



## E BULLETIN

Spring 08

### LOCATION

Kingsford Legal Centre is located on the ground floor of the Law Building, University of New South Wales, Anzac Parade, Kensington.

Enter the university at the main entrance on Anzac Parade, walk down the main walkway and turn down the 2nd path on the left. The entrance to the legal centre is opposite the Uni Bar.

### POSTAL ADDRESS

F8-003  
Kingsford Legal Centre  
University of New South Wales  
NSW 2052

### CONTACT DETAILS

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## KINGSFORD LEGAL CENTRE & NYU

KLC Employment solicitor, Linda Tucker has won a UNSW International Development Scholarship for \$15,000 for a project 'Developing innovative approaches to clinical legal experience for KLC students in community development and policy work'. Linda will be working with New York

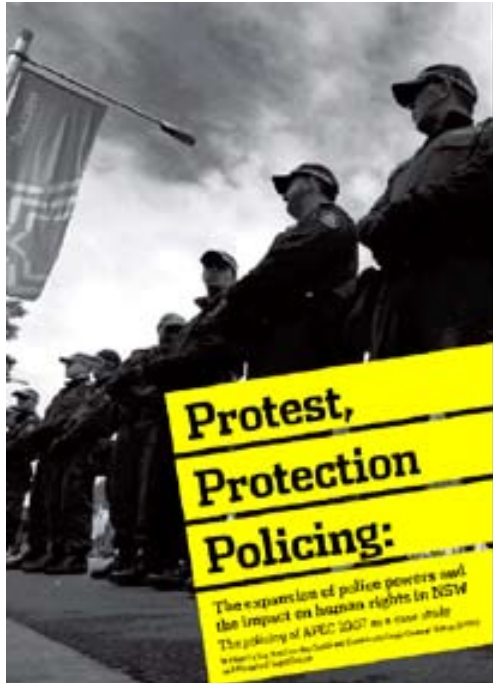


KLC EMPLOYMENT SOLICITOR LINDA TUCKER

University School of Law (NYU) during semester 1 in 2009 to learn about clinical work undertaken in their vast range of centres and programs, many of which have clear resonance with the social justice focus of the work and aspirations of KLC.

## ABORIGINAL ACCESS WORKER

KLC is proud to announce the creation of a new position: Aboriginal Access Worker. The worker will provide support and assistance to Aboriginal clients, promote the centre to the local Aboriginal community, assist KLC in providing appropriate services and assisting in the development and provision of community legal education to the community. If you know someone who would be interested in applying for the position, please contact Denise Wasley (9385 9554 or [d.wasley@unsw.edu.au](mailto:d.wasley@unsw.edu.au)) and she will forward you the information package. Applications close 19 September 2008.



## PROTEST, PROTECTION POLICING

**The expansion of police powers and the impact on human rights in NSW . The policing of APEC 2007 as a case study  
Written by Liz Snell for the Combined Community Legal Centres' Group (NSW) and Kingsford Legal Centre.**

KLC in conjunction with CCLCG conducted research into the expansion of police powers looking specifically at APEC. The research was published as a report which was launched at Parliament House on 9 July

2008. There was good media coverage from print, radio and TV. The report is available on the CCLCG website at: [www.nswclc.org.au/Publications/APEC\\_Report.pdf](http://www.nswclc.org.au/Publications/APEC_Report.pdf)

## SENATE INQUIRY INTO THE SEX DISCRIMINATION ACT

KLC, jointly with NACLAC and CCLCG, made a submission into the above Senate Inquiry. We have been invited to appear before the Senate Committee on 9 September 2008 on behalf of the NACLAC. If you would like a copy of the submission email the centre at: [legal@unsw.edu.au](mailto:legal@unsw.edu.au).

## KLC CHANGE OF POSTAL ADDRESS

As we have been experiencing some delays in receiving our mail since the move on campus, we now have a new postal address which should sort the problem. The new postal address for Kingsford Legal Centre is:-

F8-003  
Kingsford Legal Centre  
University of New South Wales  
NSW 2052

If we are on your mail list we would appreciate it if you could alter it to reflect this change.

## INDIGENOUS WINTER SCHOOL

In July, KLC was host to 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 UNSW and particularly Nura Gili Centre. 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.



