victims of domestic violence:

There is a lack of emergency and supported housing for women escaping domestic violence. In NSW in 2002/03 the Supported Accommodation Assistance Program (SAAP) provided services to 12,650 women. The main reasons for seeking assistance from women with children was domestic violence (50.9%) with a further 16.2% of women without children also seeking refuge from domestic violence... there is no enduring integrated response for victims of violence<sup>3</sup>.

While resources are still required from many quarters to attack this problem, KLC’s dedication, particularly over the last 15 years, has demonstrated a strong commitment combining effective integrated practice and publicity work. As will be seen in subsequent chapters, domestic violence is an element endemic in the lives of many of KLC’s clients and its minimisation is core to the Centre’s work. KLC has also been involved in advocating education and an expanded role for police.

KLC has also been heavily involved in the domestic violence subcommittee of the Combined Community Legal Centres Group (NSW)<sup>4</sup> (CCLCG) which, Cody adds, formulated:

model laws relating to domestic violence, discussed the use of mediation, and the setting up of regional violence specialists, as well as the NSW Council on Violence Against Women and policy on perpetrator programs. We also did quite a lot of training within the community, with community groups to support workers in the scheme on domestic violence and the law relating to it.

As the above suggests, KLC has maintained a key role within the CCLCG and, along with RLC, it has assisted in the development of the CCLCG as a funded state body formulating and pressing for changes in policy towards a more just society. Additionally, KLC through the CCLCG has participated in debates over funding for all legal centres in the State; today this is ‘where most centres do their lobbying campaigning in conjunction with other centres through subcommittees,’ according to Gibson. Subcommittees include a human rights group, a principal solicitors’ practice committee, a criminal justice group and a legal aid group. While CCLCG concerns (and therefore the makeup and influence of subcommittees) might wax and wane according to the enthusiasms of those involved, the CCLCG itself remains influential, and its national association even more so. As Cody explains, KLC was ‘using the base of our community work to take it onto a policy level and to changes at a higher level so the system would function more justly’.

Such important work cannot be minimised. It is extraordinary, then, to consider that in the mid-90s KLC’s very existence was threatened by changes to university funding arrangements and, arguably, the Law School’s own attitude to its CLE program. These issues, addressed in the next chapter, should be seen in the context of the gaping hole that the absence of KLC from wider legal reform, social justice and policy picture in Australia would create.

2 [http://www.lawlink.nsw.gov.au/lawlink/vaw/ll\\_vaw.nsf/pages/vaw\\_bulletin\\_aug04#VAW%20move](http://www.lawlink.nsw.gov.au/lawlink/vaw/ll_vaw.nsf/pages/vaw_bulletin_aug04#VAW%20move) accessed 20 April 2006

3 *OUR rights, OUR voices: A Forum for women and community groups working with women to discuss, explore and report on women’s rights in NSW* NCOSS/WRANA [http://www.ncoss.org.au/hot/voices/our\\_rights\\_our\\_voices.pdf](http://www.ncoss.org.au/hot/voices/our_rights_our_voices.pdf)

4 <http://www.nswclc.org.au/> accessed 30 April 2006

## SAVE KINGSFORD LEGAL CENTRE!



Vedna Jivan (top-right) with students, working on the Garendon case.

Simon Rice had presided over a period of self-induced change and renewal in KLC's history; his successor's directorship was to take place at a time when the Centre came closest to being closed down permanently by external forces.

The new Director was Frances Gibson, who came to KLC in August 1995 from a diverse background including, like many former KLC staff, experience at RLC.<sup>1</sup> Under Gibson, the Centre's mode of operations changed: whereas before 1995 solicitors and secretaries' roles were clearly defined, it now 'runs like a collection of workers who are skilled in certain areas... more like a collective.'<sup>2</sup> Of course, changes in communications technology which came to the fore in the mid-90s would also have made such an arrangement practicable for the first time.

In 1996 the Centre celebrated its 15<sup>th</sup> birthday from what looked like a position of strength, with a dinner organised by long-serving (1986-98)<sup>3</sup> Administrator, Zoe Matis.<sup>4</sup> This was a year in which KLC received many accolades, such as the 'Sydney Morning Herald Australia Day Award for Community Service 1995, given to KLC volunteers (in the form of 'a rather attractive plaque').<sup>5</sup> The Centre was also given funding by the Legal Aid Commission to employ a community worker.<sup>6</sup>

Vedna Jivan came to KLC in the same year, from temporary work in other CLCs, as a locum in 1996 primarily to work on the long-running *Garendon* case. The previous year, the Centre newsletter had described this case in detail:

The Centre was recently highly successful in defending an application by Garendon Investments Pty Limited seeking special leave to appeal to the High Court in relation to whether they had to be registered credit providers under the *Credit Act*. Garendon Investments is a company that sold timeshares. The Centre acts for a number of people who bought into these timeshare arrangements. The Centre has argued that the contracts these people signed to enter the timeshare arrangements are regulated by the *Credit Act*. The High Court's decision to refuse special leave to appeal means that the Centre has won this point. The work is not over yet however. At the moment Garendon Investments Pty Limited are entitled

1 'Staff', *Kingsford Legal Centre Annual Report 1996* p. 3

2 Frances Gibson interviewed by Ricky Lopis November 2004. All subsequent F. Gibson quotes from this source unless otherwise stated

3 'Changes in Staff' *Kingsford Legal Centre Newsletter* September 1998 p. 12

4 'KLC's 15<sup>th</sup> Birthday' *Kingsford Legal Centre Newsletter* No. 3 June 1996 p. 6

5 'Volunteer lawyers win award' *Kingsford Legal Centre Newsletter* February 1996 p. 1

6 'New community worker for the Centre' *Kingsford Legal Centre Newsletter* February 1996 p. 2

to claim loan repayments from the borrowers. This is because they have applied to have their error in not being registered credit providers 'forgiven'. The next step is that they have to go back to the Commercial Tribunal of New South Wales and persuade the Tribunal that they are entitled to the repayments of principal and interest although they breached the rules contained in the New South Wales *Credit Act*.<sup>7</sup>

Jivan, who became a permanent member of staff in 1998, recalls:

It was great to work with students on that case because we were doing 60 or 70 affidavits. The outcome we achieved for the clients was ultimately great, even if it was pretty heavy going. I came in at the tail end of it and, as it turned out, it settled in favour of our clients.

I liked it so much I begged for a job! KLC is like no other place. Every six months there's a new cache of students, and you get to know them on – not an *intimate* level, but you work very closely with the students, and it's a highlight of KLC for me. It's so supportive, a wonderful environment to work in – the ideal job.<sup>8</sup>

John Godwin recalls Gibson's directorial approach as 'structurally... the same' as Rice's, but:

We changed some aspects of the practice, we started to do less of the more mundane local court appearances and focused more on some big cases. We also did more teaching work under Fran because of pressure from the Law School to justify our existence in terms of units of teaching, though I don't think Fran was averse to that.'

Jivan suggests that Gibson was an unequivocally egalitarian Director:

There was no issue of top-down management; it was very consensual. She had a particular knack for stepping up when needed, but you didn't feel as though you were being managed necessarily. Her style was just so natural, so supportive and so encouraging. It was just a really wonderful time to be there, because she made it fun.

The fun also, however, seems to have come from the late-90s staff's sense of the absurd, as evidenced by Jivan's story of the adoption of a local (plaster) horse:

There was a horse we had found. We were nominated for the Australian Universities' Teaching Award, and the ceremony was held on a Monday. On the Saturday as I was leaving the Centre to catch the plane to Melbourne, someone had left this plaster-of-paris horse on our doorstep. So we brought it in to the Centre, and it had pride of place at the front of the counter – we still think the reason we won the award was this horse!

