KINGSFORD LEGAL CENTRE

ANNUAL REPORT 1995

Faculty of Law of the University of New South Wales

KINGSFORD LEGAL CENTRE

OUR PURPOSE
Legal Assistance for our Community
A Learning Centre for Students of Law and Social Work

Kingsford Legal Centre
Operated by the Faculty of Law
of the University of New South Wales

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THE CENTRE'S OBJECTIVES

Kingsford Legal Centre is a community legal centre and a centre for clinical legal education.

The Centre's principal ***teaching*** objectives are:

- to teach students to learn independently:

  (a) to foster an appreciation of law as an institution, and a critical appreciation of the place of law in the social order

  (b) to develop individual student responsibility

  (c) to give students the opportunity to understand aspects of legal practice, legal reasoning, legal skills and to examine law in context

  (d) to give attention to individual student needs with regard to their capacity, knowledge and skill

The Centre's principal ***community service*** objectives are:

(a) provide accessible legal services (advice, duty lawyer, casework, test cases, community legal education and law reform)

(b) promote and undertake legal education strategies which enable communities and individuals to develop an understanding of the legal system and the law, through all legal service activities

(c) advocate for legal and social changes which redress injustices and inequities in the law and society through all legal service activities

(d) facilitate community participation in the legal system to make it more equitable and accessible

THE CENTRE'S STAFF

The staff at the Centre during 1995 were:

Simon Rice was the Director of Kingsford Legal Centre up until June 1995. In July 1995 Simon took up the position of Director of the Law Foundation of New South Wales.

Frances Gibson was appointed the Director of Kingsford Legal Centre in August 1995. Frances came to us from the Independent Commission Against Corruption. Prior to that Frances was at Redfern Legal Centre for six years where she was the Principal Solicitor and has worked at the Aboriginal Legal Service and the Legal Aid Commission.

Paul Batley, took twelve months leave without pay to live in Bellingen on the north coast. Paul has now resigned and is working at the Legal Aid Commission in Coffs Harbour.

John Godwin was the acting director of the Centre for the period between Simon's departure and Frances' commencement. While acting as director, John also managed his casework as well as supervising and educating law students. Towards the end of 1995 John took a well earned break of three months and travelled to Africa.

Centre staff (L to R)
Paul Giugni (FHP), Anna Cody, John Godwin, Graciela Buzy, Zoe Matis and Kym Bedford

Anna Cody was appointed for twelve months as Paul's locum. Anna has worked in El Salvador in community legal education and Alice Springs in a domestic violence legal service before coming to Kingsford. Prior to this she was a volunteer at the Immigration Advice & Rights Centre and Refugee Advice & Casework Service.

Christine Gibson is the social work placement supervisor at the Centre. The social work/law students usually attend the Centre over the summer session. Prior to taking employment with the UNSW School of Social Work earlier this year, Christine was the community worker at the Marrickville Legal Centre and then the coordinator of the Immigration Advice and Rights Centre.

Zoe Matis, the Administrator of the Centre, ***Kym Bedford*** and ***Graciela Buzy*** , the Centre's legal secretaries, went for the first time to the National Conference of Community Legal Centres held in Tasmania. Graciela Buzy left the Centre in November 1995 and took up a position with a private law firm.

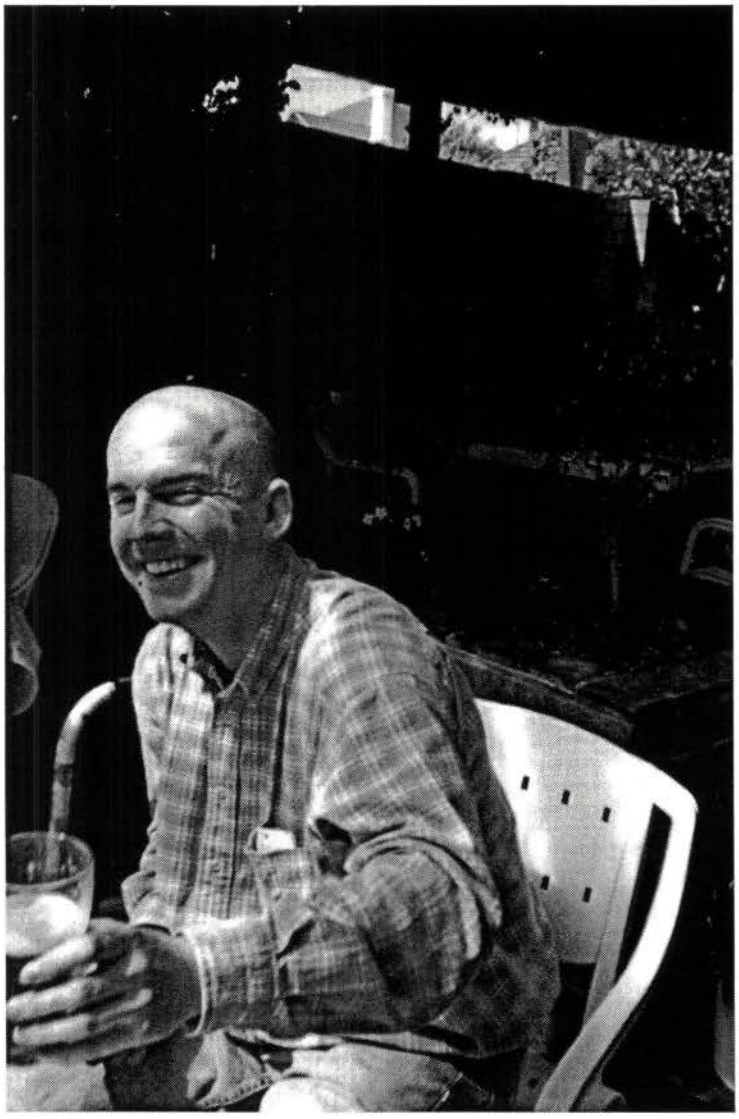
Jason Parry is the Centre's librarian. Jason is a fourth year law student at the University of New South Wales.

Shirli Kirschner, a freelance solicitor and ***Scott Charaneka*** from Minter Ellison assisted the other Centre's solicitors in maintaining client files until Frances took up her position.

Administrative staff (L to R)
Zoe Matis, Kym Bedford and Graciela Buzy

Chris Grant, was a locum at the Centre while John was on leave in October/November 1995. Chris had worked as a volunteer at legal centres in Victoria and at the office of Legal Services Commission.

The seconded solicitors from Freehill Hollingdale & Page during 1995 were Michelle Wright, Paul Giugni, and Craig Lenehan.



Chris Grant (seconded solicitor)

MANAGEMENT

The Centre is managed by the director, in consultation with the Centre's staff, with the senior administrative officer and the Dean and the Head of School at the Law School, and with the Law School's Curriculum and Teaching Committee. The Centre's staff meet weekly.

The Kingsford Legal Centre Advisory Committee provides input to the Centre's policy goals through various local community representatives who are represented on the Committee. The Committee provides guidance and direction to the Centre staff and students.

In 1995 the Committee's members were:

ANDERSON Jill, *Law Faculty, University of New South Wales*

ARROWSMITH Carol, *Kooloora Community Centre*

BEESLEY Elizabeth, *Community Services, Botany Council*

COSSINS Annie, *Law Faculty, Univeristy of New South Wales*

GIBSON Christine, School of Social Work, University of New South Wales

GIBSON Frances and ***BEDFORD Kym***, Kingsford Legal Centre

HATTON Cassie, The Shack, Maroubra

KRIKORIAN Carol, Botany Family and Childrens Centre

MASON Caroline, Randwick Information and Community Centre

VELISCEK Mary Anne and ***ROSENFELD Colin***, Community Services, Randwick City Council

The Committee met four times during 1995. During the year the Committee saw its objectives to:

- provide feedback from the community with respect to service delivery
- networking and promotion of the Centre in each Committee member's particular community and feeding back into the Centre information on what is happening in their community
- input into formation of policy
- discuss topics that may be of interest to law students and social work students who attend the Centre

