

# Kingsford Legal Centre

## E BULLETIN

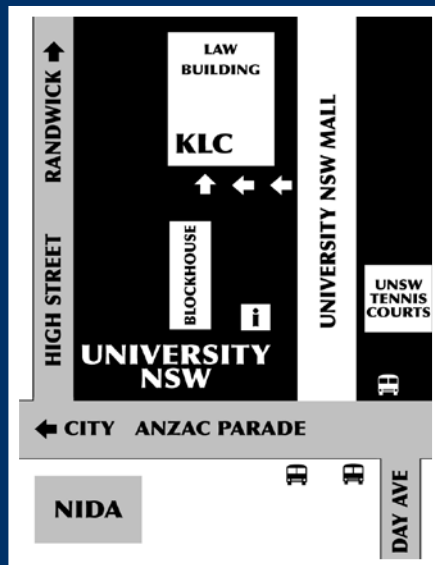
### SPRING 06

Kingsford Legal Centre  
The Law Building  
University of New South Wales  
Kensington campus  
Building F8, Union Road  
Ground Floor  
(Car access via Gate 2 off High Street)

Telephone: 9385 9566  
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#### PUBLIC TRANSPORT

- City bus routes 392, 394, 396, 397, 398
- Central Station bus routes 391, 393, 395
- Bondi Junction/Burwood bus route 400, all stop at the main Anzac Parade entrance to the UNSW.



Kingsford Legal Centre is located to the left of The Mall, approximately 75 metres from the entrance. We are on the ground floor to the rear of the Law Building.

## KINGSFORD LEGAL CENTRE HAS MOVED

After 20+ years at our wonderful old weatherboard cottage in Rainbow Street, Kingsford Legal Centre has moved to the new Law Building on campus at the UNSW.



KLC'S OLD RAINBOW STREET PREMISES.

## Getting to Kingsford Legal Centre

Fortunately the new centre on UNSW campus is very close to Anzac Parade. While the centre is on the ground floor of the new Law Building, the centre has its own external entrance and is not accessible from inside the law building. The entrance to the centre is on the Anzac Parade side of the building, opposite the Roundhouse bar. Below are some directions that hopefully will help you in finding us.

## Getting to KLC from the main UNSW entrance on Anzac Parade

- Walk up University Mall – the very wide paved footpath
- Turn left between the first and second buildings – opposite the tennis & basketball courts
- KLC is on the ground floor of the building on the right – opposite the Roundhouse Bar

## Parking at UNSW

If you are coming to visit the Centre, the biggest challenge will be in finding a car park. Please note that the parking rules on UNSW property are the same as in the street and therefore if you park illegally you may be issued with a parking infringement notice.

## UNSW Barker Street Car Park

Be warned that visitors using Barker Street Car Park must park on the 5<sup>th</sup> floor and there are no lifts. In addition the parking meters only take coins.

- From the city, turn left off Anzac Parade into Barker Street (at the petrol station and McDonalds)
- Enter left into UNSW through Gate 14
- Turn right at the T intersection and straight into the car park
- When you leave the car park walk to the centre by turning right out of the car park onto Engineering Road

- Turn left into University Mall (big wide footpath)
- Walk past the new law building which is on the right (trees out the front)
- Turn down the footpath between the Law Building and The Blockhouse
- KLC is on the right opposite the Roundhouse bar

### **On Street Parking**

At different times of the day, on street parking is available in High Street, Anzac Parade and in the streets off Day Avenue.

### **Catching the bus to UNSW**

The following buses, including the express buses, all stop outside UNSW:

- To and from the city: 392, 394, 396, 397, 394
- To and from Central Railway: 391, 393, 395
- To and from Bondi Junction: 400



**KLC'S NEW UNSW PREMISES.**

## **CASEWORK**

Now that the dust has settled after our move into the new building, we have been busy building our caseload to its usual level. This hasn't taken long, with all our advice appointments being filled, and the demand for employment and discrimination appointments continuing to stretch our capacity.

### **Student Advocacy Scheme**

We have had three pleas-in-mitigation done by students at Waverley Local Court, dealing with low-range PCA offences. The students did extensive work to prepare their pleas, with assistance and supervision from pro bono barristers. In one case, the student successfully argued to have the matter moved from a regional court to Waverley, so that the plea could be presented. In each case the client was very pleased to have our help, and delighted with the outcome.

### **Discrimination in the workplace, and workers compensation**

Recently KLC has been asked to assist in a number of matters where there is some intersection between a discrimination claim and a workers compensation claim. On more than one occasion there has also been an unfair or unlawful dismissal. These matters are still in their early stages, and we will report on outcomes in future e-bulletins.

### **Energy providers**

KLC has had a number of elderly clients complain that they had been misled into signing contracts with alternative "green energy" providers, as the true cost of the service was not adequately explained to them. As well as assisting the individual clients, KLC is investigating ways to deal with the companies to ensure that their salespeople are trained in better, fairer methods of selling their products to vulnerable clients.