Gibson's tenure as Director was the Centre's most gruelling, for external reasons. KLC's funding had of course been a constant issue throughout its existence, though the events of the mid-90s made previous concerns seem rather frivolous. In its early years, General Development Grants had formed the bulk of this funding; \$60,000 in 1982, \$78,000 in 1983, and \$85,000 in 1984.<sup>9</sup> Between 1985-89 all funding (aside from lecturer's wages) came from General Development Grants and the Legal Aid Commission. In the late-80s, with the University's funds diminishing, Tony Woods had looked at numerous funding options with limited success.<sup>10</sup> The real crunch came, however, in 1996 when the University announced that, without external funding, it would have to close KLC permanently.<sup>11</sup>

Just as money had long been a problem, the Centre had always, it would seem, been on the verge of closing down. A letter to the Law School dated 1982, in the KLC archives, reads: 'Law students at University are concerned that Kingsford Legal Centre may have to close in December, 1982. We urge the University to make available funds for its continuation.'<sup>12</sup> KLC archives contain a memorandum from Regina Graycar of the Law Faculty reassuring Rees and Lansdowne that 'there is no member of the School who would currently advocate the Centre's abolition... the continued existence of Kingsford Legal Centre is not an issue in the current debates'<sup>13</sup> By mid-89, the Centre once again saw itself as under threat: 'There are many detractors who believe that in these times of economic crisis in university funding, the expenditure per student head which is required in financing Kingsford cannot be justified.'<sup>14</sup>

All crises up to 1997 had been overcome – with the only casualties the time and effort spent lobbying for funding which

7 'Notable cases', *Kingsford Legal Centre Newsletter* no. 1, November 1995 p. 2

8 Vedna Jivan, telephone conversation with author, 13 October 2005. All subsequent Jivan quotes from this source unless otherwise stated

9 Lansdowne and Rees, p. 19

10 Everett, p. 43

11 *ibid*

12 Law Society Executive and Student Representatives on the Faculty of Law, undated (form?) letter, KLC History Box 1, KLC Archives

13 Regina Graycar, memorandum to Robyn Lansdowne and Neil Rees, 19 February 1986 KLC History Box 1, KLC Archives

14 Anne Scahill, form letter template, 16 May 1989 KLC History Box 1, KLC Archives

could have been better spent in so many other ways. By 1996, however, the new Howard Government's tertiary funding policies and the squeeze felt by UNSW generally was causing added tensions. As the Centre's Annual Report signalled, the closure of the Bondi Junction Legal Aid Office at the end of 1996 made KLC the only legal advice centre in the eastern suburbs.<sup>15</sup> The Centre was also heavily involved in the campaign to prevent Legal Aid cuts in late 1996.<sup>16</sup>

The direct threat to KLC was very real, as the *Australian* reported in 1997:

Plans to increase teaching loads by 25 per cent and to cut funding to the Kingsford Legal Centre have angered law students at the University of NSW, who feel their degree is being devalued... Law Dean Paul Redmond said student and staff members of the law society had voted 46 to nine to the proposals designed to stem a \$1.4 million deficit over the next two years brought about by Federal Government cuts and a staff salary increase...The proposal calls for the University's funding to the Kingsford Legal Centre (about \$250,000 annually) to be halved.<sup>17</sup>

The crisis was plain by December 1997:

The University has indicated that unless KLC can find \$125 000 from an alternative funding source by June 1998, the University will totally cut its funding to KLC. If this happens, KLC will have no alternative but to close its doors.

A group of long-time supporters recognise that KLC does an excellent job of educating coddled law students in social justice issues whilst providing sorely needed legal services in this disturbing period of 'fiscal constraint'. So, we have decided to form a group of KLC supporters called 'Friends of KLC'. (This is not to be confused with the well-known lobby group of poultry farmers known as 'Friends of KFC'). The purpose of the group is to assist KLC to lobby to retain and diversify its funding base so that it can continue to carry on its work.

If you wish to join the Friends of KLC and help save the Centre, please call volunteer solicitors Duncan Inverarity or Lisa Ogle.<sup>18</sup> We will let you know when and where the first meeting will be held.

We've only got 6 months before the guillotine falls!<sup>19</sup>

John Godwin recalls:

I was genuinely surprised at the level of support from students. Having the students' vocal backing was important psychologically and politically; there was a protest movement formed against any action taken against the Centre. I remember speaking to Simon and he was not upbeat at all about the prospects of KLC's survival. Fran was trying to keep morale up amongst the staff, but the ex-director was not painting a very pretty picture in terms of likely funding scenarios, I remember thinking it was going to become a very slimmed-down operation, and not the kind of place I'd want to be working.

Fundraising efforts were many and varied, as the March 1998 *Newsletter* outlined. While the Commonwealth Government refused KLC an extra position under the CLC funding program for 1997-98, the Centre was determined to try again the following year. McDonalds, Ray White, ICI, Clayton Utz, Westpac, Casino Community Benefit Fund, Souths Juniors, and Waverley Council all declined to assist; Randwick Council agreed to a moratorium on rent.<sup>20</sup>

Frances Gibson recalls:

What stands out for me is the stressfulness of the whole process – we all thought we were going to be made redundant. Staff morale went down – you felt that what you did had no value. But there was a lot of support from within the Law School and the community. If it had got to end of the line we might have had to barricade ourselves in!

A publicity and fundraising-oriented walkathon, on 4 April 1998, organised by students from the UNSW Law Society, included 200 students and staff from UNSW. The walkers traipsed from the Gymnasium Lawn to Coogee Beach and back. Law Faculty staff involved included Dean, Prof Paul Redmond; Presiding Member of Faculty, Associate Professor Jill Hunter; former Dean, Michael Chesterman; Professor David Brown; Senior Lecturer, Brendan Edgeworth; and KLC staff. Steven Norrish, QC ran the entire course and raised approximately \$1000 for the Centre; \$17,000 was raised overall, a remarkable achievement.<sup>21</sup>

15 Frances Gibson, 'Introduction' *Kingsford Legal Centre Annual Report* 1996 p. 2

16 'Legal Aid Cuts', *Kingsford Legal Centre Annual Report* 1996 pp. 25-27

17 Madeleine Coorey, 'Law students wary as UNSW finds savings' *The Australian*, 20 August 1997 p. 37

18 Original text includes phone numbers

19 *Kingsford Legal Centre Newsletter* No. 4 November 1996

20 'Fund Raising Efforts', *Kingsford Legal Centre Newsletter*, March 1998 p. 3

21 'Walkathon success', *Kingsford Legal Centre Newsletter*, June 1998 p. 1

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## Legal aid crisis

By LOUISE  
GOLDBURY

FEDERAL Government plans to slash funds to legal aid will rob people of a right to a fair trial and create chaos in courts, allowing criminals to escape conviction.

This is the grim prediction of the director of Kingsford Legal Centre, Frances Gibson, who has sketched the title, which have already diminished the scope of assistance for people with legal problems.

Budget plans were announced recently to further reduce funding to the Legal Aid Commission (LAC) by about \$200 million over three years. The LAC provides

low-income citizens with free legal support.

Despite the fact that most legal-aid assistance is under their law, Federal funding would be slashed to legal centres under Federal laws.

Ms Gibson said this was likely to mean people would be unable to seek representation for cases involving matters such as discrimination and money problems.

Previous cuts have slashed assistance for compensation cases of victims of violent crimes and sexual abuse.

"The crisis is that for people who cannot afford to pay, there is no alternative — they will now have to represent themselves.



Frances Gibson, worried about government cuts.

"This results in a situation where people who have legal rights won't be able to enforce them," she said.

She said the increase of people represented in

court would bog the system with poorly prepared and presented cases, hindering the work of the judge and jury.

"The law system is so complex, particularly in the

higher courts, that it is virtually impossible for the average person to represent themselves effectively. Good cases will lose and people will suffer great injustice."

Ms Gibson predicts even larger delays and this may lead to the dismissal of most serious criminal cases, allowing offenders to be set free.

"Judges will be the circuit wide as if they don't run a case, if people have no alternative to defend themselves."

Kingsford Legal Centre, part of the law faculty of the UNSW, and staffed largely by volunteers and students, has long struggled to find sufficient resources to help with advice and referrals.

The forced closure of the Bondi Justice LAC office in December has left the Kingsford centre as the only place in the Eastern Suburbs which offers free independent legal assistance.

"We're stretched to breaking point, and now we will have more clients coming in as to take all their cases, but we don't have the staff to manage," Ms Gibson said.