LAW FIRM SECONDMENTS

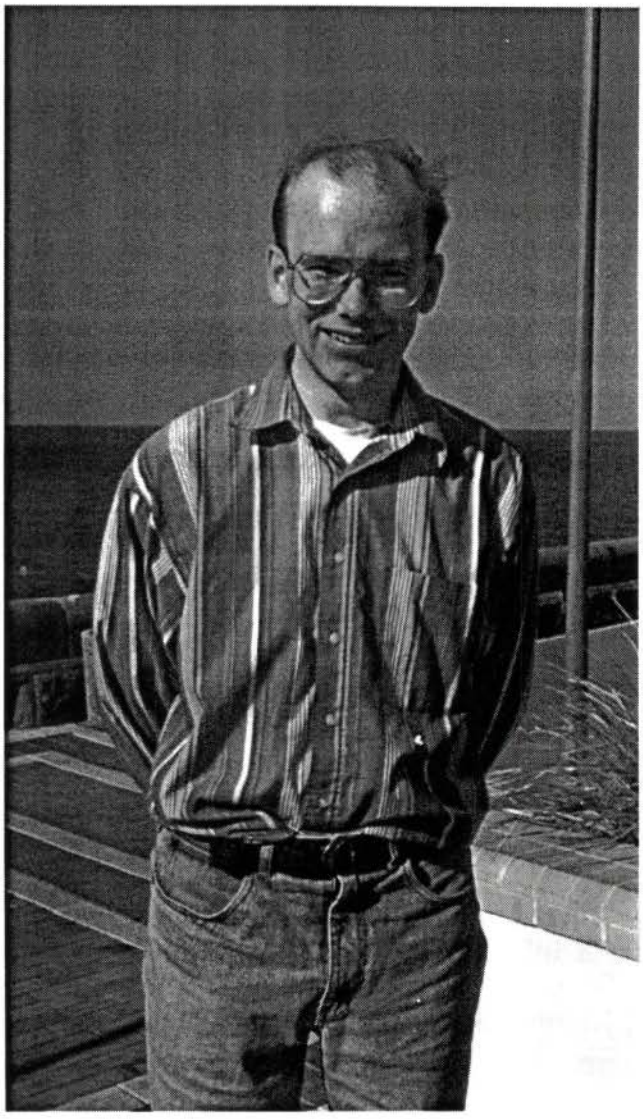
Paul Giugni was the first seconded solicitor from Freehill Hollingdale & Page for a 5 month secondment to the Centre: Paul writes:

During my five month secondment, I quickly realised that the UNSW law students were not the only ones who were learning to deal with the daily challenges that Kingsford Legal Centre has to offer.

Having very little legal experience in matters other than commercial litigation, I was forced to come to terms very quickly with what must be one of the most diverse legal practices in Australia. On a typical day I would be called upon to act in matters ranging from possession of prohibited drugs to the applications under the disability discrimination provisions of the Anti-Discrimination Act to professional negligence.

Kingsford Legal Centre's breadth of practice is a reflection of the many different people that come to Kingsford Legal Centre for assistance. It is probably stating the obvious, but the same people for whom Kingsford Legal Centre almost invariably achieves positive outcomes would have little assistance (and probably very little success) without Kingsford Legal Centre's intervention. This is just one aspect of Kingsford Legal Centre's activities which seems to give staff a very noticeable degree of job satisfaction.

My secondment to Kingsford Legal Centre provided me with opportunities which Freehills could not offer. For instance I doubt that I would have had the experience of being summarily



Paul Giugni (FHP seconded solicitor)

dismissed by a client while addressing the Administrative Appeals Tribunal had I not worked at the Centre. Nor would I have been able to go on picnics to Coogee or Bronte Beaches and make it back to the Centre in time for the 2.00pm appointments.

Probably the most educative aspect of my time at Kingsford Legal Centre was making plea and bail applications at Waverley Local Court on Monday mornings. This gave me the opportunity to observe that the Legal Realism theory of law was alive and well in the Long Bay Remand Centre; as invariably when interviewing clients prior to appearing in Court the most important piece of advice I was able to give to the client was in answering their question "Who is the Magistrate sitting in `the top Court'?"

Finally, I note that in addition to Freehills, Minter Ellison and Phillips Fox seconded solicitors to Kingsford Legal Centre in 1995. I have little doubt that both Minter Ellison and Phillips Fox would have benefited from having such an association with Kingsford Legal Centre, and that these additional secondments must surely be seen as an encouraging development in the provision of pro bono services to legal centres.

Michelle Wright (FHP Seconded Solicitor)

Scott Charaneka was a locum at the Centre for a period of six weeks from July 1995 and he writes:

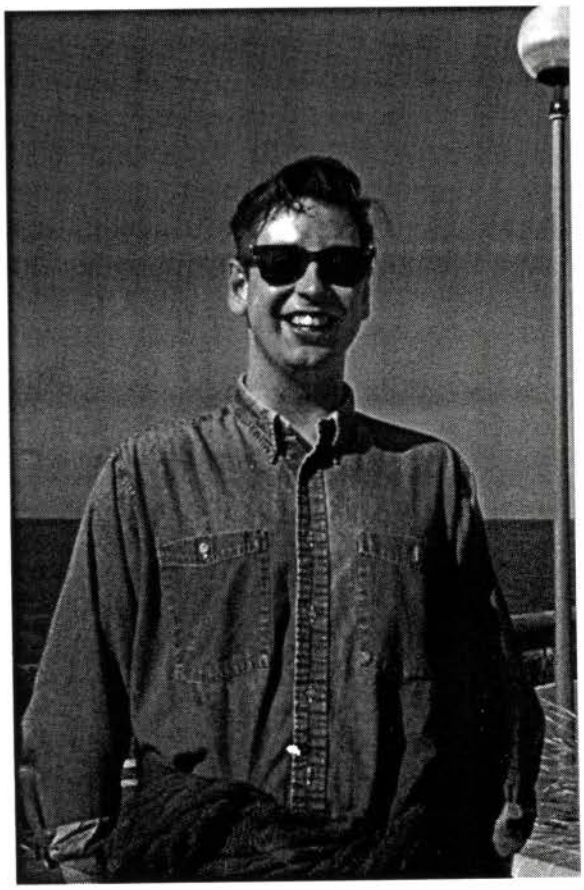
The Final Rotation?

In July 1995 I was offered the opportunity to take a short term secondment at Kingsford Legal Centre. My assignment was a simple one. I was to manage the practice of one of the former solicitors at Kingsford Legal Centre for a period of six weeks. The reality was that this secondment proved to be anything but simple.

As a junior lawyer in the commercial litigation group of a large city law office, I believed that I had truly experienced the outer limits of pressures on my time management skills. My experience at Kingsford Legal Centre forced me to review this and many other beliefs which I held about my own legal practice.

The first thing that struck me about the experience at Kingsford Legal Centre was the "rapid fire" nature of the work. Often through ignorance or poor advice, people approached Kingsford Legal Centre at the last minute to address significant legal problems. This coupled with the diversity in legal problems and the large numbers of complaints brought to Kingsford Legal Centre each day, produced a need to be able to provide effective legal advice in a highly efficient manner. It also provided me with an insight into what is a very real problem confronting our society, namely the escalating difficulty in obtaining access to legal resources.

The experience however was invaluable not only in terms of providing me with skills in developing a more efficient legal practice but also in becoming a lot more sensitive to the needs and expectations of clients and in assessing the appropriate legal remedy (if any) for the particular circumstances. For many clients at Kingsford Legal Centre, their legal problems were symptomatic of the more serious problems affecting their lives; such as abuse, unemployment

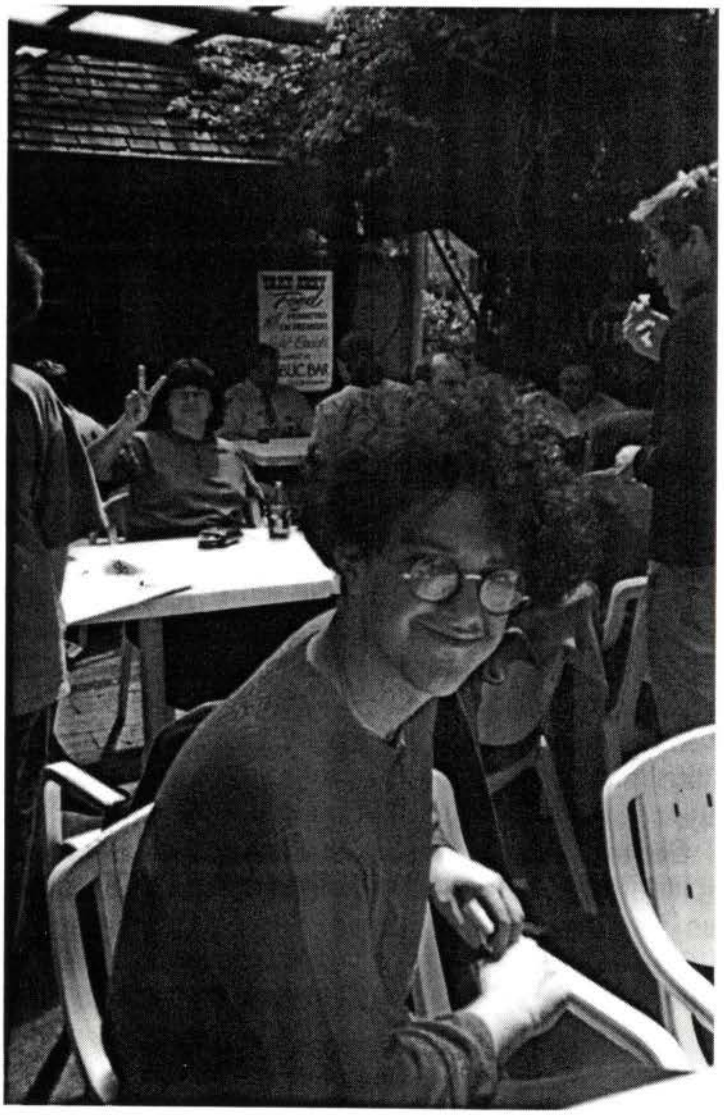


Scott Charaneka (Minter Ellison seconded solicitor)

and drug dependency. It was rewarding however to be able to provide legal assistance which made a genuine impact on the lives of the clients.

