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AUTUMN 09

### LOCATION

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

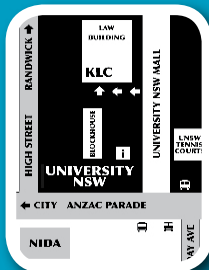
Enter the university at the main entrance on Anzac Parade, walk down the main walkway and turn down the 2nd path on the left. The entrance to the legal centre is opposite the Uni Bar.

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## NATIONAL HUMAN RIGHTS CONSULTATION

As you may already know the Australian Government is conducting a national consultation on human rights. Kingsford Legal Centre is keen to facilitate as much community participation in this consultation as possible. Human rights are about equality and fairness for everyone. A society that commits to human rights, commits to ensuring that everyone is treated with dignity and respect. The Consultation Committee wants to know what human rights you think are important and if you think they are adequately protected in Australia. They also want any ideas you have on how they can be best protected. There are a number of ways you can have your say on human rights. These include doing an online submission on:

1. The Human Rights Consultation website: [www.humanrightsconsultation.gov.au](http://www.humanrightsconsultation.gov.au)
2. The GetUp! website: [www.getup.org.au](http://www.getup.org.au)
3. The Amnesty International website: [www.amnesty.org.au/yourhumanrights](http://www.amnesty.org.au/yourhumanrights)

You can also write to the Consultation Committee with your views. Kingsford Legal Centre is happy to help you do this. Please contact us to make an appointment if you would like our help.

## 2009 YABUN FESTIVAL

The first of the Human Rights information stalls that KLC is planning was held at the 2009 Yabun Festival. It was a great success with over 150 people completing submissions for the Commonwealth Government's community consultation on protecting human rights in Australia. Staff and students from KLC together with staff from Redfern Legal Centre and the Tenants Union provided information on human rights, assistance in completing the submissions and activities to keep the children busy.



HELEN CAMPBELL (RLC) & KLC SOLICITORS LINDA TUCKER & TEENA BALGI AT YABUN

## HUMAN RIGHTS PHOTO COMPETITION

In order to promote the Human Rights Consultation and maximize the participation of our community, Kingsford Legal Centre is holding a photo competition and exhibition to illustrate 13 human rights as outlined in the Universal Declaration of Human Rights. There is still time to enter the Competition – entries will be closing on Friday 6 March. If you would like to enter email us at [legal@unsw.edu.au](mailto:legal@unsw.edu.au) for full details.

## FREEDOM OF RELIGION SUBMISSION

Kingsford Legal Centre prepared, on behalf of the Combined Community Legal Centres Group (NSW) and with assistance from the Public Interest Advocacy Centre, Women's Legal Services NSW, Inner City Legal Centre and Redfern Legal Centre, a submission to the Australian Human Rights Commission's enquiry into freedom of religion. The submission discussed a number of issues including discrimination and equality, balancing of rights, counter-terrorism laws, and the provision of public services by religious bodies. Please contact us if you would like a copy.

## KINGSFORD LEGAL CENTRE ABORIGINAL ADVISORY GROUP

KLC Aboriginal Access Worker, Keith Ball, is seeking local Aboriginal and Torres Strait Islander people, who live, study or work in the Botany and Randwick local government areas to be part of the Kingsford Legal Centre's Aboriginal Advisory Group. This group will

meet every 2 months and will advise and guide the work that I do here at the KLC. If you know of any members of the community that may be interested in being involved, please forward them my contact details on the number listed below or they can email Keith at: [k.ball@unsw.edu.au](mailto:k.ball@unsw.edu.au) Grass roots members are especially encouraged to apply. Keith is available on Mondays, Tuesdays and Thursdays.



KEITH BALL & EX-KLC STUDENT SHANA KRISHNAN

## 2008 GAJE CONFERENCE

In December Shirley Southgate and Anna Hartree attended the Global Alliance for Justice Education (GAJE) conference in Manila. They, together with Anna Copeland from SCALES legal centre in Perth, presented a workshop on initiatives at both centres which are designed to address access to justice while also providing students with a transformative educational experience. The conference showcased many innovative programs for the teaching of law students including programs where law students provide community education to isolated communities. The conference also provided Anna

Hartree with the opportunity to visit a farming community south of Manila where the validity of the villager's title to their land is being challenged by a large multinational corporation. Shirley had the opportunity to visit Tondo Vistas housing project, which was built to house people who had formerly lived and worked on the "Smokey Mountain" rubbish dump. UniFem, and the local Gabriella Women's organisation hosted the visit, and detailed the pressure and intimidation community workers faced when advocating for the rights of the urban poor.