"The service is essential. There is a big demand — we see about 300 people a week. It is hard to believe that the Commonwealth Government could do this to us in the state. The system needs to be established a replacement help line by April."

Article in the *Southern Courier* about the funding crisis.

By June 1998, the KLC *Newsletter* was positively jubilant:

After over a year of uncertainty, KLC's funding future is now looking a lot more secure. The challenge has been to find \$125,000 from non-Faculty sources before a Faculty imposed deadline of June 1998. Last year the Faculty resolved to consider withdrawing from funding the Centre entirely if these external funds weren't found. The Walkathon, recognition by the Vice Chancellor of the Centre's importance to UNSW, and a special grant from the Commonwealth have taken the heat off KLC:

- \* The Walkathon raised over \$17,000
- \* The Commonwealth Attorney has granted us \$65,000 as a one off, on the basis that we will be applying for further recurrent funds at the end of 1998 from a new Commonwealth Budget initiative which dedicates \$1.74 million over 4 years to support clinical legal education in Australia.
- \* The Vice Chancellor has committed \$30,000 in 1999 and \$30,000 in 2000 to the Centre from a 'Contingency Fund' "in light of the contribution of the Centre to the community and its importance to the Faculty's teaching program and high standing".

Further, the Vice Chancellor has advised the Law Faculty that, provided the Faculty continues to ensure at least a minimum level of viable operation of KLC, the Faculty is guaranteed \$1,077,537 per year for its general purposes from the Faculty Special Fund until the end of 2001. This makes it unrealistic for the Faculty to withdraw from KLC entirely, but leaves some scope for further (hopefully minimal) cuts.<sup>22</sup>

KLC continued to hang on – something the Centre had become very good at – until early 1999.

Gibson believes that KLC's victory (for now) had two prongs:

First was the vote – whether we should take full fee paying students. Academics eventually supported on the argument that a proportion of the fees would go to the centre. People basically did not want to take in full fee paying students, it seems very ordinary these days but a lot of academics were opposed to it. They eventually supported it on the basis that the money would go to securing the small group-learning module at UNSW, and into KLC. So that was a really major thing. Second was the government giving \$100,000 for the clinical program, to set up the Employment Law Clinic. They also said to the University, 'We will give you this money on the basis that you maintain your current levels of funding'. KLC was secure at this point but it was important, as it provided a carrot for keeping the Centre open.

The \$100,000 grant, announced by Daryl Williams in March 1999, was part of a \$1.7 million grant, to be split between four

22 'Funding update', *Kingsford Legal Centre Newsletter*, June 1998 p. 3

CLE centres (Griffith's Caxton, Murdoch's Southern Communities Advocacy, Monash's Springvale and Oakleigh, and KLC). This amounted to \$100,000 a year for KLC for four years.<sup>23</sup>

John Godwin remembers:

the Centre staff received a fax that made it obvious we were going to be eligible for substantial funding that would help save the Centre. Fran was in New York, it was the middle of the night so she was asleep but we still rang her up to tell her!

At the same time as the Centre's financial pressures were felt, work at the Centre was proceeding as usual. Possibly the most important case at this time – for its potential national implications as well as, in the words of Freehills secondee Michelle Hannon, 'a very innovative use of the law'<sup>24</sup> – was NSW's first *Stolen Generation* test case. The client in question had been removed from her mother within hours of her birth and was seeking \$2.2 million for psychiatric problems which she said stemmed from her experiences in Bomaderry and Wentworth Falls, institutions under control of the NSW Aborigines Welfare Board. However the final decision on her case, made by the Supreme Court in 2001, was damning of the case and failed to take the client's claim to have been 'stolen' – much less maltreated – seriously. Anna Cody said at the time:

We're shocked and outraged by the decision by the Supreme Court. We're very disappointed that the legal system has responded in this way. It's a crucial test case, it's the first case that's gone to a full hearing, and we're disappointed by the inability of the legal system to deal with this.

It is a setback, but this case is an individual case, as well as being part of a larger movement... This is not the end, the struggle goes on.<sup>25</sup>

Paul Batley said:

What is really disappointing about the overall outcome is that the client had many problems as a result of her childhood and upbringing and the terrible and damaging effects it had on her. But also, part of the problem is how conservative the legal system can be when the fear is that a precedent might lead to a lot of litigation. The judges are meant to decide their cases on their merits but you can see that what's ticking away in their minds is the possibility that any slightly generous interpretation of the law could lead to a lot of people being able to assert their legal rights. This was a bit of a lesson in how the so-called independent institution, the judiciary, can be influenced by outside factors including political factors.<sup>26</sup>

John Godwin suggests that 'the Centre gets a bit wrapped up' in particular 'issue' cases. The case mentioned above could be said to be an example of this, and while the struggle does indeed continue, it is clear that many of the staff at KLC felt this loss very keenly. Michelle Burrell asks, rhetorically, whether it would have been better to have not run the case; 'The problem is, the judgement went the wrong way, and did some harm.' She comments that Anna Cody 'did stay in contact; with the client, and has 'kept a protective eye' on her'<sup>27</sup>.

Other cases from this time, such as that of a compensation case for injuries caused by an exploding jar of anchovies<sup>28</sup> were superficially bizarre though of course entirely valid. Others, such as a client who sued for compensation after her telephone number was erroneously published in the 1995 *White Pages* was similarly much less trivial than it initially appeared:

The client in question had been a victim of domestic violence and the fact that the telephone number was published meant that the number was released to the perpetrator. Action by the Centre against Telstra resulted in an apology and payment of \$1000 compensation to the client.<sup>29</sup>

Godwin recalls some 'very colourful clients'. One was an aged pensioner Housing Commission tenant who had set three dwellings on fire, on each occasion because he had fallen asleep smoking in bed. The Commission had banned him from public tenancy, and on the day he was scheduled to be evicted he visited KLC for help. Without a Housing Commission flat he would have been on the street:

We had about 12 hours before the Sheriff was due to evict him to decide what to do. Simon sent me to the Supreme Court to see a judge in Chambers after hours. I had little idea what to say to the judge but to point out the stark future that he faced, and he granted an injunction to keep him with a roof over his head. We had a hearing in the Supreme Court and another in the Court of Appeal, and we ended up making some law around tenancy legislation, on the principle that the State was obliged to look after the disadvantaged in society. And he was housed again with certain conditions placed on him, like smoke alarms.<sup>30</sup>

23 Guy Healy 'Law students to staff justice clinics' *The Australian* 10 March 1999 p. 41

24 Michelle Hannon op cit

25 Anna Cody, interviewed by Annie White for on ABC Local Radio's *The World Today*, 26 August 1999 from 'Joy Williams loses her Stolen Generations case', <http://www.abc.net.au/worldtoday/stories/s46829.htm>

26 Batley quoted in Rebecca Hurst, 'The People's Champion of the North Coast', <http://www.law.unsw.edu.au/centres/klc/heroes.asp> Accessed 21 December 2005

27 Joy Williams, the client in this case died in September 2006. Anna Cody and Vedna Jivan attended the memorial service

28 'Notable cases', *Kingsford Legal Centre Newsletter* no. 1, November 1995 p. 3

29 'Interesting cases' *Kingsford Legal Centre Newsletter* February 1996 pp.2-4, p. 2

30 The client's name has been removed from Godwin's account by the author



KLC participation in the Sydney Mardi Gras parade to protest legal aid cuts, including John Godwin with penguin.