The most confronting aspect of the experience was acting for people who had so often been on the "other side" of matters which I was involved with at Minter Ellison. More often than not I encountered significant discrepancies in the client's levels of education, understanding of legal issues and financial resources. I hope that I will become more appreciative of these considerations when providing advice in the future.

Finally, I would like to thank the solicitors, staff and students at Kingsford Legal Centre for making my experience a learned and enjoyable one, and continuing to provide legal assistance to those most in need.



Craig Lenehan (FHP seconded solicitor)

SOCIAL WORK

Amongst the many changes occurring during 1995 was one that saw a change to the Social Work presence at KLC. Mick Hillman vacated the position of Socio-Legal lecturer at the UNSW School of Social Work at the end of 1994.The duties of this position were varied, as foreshadowed in the 1994 KLC Annual Report, before the position was filled by Christine Gibson. Christine comes with many years experience in community legal centres, as did Mick. The current lecturer's position has responsibility to supervise the final placement which Social Work/Law students are required to do at KLC as part of their studies. The placement usually lasts for 54 days. During this time students undertake a variety of socio-legal tasks in addition to the legal casework allocated to them by KLC.

A Social Work/Law student began her placement under Christine's supervision in mid December. The major projects she undertook were 1) the development of information and practice guidelines for use by KLC staff and students when advising psychiatrically affected people and 2) the development of materials to be used to inform the public of the services and operations of the Disability Discrimination Legal Centre. Not only did these projects provide many useful learning opportunities for the student but it is anticipated that the resulting materials will be well used.

The report of research into socio-legal practice and its recommendations provided the raison d'etre for Christine's participation in a subcommittee of the Law Faculty examining ways to address the recommendations which came out of the hard work of Mick Hillman and Jane Hargreaves.

The nature of the relationships between the Law Faculty, School of Social Work and KLC demand special consideration to both maintain and develop the fruitful collaborative approach already in place.

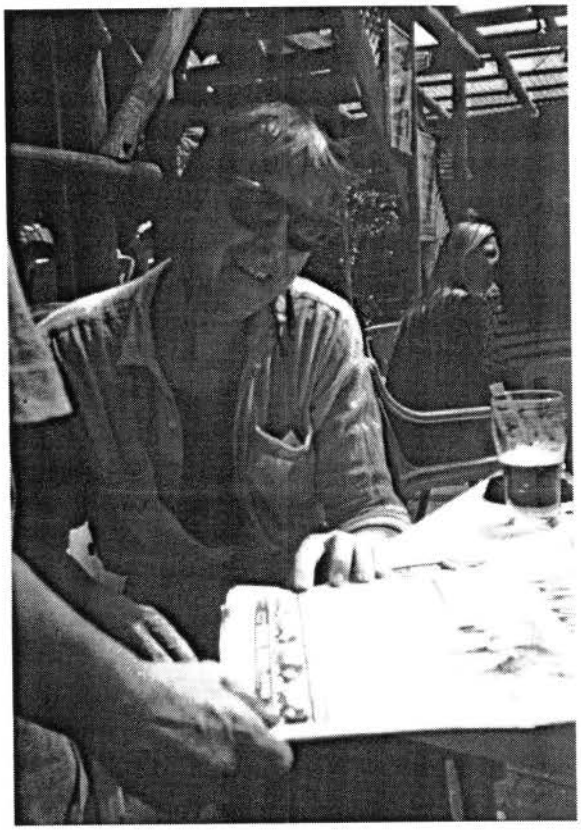
The concerted efforts of many over a long period culminated in KLC applying for funding from many sources, including the Community Legal Centre funding programme, to employ a Community Worker. It is hoped that these efforts will be rewarded. If the search for funding is successful the appointment of a Community Worker will hopefully make the reduction in the time provided to KLC by the Social Work School less noticeable!

The time spent at KLC during 1995 involved participating in staff and planning meetings plus the achievement of specific tasks for KLC for example providing input to model policies developed for community legal centres by the Management Support Project of the NSW CLC Secretariat and pointing out some of the socio-legal implications of the implementation of the new administrative arrangements of the Ageing and Disability Services of the NSW government. Christine also contributed to a review and renewal of the KLC Consultative Committee

(formerly Advisory Committee). Several students, Christine and Anna staffed a stall at Kooloora Community Centre's Womens' Day. This provided an opportunity to provide both written and verbal information about KLC and other relevant legal services to local women. Christine addressed the NSW Community Legal Centres' Conference in a session on community development which provoked some, hopefully, useful debate.

Early in the year Christine undertook a research project involving an examination of two years' worth of KLC files on Motor Vehicle Accidents (those involving property damage) to ascertain whether any common patterns existed and if so, whether there may be more efficient ways of using those KLC resources devoted to MVA matters. Many of the recommendations arising from the research findings have been or are being considered by KLC.

The continuing use of KLC's services by people affected by psychiatric conditions provoked Christine's enlistment to the management committee of a local agency. B Miles Womens' Housing Scheme provides medium term supported accommodation for psychiatrically affected women. 1995 has seen the ten year old agency undertake a major review and begin a process of restructuring to take account of changes in legislation and governmental administration. It is anticipated that 1996 will see B Miles consolidate as an efficiently operating community agency at B Miles addressing some of the accommodation needs of a particularly vulnerable population group.



Christine Gibson, Part time social worker from the UNSW School of Social Work

POLICY DAY

The Centre held its annual Policy Day at the UNSW Institute of Administration, Little Bay on 9 June 1995.

A wide group of interested participants attended on the day. All the staff of Kingsford Legal Centre and the Disability Discrimination Legal Centre were in attendance. The Advisory Committee was represented by Annie Cossins and Jill Anderson, lecturers within the Law School, students enrolled in the clinical legal experience course during Session 1 1995 were represented by Claudia Green, Polly Seidler and Kelly Muirhead. The volunteer lawyers were represented by Duncan Inverarity. The representatives had criticisms and suggestions for amelioration that could be put in place to lift the profile of the Centre as well as enhancing the education side of the Centre. Everyone participated enthusiastically on the day and the day was significant as it marked the first step in a structured approach to developing a formal strategic plan for the Centre's work. The day focused on identifying broad goals for the Centre, more specific objectives, and possible strategies for meeting these objectives.

The emphasis was on a brainstorming approach: we were encouraged to think out loud, to articulate our wildest dreams (for the Centre) and to do some creative crystal ball gazing. By the end of the day, after much deliberation, division into groups and liberal use of butcher's paper, it became abundantly clear that our efforts were but the first part of a long term process!

The meeting agreed on three broad ***goals*** of the Centre:

- ✓ to enhance access to our services
- ✓ enhance our education program
- ✓ to enhance the internal management of the Centre

Important Centre ***objectives*** were identified to include:

- ✓ to provide an integrated service
- ✓ to enhance non-casework activities
- ✓ to enhance quality of volunteer contribution
- ✓ to reach targeted groups
- ✓ to enhance casework services
- ✓ to improve community links

Some of the priority ***strategies*** nominated by the meeting included:

- ✓ target services to youth, women and people of non-English speaking backgrounds
- ✓ conduct outreach programs
- ✓ train staff and students on dealing with people with disabilities
- ✓ conduct client surveys of our services
- ✓ establish a social work presence at the service
- ✓ engage in joint projects with the Disability Discrimination Legal Centre
- ✓ translate legal educational materials into community languages
- ✓ promote clinical opportunities in other law school subjects

- ✓ introduce a clinical law reform policy development subject
- ✓target casework to specific areas
- ✓ engage bilingual volunteer lawyers
- ✓ provide cultural training to volunteer lawyers
- ✓ provide a telephone advice service
- ✓ develop fact sheets in areas of law of high client need
- ✓ use the Consultative Committee to guide project work priorities

Many more strategies were listed for further debate and discussion, some controversial, such as abolishing the one day per week clinical subject, reviewing whether the Centre should continue its discrimination law speciality, restructuring the Director's position to exclude casework responsibilities, provision of child minding facilities for clients, allowing solicitors to rotate into the faculty to teach subjects and allowing administrative staff to rotate into the faculty.

There was general agreement on devoting future policy days to refining a formal strategic plan to guide our work.