## EMPLOYMENT CLINIC

*Smith v Paddington Osteopathic Centre* [2009] NSWIRComm 1003

The clinic had a recent success in an unfair dismissal matter in the NSW Industrial Relations Commission. Angela Smith came to the clinic last year after she was dismissed from her position of 17 years at Paddington Osteopathic Centre. The case was notable as Ms Smith was dismissed when she was caught up in her employer's custody battle with his ex-partner, Deborah Limb over a dog. Ms Smith would regularly take the dog – Jordy – to a Paddington cafe where Ms Limb could see the dog over the lunch break. When Ms Limb told Ms Smith she would be taking the dog home overnight and she had a letter from her solicitor in support, Ms Smith felt she had no choice but to hand over the dog. On return to work, Ms Smith was told by the employer she had betrayed him and told to get out of the centre. In his judgment, Commissioner Cambridge upheld the application as he agreed with our argument that the employment contract had clearly been terminated by the employer's outburst on the day the dog was handed over as well as his ongoing belief that Ms Smith had betrayed him.

The clinic has also been busy with a number of unfair dismissal and discrimination conciliations over the past

couple of months. We promptly settled one application to the Australian Industrial Relations Commission in which our client had been bullied at work but was then dismissed when he became involved in an altercation with a colleague who had targeted him in the past. The matter settled on good terms for our client and he was very happy with the outcome.

Another matter which went to hearing last December over four days took an unusual turn when the parties were ordered back to conciliation after the hearing had ended. Our client had worked as a detention officer and was terminated over a number of alleged incidents in the workplace. We had argued both that the claims regarding the incidents were not substantiated and the procedure followed was manifestly inadequate given the termination occurred more than eight months after the main incidents were alleged to have occurred. While our client had hoped for reinstatement he was in a new permanent position and it was unlikely that this would be ordered. The matter settled quickly at conciliation.

## **CASES: FINE MATTER**

Our client has schizoaffective disorder, which was left untreated for a number of years. During periods of illness, however, he had accrued a number of parking and speeding fines, which had progressed to enforcement orders. He had paid them, borrowing money from family and friends, but as he was unemployed due to his illness, he couldn't pay the money back, and it was hindering his health. He has been getting regular treatment and support for the past year, however, and could demonstrate improvements in his behavior and his understanding of his actions.

We applied for the fines to be annulled. 3 of the fines were withdrawn entirely, and 4 were sent back to court for hearing, and we appeared for him in court. We successfully had 3 of the fines waived, and

1 reduced to \$70, under s32 of the *Mental Health (Criminal Procedure) Act*. As he had already paid the fines, the SDRO then sent the money back to the client which made him very happy with the outcome!

## **KLC STAFF, VOLUNTEER, STUDENT NEWS**

**Legendary KLC Volunteer Margaret Faux Moves On**  
Margaret Faux has been one of KLC's longest serving volunteers, having attended for her Tuesday night session for over 10 years. Margaret has decided not to continue on our volunteer roster in 2009. We want to thank Margaret for her amazing commitment to our Centre and our clients over those 10 years. Her professionalism, knowledge and hard work will be greatly missed and we want to wish her and her family all the very best for the future. Thanks Margaret!

## **KLC DIRECTOR ANNA CODY RETURNS**

Being on study leave in Mexico was a fascinating experience, both for the cultural mix and learning about various non government organizations and how they function. Sydney seems a long way away from that experience but I am enjoying the process of reflecting on that time in a structured way, writing about human rights work with Indigenous organizations and Kingsford Legal Centre's work with students and communities. I also enjoyed visiting a human rights clinic in Buenos Aires Argentina to learn further of some of their challenges and the ways they deal with those. My thanks to the team at Kingsford Legal Centre for working so hard and managing the Centre so efficiently. I can't help but be impressed by the level of output and dedication at the Centre. A special thanks to Shirley Southgate who has been acting in my position while I was on leave.

## **NEW FREEHILLS SECONDEE**

Michelle Wibisono started with KLC in early February and will be us with for 8 months. Michelle replaces Lila Oldmeadow who has moved to Canberra to take up a position with the Department of Environment. Welcome Michelle!



**NEW FREEHILLS SECONDEE MICHELLE WIBISONO**

## **KLC SOLICITOR LINDA TUCKER AWARDED PHD**

We are delighted to announce that Linda Tucker has been awarded her PhD in law from University of Wollongong for her work on regulation of commercial use of wildlife. Congratulations Linda!



## NEW ALLENS ARTHUR ROBINSON SECONDEE

Bec Campbell started her six month secondment with KLC in late February. She replaces Laura Brown who has now returned to Allens. Welcome Bec!



LAURA BROWN HANDS OVER THE BEC CAMPBELL

## KLC SOLICITOR OFF TO NEW YORK – THEN TO DARWIN

Teena was heavily involved in the preparation of the NGO Report to the UN Human Rights Committee on Australia's compliance with the International Covenant of Civil and Political Rights. Her trip to New York will involve meeting with the Committee to discuss human rights issues in Australia. Teena returns to the Centre for a few weeks only to take off again to take up a temporary position with the Top End Women's Legal Service as Principal Solicitor. She will return to KLC in May 2010 and a locum will be employed during her absence

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