Another celebrated case from this time was that of a client who had an artificial lower leg and worked in a funeral parlour in Kingsford:

[He] was dismissed from his employment because it was alleged that when he carried coffins he would rock the coffin in an unseemly manner and that there was a risk of dropping bagged bodies or coffins. KLC took the funeral house to the Human Rights Commission successfully arguing that [his] dismissal was discrimination on grounds of disability, making law on the *Disability Discrimination Act*. The case involved some novel approaches to evidence. Students helped to film staged re-enactments of funeral processions, up and down various church steps across the eastern suburbs to demonstrate [the client's] ability to carry a coffin. This involved borrowing a coffin from a funeral home, loading it with sandbags, and having it weighed at the civil engineering department of Sydney University who had scales of an appropriate size. We also filmed [him] carrying a body bag down a flight of steps, again filled with sandbags, somewhat to the alarm of my neighbours. The films were indeed shown in court, helping to clinch the case. Memorable days, and innovative teaching.<sup>31</sup>

Godwin left KLC for London in June 1998:

Towards the end of my time there it was probably the best in terms of the feeling in the Centre. The group dynamic was very positive. Anna, Vedna, Fran and myself were pretty much the core, and Paul Batley until he left. We worked in a positive and productive way, doing stress relief things like swimming at Coogee at lunchtime and then going back and working long hours. They were some of the best years of my working life, I think.

<sup>31</sup> John Godwin, telephone communication with author; see also 'Disability Claim Victory', *Kingsford Legal Centre Newsletter*, June 1998 p. 4

# KLC IN THE COMMUNITY

## Interview with Michelle Burrell, Centre Coordinator 1999-2002



As Meghann Everett pointed out in her 1999 study, *Community Legal Centres*, Kingsford Legal Centre is a rarity amongst community legal centres: Kingsford Legal Centre was not founded by a community group as a resource for the community... management by the community... was never envisaged as the centre was simply an extension of the University.<sup>1</sup>

In the 1980s, KLC was advised by a committee of Botany and Kingsford community representatives; by 1990 this was seen as too focussed on KLC as an educational institution, rather than as a community organisation and a restructure was undertaken to amend this.<sup>2</sup> The new consultative committee was influential in directing KLC's attention towards the lack of legal services for local Spanish-speaking residents, and adjustments were made in response. However, as Paul Batley told Meghann Everett, 'It often seemed that the meetings served more to inform the committee about our work than to receive advice or direction.'<sup>3</sup>

While Everett's assessment of KLC's interaction with the community in the 1980s and 90s bears some relevance to the past problems of a CLC essentially beholden (at least in terms of funding and *raison d'être*) to its host university, she was also examining KLC at a time when it was emerging battle scarred from its fight to continue:

Michelle Burrell, who started working at KLC in early 1999 from a background in poverty law and social justice was employed as Centre Coordinator and built valuable links between KLC and the wider community.

*It was a new job; they melded some old jobs, various bits and pieces, into a bit of a restructure... The new job included some bits out of the Director's job,*

1 Everett p. 33  
2 Everett p. 45  
3 Batley quoted in Everett, p. 46

*office manager's job – essentially, it was all the non-caseworker stuff.*

*So from that, I made my own job; at KLC – in fact, at most places – you do. The way you manage a coordinator position depends on the nature of the community, but it also entails keeping the money coming in, stabilising all the funding relationships, doing the necessary work to build up relationships and profile in the community, networking in the sector and probably most important to me – policy work. It was important to build on what had been done in the Save Kingsford Legal Centre campaign, and we also needed to get a bit of policy balance. I did a lot of policy work, which is my area of interest.*

*During the time I was at KLC, Randwick Council was trying to slash its community services, and I convened the local interagency, all the different welfare groups – which was a good networking opportunity for the Centre. I was involved in housing policy, tenancy rights for public housing, and I did quite a lot of work on centre development.*

*Poor people's problems are pretty standard wherever you go. There was a local focus around La Perouse, the whole indigenous community in that area and across Maroubra... very few non-indigenous based organisations have the experience in working in those communities where it quite rightly takes time to build trust... We did some work around Aboriginal cadetships, which was a starting point.*

*South Maroubra has a large housing estate, you have to be sensitive to that and don't judge people by their tenure form. We had some change in the ethnic makeup of the community in the time I was there. Most of the new arrival community, Russians and Chinese, were layered across the existing Latin American and South American community, and as time went on there were also Somali and Horn of Africa people. That kind of settlement pattern being reflected in your client group reflects what goes on in the world; actually, community service users often reflect the current pattern of war anywhere in the world...*

*A lot of the housing issues that KLC dealt with were around neighbourhood disputes and quiet enjoyment. If you shove every vulnerable person into a tiny estate in the same part of the city, it's only going to make things worse. That's a 20 year problem; originally public housing was worker housing, but now due to changes in the Commonwealth-State Housing Agreement, and more recently Federal Government policy, you've got to be on death's door, or escaping domestic violence for the fifth time to get into public housing. They've just concentrated vulnerable people. Those sorts of issues play out in a legal context when neighbour A comes to complain about neighbour B. Of course, legal response is not the proper response, it's a policy response that's needed.*

*In 2002 I took leave without pay and did my Masters, in International Public Interest Law, in New York. I officially left in August 2003.*

# EMPLOYMENT LAW CLINIC

The original \$100,000 grant awarded KLC in 1999 was conditional on UNSW maintaining existing funding. Though the Centre had applied for the grant on the basis of its record, the new funding gave it scope to expand its activities into a new area.

Previously, CLCs had not had great involvement in employment law because this was seen as stepping into trade union territory. However, times had changed, and throughout the 1990s a great many workers were either unwilling or even unable to become members of unions, and unions were arguably not always fulfilling their duties to members. Additionally, law firms were often unwilling to take on unfair dismissal cases as the maximum payment in such cases was six months' wages. For these reasons – as well as a pragmatic one, that cases were usually resolved inside a month, so that students could see a whole matter resolved within their semester at KLC – the Centre's staff felt that the Federal Government's funding could be appropriately used for an Employment Clinic course.

Joanne Moffitt was the first Employment Lawyer at KLC and recalls:

*I don't think anyone really envisioned how busy the Employment Law Clinic would be. Our first intake of students was in March, and we decided we would provide legal services to the Sydney Metropolitan area, an extraordinary feat. We were just inundated, once people became aware of our service, because there was no legal aid available; only three other CLCs had specialist employment lawyers: Macquarie Legal Centre; Far West at Dubbo; and the Working Women's Centre, but they would only provide advice for women. From March to December, the employment law advice information and referral provided a quarter of the Centre's statistics for that year. We had an overwhelming demand for our service which we then had to cut back to our geographical area and that kept us busy enough.*

*Mainly what we were doing was unfair dismissal matters. The majority settle at conciliation and the employment law students had the opportunity to represent clients in the industrial relations commissions. I was very impressed by the advocacy skills of many of the students, their talent and their confidence, was incredible. The students also had the opportunity to represent clients in claims for underpayment of entitlements in the Chief Industrial Magistrates Court. It's a non-lawyer jurisdiction for small claims; we had students who ran those claims and won them. In the Australian Industrial Relations Commission we had one unfair dismissal that went all the way to hearing and won.*

Sinéad Eastman, previously a Freehills secondee,<sup>1</sup> assumed the role of Employment Lawyer after Moffitt became Principal Solicitor; Linda Tucker (who became Employment Lawyer at KLC in 2004) had been a student there in the Summer session 1994-95:

*When I came back I thought, 'Wow, looks exactly the same 10 years later!' It always had a very nice feel to it, it's very open – it was a very nice breath of fresh air coming from the Bar to here, it's very open and supportive.*

*I'm on the Employment Clinic. Students can do Clinical Legal Experience, or the Employment Clinic course; there is a lot of overlap, employment students attend CLE classes but they also attend classes with me and guest lecturers. We do afternoon and evening advice just like the main clinic, and I tend to do a lot of phone advice because there are not a lot of employment specialists in NSW – I get people phoning up from all over the State, including other CLCs.*

*It's a very dynamic clinic with plenty of advocacy work. There's also a fair bit of interaction between the different practices at the Centre.*

*There's also the policy side as well. For instance, we've been working with other practitioners doing submissions to the senate for the changes to the IR laws. We also recently prepared a briefing paper to NSW senators on the impacts of the changes. I also co-convene the employment, human rights and discrimination subcommittee of the NSW CLCs group. All the solicitors here are involved in policy work with this and the various national networks of community legal practitioners.*

*At the moment I've got cases in various stages, either leading up to arbitration or still at conciliation stage. We represent a lot of people who've been through some pretty horrendous dismissals. One of the strongest matters I have at the moment is a woman who's 47, she had been doing pattern making in a clothing factory for more than eight years and always worked overtime but never got penalty rates. She asked about that and shortly afterwards was made redundant, with a little letter in her pay slip, in an envelope she didn't open because the money just went into her bank account. She turned up on Monday and was asked what she was doing there as she no longer had a job.*

*It's really when people are sacked that they think about their work conditions. This client has got a substantial claim for penalty rates, because she worked overtime every week for eight years.*

*I only do an arbitration every couple of months – more commonly, a lot of stropy letters go back and forth. I have two matters like that today, they're both almost settling and not quite, it's a battle of nerves.*

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<sup>1</sup> 'New faces' *Unsolicited* #1 2001 p. 22. In 2001 Eastman was known as Sinéad Campbell



Students with Frances Gibson (second-left) and Sinéad Eastman (third-right) at a rally.