### **Pay-day lenders**

KLC has two clients who have been placed in considerable financial hardship after borrowing money from a "pay-day lender" at exorbitant interest, and then being unable to meet the repayments. One of these clients was unable to read, and neither had an understanding of the fees and charges associated with this type of lending practice. In each case, the loan agreement attempts to make out that the loan was for business purposes, possibly as way of trying to take the credit provision outside the scope of the Consumer Credit Code. Clearly this was not the case, and is an issue that KLC will be investigating.

## EMPLOYMENT CLINIC NEWS

The Employment Clinic has had some ups and downs in recent months. A good win for our client who was subject to an unfair redundancy – subsequently also found to be a sham following cross examination of the employer in the hearing – has now turned sour. The employer has not complied with the NSW Industrial Relations Commission's order for compensation and we are now seeking to enforce the judgment in the Local Court. *Cherkashina v Habaro Pty Ltd* [2006] NSWIRComm 1099.

Another client had a much better outcome when the clinic quickly settled her matter against a well known property developer. A claim for unfair dismissal in the Australian Industrial Relations Commission was favourably settled before the matter went to conciliation.

We have also had a significant win in the AIRC with a long running matter against Qantas Holidays. Belinda Morley came to us in May of last year in relation to her dismissal but, owing to significant personal difficulties, did not pursue her matter at the time. Several months later Ms Morley was able to instruct us again and we lodged a late application with the Commission which was challenged by Qantas

for being out of time. We succeeded in this challenge and the matter, after many further delays, was heard by SDP Hamberger in June this year. Ms Morley had suffered a serious illness then a serious injury which caused her to be absent from work from February to May 2005. She was then dismissed for her absences and 'failure to provide appropriate documentation'.



**KLC'S EMPLOYMENT SOLICITOR LINDA TUCKER.**

There had also been some lengthy absences in recent years which Qantas cited as further reason for the dismissal. We considered the matter had merit given the reasons for Ms Morley's absence at the time of

the dismissal and that she had in fact provided documentation. Ms Morley sought reinstatement and compensation. As she has recently had a baby, we asked that any reinstatement take into account that, if she had not been terminated, Ms Morley would have been on maternity leave and any return could not be until early next year. The Commission upheld the application and ordered that our client be reinstated in February 2007 and awarded 21.2 weeks remuneration. *Belinda Maree Morley v Qantas Holidays Limited* (PR 973333 31 August 2006).

The clinic has also recently dealt with an application for costs by a respondent employer following a matter in which our client's unfair dismissal application was dismissed. The initial application turned on whether a period of probation applied to our client at the time of his dismissal. While the clinic was unsuccessful in this matter, it successfully defended the costs application. *Sanders v Beresford Blake Thomas* [2006] NSWIRComm 1123.

In policy work, Linda Tucker from the clinic appeared before the NSW Legislative Council's Social Issues Committee's hearing into the impact of Work Choices. Linda appeared with three other CLC solicitors and the hearing provided plenty of fodder for the committee concerning the adverse impacts on our clients and the difficulties arising from practising under



this new regime. The uncorrected transcript is available at: <http://www.parliament.nsw.gov.au/prod/parlament/Committee.nsf/0/65EEB7164F0DF2B5CA2571A7002206CA>

## CLINICAL LEGAL EDUCATION NEWS

### Indigenous winter school

In July, KLC was happy to host approximately 20 Indigenous high school students from around Australia who were keen to learn about what being a lawyer and studying law might be like. This is a fantastic initiative of the University and particularly Nura Gili Centre to encourage Years 10,11 and 12 students to stay at school and think about studying further at University. Over 80 students from around Australia participated in the week-long, UNSW program. At KLC, the students learnt about community legal centres and the legal aid system and then had an opportunity to apply some law to case studies which might be relevant to their lives. Staff and students enjoyed the experience.

### Foundations Enrichment course

We are currently running our First year Indigenous students course which is proving very popular with both the first year students and our clinical students. The mentoring aspect of the course grows and changes with

each course and this year's clinical students are enjoying the opportunity to share their experiences of law school and working at Kingsford Legal Centre.

## VISITS

### Visit from Taiwanese delegation

On 10 August, KLC was happy to welcome a delegation of legal aid lawyers from Taiwan who were keen to learn more about how we work with students. The delegation were interested in the involvement of students in running files and law reform projects as well as advocacy at the Waverley Local Court and Industrial Relations Commission.

## OUTREACH

### South-East Neighbourhood Centre Outreach

In order to offset the problems faced by some KLC clients in accessing the Centre now that we are on campus, staff have developed a program of outreach services for our community. We are delighted to announce that the Centre has commenced its first outreach in partnership with the South East Neighbourhood Centre (SENC) at Eastlakes. We are providing 3 generalist advice appointments to residents of the Eastlakes, Mascot, Rosebery area on Friday mornings. The outreach has proved extremely

popular with SENC and the local community with appointments being booked solid. We are also investigating further outreaches in conjunction with the Maroubra Uniting Church and The Junction Neighbourhood Centre.