Kelly Muirhead (law student) and Annie Cossins (KLC Advisory Committee member)

ANTI-DISCRIMINATION LAW

Treatment at the Dental Hospital

The Centre acted for a child with an intellectual disability who received what we regarded as below standard treatment at the Dental Hospital in that she was left till last to be treated and had blood compulsorily taken because it was assumed that she had Hepatitis C. The Centre brought a discrimination claim against the hospital which was settled on the basis that the child received an apology, there was a change in training procedures for Dental Hospital staff and a monetary compensation of $7,500.00

The Islamic faith

The Centre is acting for a client in relation to a claim of race discrimination and harassment on the grounds of her Islamic faith. This matter has been referred to the Equal Opportunity Tribunal for hearing in June 1996. The discrimination took the form of references to her Islamic dress and wearing of the head scarf as "pyjamas" and "tea towel/tablecloth". We are continuing to prepare for the hearing and hope to establish that the Islamic faith will be brought within the definition of race under the Anti-Discrimination Act.

Pregnancy discrimination

The Centre acted for a nurse in a private nursing home who was told she was not allowed to continue working after she had told her supervisor that she was pregnant. The nursing home claimed that they were concerned that she would injure herself in that she had had an earlier miscarriage and that heavy lifting of the job made it impossible for her to continue work. The Anti-Discrimination Board of its own motion sought an interim order at the Equal Opportunity Tribunal to ensure that the nurse in question was continued to be paid however the employer would still not allow her back to work. The Centre then took the matter on and the matter was listed for a hearing. Following negotiations the matter was settled on the basis that our client returned to continue her job up until she was no longer able to work and she was reaccredited all annual leave and sick leave that she had been forced to take when sent home from her place of employment.

The Centre was successful in another claim of pregnancy discrimination brought in the Human Rights Commission. The Centre claimed that the employer had acted in a discriminatory way when they dismissed her from her job as a machinist after she had informed them of her pregnancy. The matter was successfully settled and compensation by instalments was paid together with the employer providing her a letter of reference.

Coogee Women's Pool

In March the Equal Opportunity Tribunal heard a complaint that a man had been discriminated against on the grounds of his sex in being refused access to McIvers Baths at Coogee. Since at least 1925 the baths have been reserved for women and children only.

Kingsford Legal Centre appeared on behalf of the Randwick and Coogee Ladies Swimming Club which operates the baths. The complaint named the Randwick Council as the Respondent. The Club was joined as a third party to the inquiry.

The Club applied to the Tribunal to dismiss the complaint as misconceived, frivolous, vexatious and lacking in substance. The Tribunal agreed to dismiss the complaint on the grounds that it was a legally misconceived complaint and that it was factually frivolous and vexatious. The Club's campaign to save the pool became a rallying point for women in the local community. Kingsford Legal Centre is proud to have been involved in a case which brought many women together to fight a common cause and which forged lasting links between women of diverse ages and backgrounds in our community.

HIV test requirements

The Centre acted for a gay man who claimed that his doctor refused to refer him to a surgeon for urgent treatment unless he had an HIV test. The man pointed out to the doctor that he had an HIV test only two or three months previously and that the result was negative. He said that he was not happy to have another test as he had done nothing unsafe to warrant a further test. It was argued that the doctor discriminated against the man on the ground of his homosexuality. A complaint was lodged in the Anti-Discrimination Board. The complaint was referred by the Board to the Equal Opportunity Tribunal for hearing. The complaint was settled on the first day of hearing on terms that the Respondent pay $22,500 to the Complainant and acknowledge:

- That it is unlawful to refuse to provide medical services on the ground of homosexuality;
- That it is unlawful to refuse to provide medical services on the ground that a homosexual patient refuses to undergo testing for HIV infection;
- That the homosexuality of the patient was a significant reason for the doctor's decision to require the Complainant to submit to an HIV test;
- That refusal to provide medical services to the complainant unless he submitted to an HIV test in the circumstances (of the complaint) was unlawful discrimination within the meaning of the Anti-Discrimination Act 1977;
- The practice of universal infection precautions is preferable to the practice of testing patients for HIV as a method of infection control in surgery.

The case was run by Kingsford Legal Centre in conjunction with the HIV/AIDS Legal Centre.

Health insurance for gay couples

The Centre acts for a gay couple who

are seeking approval for health insurance cover for themselves and a dependent child. The health insurer NIB refused to accept their application for insurance at the same rate as family cover. NIB claimed that under their rules family cover was only available to heterosexual spouses and dependents. Our clients claimed that this application of the rules discriminated against them on the grounds of homosexuality. The couple succeeded in their argument before the Equal Opportunity Tribunal. The couple approached the Centre for representation in responding to a Supreme Court appeal lodged by NIB against the Tribunal's decision. The Centre will appear in the appeal which is expected to proceed in mid 1996.

Pre-employment health testing in the fire brigades

The Centre acts for a man who was refused employment in the NSW Fire Brigades when his disclosure of a knee injury caused him to fail a pre-employment medical. The Fire Brigades refused to allow our client to sit for further tests which were designed to assess his capacity to do the actual tasks of a firefighter's job. The Centre argued that the Fire Brigades discriminated against our client on the grounds of his disability. In a hearing in the Equal Opportunity Tribunal in August 1995, the Tribunal found that although our client was a physically active and healthy person, he was still protected by the *Anti-Discrimination Act* as a physically handicapped person. The Tribunal said that the definition of a physically handicapped person did not import notions of severity of impairment. After this finding, the Fire Brigades consented to our client completing the pre-employment tests, which he passed. The Fire Brigades then refused his job application a second time, and a further complaint of unlawful discrimination has been lodged.

Sexual harassment

Sexual harassment matters continue to be the most common sort of discrimination claims which the Centre encounters. The Centre provides advice and referral to many woman who have experienced sexual harassment in employment. In serious matters or matters where novel legal issues arise the Centre may act in such matters on an ongoing basis. The Centre appeared in several sexual harassment matters in the Equal Opportunity Tribunal. One matter, involving allegations of repeated serious sexual assaults, was heard in Tribunal proceedings which were closed to the public for a number of days before a generous settlement was negotiated for our client. Two other matters were settled favourably in pre-hearing mediations in the Equal Opportunity Tribunal. One matter was heard to completion but was dismissed on the evidence available.

Grading of Aboriginal employee positions in government departments

The Centre acted for an Aboriginal client who had been employed in a government position which provided services to Aboriginal communities. Preference to Aboriginal applicants had been given in filling the position. Our client complained that the position had been graded lower than other positions providing the same services to other groups in the community. In a pre-hearing mediation conducted by the Equal Opportunity Tribunal, the complaint was settled on terms which included the payment to our client of significant compensation and an agreement by the department to an inquiry into the department's standards of service provision to Aboriginal communities.

Race discrimination complaint against a university

The Centre assisted a student of non English speaking background who complained that a University discriminated against him. He argued that the level of English language used in examinations was unduly complex for a mathematics based subject and that a particular lecturer, who had allegedly said that "ethnic students" would not pass the course, was prejudiced against him. The Centre decided not to appear for the complainant, but to assist him with the Tribunal's procedures so that he could represent himself without undue disadvantage. The Centre assisted him draft complex pleadings, questions for examination and cross examination of witnesses, and submissions. The complaint was dismissed, but the Tribunal decision delivered in February 1995 set a useful precedent in finding that a person's linguistic background comes within the concept of race in the *Anti-Discrimination Act.*

CREDIT LAW TEST CASE

Unfair loan Contracts

Another media campaign followed the success of the Consumer Credit Case on behalf of a number of borrowers who had entered into loan agreements with Garendon Investments for time share options in the Port Pacific Resort. The case was run on behalf of all the borrowers but in the name of 5 of them. The argument was about whether Garendon, the credit provider should have been licensed to provide credit and complied with the disclosure provisions of the Credit Act. The Court of Appeal decided that the contracts were covered by the Credit Act and that Garendon Investments should have been a licensed credit provider. This decision was appealed to the High Court but the High Court refused special leave and so the decision stands.

DOMESTIC VIOLENCE

The Centre maintained its commitment and work focussing on domestic violence during 1995. This was through various means. The Centre continued to participate in the Waverley Domestic Violence Court Assistance Scheme on a monthly basis by a solicitor from the Centre attending the Court as the legal worker. The Waverley Domestic Violence Court Assistance Scheme has grown and increased its profile within the local community throughout the year and Kingsford Legal Centre has been a key participant in the management of the Scheme. Kingsford Legal Centre has also been an active participant in the Combined Community Legal Centres Group (NSW) Sub Committee on domestic violence and involved in various policy projects.