*We have clients from a lot of different language and cultural backgrounds. I've had quite a few where there's been poor behaviour by the employer, our client has left because of dreadful practices in the workplace, with bullying, harassment, the job description suddenly changes drastically, stuff like that. Often these things are tied to the person having recently raised something about the workplace – one client raised occupational health and safety issues, he reported the problems in the workplace to Workcover and an inspector came in and about one month later, the employer sacked him. Then there are ones where people are casuals but are working as permanent employees, they raise some complaint and suddenly their shifts dry up. Generally we are dealing with people without much awareness of their rights, just a general sense that this dismissal was unfair but not sure of their entitlements. And in the majority of cases the person has not been getting entitlements: meal breaks, penalties and so on. We try to deal with it all in one settlement, in negotiations with the employer.*

*If we lose unfair dismissal work [with the Federal IR changes] there'll still be discrimination... the clinic's focus will have to change. My area when I lectured at Wollongong was environmental law, so maybe we'll start an environmental law clinic instead!<sup>2</sup>*

# 'A RATBAG, RADICAL EDGE IS NOT A BAD THING'

Interview with Frances Gibson,  
KLC Director 1995-2004



Frances Gibson (second-top-right) with students outside the Centre.

*My parents were both academics and I guess had a positive approach to social justice for as long as I can remember. My grandfather was a wharfie, my parents, scientific researchers and it was taken for granted in my family that it was important to care about others. I mainly grew up in Canberra – it's a place where politics is discussed a lot, and then went to ANU where law school is as conservative as it is anywhere. I noticed that there was an unequal distribution of resources in society, grave injustices going on. In terms of doing law, the only thing appropriate as a lawyer is to do something about the situation though I did yearn at some point to be a lawyer for rock stars, particularly the Rolling Stones.*

*I went to ANU and did the practical training course Legal Workshop there, then I when finished uni, I went to Sydney. I worked at an old, conservative private firm for about a year, then in the Aboriginal Legal Service in criminal advocacy. It was all very stressful and I was a bit new. My knowledge was very limited and although I tried hard I did not feel I was doing as good a job as the clients deserved. I had some wonderful experiences though – going out to Walgett, Coonamble etc*

*and appearing in Lightning Ridge Court. The chance to meet so many Aboriginal people was fantastic and I enjoyed that side of it. I decided then that I didn't want to be a barrister. I worked for a year or so at the Legal Aid Commission but in an office job. It is a large bureaucracy and though there are some wonderful people there doing important work it all felt a bit stultifying in my section and very public service. Then I got a job at the RLC, and I was there for seven years, five as Principal Solicitor. The point of legal centres is to reform the legal system and its structure, so disadvantaged people would get a better deal. We did a lot of political lobbying. There were some big cases, too, for instance we acted for the family of David Gundy, who was an Aboriginal bloke shot by the police. We also did a lot of housing and tenancy-related work, and a lot of cases went to the Supreme Court. Probably the most exciting thing I did was work on a campaign to have civil legal aid reinstated – which it was. I would say NSW now has the best civil legal aid of any Legal Aid service in the country which is a direct result of our work. Then I went to the ICAC – from my previous experience working with Aboriginal people and poor clients, I thought a lot of behaviour by police was inappropriate and*

wanted to help to change that. By the time I actually got to the ICAC as Principal Lawyer, a lot of time had passed because of the security clearance procedures and the organisation no longer had jurisdiction over police. I ended up only working for the ICAC for about a year because I did not feel I was really helping anyone in my work there. I volunteered as a solicitor at RLC during this time

Simon Rice, whose job I had taken at RLC, rang me up and urged me to apply for the Director's job at KLC. People used to call KLC the 'boring blokes' legal centre' as only men worked there as lawyers, with three [female] secretaries. But it had a reputation for excellent and innovative legal cases. I came to work at KLC because it had all the elements I liked about legal centres, with students as an extra aspect. Simon and the other two were pretty incredible lawyers and really hard working. When I started I couldn't understand how he could have possibly done this job – there were so many aspects to it. I would arrive early every morning just to have an hour or two to be able to grasp what was going on. On the whole the Centre had great staff, good ideas about what cases should be run, a really good history. It was certainly established and set up in a good way. The actual student program worked on the whole really well before I came. Everything that they had done had contributed to establishing a really good clinical program and legal centre.

The stolen generations case that the Centre worked on was the most important thing we did at KLC while I was there. Paul Batley started that case – he is a really great lawyer. It was the most inspiring case and the most depressing! We lost all the way to the High Court. But these cases will be recognised one day – even though it may take 20-50 years. Besides that, I was involved in the set up of the Employment Law Clinic; helped introduce the Law Lawyers and Society program whereby every student at UNSW attends the Centre during their degree; restructured the academic component of the course; and revamped the structure of the Centre so it was more of a collective rather than running like a private legal office. We also introduced and ran the first clinical course for first year Indigenous students while I was there.

I think the only thing that can be important in a legal centre's work really is anything that achieves change in the law or legal and policy systems. Everyday casework is of course very important but I think the test cases, for instance the first stolen generation case, was incredible – no-one else was running cases like that. Also setting the Centre up to run discrimination cases was really important in terms of assisting clients and the publicity those sorts of cases generated and the policy that develops from that kind of casework. Every student who has changed their views even a little bit can make a difference in Australia too.

A big part of the value of a place like KLC is that a lot of important people in Australia's legal society will have been through KLC and maybe that will be the most important thing in achieving change because it will mean that all lawyers will have some conception of seeing what it is like to not have money and actually seeing disadvantage. A lot of students will go on to be politicians who will effect change. That process has already assisted establishing various pro-bono services.

When I started at KLC there was talk of moving to the UNSW campus, but no-one ever thought anything was really going to happen, so it was not really an issue for me. I am in favour of KLC being in the new Law Building. The only concern is an issue of accessibility. It will be easier for students involved in the Centre, because it's not so separated and they can pop down and have a look at the files. Another advantage would be that the academics could be more involved, they are very supportive but don't really have a clue what goes on. It would be more a part of law school life and that would be good for clients, getting academics' perspectives.

The disadvantage is that if clients are wandering through University, will they be overawed? It could be off-putting and make the Centre inaccessible to clients. But based on other CLE facilities I saw in America, I think people if they need help will find it. Becoming a part of the Law School will be a major change for KLC in the future and I think it will be great to have legal academics involved, but it will probably make it a little more respectable. Having a bit of ratbag radical edge is not a bad thing.... I hope I was able to bring that to KLC for a while at least.

# 'THE WHOLE VIBE OF THE PLACE': STUDENT EXPERIENCE, STREET PRACTICE AND THE CURRENT HEALTHY CONDITION OF KLC



KLC Solicitor Teena Balgi lectures at a Discrimination workshop.

