

Kingsford Legal Centre

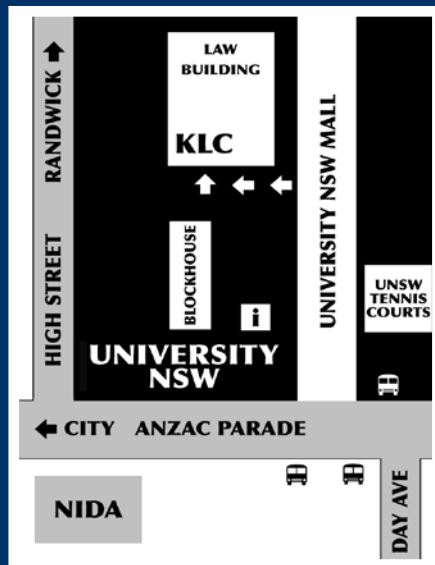
E BULLETIN AUTUMN 08

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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.

KLC STAFF WIN UNSW PATS AWARD

Denise Wasley, Anna Hartree, Teena Balgi, Linda Tucker and Shirley Southgate were thrilled to be awarded the 2007 UNSW Professional & Technical Recognition Award for Excellence in Enhancing the Student Experience. The Award was presented to staff by Deputy-Vice Chancellor (Research)

Professor Les Field at a ceremony on 12 December. Anna Cody, KLC Director, had nominated the team for their innovative and energetic work with Law Faculty students who participate in KLC through their clinical legal education courses. The award is well deserved and further recognition of the excellent service provided at the Centre.

WINNERS OF THE 2007 UNSW PROFESSIONAL AND TECHNICAL STAFF AWARDS



KLC VOLUNTEER ROSS BUCHANAN COMMITMENT RECOGNISED

Ross Buchanan is one of KLC's long serving and committed volunteer solicitors. In his other life, he works at Macquarie Bank, and he recently received a Macquarie Bank Highly Commended Award for his volunteer work. Ross is a gem and all at KLC are proud of his achievements and delighted to see him get some (unsought) recognition. Congratulations Ross.

ANNA CODY DELIVERS ADDRESS AT CAPACITY BUILDING WORKSHOP FOR FULL-TIME MIGRANT WORKERS LAWYERS IN CHINA

KLC Director Anna Cody attended the above conference in January 2008 on behalf of the Human Rights and Equal Opportunity Commission (HREOC) to deliver an address on community legal centres in Australia and Kingsford Legal Centre's services and teaching program. Anna spoke on the structure of Legal Aid in Australia and the development of community legal centres



ANNA CODY

and their role in not only providing direct services for the more disadvantaged members of our community but also in community legal education and law reform and policy work.

The conference was attended by over 70 delegates who work with Chinese migrant workers. This is a huge issue within China

with over 200 million migrant workers facing issues of injuries at work, unpaid entitlements and unfair dismissals. The Chinese network of legal aid stations is growing to try and meet some of those legal needs and uses some innovative strategies to meet some of the demand including community legal education programs on radio, newspapers and television.

EMPLOYMENT CLINIC NEWS

The employment clinic has recently settled two of its larger matters, an unlawful dismissal application that was set down for hearing in the Federal Magistrates Court and an unfair dismissal application that was about to be heard in the Australian Industrial Relations Commission. In both matters, the settlement sums were extremely favourable to our clients and followed lengthy preparation for hearing. The clients were very happy with the outcomes.

We were not so fortunate in a recent unfair dismissal application where our client had been in the same workplace for 17 years but new owners had taken over five months prior to her dismissal. Despite considerable evidence that the new employer had assured employees that there would be no change to their status, our client was still excluded

from the unfair dismissal remedy because of the 6 month qualification period required by the Workplace Relations Act. This exclusion, which was introduced by the WorkChoices amendments, is particularly detrimental for long term employees when there has been a change of ownership as the qualifying period applies unless there is written agreement between the employer and employee to set it aside. With no requirement for employers to notify employees that a change of ownership can mean this qualifying period applies, this case has highlighted the vulnerability of employees continuing in a business with new owners.

Lisa Patricia Stanfield v Childcare Services Pty Ltd, [2008] AIRC 127.

Just as noted in the last e-bulletin, we are continuing to see many clients who have experienced pregnancy-related discrimination in their employment. The existence of remedies in both employment and discrimination law does not appear to have deterred some employers, causing great distress to our clients.



KLC RECEPTION

DISCRIMINATION LAW CASEWORK

KLC has achieved two significant discrimination settlements in the last 2 months. Parties in both matters had been a long way apart and both matters had been listed at the ADT for multiple day hearings prior to settlement. These cases had been a lot of work for the practitioners involved and settlement before hearing was a very pleasing result.

DOH MATTERS

KLC has had some success in assisting clients to negotiate with the DOH to achieve more appropriate housing, and to avoid eviction. Until they had assistance from KLC in

advocating their matters the affected clients had been unsuccessful in negotiating with the DOH. The clients were very pleased with the results.