Waverley Domestic Violence Court Assistance Scheme

In June 1995 the Carr Government announced funding of $1.5 million for a State wide Domestic Violence Court Assistance Scheme Project. Because of this, the Waverley Scheme was granted interim funding which enabled the Scheme to employ a 4 day/week coordinator. Anna Cody and two other scheme participants interviewed the various applicants and the chosen coordinator was Maria Vucko. Maria worked at increasing the profile of the Scheme within the local community and ensuring clear, good communication between Police and Court staff and Magistrates. The Management of the Scheme changed to reflect the employment of the almost full time coordinator and an *Advisory Committee* was created with a representative from Kingsford Legal Centre. The Advisory Committee meets on a monthly basis to provide guidance and support for the Coordinator. Participants in the Scheme continued to meet on a monthly basis with all the other participants in the Scheme and Anna Cody also attended these meetings. One of the main changes to practice in the Scheme was to move all domestic violence matters to a Thursday so that all applicants for Apprehended Violence Orders could make use of the Scheme. All Police initiated AVO's as well as self initiated AVO's are heard on Thursdays which means that almost all women seeking Apprehended Violence Orders can use the Scheme. It also means a large increase in numbers from an average of 6 women to an average of about 15-20 women each Thursday. This of course makes it difficult to spend as much quality time with the women. The Scheme is running very smoothly although Maria has now left the position.

The Scheme was granted a 3 day/week position on a 3 year basis in April 1996.

Eastern Suburbs Domestic Violence Committee

Kingsford Legal Centre continued attending these meetings and participating in local activities regarding domestic violence. These included activities for Stop Domestic Violence Day.

Day.

Release of Eileen Waugh

The Centre was finally successful in its application to have Eileen Waugh granted a pardon. Eileen Waugh was imprisoned after killing her husband in 1987. Evidence of the years of severe domestic violence which she experienced was never produced at her trial. The jury found her guilty of murder and in Queensland there is a mandatory life sentence on a finding of guilty in a murder trial. Accordingly she was sentenced to life imprisonment. Kingsford Legal Centre prepared an extensive application to have Eileen Waugh granted a Conditional Pardon. In August Eileen Waugh was granted a pardon and released from gaol.

On Eileen's release Kingsford Legal Centre coordinated the various media appearances which Eileen made and produced a media release which focussed on the inadequacy of the criminal law in dealing with womens' experience of domestic violence. Eileen participated in a press conference, an interview with the 7.30 Report, various interview with daily newspapers and some of the women's magazines. There was extensive coverage of her release and the failing of the law which had prevented her experience of domestic violence from being brought up during her trial. Anna Cody was also interviewed on the Radio National PM show in relation to gender bias within the criminal law.

PROJECTS

During 1995 the students undertook the following projects in relation to the Centre's community development, community education and law reform project:

Youth Card

Students produced a card informing young people of their rights when dealing with the police. A small grant from the Law Foundation of New South Wales made this possible.

YOU & THE LAW

You are an important part of the community that you live in. You are also an individual with many rights. With rights come obligations such as obeying the law. Try to remember:

- *the police are there to help you - they're NOT the enemy; and*
- *DON'T FORGET YOUR RIGHTS.*

If you are questioned by the police:

- COOPERATE by giving your name, age and address;
- you DO NOT have to answer any other questions;
- you DO NOT have to go to the police station unless you are arrested.

If you are arrested by the police:

- DO NOT resist arrest;
- ASK what you are being charged with;
- DO NOT swear as you can be charged with offensive language;
- you DO NOT have to answer any questions;
- ASK the police to contact an adult that you trust.

If you believe the police have used excessive force:

- WRITE DOWN the officer's name and badge number;
- see a DOCTOR as soon as possible;
- take a PHOTOGRAPH of any injuries;
- seek LEGAL advice.

Students also conducted regular information sessions at local schools on a number of legal issues.

REMEMBER.....

You have the RIGHT to consult a solicitor and OBTAIN LEGAL ADVICE.

For help in doing this, call:

- Legal Aid Help Line for Young People .....008 806 913 (Free Call)
- Legal Aid Commission Children's Legal Service 625 5155
- Kingsford Legal Centre 398 6366
- The Community Legal Centre closest to you

Young Aboriginal people can also call:

- Aboriginal Community Liaison Officer 339 5266
- Aboriginal Legal Service 699 9277

This card was put together by the staff at Kingsford Legal Centre, 1995 and is endorsed by the Law Foundation of N.S.W.

Elderly rights

The students from the Centre have visited a number of local nursing homes to give information to older people about making wills and powers of attorney. These sessions have been extremely well received.

In October, students Anne Warner and Malcolm Langford presented elderly rights workshops at Randwick Older Women's group and Botany Family Centre. A highlight was a performance by one of the students of a will-related song "Tie My Kangaroo Down, Sport".

Photo by Ross Willis, Courtesy of Southern Courier
Malcolm Langford (law student) begins his presentation with a song

Glen Mervyn Workshop
The students presented a participative workshop on appearing in court for counsellors/social workers at Glen Mervyn. All the workers had a chance to feel what it is like to be in the witness box to help them know what to expect when they are asked to give evidence.

Domestic Violence Workers Workshop
The students from the Centre have prepared information sheets for workers involved in the Domestic Violence Court Assistance Scheme at Waverley court. One session was for current workers and covered such matters as victims compensation, custody and access. The other session was for new workers and involved an outline of the domestic violence legislation.

Two other students from the Centre are working on producing a chapter for the Redfern Legal Centre Lawyers Practice Manual on complaints against solicitors.

Arrest rights talks for youth
Students Darren Gardner, Richard Amos, Souha Korbatieh and Anthony Karam gave seven school presentations on police procedures, arrest rights and police obligations. These presentations to over two hundred students were made at Randwick Girls High School, Randwick North High School and JJ Cahill Memorial High School in August-September. A local police officer participated in the presentations.

Racial discrimination and vilification
Students Souha Korbatieh and Darren Gardner presented talks on racial vilification and the law to over 500 students at two Sydney Boys High School assemblies in August.

Consumer complaints
Students researched consumer complaint rights in a range of areas including insurance, superannuation, media, health and legal services. Locum solicitor Chris Grant drafted a chapter on complaints against lawyers for publication in the Lawyers Practice Manual.

Victims compensation pamphlet for women
A pamphlet on rights to compensation for victims of domestic violence was drafted by students. It is planned that the pamphlet will be translated into community languages and published in 1996.

Staff:
(L) Christine Gibson, Kym Bedford, Chris Matthies (Law Student)
(R) Frances Gibson

NSW DISABILITY DISCRIMINATION LEGAL CENTRE

About the NSW Disability Discrimination Legal Centre

The NSW Disability Discrimination Legal Centre (the DDLC) is a statewide legal service. It is funded by the Commonwealth Attorney General's Department to maximise the use of the Disability Discrimination Act 1992 (Cwth) through the provision of community legal education and advice, advocacy and representation for people with disabilities, their associates and disability organisations.

Association with Kingsford Legal Centre

The end of 1995 marked the second year of the successful and supportive association between Kingsford Legal Centre and the DDLC. As well as a member of Kingsford's staff being on our Management Committee, we also regularly attend Kingsford's staff and casework meetings, policy days, interview skills student training days and social events. The Centres mutual speciality in discrimination law has also led to many productive discussions on law and policy and sometimes, referral of cases.

Staff and Volunteers

A major staff change in 1995 saw Robin Banks appointed as Co-ordinator, joining Michelle Hannon, our Solicitor and Yvonne Jones, our Administrator. Jane King and Rachel Francois worked part-time at the start of 1995 taking up some of the caseload while the Centre was without a Co-ordinator. Volunteers during 1995 were: Margaret Fahy, Stephen Fagg, Dani Hartman, Pam Jenkins, Glen Jones, Fiona Laidlaw, Fiona Mak, Jane Reid, Joe Singer, Sidarth Sondi, Sameer Sondi and Stephen Yeh.

Major Cases

Disabled Peoples International (Australia) Ltd v Telstra Corporation Ltd

We represented Disabled Peoples International (DPI) and the Australian Association of the Deaf (AAD) who brought a complaint against Telstra in a class action on behalf of all people in Australia with a profound hearing loss. These people made up a class for the purposes of this action. This was the first representative complaint to go to hearing under the DDA. We claimed Telstra was discriminating because they did not supply telephone typewriters (TTYs) to the class members but they did supply standard handsets to hearing people.

The Human Rights and Equal Opportunity Commission decided in favour of DPI and AAD in July 1995. A further hearing was held in August 1995 to decide what Telstra would be ordered to do. Telstra was ordered to provide

vouchers to class members who do not receive TTYs under any other government scheme. The vouchers are valued at $600.00. Telstra applied to the Federal Court for a review of the decision but has now withdrawn the application and agreed to provide the vouchers.