It is truly a grass roots institution; not only in the clients they see, but also in the whole 'vibe' of the place.<sup>1</sup>

In 2001 KLC won *The Australian Award for University Teaching for Law and Legal Studies*, a \$40,000 prize. In discussing the Centre with the newspaper which sponsored it, Gibson emphasised the shared values of the team: herself, Michelle Burrell, Anna Cody, Kate Burns, Vedna Jivan, Kalliope Ktenas and Joanne Moffitt. She also discussed an aspect of KLC which had become more apparent in recent years: the difference in backgrounds between students and KLC clients, and the likelihood that few KLC students would again encounter the kinds of situations that KLC regularly took on:

Most of them will end up in the big commercial law firms and this is not just a chance to do something for people but also to experience a different type of legal practice. It's probably their only chance of doing that.<sup>2</sup>

That same year, KLC celebrated its 20<sup>th</sup> anniversary, and created a Centre time capsule to commemorate the occasion. Michelle Burrell recalls:

On 11 September 2001, the 20<sup>th</sup> anniversary of the Centre, we put together a time capsule containing: the No. 1 single, which was by Kylie Minogue (it was a bad song);<sup>3</sup> the front page of a newspaper, it was a report of the twin towers bombing on 9/11; a special 20<sup>th</sup> anniversary mug; photos of current students who wrote on the back of each where they'd be in 30 years time – one cocky student, he was classic young Labor, said he'd be Prime Minister or at least Attorney General, and he probably will be! When we had the party that night, people added things to the capsule – the volunteer lawyers were quite keen on that, god knows what they put in then...

Joanne Moffitt became Principal Solicitor at KLC in 2003. Like Michelle Burrell's Centre Coordinator position, it was 'a new role', proposed by Gibson, supported by staff and approved by the Dean. Moffitt says:

Fran had proposed that we restructure the Director's position (which was responsible for the clinical programs as well as the legal practice) and the Senior Solicitor's position, and transfer the responsibility for the legal practice to the Senior Solicitor to create the Principal Solicitor position... I think it worked really well. I had experience in the employment law and discrimination law practices but was also able to develop in other areas, such as administrative law, for example... cases against the NSW Department of Corrective Services.

Christina Renner, a student law clerk in the second session for 2004, was surprised when she came to KLC that it wasn't more hectic:

Initially I thought... it would be more of a drop-in centre and we would be run off our feet. It is not like that at all – probably because to operate like that would be impractical. It would be nice to have certain resources, such as a definitive, easy to navigate referral 'bible' and a precedent database. – I know this is a lot to ask! ... Sometimes, the organisation of KLC's processes is a little shambolic but this is an inevitable consequence of the vast number of students who pass through the Centre as well as funding issues.<sup>4</sup>

1 David Hume, 'An "interesting" (work) experience' *Kingsford Legal Centre Newsletter*, June 1998 p.5  
2 'Plaudit for outstanding legal effort' *The Australian*, 5 December 2001 p. 24  
3 Presumably 'Can't Get You Out of My Head'  
4 Christine Renner interviewed by Kristy Lee, 2004



Staff receiving the Australian Award for University Teaching for Law and Legal Studies 2001.

Renner's experience at KLC was clearly 'eye-opening', and exposed her to many more future choices. The powers that be at UNSW Law School might be dismayed by the disillusionment she expresses:

My time at KLC... and my experience of life at a corporate law firm has heightened my awareness of the meaninglessness of corporate law. I'm not sure if I want to work in community law either – I've perhaps become disillusioned with the law generally. At least KLC has opened my eyes to the alternatives uses of a law degree! There is certainly something to be said for helping real people with real problems as opposed to helping a corporation with its various legal issues. The law can be such a scary and overwhelming thing for ordinary people – even if their legal problem is comparatively small. I'd prefer to make a tangible difference in individual lives.

Rezana Karim was a final year Arts/Law student and is a student law clerk at KLC. She wants to pursue a career in international law, human rights and public policy:

My first impression of KLC was formulated just before my first visit in 2002 for the Law, Lawyers and Society advice night. Being somewhat naïve I thought that KLC was somewhat of a drop-in centre for people in crisis – that there would be people on the brink of eviction, debt and criminal charges and that each situation would be a highly pressurised and charged encounter. I think I had been watching way too many US legal dramas!

In 2004, the clinical legal program has really solidified the impressions of KLC that I left with after the advice night. It is not only a place to get first hand legal advice for the local members but a learning centre for students and the community. The expectation that I had of the work at KLC was formulated from speaking to past students of KLC who said nothing but positive comments about the course and how it went beyond their expectations in terms of work satisfaction.

Having always been more inclined towards public sector advocacy, KLC gave me more understanding that community law and social justice are viable paths for my professional development – there is enough diversity of work to make it an interesting and rewarding avenue to take. It has also been invaluable to my actual development and desire to be a lawyer.

Perhaps many CLCs take on work that has the capacity to create changes for greater social justice. This realisation is somewhat difficult to achieve considering the multitude of barriers in terms of funding, time, merits and structure of our current legal system, which makes change difficult to achieve. But I think it is difficult to fail when you are trying to fill a chasm of need that will realistically not end.

In terms of the future, I think it important to develop this sector by increasing funding and highlighting the value of CLCs. I would like to see greater positive voluntary participation of legal professionals in this area, greater community engagement and less ignorance and misunderstandings in regards to the service of CLCs.<sup>5</sup>

Clearly, the two young women interviewed above did not find their KLC tenure a great challenge to their world view – perhaps it would be better described as an experience that complemented their existing attitudes (though it is interesting that prior to working at the Centre both expected that KLC would have the air of a 'drop-in' centre). As will be seen, however, a number of students were challenged by their KLC experience.

5 Rezana Karim interviewed by KLC students, 2004

The difference in outlook and background between UNSW Law Students and the staff and clients of legal centres is something Phil Burgess says he hoped to highlight in the early 1970s; it appears, however, to have become much more marked – certainly, far more worthy of comment – in recent years. Indeed, the difference was considered stark enough to be worthy of an ABC television documentary series, *Street Practice*, ‘a four-part observational series about the bleeding of young lawyers’,<sup>6</sup> which aired in September 2004:

*Street Practice* is set at Kingsford Legal Centre, part of the UNSW Law School and one of the most elite law faculties in Australia. But before many of these students take up high paying jobs in Sydney’s big commercial firms some undertake a ‘tour-of-duty’ working as legal clerks... After years of studying they are suddenly acting for anyone from murderers to shoplifters, victims of domestic violence, migrants with no English, or employees claiming unfair dismissal. All this takes place in a run down demountable near a busy roundabout in Kensington.<sup>7</sup>

Frances Gibson says that ‘a lot of people claimed *Street Practice* was their idea, so I will say it was mine! Actually, I provided a vague idea. The filmmakers should probably take full credit.’<sup>8</sup> She adds:

I had approached a filmmaker earlier... I really had liked the juxtaposition of the students, who on the whole come from privileged backgrounds, with the clients and what they could learn from each other. We had vaguely thought about the film, I approached someone, who was not interested. Then we had this as a student project and one of the students fleshed the idea out a lot more and had some contacts at the ABC and got in contact with Hilton Cordell, one of the film-makers, so she had a lot to do with it.

Gibson now says that the show was not really representative of the Centre’s activities, for reasons clearly connected with the exigencies of Australian television documentary film in the early 21<sup>st</sup> century – particularly the budget requirements that meant the filmmakers were only ‘on the ground’ for a short period of time.

The cases were chosen on the basis of the client wanting to do it, the students being photogenic and interested in doing it. Some were not interested in doing it, and some were sulky that they were not able to be in it! More complex legal issues we were working on didn’t show up, because they were longer cases and too complex. We had a Supreme Court win at the time, which didn’t make it into the show.

Realism also suffered because being filmed makes every body act really different. Some students would just clam up and not speak at all and others just would not shut up. Some people dressed differently and became concerned about their appearance all the time.

As per Gibson’s original concept, *Street Practice* was based around the sharply delineated distinction between the elite law school and the middle class students, and the grass roots legal service, ‘a far cry from the big city legal firms many [students] will join’.<sup>9</sup> The concept of ‘real people’s problems’ was often canvassed. The series’ dramatic contrast was clear from the outset, when we are introduced to a commerce law student interviewing an aspiring litigant who describes being bashed with iron bars by five of his fellow prisoners in an argument over tobacco. We then cut to the student’s description of her life to date in which she had only previously mixed with ‘a certain group of people’ who had themselves enjoyed ‘quite good opportunities’.

