

Welcome to the Kingsford Legal Centre newsletter for November 2013. In this edition we celebrate our fantastic Volunteer Dave McMillan winning the L&J Foundation Justice Award, our Family Law and Domestic Violence Community Legal Education Clinic being granted \$200,000 and the launch of our Aboriginal service provision manual.

***KLC Volunteer Dave McMillan Wins L&J Foundation Justice Award***

Congratulations to Dave McMillan, who has been volunteering at KLC for over 26 years, for winning the Law and Justice Foundation Justice Award for 2013. KLC is forever grateful for Dave's hard work and are so proud of his achievement!

***Launch of Kingsford Legal Centre's Aboriginal Service Provision Manual***

KLC is launching our Aboriginal Service Provision Manual with a morning tea on Friday 29 November. The manual has been produced to assist staff, students and volunteers of the Centre to build strong, culturally appropriate relationships with Aboriginal clients and communities.

***Family Law/DV Community Legal Education Clinic Granted \$200,000 funding over next four years***

Former Attorney General Mark Dreyfus QC recently visited Kingsford Legal Centre to announce an increase of funding of \$200,000 over 4 years for our Family Law/ Domestic Violence community legal education clinic.

***First Victims Compensation Decisions under the new Act***

KLC has begun receiving decisions on applications under the new Victims Compensation Scheme, the first of those yielding disappointing results for KLC and our client.

## KLC Volunteer Dave McMillan wins Law and Justice Foundation Justice Award

One of KLC's long-time volunteers, Dave McMillan, won the Community Legal Centres NSW Award at the Law and Justice Foundation Award ceremony. This award is presented to someone who has demonstrated, in a voluntary capacity, outstanding commitment to improving access to justice in NSW, particularly for socially and economically disadvantaged people. Dave has been volunteering at KLC for over 26 years. He works for Legal Aid during the day and then comes in and helps us in the evening, once a fortnight. He is an outstanding lawyer who is passionate along with his considerable skill and wisdom. Our students have been lucky to work with such an outstanding, ethical and professional lawyer. Dave is retiring from Legal Aid this year so the award has come at a fitting time. We are very proud of him and are delighted to see him publicly recognised.



KLC Director Anna Cody and Dave McMillan (photo courtesy of L&J Foundation)

## First Victims Compensation Decisions under the new Act

KLC has received its first decision under the 'new' victims compensation rules. We lodged an application on behalf of our client in 2011. She had been living in an abusive relationship with her ex-partner for a long period of time. He had physically assaulted her and emotionally abused her many times during that period. We were originally hoping that she would receive up to \$10,000 in a 'domestic violence' claim under the 'old' victims compensation rules. Under the new rules she received an award of \$1,500 plus a payment of \$5,000 as a 'special transitional payment'. Many of our clients will not receive this transitional payment due to technical reasons. \$1,500 is clearly insufficient compensation for victims of long-standing domestic violence, and KLC will continue with its policy and law reform work on this issue.

## Aboriginal service provision manual

On 29 November KLC will launch its *Working with Aboriginal clients at Kingsford Legal Centre* service provision manual. This manual has been produced to help staff, students and volunteers of the Centre to build strong, culturally appropriate relationships with Aboriginal clients and communities. The information in the manual is particular to the Randwick and Botany Local Government areas. The manual was a collaborative work by KLC's three wonderful Aboriginal Access Workers; Keith Ball, Ron Timbery and Kaleesha Morris. The manual will be available for download on our website shortly.



## Family Law/DV Community Legal Education Clinic granted \$200,000 funding over next four years

On 8 August the then Attorney General Mark Dreyfus QC visited Kingsford Legal Centre to announce an increase of funding of \$200,000 over four years for our Family Law/Domestic Violence Community Legal Education Clinic. The Clinic runs three semesters per year with a maximum capacity of six students per semester. Students work intensively with local community organisations to design and present a relevant, informative workshop. The workshops are tailored to the specific needs of the participants, with a strong emphasis on group participation.



Former Attorney-General Dreyfus (centre) and KLC Students

## Staff

### Staff changes

KLC farewelled two of our secondees, Charmaine Roberts (Herbert Smith Freehills) and Dana Beiglari (Allens) in September. Both solicitors were an asset to the Centre and will be missed. We are delighted to welcome Emma Anderson, our new Herbert Smith Freehills secondee to the Centre.