Cases Against the State Transit Authority

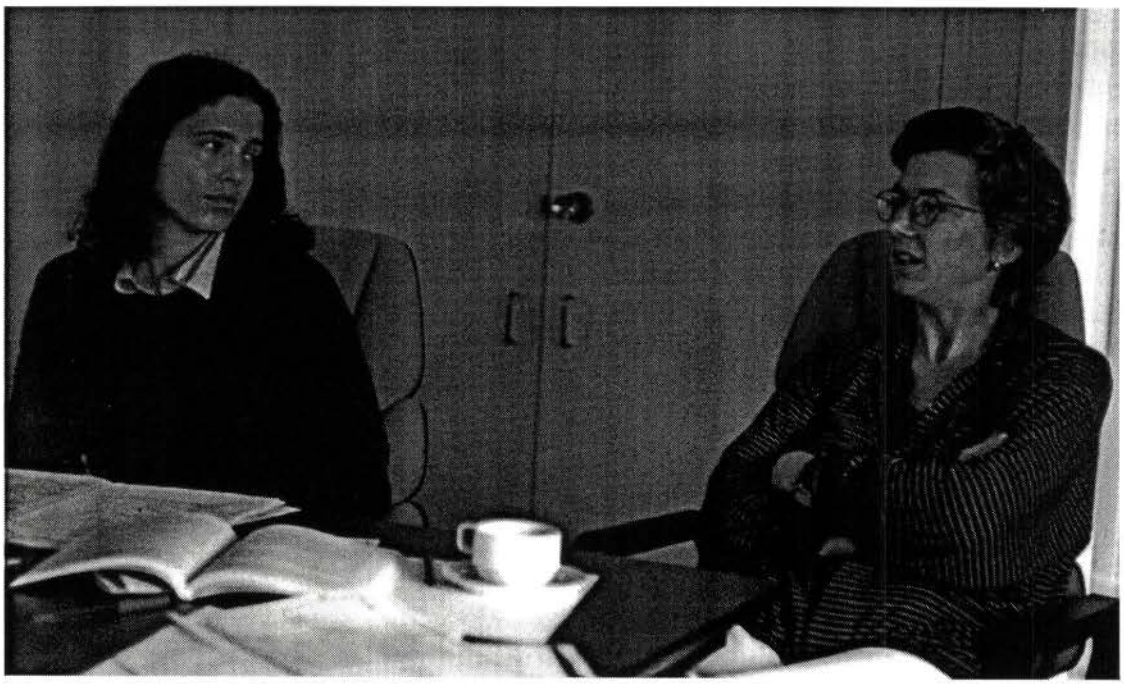
People With Disabilities (NSW) Inc (PWD) and Steve Magro (a person with quadriplegia) each brought complaints against the State Transit Authority in October 1994. DDLC acted for PWD and Mr Magro. PWD's complaint was a representative complaint on behalf of all people in NSW who use wheel chairs or similar mobility devices in relation to an existing STA contract for 300 buses, none of which were accessible. Half of these buses had already been delivered and PWD's complaint concerned the remaining 150 on order. Mr Magro's complaint was about tender requirements put out by STA for the supply of 125 new buses, which did not include specifications for wheelchair accessibility.

Michelle Hannon (DDLC solicitor) and Zoe Matis

In both cases HREOC granted interim determinations which stopped the STA from going any further with the tender process or the buses which were on order unless the resulting buses were accessible. HREOC held a conciliation conference after which both sets of parties engaged in further negotiations among themselves. In the background to these talks was the federal Public Transport Advisory Committee taskforce which was developing standards for public transport in consultation with relevant bodies.

In July 1995, the both parties signed an agreement and settled the matters. The STA agreed to trial certain methods of access on new buses it was bringing in for 1996 and to refit all the buses which were the subject of the complaints once the public transport standards are introduced. This settlement means that there will be 275 more buses on the road which are accessible than would have been if the standards alone had been relied upon.

Disability Discrimination Legal Centre



Policy Day
(L)Polly Seidler (law student) and Jill Anderson (KLC Advisory Committee member)

COMBINED COMMUNITY LEGAL CENTRES AND OTHER COMMITTEE RESPONSIBILITY

Simon Rice up until his resignation continued to convene the Practice Issues Sub-Committee, was the Legal Aid Commission representative for CLCs and the *ex officio* member of the Funding Resources Group. In his capacity as director of Kingsford Legal Centre, he was also on the Management Committee of the Disability Discrimination Legal Centre.

Frances Gibson is a member of the Combined Legal Centres Funding Resource Group and Funding Committee which deal with the legal centre funding on both a State and National basis. She is also a member of the newly formed Combined Legal Centres Criminal Justice Committee, as well as the Law Society's Criminal Justice Committee and on the Management Committee of the Eastern Suburbs Tenants Service.

John Godwin is a member of the On The Record and Lawyers Practice Manual editorial committees, president of the HIV/AIDS Legal Centre Management Committee, member of the Australian Federation of AIDS Organisations Legal Working Group and a member of the Privacy Advisory Committee to the Commonwealth Privacy Commissioner.

Anna Cody is a member of the Human Rights Discrimination Sub-Group, the Domestic Violence Sub-Commitee, a member of the Management Committee of the Disability Discrimination Legal Centre, the Waverley Domestic Violence Court Assistance Scheme Sub-Committee and general committee.

CLINICAL LEGAL EDUCATION

Working in a community legal centre is an excellent way to further students understanding of notions of social justice, equity, how the law works in practice, ways in which law reform occurs and can be achieved. Students are encouraged daily to renew law and government policy critically and examine the role of a lawyer in a conservative legal system. Students often for the first time are meeting clients whose lives, backgrounds, expectations and interests are vastly different from their own.

The course is not a practical skills course though some training in drafting, interviewing and negotiating is included to ensure that students have the basic skills to carry out the work they are required to do.

In the course of their studies students are faced with ethical questions and are encouraged to discuss their own prejudices' and beliefs about the legal system. The course also exposes students to an alternative to the commercial side of legal practice which they would not otherwise have .

CLINICAL LEGAL EDUCATION LAW FACULTY OF UNSW

The Director of the Centre, as an academic member of staff, regularly attends and participates in committees of the Law Faculty. The Curriculum and Teaching Committee of the Law School deals with issues that affect the teaching staff as well as encouraging excellence in teaching in the Law School.

The Director attends School and Faculty meetings as well as being a member of the Dean of Law's Advisory Committee.

The Clinical Legal Experience course at the UNSW Law School has often, in its elective subjects, embraced the practical importance and relevant of law to issues of social justice and power. Such issues are very much concerned with legal practice, without being about the practical skills of practice. The clinical program at the Centre can be seen as an extension of this agenda at the Law School, especially when it is understood that the first cases taken on at the Centre were anti-discrimination cases, and that they have continued to predominate in the Centre's practice.

Clinical Legal Experience at the Law School is a practice-based subject. It is 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.

NEWSLETTER

During 1995 our national newsletter has gone from strength to strength with new members locally and internationally wishing to be placed on our mailing list.

The information that is being contributed is proving to be informative and is enabling comparisons to be drawn between clinical legal education courses. The newsletter contains details of developments in clinical legal education in Australia together with articles of interest relating to overseas developments. Material for the newsletter is provided by those working in the clinical legal education field in Australia.

Frances Gibson
KLC Director

PUBLICATIONS /SEMINARS/ MEDIA WORK

Simon Rice presented a session on liability of community workers and volunteers at a Law for Non-Lawyers seminar in April; a seminar to University of NSW staff on anti-discrimination law in June and a seminar to community legal centre workers on anti-discrimination law in June.

John Godwin presented a training seminar to volunteers of the HIV/AIDS Legal Centre on discrimination law in February; and presented and participated in a hypothetical panel at Paddington Women's Hospital Health Information Day on domestic violence and the law in March 1995.

Anna Cody presented a talk to a local Women's Centre in July on domestic violence law and family law in April, and a talk to women at Bondi Beach Cottage in July on domestic violence law and family law.

Chris Grant and ***Craig Lenehan*** presented a continuing legal education seminar on the Bail Act.

Staff of the Centre supervised the numerous educational activities of law students at the Centre.

Centre staff at beginning of 1995
(L to R) Paul Batley, Anna Cody, Simon Rice, John Godwin, Kym Bedford, Zoe Matis and Graciela Buzy

LAW REFORM

In 1995 the Centre made a number of law reform submissions including a submission to the Royal Commission into the NSW Police Service on complaints against police mechanisms; the Legislative Council's Standing Committee on Law and Justice Inquiry into the Crimes Amendment (Mandatory Life Sentences) Bill 1995; the Coroner's Inquiry on gun laws; the Commonwealth Attorney General's Department on the draft regulations in relation to mediation in family law matters.

During March 1995 Simon Rice submitted a law reform submission to Australian Law Reform Commission re the Costs inquiry.