INDIGENOUS WINTER SCHOOL STUDENTS & SHIRLEY SOUTHGATE

## COMMUNITY LEGAL EDUCATION

Community Legal Education has really taken off at KLC. In the past three months, in addition to our regular workshops for community workers, we have conducted CLE in La Perouse at the Wanderers Outreach Service Women's Group and La Bummars Youth Service. We have also been to Dolores Single Women's Refuge to talk about our services and provide advice, and our employment lawyer has conducted CLE for WAYS Youth Service in Maroubra. KLC is also looking into providing CLE in local high schools in conjunction with WAYS Youth Service in Bondi Junction next year.

## NATIONAL CLC CONFERENCE - *JUST IS AS JUST DOES - CLCS WORKING FOR JUSTICE*

The 2008 National CLC conference was held in Darwin, Northern Territory from 17-20 August 2008. Teena Balgi, along with Liz O'Brien and Caroline Adler, delivered a plenary speech on "Social exclusion – its legal! Homelessness, Human Rights and Access to Justice". Teena also convened the National Human Rights Network. KLC principal solicitor, Shirley Southgate, gave a workshop on "New Models in Anti-Discrimination Law – developing strategies to campaign for change", as well

as convening the National Clinical Legal Education Network. Linda Tucker convened the National Employment Network. The conference was a great success.

## NAIDOC DAY

Kingsford Legal Centre had an information stall at the NAIDOC Celebration at Yarra Bay in July. It was a beautiful day which heaps of interesting stalls and yummy sausage sandwiches. The legal centre, in partnership with the Deli Women and Children's Centre provided information on legal issues and services for the local community. The children (and many adults) had great fun

making red/yellow/black stress balls out of balloons and rice. As the photo shows the solicitors at KLC know more than just the law, they know how to have fun.

## FOUNDATIONS ENRICHMENT 2 COURSE

KLC is again running our first year course for Indigenous law students at UNSW. We are being ably assisted in delivering this course by Peta Magilvray. The course gives students a chance to experience real law early in their degree. KLC clinical students also participate in a mentoring role – a role they thoroughly enjoy.



KLC SOLICITORS LINDA TUCKER & TEENA BALGI WORKING HARD AT NAIDOC



## EMPLOYMENT CLINIC NEWS

The Employment Clinic recently settled two of our unlawful termination matters in the Federal Magistrates Court: one on the first day of a two-day hearing, the other at mediation.

In the first matter, the client had been absent from work for approximately one month owing to complications arising from a miscarriage. After returning to work for 2 weeks our client had a heated meeting with her manager and had to leave work immediately. She was dismissed by email before she could return to work. In dispute were the circumstances surrounding our client leaving work and whether she had informed the employer that she was ill. This was an interesting matter as we were arguing that the dismissal was unlawful because it related to both the absence at the time of the dismissal and the recent one month absence.

The second matter was one of several maternity-leave related cases handled by the clinic over the past 12 months or so. In this case, the client had agreed with her employer that she would be returning from maternity leave approximately 4 months after the birth of her child. Our client was not entitled to statutory maternity leave as

she had not been employed for 12 months at the time she took leave. Nevertheless, there was an agreement with the employer that her position would be held open and a number of emails provided evidence of the agreement and the anticipated return. As our client's return to work drew nearer, however, the employer suddenly decided to terminate her employment and claimed there had been a restructure of her position. Again this would have been an interesting matter to take to hearing to address the issue of whether our client was on maternity leave, for the purpose of characterising the termination as unlawful, despite the statutory maternity leave entitlement not applying in her case. Our client was very happy to settle as she is now in full time employment again and wanted the matter resolved as quickly as possible.

We also recently assisted a client who came to us after her matter had been dismissed by the Australian Industrial Relations Commission and who was now facing a costs application by the respondent employer. KLC took the matter on to make submissions on the client's behalf and the costs application was dismissed.

The clinic also acted for an elderly client who came to KLC after filing a small claim in the Local Court. The client was chasing up

payment for occasional caretaking work he undertook in the grounds of his apartment block. The respondent agreed to pay the full amount claimed shortly before the hearing.

The clinic remains busy with a range of unfair and unlawful dismissal proceedings as well as advising a large group of clients who are fighting for a redundancy payout on the basis that their employer is relocating the workplace. Linda Tucker also recently gave a talk on employment rights to the WAYS Youth Services group at Maroubra.

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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.