Michelle Burrell came up with the idea of inducting the students into the local area via a bus trip into Botany, Kingsford, and La Perouse, which became ‘such a big part of the *Street Practice* series’. She says that most students had ‘never been to “Lapa” before’:

There was good and bad associated with that, but the physicality of the neighbourhood is important, and the impact that has on people – it was always hilarious to hear the conversation afterwards. Some would be really enthused about it, they’d be saying ‘right, ok!’, some would be shell-shocked, others would be aware they need to express concern but would still look down their nose at people.

In the first episode of *Street Practice*, we see students taken on a guided tour of KLC’s catchment area, as narrator (and director) Michael Cordell tells us that ‘If they had an idea that the strip of Sydney’s golden coastline from Bondi to La Perouse was the sole preserve of the wealthy they’re about to learn otherwise.’<sup>10</sup> One student is depicted on this bus trip as an extreme example of the ‘elite’ law student, direct from the north shore suburb of Waverton, insistent that those locals relying on KLC’s outreach centre Kooloora do not fit into the category of truly needy on the scale of world poverty. Another student, being advised to reform his attitude to domestic violence victims, justifies himself by reflecting, ‘I think it’s because I haven’t had exposure to this kind of thing before... I would consider myself as not as tolerant as other people.’ On the other hand, the series arguably reflects the prejudices of mainstream society when it suggests that a child sexual abuse victim who contentiously claims that he was ‘the first white Australian slave’<sup>11</sup> – has received ‘free legal advice worth thousands of dollars.’ At best such an observation is a non-sequitur (dots that perhaps could have been joined up with more concentration

6 <http://www.abc.net.au/tv/guide/netw/200409/highlights/237697.htm> accessed 11 October 2005

7 ABC promotional material, [www.abc.net.au](http://www.abc.net.au) accessed 10 January 2005

8 The credits for the show claim it was ‘Based on an original idea by Janet Eastman’

9 Unidentified student, *Street Practice*, episode one, screened 7 September 2004

10 Michael Cordell, *Street Practice*, episode one.

11 *Street Practice*, episode two, screened 14 September 2004.



Vedna Jivan (left) with students at a community forum.

on the concept, raised a few times in the program, of the disjunct between justice and law) and at worst, it impugns the worth of cases like these and potentially the client himself.

There can be no ultimate verdict on a program like *Street Practice*; it is perhaps just another example of an ill-fitting match between mundane and/or ugly truth and entertainment. As infotainment, it has to be said, it was highly effective and most likely to viewers from the general public, thought-provoking and even heart-warming. Joanne Moffitt – who hated being filmed but is philosophical about the result – reflects that:

I could really see where Michael was coming from, and you do get a sense of the good work that legal centres do. He was attuned to the dramas that happen with the students, a lot of that was obviously highlighted. He had a fantastic sense of humour. He says he filmed a hundred hours which he had to edit down to two; he had an enormous task.

Unfortunately the time the camera crew were there was one of those sessions where a lot of matters were settled on confidential terms, so he could no longer include those stories in his doco. I sympathise with him from that point of view, and I could see the points he was trying to make – privileged students exposed to poverty.

At the same time, it is understandable that feelings on the program within KLC staff past and present are mixed. As Jivan, considering the effect KLC has on students, suggests, the ‘dose of reality’ – so often presented as a core element of KLC in this and other contexts – is rarely so stark:

Often, students want to appear more savvy than they are.... It was nice when you saw the ‘ping factor’. And the feedback we used to get from the students – for instance, the Law Lawyers and Society students who come and spend a day at the Centre doing the interviewing. CLE purists might think, ‘god, that’s not really CLE’, but when we read the reviews what impact that had! A day in KLC made them rethink their whole view of the law, and what they’re going to do with their lives. It was surprising to see the number of students that were impacted. And UNSW, to its credit, is the only University that puts all of its law students through the CLE program.

In 2004, Frances Gibson resigned as Director to take a position as Senior Lecturer at La Trobe University’s Bendigo campus. She was replaced as Director by Anna Cody. By 2006, the KLC staff included:

- Anna Cody, Director;
- Shirley Southgate (formerly Managing Solicitor – Client Services at Legal Aid WA), Principal Solicitor;
- Teena Balgi (previously Solicitor at HIV/AIDS Legal Centre and Editor of the Indigenous Law Bulletin), Solicitor/Clinical Supervisor;
- Denise Wasley (who had been with KLC in the late-90s and spent seven years in London) Administrator;
- Anna Hartree (who has 15 years of experience as a Community Worker), Centre Coordinator;
- Linda Tucker, the Employment Solicitor and Clinical Supervisor;
- Catherine Whiddon, Civil Law Solicitor, five hours per week;
- Mark Gillard, Freehills secondee;
- Sonya Obekar, Allens secondee;
- Murray McWilliam, Librarian, 2 hours per week and
- Francisco Fisher, Publications Worker, 5 hours per week.

KLC has recently begun two new outreach services, one at South East Neighbourhood Centre and the other in Maroubra in order to be accessible to the community. They are also currently building new relationships with the Indigenous community at La Perouse, with the aim of establishing another outreach service.

KLC as a Centre has strengthened its position, not only through its heightened profile both in the public and local community, and through its valiant dedication to key cases – the importance of which will become more evident over subsequent decades – but also through its continued ability to survive, change and even thrive in difficult circumstances.

# 'CONSCIOUS OF THAT COMMON HUMANITY'

## Interview with Anna Cody, KLC Director 2004 -



Roxanne Dunkel, Anna Cody and Frances Gibson.

*I became interested in social justice at high school. We were always encouraged to do some social work activities – I had a Catholic upbringing so there was always a strong emphasis on caring for your neighbour – I always felt strongly about poverty and people in the community. I was very conscious of that common humanity, I guess. That got encouraged through some travel I did when I was half way through my university degree, when I'd already started to study law. I had originally wanted to be a doctor, actually, but then saw law as a way to be able to use something that was powerful for the good of people who were fairly marginalised, or who'd been treated unfairly.*

*I was doing Spanish and Latin American studies and went and travelled in Latin America half way through my degree. I worked on a coffee picking brigade for six weeks. Travelling through Latin America, I saw poverty in a way I'd never seen it before, and it made me question a lot of things about myself. I was 20. I came back and finished law, but my experience very much shaped what I wanted to do with law. That really clarified it for me. It was no longer a choice, I was definitely going to do that, it was just a matter of how and when and where.*

*After I finished my degree I worked at Amnesty International for a while and then went to El Salvador for a couple of years, and worked with a women's organisation there doing community legal education. Then I came back and went to work in Alice Springs – the other thing I enjoyed about Latin America was cross-cultural work, being able to tap into other cultures, and see how other people communicate and deal with life. That's fascinating, challenging and stimulating. In Alice Springs I set up a women's domestic violence legal service. The centre was auspiced by Darwin Community Legal Service, and I was the first person to be employed in that service. We worked a lot with indigenous women there – about 70% of the clients were indigenous.*

*While I completed my law degree at UNSW I did the two days a week KLC intensive course and enjoyed it. At law school you really only hear about the big law firms, so it was the first time I saw the part of law where I thought, 'Yeah, I can really use my skills there.' The other people who were doing it, students who were attracted to that course, the workers, the solicitors*

*– I found them all quite inspiring. I had kept that in the back of my mind – not KLC, but CLCs generally. But when I saw the job come up at KLC I decided to apply.*

*So I came to KLC in 1995 and worked here till 1998, then went to Harvard to do a Masters in Human Rights law for a year and came back in 1999. I worked till the end of 2000 and went to New York for two years where I worked in a human rights organisation. I came back for six months from late 2002 to March-03 to act as Director. This was because Fran had approached me about my availability to act in her position while she was on study leave. Then I did international development work in Indonesia and East Timor for a year and came back to the Centre in March-04.*

*The stolen generations case was the most important case I have been involved in. At that time it was a huge issue within the community. Stolen Generations and indigenous people having been removed from their families was a large issue playing out in society and in the community more broadly, so I felt very much attached and a part of the larger movement, and through the HREOC inquiry, the Bringing them Home inquiry and report. And then my relationship with Joy Williams, and the intensity of that, and trying to represent her in the best possible way, working with lawyers and trying to get her situation to fit in with the law, and it not really fitting in the end.*