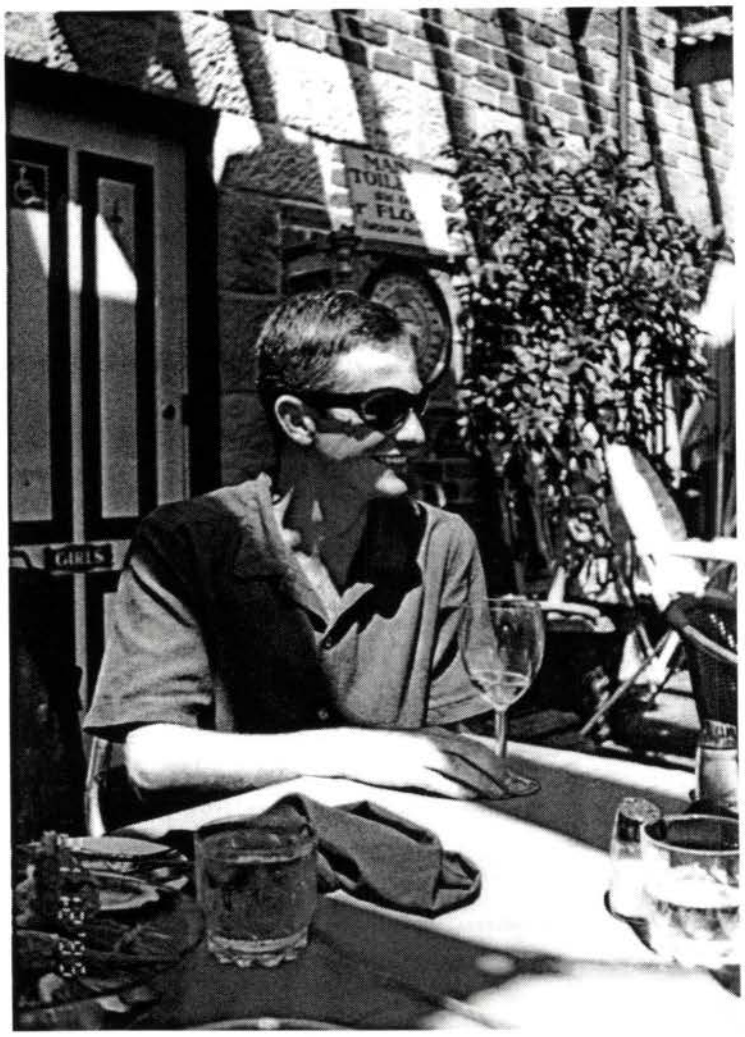
John Godwin worked on the campaign to legalise voluntary euthanasia in NSW with a coalition of community organisations. He assisted in drafting a Euthanasia Bill which was adopted by the AIDS Council of NSW and distributed to state parliamentarians.

In the run up to the March 1995 state election, Centre staff with other legal centre workers, lobbied several ALP candidates to secure a commitment from the ALP to match the coalition's pre-election commitments in relation to domestic violence. This resulted not only in a guarantee to ensure interim relief funding for the Waverley Court assistance scheme, but also the promise of $1.5 million to fund domestic violence court assistance schemes across NSW.

Anna Cody and Robyn McGrath represented Community Legal Centres in a reference group chaired by the NSW Department for Women which met approximately 5 times to decide how the $1.5 million State Wide funding should be spent. The representatives in the Reference Group included people from Courts Administration, Department for Women, Department of the Attorney General, the Police, the Refuge movement, Family Support Services, rural womens services, Aboriginal Womens Legal Resources Group and the Legal Aid Commission. The reference group decided principles and guidelines for schemes to be funded under the Project. The process was very time consuming and demanding as the participants had a wide variety of views on how and why schemes should be funded. Ultimately a report was written which reflected the views of the Reference Group on how the funding should be allocated. The funding is now administered by the Legal Aid Commission.

On behalf of the Combined Community Legal Centres Group (NSW) a submission was made to the Attorney General's Department (C'Wth) regarding amendments to the Family Law Act and the use of mediation within the new framework as a primary dispute resolution mechanism. There were various concerns because of the problems associated with mediating any legal dispute between a couple where there has been or is domestic violence.

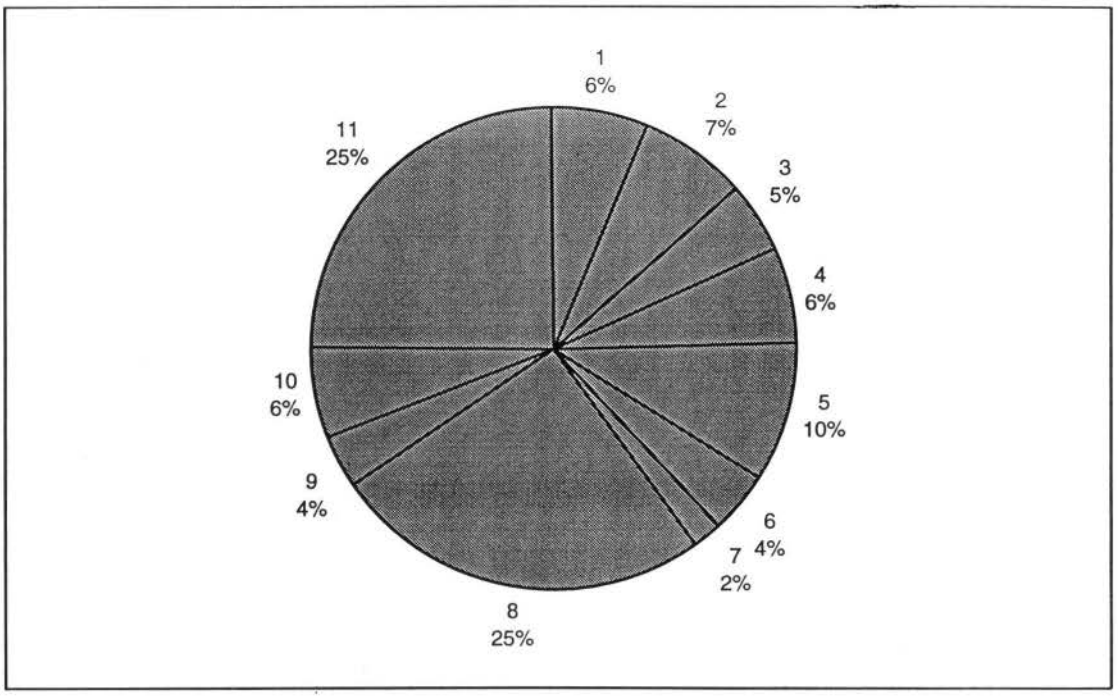
The Centre also made a submission regarding the availability of guns to the State Coroner inquiring into the shootings at Crescent Head regarding the availability of guns. Subsequently the Coroner has made findings which reflect broad concern within the community about the easy availability of guns and lack of registration scheme. The NSW Government has also passed legislation which restricts the ownership of guns and creates a register of all guns.



John Godwin
KLC solicitor

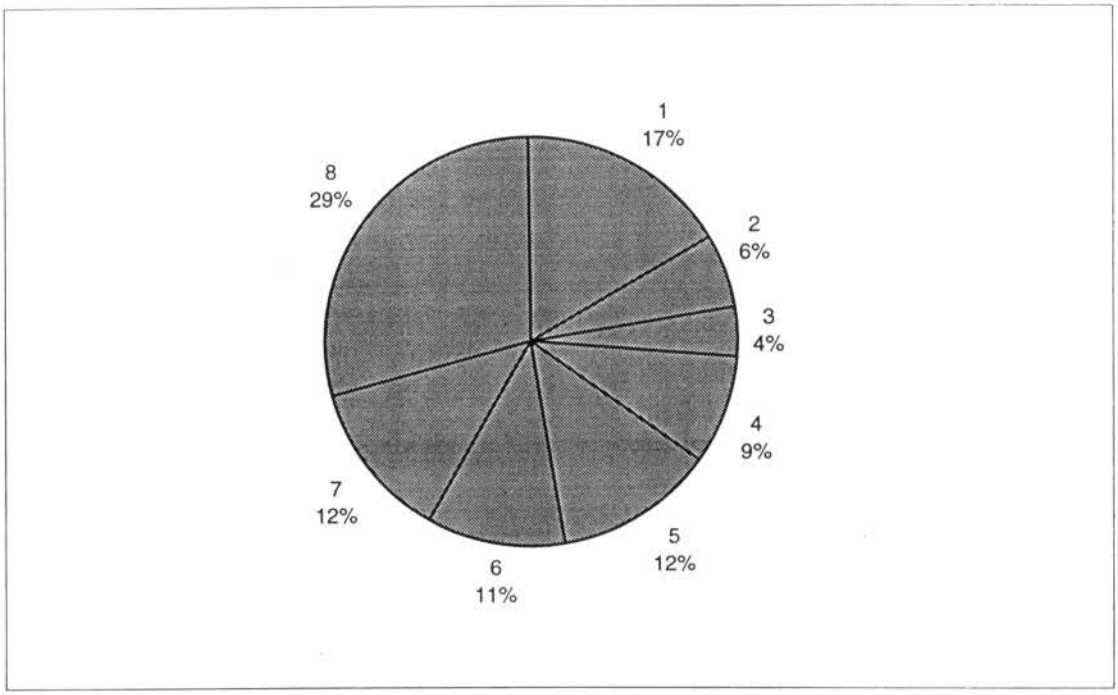
STATISTICS

Advice given by matter type ... 1995



1. Discrimination	2. Domestic Violence	3. Neighbour
4. Employment	5. Motor vehicle property damage	6. Tenancy
7. Victims compensation	8. Family (divorce, custody, access	9. Immigration
10. Wills	Maintenance, property)	11. Other matters

Opened files ... 1995



1. Discrimination	2. Domestic Violence	3. Motor vehicle property damage
4. Divorce	5. Family (custody, access Maintenance and property)	6. Immigration
7. Wills		8. Other matters

FUNDING

The Law Faculty of the University of New South Wales continues to provide most of the Centre's funding. Randwick City Council contributes an invaluable contribution by way of providing the premises at a reduced rent as well as the maintenance services to the property.