WORKING WITH PRINCE OF WALES HOSPITAL

The patients at Prince of Wales (POW) Hospital fall within the catchment of KLC and in the past we have assisted many patients with their legal issues. KLC recently met with workers from the POW social work department to develop links between our organisations to help ensure that the legal needs of patients are met. A project has been developed which will be piloted in semester 1 of 2008 whereby social work students from POW will pair with KLC students to foster a better understanding of the services provided by each organisation. The students will shadow each other in both workplaces and develop a framework for the future working relationship between both organisations from which it is hoped an efficient service can be developed

DISCRIMINATION LAW REFORM

KLC has been involved in ongoing work with the CCLCG looking at new models of discrimination law. KLC Principal Solicitor Shirley Southgate attended a round table conference in Melbourne

with a range of academics and practitioners in the field of discrimination law. The conference was an opportunity to share current research of participants and very useful discussions were held. KLC will be using the information and ideas from the conference in its ongoing work towards reform anti-discrimination laws in NSW

AUSTRALIAN LAWYERS FOR HUMAN RIGHTS

Anna Cody and Annie Pettitt have been contracted to develop a new training resource in human rights law for the non governmental organisation, Australian Lawyers for Human Rights (ALHR). The resource consists of a powerpoint presentation and workbook for trainers on international human rights options as well as domestic entrenchment of human rights in Australia.

SAME SEX RELATIONSHIPS FORUM

KLC was actively involved in the Young Lawyers Law Society same- sex relationships marriage forum in February. The forum was mc-ed by Julie McCrossin with speakers discussing whether or not marriage should be available to those in same sex relationships. The forum was very successful and thought provoking.

SEX DISCRIMINATION COMMISSIONER'S LISTENING TOUR

At the end of 2007, Shirley Southgate and Anna Cody participated in the Sex Discrimination Commissioners Australian Listening Tour to discuss issues important to women. One of the issues we see recurring in our work is pregnancy discrimination experienced by many women and employers who discriminate on the basis of carer responsibilities. This was raised by various people as a key issue arising currently.

LEGAL AID COMMISSION'S REVIEW OF CIVIL LAW

KLC gave substantive feed back to the review of availability of legal aid in civil law. The current review is looking at the areas in which legal aid is available and whether the current vulnerable client groups are the most needy.

NEW KLC LOGO UNVEILED

KLC design worker Francisco Fisher has taken staff's wishy washy concepts and turned them into the new logo below. The logo will slowly make its appearance in our pamphlets and stationery as current stocks wear down.



PRACTICAL LEGAL TRAINING (PLT) STUDENTS

KLC has taken on 3 PLT students over the next 5 weeks – Kurshid Khan, Liz Snell and Tamara Kuppusamy – all clinical students from summer session 2007/08. These students will continue doing casework, projects and front office duties. All are outstanding students and staff are looking forward to working closely with them.

STUDENT ADVOCACY

A KLC student has just had an excellent outcome in her plea in mitigation for a client charged with driving unlicensed. On 20 February 2008, a student from

KLC participated in the Student Advocacy Program at Waverley Court under the supervision of Linda Tucker. Our client pleaded guilty to several driving offences. While a conviction was recorded and the client was fined, both the client and student were very pleased with the outcome.

TOM GLASSON, ALLENS SECONDEE, SAYS GOODBYE

It was recently demonstrated in Swiss laboratories that 99% of lawyers give the other ones a bad name. What a privilege it has been, therefore, to have spent the past 6 months amongst some of those “other ones” here at KLC.

Being both an IP lawyer and only the second ever secondee from Allens, (KLCsecondee2@unsw.edu.au was at once a hideously generic and entirely accurate email address), I arrived last August with a pervading sense of apprehension. It was distressingly clear that my new clients were unlikely to be seeking patent protection for pharmaceutical enterprises, my “debt law” experience came exclusively from “Judge Judy”, and the last time I’d looked at the traffic laws was when I’d taken my L’s test back in high school. In all, my suspicion walking through the front door on Day 1 was that I was about to unwittingly and single-handedly destroy the entire legal system within a matter of days.



ALLENS ARTHUR ROBINSON SECONDEE TOM GLASSON

Mercifully, while the learning curve was indeed steep, the staff and students at KLC could not have made the transition to ‘community law’ more comfortable if they’d tried. Truly, one could not want for a more highly-skilled yet relaxed group

of individuals to work with. It’s difficult to encapsulate my time here in any succinct fashion, but perhaps it’s best summed up by way of contrasts. Year-long litigations were replaced by matters resolved in an hour; billion dollar corporations became welfare-reliant individuals; and the precedents database gave way to the Redfern Legal Centre’s “Law Handbook” – affectionately known as ‘the Bible’ to all secondees. To say it’s been a rewarding experience would be to entirely undervalue my time here. In a professional sense, the absence of “executive oversight” forced a rapid disciplining of my case management, drafting and review skills, which will no doubt delight the partners upon my return to the city! Equally propitious has been the development of my negotiating experience. So many of the “generalist matters” involved seeking the reduction of (or ideally, complete release from) our clients’ debts by banks or other creditors. For this reason alone I’ve no doubt that regardless of one’s area of practice, any secondee to KLC will benefit hugely from the experience. Just as valuable, however, have been the personal aspects of the secondment. The students and staff have been a delight to work alongside, and I’ve made some fabulous friends here. Even the baristas at the blockhouse have left an indelible mark upon my memories of the place. Ultimately, given the propensity of corporate law to at

times drift toward the abstract, KLC has been a fantastic opportunity to leaven a more tangible, human element back into my legal experience and, as the cliché goes, give back a little to those who otherwise might go without.

I've no doubt that KLC has changed me more than I've changed it, but I hope that in some small way my legacy will continue beyond my time here. For one, Thank you to everyone at the Centre, especially the permanent staff, for making my time here so worthwhile and enjoyable. My firm has always taken its charity and pro bono responsibilities very seriously, and we understand the value of maintaining close relationships with organisations and initiatives such as KLC. I look forward to returning here as a VolSol in the near future, and hopefully bringing along some of my colleagues with me. I wish you all another rewarding and successful year ahead.

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.

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