*Yeah, I think I must have expected to win. And I guess I didn't expect to lose in such an awful way. If I think about it I still feel quite upset about it. Because it's still a wrong in Australian history that hasn't been righted, a deeply evil practice and it still has not been recognised by the law. I feel really strongly, incredibly frustrated that it hasn't changed – frustrated with the community we live in and the law we operate with. The experience of losing made me really question the efficacy of casework in changing anything, and I think that has moved me more into policy and management as well, and thinking bigger picture development issues.*

*I don't know how I'd typify my directorial style. I am collaborative, very much recognising that the Centre is made up of all the workers in it, all the employees and the students who come through as well, and the clients. It's a mix of all of those people, and it's only as good as the employees. I think I am fairly direct in style, but also listen to people I think fairly well, and I'm interested in international work and international links. The work that I've been doing on the alternative report to the Convention on the Elimination of Discrimination Against Women, working with community groups on a consultation and report writing process in NSW and then also nationally I'm involved in a working group and the students have been involved in that. I am interested in community development and how communities can shape the legal services we provide. It can be too easy to be reactive to individual clients, rather than thinking about how we need to be shaped to meet community needs.*

*I think the Director's role is very much to champion the Centre in the Law School and more broadly in the community and to keep it doing interesting innovative work, rather than just staying as it is, maintaining the quality of the teaching, being open to new ideas and trying new things, and providing support to staff as well, and managing.*

## HOW HAS KLC MADE A DIFFERENCE?



Vedna Jivan, Anna Cody, David Brown, Sally Cameron and Frances Gibson with students at a protest rally.

KLC is a vibrant place where people work hard and usually from a reserve of dedication to causes both local and broadly social. There have clearly been tensions and disputes within the Centre itself, and between the Centre and the outside world, not all of them entirely of a 'legal' nature. Without wishing to gloss over these many issues, it is surely true that the bulk of them come to pass because the staff of KLC are people who genuinely care about their work and its outcomes.

In Australia and other western societies we are very familiar with the practice of reassessing a legacy on an anniversary deemed important, be it an accumulation of decades, or a quarter, half or full century. So acclimatised are we to this idea, in fact, that it seems ludicrous to term the practice 'arbitrary'. But of course there is nothing inherently magical about a quarter of a century, and even less so about an *institution's* quarter-century particularly when its development and growth has taken place under the aegis of numerous individuals and often in response to outside incidents, factors and developments.

Of course, as has been evident throughout this history, the continued existence of KLC has never been assured; that it has lasted 25 years after beginning on such unsure footing is noteworthy. *Any* excuse to celebrate the hard and dedicated good work of the staff and students at KLC over this time is also always appropriate – it should probably just happen more often.

The 25<sup>th</sup> year of KLC's operations also, of course, is marked by another important development, which might have happened at any time in the last decade or earlier but which happened to take place in the Centre's 25<sup>th</sup> year: the physical relocation of the Centre into UNSW's main Kensington campus. For the previous quarter century, as Michelle Burrell puts it,

We were next to the Fruit Barn, everyone knows where the Fruit Barn is; and the Centre's on a transport hub. The great thing is its location, and the University isn't as accessible.

This – still controversial – change will almost certainly make a great difference in the Centre's operations. Clients may find venturing onto UNSW's campus daunting (although entering a Legal Centre is probably itself daunting, and as many KLC staff and students past and present have suggested, those in need of assistance will probably find it only a minor hurdle if it is one at all); the Centre's place in the community, its recognition as a legal centre, and what autonomy it has enjoyed may be affected. But Burrell adds:

While the change of location might have an impact in the first six months... If you do good work people will eventually come and as long as your service is of a high standard word of mouth in the community will do the rest.

Closer ties with the Law School will surely help resolve any tensions, born of misunderstanding between the Centre and the School. All this remains to be seen at time of writing.

If one theme runs throughout this history, in a variety of permutations, it is the conflict between the Centre's dual roles of provider of legal assistance to the community and its 'official' *raison d'être*, an arm of a university law school providing a few interrelated courses for law students. This is not a genuine dichotomy, and clearly whatever debate and discussion it has generated has not ultimately been deleterious to the Centre, the School, clients, students or staff – in fact in most instances such discussions are probably valuable. One might suggest that in a perfect world, the provision of legal advice and/or representation to those unable to afford such a service would not be *conditional* on the involvement of law students, but that kind of perfect world where no-one needs to learn 'on the job' is unlikely and for that matter undesirable. Others might suggest that a legal centre allied to a major university has no place to influence policy or law – those hypothetical 'others', if they exist, are clearly incorrigibly naïve about how policy is determined and who owns the right to engage in these kinds of debates within a society.

As anyone with a background in education can attest, there are few better ways to keep one 'grounded' in a discipline or sphere than to have to explain it on a regular basis. In this regard KLC's *modus operandi* appears to have kept the Centre's staff consistently aware of its responsibilities, obligations and possibilities as an agent for change. Past and present staff of KLC have demonstrated justifiable, though certainly not overblown, pride in their work at the Centre. Its functioning as an equitable, egalitarian and progressive body (and workplace) is undoubtedly not only the key to its success, but testament to its continuing value within educational, local and wider communities.

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Vedna Jivan, Frances Gibson and Anna Cody on the return to the Centre of Frances and Anna in 1999.



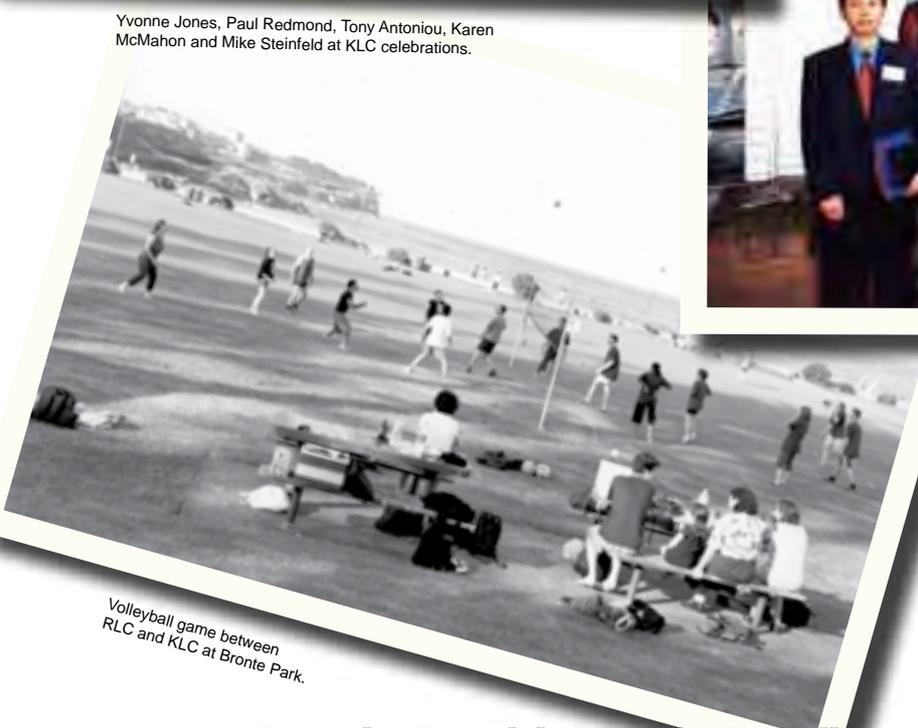
Vedna Jivan and Frances Gibson on the visit to the Centre by KLC student Barry Watterson driving a fire truck.



Yvonne Jones, Paul Redmond, Tony Antoniou, Karen McMahon and Mike Steinfeld at KLC celebrations.



Michelle Burrell (middle-left), Frances Gibson (front-third-left), Joanne Moffitt (top-right) and Kate Burns (middle-right) with Chinese delegation at KLC.



Volleyball game between RLC and KLC at Bronte Park.



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TO THE ROUNDHOUSE



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