During 1995 the Centre received funding under the Community Legal Centres Funding Program which is managed by the Legal Aid Commission of New South Wales. The Centre has been receiving for some years joint Commonwealth/State funding for one legal centre employee. These funds are used for the employment of a solicitor.

The Centre continued to generate its own funding through the duty roster work for the Legal Aid Commission at Waverley Local Court. A solicitor from this Centre attended the police cells at Waverley on Mondays and took instructions from those people whom bail had been refused.

There was some discussion among the staff at the Centre towards the end of 1995 about the appropriateness of continuing with this scheme. This was bought about by the demanding workload placed on Centre solicitors due to shortage of staff.

During the year the Centre was successful in some of their clients' litigation matters and were awarded costs order in their favour. The Centre's clients have shown their gratitude for the work the Centre's solicitors have done for them by giving the Centre donations during 1995. As a large proportion of our clients are not financially well off, it is always gratifying to the staff when clients show their appreciation for the services the Centre provides.

At the end of 1995 the Centre was successful in obtaining funding from the Legal Aid Commission for a community worker at the Centre. This position would enable the community worker to work a four day week. The Centre envisages that the community worker will develop, coordinate and implement the Centre's community legal education program in areas of particular need such as discrimination/mental health/violence prevention. The community worker will also undertake research and preparation of policy on social and law reform aspects of the Centre's needs.

The Centre is continually grateful for the seconded solicitors from Freehills who enable the Centre to help numerous clinets who otherwise would be unable to have legal assistance. This assistance to the Centre is invaluable.

Outlined below is the Centre's income and expenditure for the twelve month period 1 January 1995 to 31 December 1995:

Income	**$**
Community Legal Centres Funding Program	62,385.00
UNSW Salaries and Non-Salaried items	248,769.00
TOTAL	311,154.00

Expenditure	**$**
Salaries and Associated Costs	208,555.00
Operational costs	102,599.00
TOTAL	**311,154.00**

VOLUNTEER LAWYERS

Anstee, Mark
Adler, Roxanne
Brown, Joanna
Clark, Ross
Eastman, Kate
Farrell, Anne-Maree
Garcia, Mary-Rose
Hamilton, Chris
Hannon, Michelle
Healey, Anne
Hopkins, Sarah
Inverarity, Duncan
Katz, Sharon
Kidd, Nick
Kirschner, Shirli
Longworth, John
McMillan, Dave
Mordaunt, Sue
Nicholls, Mark
Ogle, Lisa
Packer, Howard
Robertson, David
Ross, Bernadette
Rusanow, Greta
Schwartz, Abe
Seaton, Andrew
Tassell, Robert
Turnbull, Graham
Wallman, Melinda
Worner, Michelle
Young, Suzanne

PRO BONO BARRISTERS

Abadee, Nicole
Basten QC, John
Buchanan, David
Flannery, Leonie
Manuel, Janet
Murr, David
Robertson, David
Winters, Sylvia

Volunteer Lawyers
(L to R) Mary Rose Garcia, Nick Kidd, Shawn Whelan,
Frances Gibson (Director of KLC), Lisa Ogle and Andrew Seaton

STUDENTS AT THE CENTRE

Amos, Richard
Bashir, Gaby
Batey, Susanne
Browning, Mo
Cappee, Julian
Chau-Vo Thu, Cynthia
Chee, Suwen
Choong, Stephen
Delbaere, Nicol
Dinnerstein, Julie
Elias, Jason
Ex, Lemm
Fitgerald, John
Flax, Gabrielle
Fraser, Lenore
Gardner, Darren
Georgiev, George
Gottshall, Jonathan
Granofsky, Margery
Green, Claudia
Hennessy, Damien
Hutton, Amanda
Jutsen, Mark
Kalinko, Warren
Karam, Anthony
Korbatieh, Souha
Langford, Malcolm
Lava, Janice
Lee, Katherine
Lynch, Rosalind
Matthies, Christopher
Morris, Rachel
Moussallem, Claudine
Muirhead, Kelly

Law students during 1995
(L to R) Jarred White, George Georgiev, Stephen Choong, Mo Browning and Julian Cappee

Radloff, Janice
Roots, Kim
Russ, Laurel
Sachs, Antony
Seidler, Polly
Stewart, Lyndal
Tang, Lin
Taylor, Janet
Warner, Anne
Wassner, Dani
White, Jarred
Williams, Kevin
Yano, Kanako

Law students during 1995
(L to R) Margery Granofsky, Stephen Choong, Julian Cappee, Dani Wassner, Suzanne Batey and Nicole Delbaere

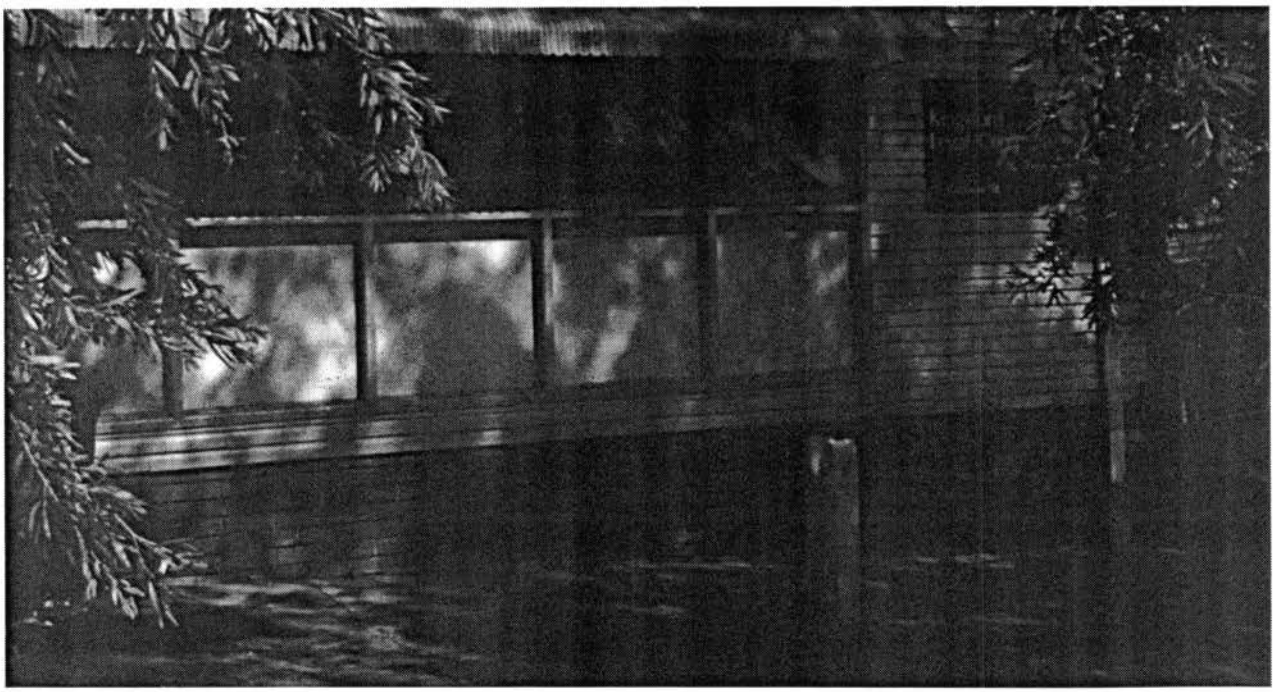
WHERE WE ARE:

11 Rainbow Street
KINGSFORD
DX 22709 KINGSFORD
Telephone: 9398 6366
Fax: 9399 6683
TTY: 99314 6430
Email: legal@unsw.edu.au

Office Hours: Monday - Friday 9.00am -5.00pm

Night time advice sessions: Tuesday and Thursday nights 6.00- 7.30pm
by appointment for residents of the Randwick/Botany municipalities

Day time advice sessions: Monday - Friday 2.00pm and 2.30pm only
These appointments are only for discrimination and immigration advice



Kingsford Legal Centre