### Muslim Women's Outreach

Kingsford Legal Centre is exploring the possibility of working more closely with the Muslim Women's Association with the potential of establishing a trial outreach in discrimination and family law in conjunction with the Women's Legal Resources Centre. Students would participate in this initiative which we hope to launch in the coming months.

## KLC COMMUNITY AND PROJECT NEWS

### Getting off the Referral Roundabout

The DVD is finally finished, copied and ready to be distributed. *Getting off the Referral Roundabout* is a training kit that KLC has produced on how to make a good referral. The kit includes a DVD and a workbook and looks at many of the important issues that need to be considered when making an effective referral. Although the information is specifically in regard to making a referral to a legal service, the issues are relevant for making a referral to any service provider.

The DVD costs \$30.00 (includes GST and post and packaging) and is available from Federation Press.  
Phone: (02) 9552 2200  
Email: [sales@federationpress.com.au](mailto:sales@federationpress.com.au)  
Online: [www.federationpress.com.au](http://www.federationpress.com.au)

The DVD was made possible by a grant from the Law and Justice Foundation.

### Out and About in the La Perouse Community

Recently KLC has been very fortunate in being invited to several events in the La Perouse community. In July we attended the NAIDO

Week celebrations at Yarra Bay Oval. It was a beautiful day and the children had a great time decorating paper plates as a gift to give to mum and dad. At the beginning of August we attended the Tenancy Expo at Yarra Bay Sailing Club and later in the month, the Indigenous Interagency meeting.

All these events provided us with the opportunity to distribute information on KLC, inform the community about our move to UNSW and distribute some brochures on some important legal issues. In addition we met with local members of the community and had a chance to meet with other service providers.

### Allens Arthur Robinson Secondee

We are very happy to announce the beginning of a new phase of pro bono collaboration with Allens. Since late July we have been lucky to have an additional seconded solicitor Sonya Oberekar from Allens working fulltime at the Centre. This has increased our capacity to offer legal advice and casework and staff our outreach services.

Sonya joined Allens Arthur Robinson in 2005 and spent her first twelve months working in their Commercial Litigation Department. Prior to that she attended the University of Newcastle. In her free time, she enjoys going

to the cinema, cooking, and playing piano. She looks forward to working with KLC's staff, students and clients.

KLC would like to take this opportunity to thank Allens for their generosity and look forward to a long partnership with them.



ALLENS' SECONDEE SONYA OBEREKAR

## COMMUNITY LEGAL EDUCATION NEWS

### Workshop Series for Community Workers

KLC series of free monthly legal workshops for community workers is up and running again. The workshops are held on the first Tuesday of each month and from 9.15am to 12.30pm.

The next workshop in the series is on Tuesday 5 September. The topic of the workshop is 'Powers of Attorney and Enduring Guardianships' and will be presented by Mark Gillard, Freehills Secondee Solicitor at KLC.

There are three other workshops to be held this year on discrimination law, social security law and employment law.

If you are interested in attending any of the workshops, please contact Teena Balgi on (02) 9385 9566 or email her at [t.balgi@unsw.edu.au](mailto:t.balgi@unsw.edu.au).

### **Workshop for the Volunteer and Service Training (VAST) section of The Junction Neighbourhood Centre**

Kingsford Legal Centre is presenting a half day training for RICCVAST volunteers on Thursday 21 September 2006. The training will go from 9:15am (for a 9:25am start) to 1pm.

The training will cover four topics that raise issues which might be faced by older people or people with disabilities. The aim of the training is to enable the volunteers to identify possible legal issues and give appropriate referrals to the people they are caring for. The topics we will look at are Neighbour Disputes, Powers of Attorney and Enduring Guardianships, Going Guarantor and Elder Abuse.



KLC SOLICITOR TEENA BALGI CONDUCTING A COMMUNITY LEGAL EDUCATION SEMINAR ON DISCRIMINATION LAW.

### **UNSW Pride Week Talk**

On Tuesday 29 August, Kingsford Legal Centre presented a one hour talk on discrimination law as part of the UNSW Pride Week activities of the Student Guild. The talk followed a talk given by Inner City Legal Centre on relationship rights for same sex couples.

Kingsford Legal Centre is a non-profit community based organisation providing free legal advice to people in the eastern suburbs of Sydney. It is a part of the University of New South Wales Law Faculty and provides clinical legal education to its students. The Centre aims to provide high quality teaching for law students and a high quality legal service to the community.

If you would like to subscribe (free) to this bulletin or would like further information please email Denise Wasley at: [d.wasley@unsw.edu.au](mailto:d.wasley@unsw.edu.au).

If you would like to unsubscribe to this bulletin please email Denise Wasley at [d.wasley@unsw.edu.au](mailto:d.wasley@unsw.edu.au) with "unsubscribe E-Bulletin" in the subject field.

Feedback on the KLC E-Bulletin

We'd like to receive your feedback on the KLC E-Bulletin. Please email your comments and suggestions to [d.wasley@unsw.edu.au](mailto:d.wasley@unsw.edu.au).