**Emma Anderson and Dana Beiglari**

Our Employment Solicitor, Liz Meyer went on maternity leave in August. Liz has since given birth to a beautiful baby boy. Ex-KLC student Maria Nawaz has come back home to the Centre to take on the maternity leave position. We are enjoying working with Maria once again.



**New KLC Employment Solicitor – Maria Nawaz**

## Law Reform and Policy

### Inquiry into the prevalence of pregnancy related discrimination in employment

The Australian Human Rights Commission (AHRC) recently announced they will be conducting an inquiry into the prevalence of pregnancy related discrimination in employment. We have been working closely with AHRC on this inquiry and recently sent letters to clients we had advised about issues relevant to this inquiry encouraging them to participate in a group consultation being held at the AHRC in November. We have also been promoting this inquiry within the CLC sector.

### Justice reinvestment

KLC has been meeting with representatives from JustReinvest NSW who are trying to reduce the number of people in custody by campaigning for the reinvestment of money currently spent on custodial services, into services aimed at preventing people entering or returning to custody. We intend to promote this campaign in the local community with the aim of developing a justice reinvestment strategy in the local area.

### Human rights work

We are working with National Association of Community Legal Centres and other non government organisations (NGOs) to respond to a request from an international NGO to comment on the implementation of recommendations made during Australia's Universal Periodic Review in 2010. We are providing comments on whether the *Australian Human Rights Action Plan 2010* adequately addresses the recommendations.

### Other submissions

- NSW Attorney-General's Department about the impact of transcript fees on access to justice.
- NSW Parliamentary Committee on Law and Safety Inquiry into driver licence disqualification reform arguing that courts should be given more discretion to take into account the unique circumstances of each case when considering whether to disqualify a person from driving.
- KLC made two submissions on 30 September to Alex Greenwich MP about his *Anti-Discrimination*

(*Private Education Authorities*) Bill, which seeks to remove current exceptions available to private schools to discriminate against students on the basis of their sex, disability, age, sexual orientation and transgender status. We supported the bill and encouraged him to consider amending the bill to also remove exemptions allowing religious organisations to discriminate.

- We provided advice to the La Perouse Aboriginal Land Council on 2 October about their draft submission on the review of the *Aboriginal Land Rights Act*, particularly their concerns about the proposal to give the NSW Aboriginal Land Council more power. We advised that the powers proposed were comparable to other statutory regulatory bodies but suggested that if they were concerned they could propose alternative accountability measures that would not involve giving the NSW Aboriginal Land Council more power.
- We sent letters to local MPs on 16 September and 8 October asking them to oppose the *Crimes Amendment (Zoe's Law) Bill* on the grounds that the reforms could have broader implications for women needing to have procedures carried out in the late stages of pregnancy. On 24 October 2013 Bruce Notley-Smith, Member for Coojee, indicated in Parliament that he intended to oppose the Bill.

## Advice and Casework

### Disability discrimination in accommodation

KLC acted for a woman who is a carer for her partner. She moved to Sydney with her partner who was receiving hospital treatment and she lived in a private hotel. After a few weeks our client was told she had to move out of the private hotel because she was a disability pensioner. (This was just before the *Boarding Houses Act 2012* came into effect, which introduced higher standards for boarding houses accommodating people with disabilities.) Our client was only given two days notice of the eviction. She was homeless for a period and then found accommodation at a much higher cost. KLC represented the client in a disability discrimination complaint to the NSW Anti-Discrimination Board. At the conciliation conference the owner of the private hotel apologised to our client and agreed to pay her substantial compensation for her distress and economic loss.

### Pregnancy discrimination

KLC solicitors acted for a woman who became pregnant and asked for leave from work for a few months after the birth. She was not entitled to parenting leave under the *National Employment Standards*. However, the employer agreed to leave without pay. After she gave birth the employer wrote to her saying that her position would not be kept open. The client made a complaint to the Australian Human Rights Commission but the complaint was not resolved by conciliation. KLC represented the client in an application to the Federal Circuit Court. The case was referred to mediation, but before mediation the parties negotiated a financial settlement.

## Employment Law Clinic

### Asian Women and Work Project

In October, KLC met with Legal Aid to finalise the collaboration arising from the Asian Women at Work Community Legal Education Project which was funded as a partnership project with Legal Aid. The final stage of the Project is the publication of fact sheets in community languages. The factsheets were based on the workshops and outline employment law issues, identified by the participants in those workshops with plain English legal information.

KLC will be working to translate the first five factsheets and Legal Aid have agreed to publish the factsheets on their website.

### Client reinstated

Our client was referred to KLC through Asian Women at Work. Our client had trouble with a colleague who continually harassed her. One day the colleague assaulted our client and she responded by hitting the perpetrator. Our client was summarily dismissed because the employer claimed she had assaulted her colleague. KLC acted for our client and filed an unfair dismissal claim. As a result of this our client was reinstated.

## Clinical Legal Education

### NACLC Conference

KLC staff presented two workshops at the NACLC National Conference in July. One was on student expectations of clinical legal education and the other on working with government on law reform issues. The first paper analysed student evaluations of the course for the past six to seven years and showed that whilst students chose the course principally to gain practical skills, they also value the reflective elements of the course and gain an appreciation of access to justice issues as well as the effects of the law on the disenfranchised. The second workshop looked at how to work effectively with government on law reform agendas, including government departments and parliamentarians.

## Family Law/Domestic Violence CLE Clinic

There were three individual CLE presentations this semester to Royal Hospital for Women, Bondi Beach Cottage and SENC.

SENC, a Bengali womens' group also received a presentation by current students as part of a series of CLEs committed to at end of 2012, exposing the students to cultural issues and delivery through the use of interpreters.



KLC Family Law students deliver CLE to community workers

## Aboriginal Access Program

### Wills and planning days

KLC together with Ashurst Australia will be hosting the CLE Free Wills and Planning Day for local Aboriginal community members on Tuesday 19 November at Yarra Bay House in La Perouse.

## Family law collaboration

KLC is establishing a joint collaboration with Legal Aid Family Law Early Intervention Unit to provide a fortnightly family law outreach on a Tuesday morning at La Perouse. This will start in November.

## Community Legal Education

### Community Workers series

KLC has continued its monthly community workshop series, and has had good attendance at the workshops. Recent workshops include *Mental Health Law* (September) and *Victims Compensation* (October). The October session was presented by KLC's Family Law/Domestic Violence Clinic students.

### Tenancy CLE

Two KLC students presented a great interactive workshop on tenancy at Sydney Multicultural Services. The participants were clients of the Service who had recently arrived in Australia. The workshop concentrated on tenants' rights and obligations and included the students providing legal information and acting out role-plays.

### Inner city CLC training

KLC provided training on Employment Law and Discrimination Law to a group of community legal centre volunteers in August. The training was hosted by Mallesons and was attended by over 30 volunteer solicitors.

### Employment law CLE to TAFE

KLC continued its relationship with Randwick TAFE by presenting to students studying English on Employment Law rights. These talks happen twice a year and are a great way to promote KLC and also spread knowledge on employment law to recently arrived migrants.

### Ngara Nura Agency Day

KLC attended the Ngara Nura Agency Day at Long Bay prison in October. This is an information day for prisoners who have been participating in drug and alcohol rehabilitation programs and who are due to be released soon. Kellie McDonald spoke to the group

about community legal centres and the services we provide. Two of the prisoners have since sought advice about their legal matters from KLC.

## Community

### Anti-Poverty Week cake stall

KLC students held their annual cake stall as part of the Faculty's Anti-Poverty Week events. KLC highlights the work that local neighbourhood centres do in alleviating poverty at a grassroots level. This year the students raised an incredible \$1,200 which will be going to Kooloora Community Centre at Malabar.



KLC students hand over money raised to Kooloora Chair and Treasurer

### Increase in social housing tenants accessing KLC

KLC has undertaken an extensive leafleting campaign to social housing tenants in the catchment in 2013. This along with pop up clinics and working closely with key local community centres has seen the number of public housing tenants accessing the service increase.



Bilga Crescent housing estate, Malabar (photo by Anthony Markakis)

### KLC Director interviewed on ABC 702 Radio

Anna Cody was interviewed by Linda Mottram of ABC Local Radio at Coogee Beach. Anna discussed the legal needs of the local community and the work of Kingsford Legal Centre and the community legal centre sector in general.



Anna Cody being interviewed at Coogee Beach by Linda Mottram

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#### 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 second path on the left. The entrance to the legal centre is opposite the Uni Bar.

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